# **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.

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# **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

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# **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

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# **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

# **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.

# **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.

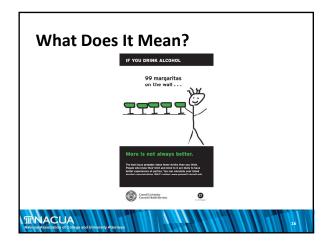
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# Underreporting in the LGBTQ Community

- 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. TNACUA **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 NACUA The "Why"

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



# **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

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# 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

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# **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

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# **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

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# **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

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# **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

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# 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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