

Title IX Coordinator Training

Module 3: Understanding Sexual Harassment and Violence and Institutional Legal Responsibilities

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Sexual Harassment

- Unwelcome conduct of a sexual nature.
- Creates a hostile learning environment or limits a student's ability to participate in or benefit from the educational program.

Sexual Violence/Sexual Misconduct

- Type of sexual harassment
- Perpetrated against someone's will
- Rape – "The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim." UCR SRS, Jan. 6, 2012

Gender-Based Harassment

- Title IX also prohibits gender-based harassment
- Title IX does not expressly prohibit sexual orientation discrimination, but it does prohibit use of stereotypes that are based on the sex or sexual stereotyping of the victim.
- 2010 Dear Colleague Letter on Harassment and Bullying

Clery Act Requirements

- Domestic violence, dating violence, sexual assault and stalking
- Federal definitions for annual reporting
- Obligation to respond regardless of where the behavior occurred
- Identify services and assistance

Title IX Obligations


- Take steps to understand what occurred & to respond appropriately
 - Once a school knows or reasonably should know of an incident of sexual misconduct
- Interim measures, as appropriate
- If sexual harassment occurred, take prompt and effective steps to end it, eliminate its effects and prevent its recurrence
- Prevent retaliation

The Nature of the Problem:
Sexual Violence

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Data on Sexual Violence

- 1 in 5 women are raped in their lifetime
– 1 in 71 men
- Males are responsible for the majority of all types of sexual violence against females
- 81% of females & 35% males, who experienced sexual violence by an intimate partner report short- or long-term effects, e.g. PTSD

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Sexual Violence On College Campuses

- 20% of college females & 6% males experience sexual assault or attempted sexual assault while in college.
- While most tell a friend or family member, few report to law enforcement.

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Who Commits Sexual Assaults

- 90% of college females knew the person
- 84% attended the same college or university
- Men commit most sexual assaults;
 - 25% of males acknowledge committing sexual assault.
- Repeat offenders

Sexual Assault & Violence in the LGBTQ Community

- Bisexual women are much more likely to be sexually assaulted than heterosexual or lesbian women.
- Gay or bisexual men are much more likely to be sexually assaulted than heterosexual men.
- Males are most often the perpetrators of sexual violence regardless of the sex or sexual orientation of the victim.

Underreporting in the LGBTQ Community

- Greater community bias toward LGBTQ individuals
- Fear of unwanted media attention
- Fear of skepticism by the law enforcement community
- Disclosure of sexual orientation for some

The Role of Alcohol & Drugs in Sexual Violence and Sexual Assault

My sober yes is my consent.



Just because I choose to drink doesn't mean I want sex.

RFW

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The Strong Correlation

- 70 – 80% of perpetrators had been drinking before the assault
- Most sexual assaults involve alcohol
- Incapacitated sexual assaults most often occur at parties

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The “Why”

- Gender roles
- Impaired ability to assess verbal and non-verbal clues
- Peer pressure in social settings

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What Does It Mean?



Responding to Sexual Violence

- Student affairs, residence life, counseling and health centers
 - Many also provide services to friends, family and others impacted by incidents of sexual assault & sexual violence
 - Evidence-based programs are designed to intervene immediately to help alleviate potentially dangerous and harmful impacts

Victim's Feelings & Behavior

- Common feelings
 - Shock, numbness
 - Guilt
 - Anger
 - Loss of control over life
 - Humiliation, violation, degradation
 - Sadness or depression
 - Fear – safety, retribution, blame
 - Confusion or loss of trust in others
- Common behaviors
 - Expressive – Anxiety, crying, yelling
 - Totally calm – emotionless, denial
 - Withdrawn – avoidance of friend or family, missing classes or other activities, staying at home, unwilling to talk about what occurred
 - Difficulty focusing – can perform simple tasks, loss of memory, inappropriate wakefulness

Parent Responses & Perspectives

- Parents of claimants and respondents may feel
 - Inadequacy, anger & blame
 - Hurt
 - Protectiveness
- Parents may also believe societal norms about gender roles alcohol and dating
 - Parents of adolescent victims are more likely to blame their own child if the perpetrator is also an adolescent

Confidentiality & Disclosure

- The institution “knows” when sexual harassment, assault or violence is reported to a “responsible person.”
- Campus Security Authorities and Responsible Employees clearly identified
- Professional obligations of confidentiality and privilege
- Residence Life staff

Law Enforcement

- Duty to report crimes
- Campus law enforcement or public safety
- Obligation to notify claimant of right to file a criminal complaint and what that entails
 - Option to be assisted by campus personnel

Law Enforcement (continued)

- Law enforcement efforts to gain information or evidence
 - Access to the claimant
 - Access to respondent
 - Information regarding witnesses
 - Information from physicians, counselors, others

Support for the Respondent

- Respondent's Rights
- Peers
- Parents
- Reputation and future
- During 2006 -2010, 54% of United Educators' claims related to sexual assault were brought by the perpetrator, 46% by the victim

The Title IX Coordinator

- Bring together diverse views and perspectives to develop a single, coordinated approach
 - Fulfill institutional obligations
 - to investigate and take immediate and appropriate action to determine what occurred
 - to end any sexual violence and prevent its recurrence
 - to address the effects and protect the complainant
 - Respect everyone involved
 - Deal with multiple constituencies
 - Monitor and modify existing policies and protocols

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