

What You Need to Know About Title IX



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What Does Title IX Cover?

Title IX prohibits:

1. Sex Discrimination;

2. Sexual Harassment (sexual harassment is unwelcome conduct of a sexual nature, including unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature);



Two Types of Sexual Harassment

1. Quid Pro Quo

" Employment or education decisions based on a request for sexual favors." "This for that."

2. Hostile Environment

" Unwelcome conduct that " Unreasonably interferes with an employee's ability to work or a student's ability to learn,

OR

" Creates an intimidating, hostile, or offensive work or learning environment."



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Examples of Sexual Harassment

- (1) Direct or implied threats that submission to sexual advances will be a condition of advancement or promotion in any endeavor, including but not limited to employment, work status, promotion, or academic grades;
- (2) Direct propositions of a sexual nature;



Examples of Sexual Harassment

(3) Unnecessary touching, hugging, or brushing against another person's body;

(4) Sexually explicit statements, questions, or jokes;



Examples of Sexual Harassment

or

(5) Remarks of a sexual nature about a person's clothing or body, sexual activity, sexual orientation, gender identity, or previous sexual experience.



What Sexual Harassment Looks Like

The person engaging in harassing behavior is often in a position of power, influence, or authority over the individual toward whom the conduct is directed.

Questionable conduct is more likely to be harassment if it is repeated.

Sexual harassment can also be based on power and intimidation as opposed to sexual interest.



What Sexual Harassment Looks Like

Sexual harassment is unlikely to stop until confronted. In some cases, this may mean informing the person directly that his or her actions are offensive and unwelcome. Other situations may require an informal talk from a supervisor, a formal reprimand, or a disciplinary hearing.



#1 True or False?

Sexual harassment means
bothering someone in a sexual
way.



True

Sexual harassment is any unwanted act or behavior that is sexual in nature that negatively affects the recipient's work or academic environment.

If the conduct is not sexual in nature, it may be another form of harassment.



#2 True or False?

Sexual harassment must persist over a long period of time to be considered actionable.



False

A single incident can be considered sexual harassment.

Quid pro quo harassment can occur in only one incident as can **hostile environment** sexual harassment if the single incident is severe enough.



#3 True or False?

A consensual sexual relationship between two people cannot be deemed sexual harassment.



False

The issue is not one of consent. The issue is whether the advances are welcome. One may consent and yet not welcome the advances. In situations involving two people of unequal status, a subordinate may be unable to refuse sexual advances due to the fear of adverse employment or education action.



#4 True or False?

Sexual harassment can be perpetrated by a subordinate against his/her/their supervisor.



True

Even though instances of sexual harassment most often involve a power differential, it is not necessary for the harasser to have more power or authority than the victim.

A subordinate employee can create a hostile environment for his/her/their supervisor.



5 True or False?

If you believe you have been sexually harassed, you need **not** personally confront the harasser to give him/her a chance to correct the behavior before reporting the conduct.



True

There is no requirement that a person who has been harassed personally confront the harasser with objections to the conduct.



6 True or False?

You make a sexually-charged joke at work. Your co-workers all seem to laugh and enjoy the humor. This does not constitute sexual harassment since it was not “unwelcome” conduct.



False

The test has two components:

- 1. The victim's subjective standard, and*
- 2. The reasonable person's objective standard.*

The victim could allege he or she laughed to avoid an adverse reaction from the rest of the co-workers or supervisor. In addition, the reasonable person test would consider the severity and pervasiveness of the joke(s).



Sexual Violence

Sexual violence is a form of sexual harassment.

* Sexual violence includes same-sexual violence.



Sexual Violence

Sexual violence includes the following:

- 1) Rape
- 2) Sexual assault
- 3) Sexual battery
- 4) Sexual abuse
- 5) Sexual coercion; and



Retaliation

6) Retaliation = adverse action taken against an individual who, in good faith, exercises his/her/their rights under federal civil rights laws such as Title IX.



The Interplay Between Title IX & the Clery Act

The Clery Act is a federal law that requires institutions to disclose information about crime reported on and around their campuses.

Jeanne Clery Campus Security Policy & Crime Statistics Disclosure Act

Jeanne Clery was raped and murdered in her dorm room at Lehigh University in 1986. Her killer was another student. Her parents believe she would have been more cautious if she had known about other violent crimes at Lehigh.



The Interplay Between Title IX & the Clery Act

The Violence Against Women (VAWA)
Reauthorization Act of 2013 amended
sections of the Clery Act.



Domestic Violence, Dating Violence & Stalking

The 2013 VAWA Amendments include:

Domestic Violence;

Dating Violence; and

Stalking



Domestic Violence

A violent act committed by a:

Current or former spouse or intimate partner;

Person sharing a child with the victim; or

Person cohabitating with or has cohabitated with the victim as a spouse or intimate partner



Domestic Violence

A violent act committed by a:

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Person sharing a child with the victim; or

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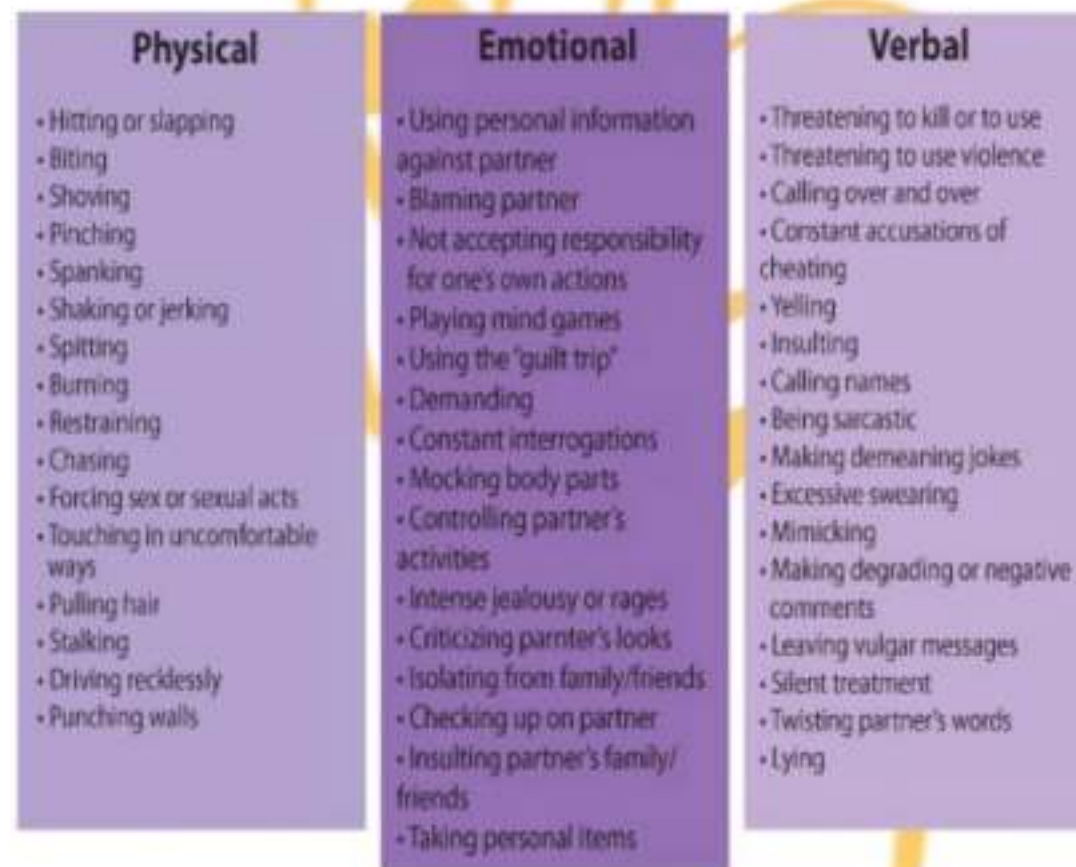
Dating Violence

A violent act committed by a:
Person who is or has been in a
relationship of a romantic or intimate
nature with the victim and

The existence of the relationship shall be
determined based on:

- i. Length of the relationship
- ii. Type of relationship
- iii. Frequency of the interactions
between the persons involved in the
relationship

Dating Violence may be...



Stalking

Engaging in a course of conduct (two or more acts):

Directed at a specific person; and

Causes a reasonable person to fear for his or her safety or the safety of others, or, causes that person to suffer substantial emotional distress.



Consent

Consent is informed freely given, and mutually understood.

No consent if:

- 1) coercion intimidation threats and or physical force are used;
- 2) a person is mentally or physically incapacitated or impaired by **alcohol or drugs** such that the person cannot understand the fact nature or extent of the sexual situation;
- 3) or a person is asleep or unconscious.



Consent

- 1) Consent to one form of sexual activity does not imply consent to other forms of sexual activity.
- 2) Consent can be withdrawn.
- 3) Effective consent may not exist when there is disparity in power:
 - Supervisor/employee
 - Faculty/student



Who has a duty to report incidents of sexual misconduct?

A responsible employee is any employee who has the authority to take action to redress sexual misconduct who has been given the duty to report to appropriate officials of an institution about incidents of sexual misconduct, or who an employee or student could reasonably believe that has this authority or responsibility.



Responsible Employees

Responsible employees include:

- Directors
- Department Heads
- Division Heads
- Managers
- Supervisors
- Administrative Staff
- Faculty



As a Responsible Employee to Whom Do I Report

The Title IX Coordinator:

- When a reasonable employee knows or reasonably should know of possible sexual misconduct, the Office of Civil Rights deems to have the notice of sexual misconduct.



Reporting to the Title IX Coordinator

Reporting to the Title IX Coordinator

- Ensures that information regarding resources reporting options and employee and student rights is provided to the alleged target of sexual misconduct.



Reporting to Incidents of Alleged Sexual Misconduct

Before an employee or student reveals information that he or she may wish to keep confidential a responsible employee should make every effort to ensure that the person understands...



Your Responsibilities

1) **Your obligation** to report the names of the alleged perpetrator and the person involved in the alleged sexual misconduct as well as relevant facts regarding the alleged incidents regarding the date, time, and location), to the Title IX Coordinator;

Responsibilities

2) The person's option to request that the university maintain his or her confidentiality which the Title IX Coordinator; will consider; and

3) The person's ability to share information confidentially with counseling mental health or sexual-assault related services.



Information Reported to the Title IX Coordinator

- Name of the complainant, alleged perpetrator(s), and witnesses.
- Date, time, and location of the alleged incident.
- Any details stated by the complainant.
- Whether the complainant requested confidentiality.
- Whether the complainant requested no action be taken.



Consequences for Failure to Report/Comply with Title IX

- Termination of all or part of FNU's federal funding. This includes grants, subsidies, and other program funds from the federal government.
- FNU may be sued by those seeking redress for violations of Title IX.
- Students or employees can bring lawsuits against FNU, which can result in millions of dollars in judgments or settlements.



Responding to Incidents of Sexual Misconduct:

1. Listen

- It is critical that you listen, are present, avoid judgment, and do not blame the person for what happened.
- If the person prefers no action be taken at that time, he/she should be informed that his/her preference will be shared with the Title IX Coordinator.



Responding to Incidents of Sexual Misconduct:

2. Understand Confusing Emotions

- The person may feel a variety of confusing emotions like panic, helplessness, guilt, shame, numbness, or denial.
- The person's flat or emotionless display immediately after an incident of sexual misconduct strikes many as being an inappropriate response. However, such a reaction is the result of natural painkillers released by the human body in response to physical trauma.



Responding to Incidents of Sexual Misconduct:

4. Avoid Judgment

- Avoid statements that indicate that you do not believe the person.
- Avoid statements and comments about possible outcomes.



Importance of Accountability

- Promotes a safe campus for all students, faculty and staff.



Bystander-Focused Prevention of Sexual Misconduct

- Bystanders are often unsure of themselves as responders.
- They are unclear about whether intervention is needed or welcome, or what they should do to help.
- The lack of awareness allows the sexual misconduct to continue.



Bystander-Focused Prevention of Sexual Misconduct

5 Steps for Bystander Intervention:

- 1) Notice the event
- 2) Interpret the event as a problem/emergency
- 3) Assume personal responsibility
- 4) Possess the skills to intervene
 - i) Make the intervention “**Safe, Early, & Effective**”
- 6) Implement the skills and help: STEP UP!



Reporting Options & Rights

- File a University Complaint by following FNU's Title IX Policies for reporting a Title IX incident.
- File a criminal complaint with the Hialeah City Police.



FNU's Title IX Policies & Procedures

Anyone who believes they have been subjected to dating violence, domestic violence, stalking or sexual discrimination, and harassment is encouraged to report these incidents. Upon receiving a report, Florida National University will respond promptly, equitably, and thoroughly. In addition, the University will take steps to accommodate the student academically with another schedule if needed.



FNU's Title IX Policies & Procedures

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9 Facts You Should Know About Title IX

#9: Your college can make accommodations to ensure you are able to continue your education while an investigation is ongoing.

Students have a right to remain on campus unless it poses a safety threat. Your college can make accommodations with regard to course access, campus access and more.

FNU's Title IX Policies & Procedures

Consistent with its commitment to addressing Title IX incidents, the University has grievance procedures that specify actions taken regarding Title IX complaints. FNU's Title IX coordinator will receive all student complaints in the Office of Student Services.



FNU's Title IX Policies & Procedures

Any University official (e.g., faculty member, staff member, dean, etc.) informed of an allegation must file a report with the Title IX coordinator. All results from the investigation will remain confidential and private.



“What to do if I Have Been Sexually Assaulted?” – “Find a Service Near You”

RAINN (Rape, Abuse & Incest National Network) is the nation’s largest anti-sexual violence organization and was named one of “America’s 100 Best Charities” by Worth magazine. RAINN created and operates the National Sexual Assault Hotline (800.656.HOPE, online.rainn.org y rainn.org/es) in partnership with more than 1,000 local sexual assault service providers across the country and operates the DoD Safe Helpline for the Department of Defense. RAINN also carries out programs to prevent sexual violence, help victims, and ensure perpetrators are brought to justice.



Additional Title IX Resources

The image shows a screenshot of the Know Your IX website. At the top, there is a navigation menu with the following items: KNOW YOUR RIGHTS - ACT - GET INVOLVED - SUPPORT RESOURCES - ABOUT - AFY. A red button labeled "HOME" is located in the top right corner. The main content area features a large photograph of a group of diverse students gathered for a protest. They are holding a banner that reads "Everyone NEEDS TITLE IX" and "BECAUSE... the cost of school is NOT include sexual violence". Several students are wearing red t-shirts with the "girls inc." logo. In the foreground, there are stacks of red signs that say "SUPPORT STUDENT SURVIVORS". To the left of the photograph, there is a sign-up form with the text "EMPOWERING STUDENTS TO STOP SEXUAL VIOLENCE" and "KNOW YOUR IX IS A PROJECT OF ADVOCATES FOR YOUTH". Below this text is a "Join the movement!" link, an email input field, a zip code input field, and a red "LET'S GO" button. At the bottom of the page, there are three dark blue buttons with white text and icons: "Change Your Campus" with a graduation cap icon, "Know Your Rights" with a checkmark icon, and "Take Legal Action" with a red book icon.

KNOW YOUR IX KNOW YOUR RIGHTS - ACT - GET INVOLVED - SUPPORT RESOURCES - ABOUT - AFY HOME

EMPOWERING STUDENTS TO STOP SEXUAL VIOLENCE
KNOW YOUR IX IS A PROJECT OF ADVOCATES FOR YOUTH
Join the movement!

Email

Zip code

LET'S GO

Change Your Campus

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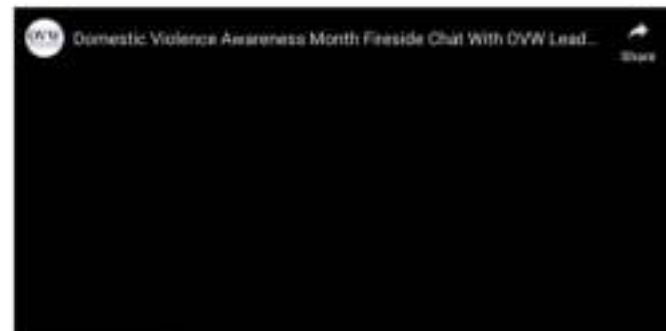
Additional Title IX Resources



The Center for Changing Our Campus Culture provides the latest research, sample campus policies, protocols, best practices, and information on how to access training opportunities and technical assistance.

In recognition of DVAM, OVV also held a fireside chat with OVV Acting Director Randall and Deputy Director Nadine Neuhville of OVV's Grant Development and Management Division.

OVV leadership discussed why DVAM is so important to department and the office, and acknowledged the important work of service providers and advocates in the field.



Questions?

Contact FNU's Title IX Coordinator:

Nat Hardy, Ph.D. nhardy@fnu.edu

Extension 1212



References

https://www2.ed.gov/about/offices/list/ocr/docs/tix_dis.html

<https://www.justice.gov/crt/title-ix>

<https://www.hhs.gov/civil-rights/for-individuals/sex-discrimination/title-ix-education-amendments/index.html>

<https://guides.loc.gov/title-IX-law-library-resources/legislative-path>

<https://fsapartners.ed.gov/knowledge-center/library/functional-area/Overview%20of%20Title%20IX>

<https://www.valpo.edu/titleix/files/2014/11/2014.11.13-Title-IX-PowerPoint.pdf>

<https://content.myconnectsuite.com/api/documents/e7611e74770a41e3861f0f8ddf26bbc2.pdf>

Thank you for your attention

