

TITLE IX TRAINING

Redlands Community College

Bailey Trammell, Title IX Coordinator

Coordinator of High School and Community Relations

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Sexual Harassment and Sexual Violence
Awareness, Reporting, and Prevention

Redlands Community College Commitment

- RCC is committed to providing you with the tools needed to report and prevent sexual harassment.
- RCC is committed to ensuring you know what to do if you have been harassed or if you become aware of an act of sexual harassment or sexual violence.
- RCC is committed to taking measures to protect members of the campus community (employees/students/others) who have been unlawfully harassed.

The Law

- Title IX of the Education Amendments of 1972 is a federal civil rights law that prohibits discrimination on the basis of sex in education programs and activities.
- The law specifically states, “No persons shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any academic, extracurricular, research, occupation training, or other education program or activity receiving federal financial assistance.”

Title IX

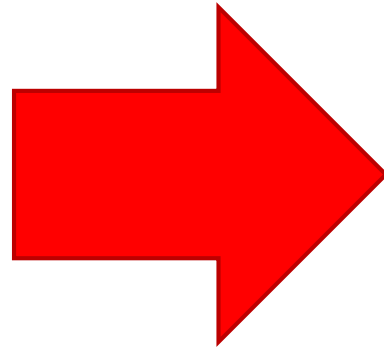
- The Department of Education's Office of Civil Rights (OCR) is charged with administrative enforcement of Title IX in schools receiving financial assistance from the Department.
- OCR may initiate an investigation either proactively or in response to a formal complaint.
- If OCR finds a Title IX violation, the school risks losing federal funds (financial aid).
- The Department of Justice (DOJ) is responsible for coordinating enforcement of Title IX.

Once a college is aware of harassment (broadly defined) a school must:

- Stop the harassment
- Prevent recurrence (make sure it doesn't happen again)
- Remedy the effects (interim modifications to housing, work schedule, classes, extra help with school, etc.)
- Prevent retaliation

When is a School on Notice of Sexual Violence?

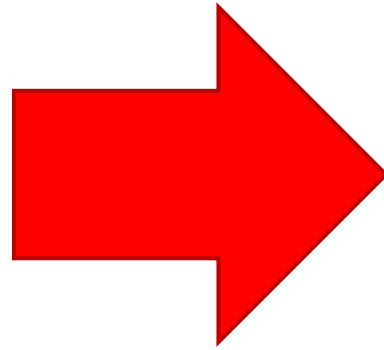
- A school has notice of student-on-student sexual violence if:



- A responsible employee knew, or in the exercise of reasonable care should have known about the sexual violence.

A School's Obligation to Respond to Sexual Violence

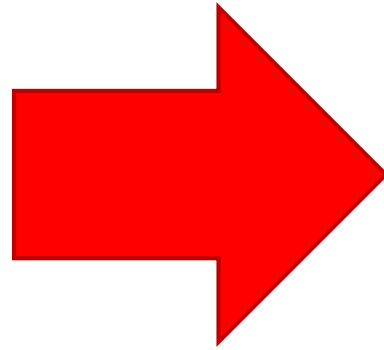
- When a school knows or reasonably should know of possible sexual violence, it must:



- Take immediate and appropriate steps to investigate or otherwise determine what occurred.

A School's Obligation to Respond to Sexual Violence

- If an investigation reveals that sexual violence created a hostile environment, the school must:



- Take prompt effective steps reasonably calculated to end the sexual violence, eliminate the hostile environment, prevent its recurrence, and, as appropriate, remedy its effects.

What responsible employees should do---

- Responsible employees should:
 - Intervene if someone is being harassed
 - Be careful not to inadvertently or purposely participate in any form of harassment or sexual violence
 - Listen if someone comes to you with a complaint or concern and get them help
 - Report the incident to the campus Title IX Coordinator immediately

What responsible employees should NOT do:

- Consider themselves investigators, hearing officers, or police officers
- Most faculty and staff are not professional, licensed counselors or medical personnel and should not act as such.
- Be deliberately indifferent
- Do nothing

TITLE IX

Important Definitions

Responsible Employee

- All employees of the college uphold the standard of being a responsible employee;
- Has the authority to take action to redress sexual violence;
- Must report to the Title IX Coordinator all relevant details about the alleged sexual violence shared by the victim;
- Should not share information with law enforcement without the victim's consent or unless the victim has also reported the incident to law enforcement;
- Before a victim reveals any information to a responsible employee, the employee should ensure that the victim understands the employee's reporting obligation – and, if the victim wants to maintain confidentiality, direct the victim to confidential resources.

Sex Discrimination

- Sex discrimination is an umbrella term that Title IX uses to encompass multiple actions involving the unfavorable treatment of a group or individual based upon his or her sex.
- Sex Discrimination Includes:
 - Sexual Harassment
 - Sexual Misconduct
 - Domestic Violence
 - Dating Violence
 - Stalking
 - Verbal/Nonverbal Sexual Exchanges
 - Forcible/Non-Forcible Sexual Intercourse
 - Sexual Assault
- Title IX prohibits sexual misconduct, sexual harassment, sexual violence, domestic violence, dating violence, and stalking.

Sexual Misconduct

- A broad term encompassing any nonconsensual conduct of a sexual nature.
- May vary in its severity and consists of a range of behaviors or attempted behaviors including:
 - Unwelcome sexual touching/exposure
 - Non-consensual sexual assault
 - Forced sexual assault
- Sexual misconduct can be committed by a man or woman and it can occur between people of the same or different sex.

The Issue of Consent

- Effective Consent is:
 - Informed
 - Freely and actively given
 - Mutually understandable words or actions
 - Indicates a willingness to participate in mutually agreed upon sexual activity

Sexual Harassment

- Unwelcome sexual advances, requests for sexual favors, verbal or physical conduct, and communication of a sexual nature.
- It also includes engaging in indecent exposure, voyeurism, or other invasions of personal privacy.

2 Types of Sexual Harassment

- Sexual Harassing Behavior:
 - Quid Pro Quo - Latin for “this for that” is the exchange of sexual favors in the workplace or education environment
 - Hostile Environment - could occur when a faculty, staff, or student is subjected to comments of a sexual nature, offensive sexual materials, or unwelcome sexual conduct, as a regular part of the work or education environment

What Sexual Harassment Might Look Like

- Direct or indirect threats or bribes for unwanted sexual activity
- Rating a person's sexual attractiveness
- Unwelcome patting, hugging or touching of a person's body, hair or clothing
- Offensive or suggestive sexual comments
- Sexually explicit/graphic pictures
- Asking a person about their sexual fantasies, sexual preferences, or sexual activities

What Sexual Harassment Might Look Like

- Repeatedly asking for a date after the person has implicitly or explicitly expressed disinterest
- Making sexual gestures with hands or through body movements
- Spreading rumors about a person's sexuality
- Frequent jokes about sex or gender stereotypes
- Unwanted letters, notes, phone calls, emails, or material of a sexual nature
- Attempted or actual sexual assault

Sexual Violence

- Title IX- sexual harassment, sexual violence
- Violence Against Women Act and the Campus SaVE Act added:
 - Domestic violence
 - Dating violence and
 - Stalking

Sexual Assault on College Campuses

- Campus Sexual Assault Study (2015) found:
 - 1 in 5 women will be assaulted in college
 - 1 in 16 men will be assaulted in college
 - 93.9% of victims are women
 - 6.1% of victims are men
 - First and second year students are greatest risk for victimization
- Only between 2-8% reports of assault are false
- 8 out of 10 victims know their attacker
- The accused individual is usually a classmate, friend, boyfriend/girlfriend, family member, or ex-boyfriend/ex-girlfriend.

Domestic Violence

- A pattern of abusive behavior in any relationship that is used by one partner to gain or maintain power and control over another intimate partner.
 - Physical
 - Sexual
 - Emotional
 - Economic
 - Psychological actions or threats of actions that influence another person

Dating Violence

- Dating violence is committed by a person who is or has been in a social relationship of a romantic or intimate nature with another person.
- The existence of such a relationship shall be determined based on a consideration of the following factors:
 - Length of relationship
 - Type of relationship
 - Frequency of interaction between the persons involved in the relationship

Stalking

- Repetitive conduct directed at a specific person that is subjectively and objectively unwelcome.
- Must be persistent, severe or pervasive conduct from another person in a manner that would cause a reasonable person to feel frightened, intimidated, threatened, or harassed.
- Stalking may include:
 - Contacting another person
 - Following another person
 - Having others contact another person on your behalf

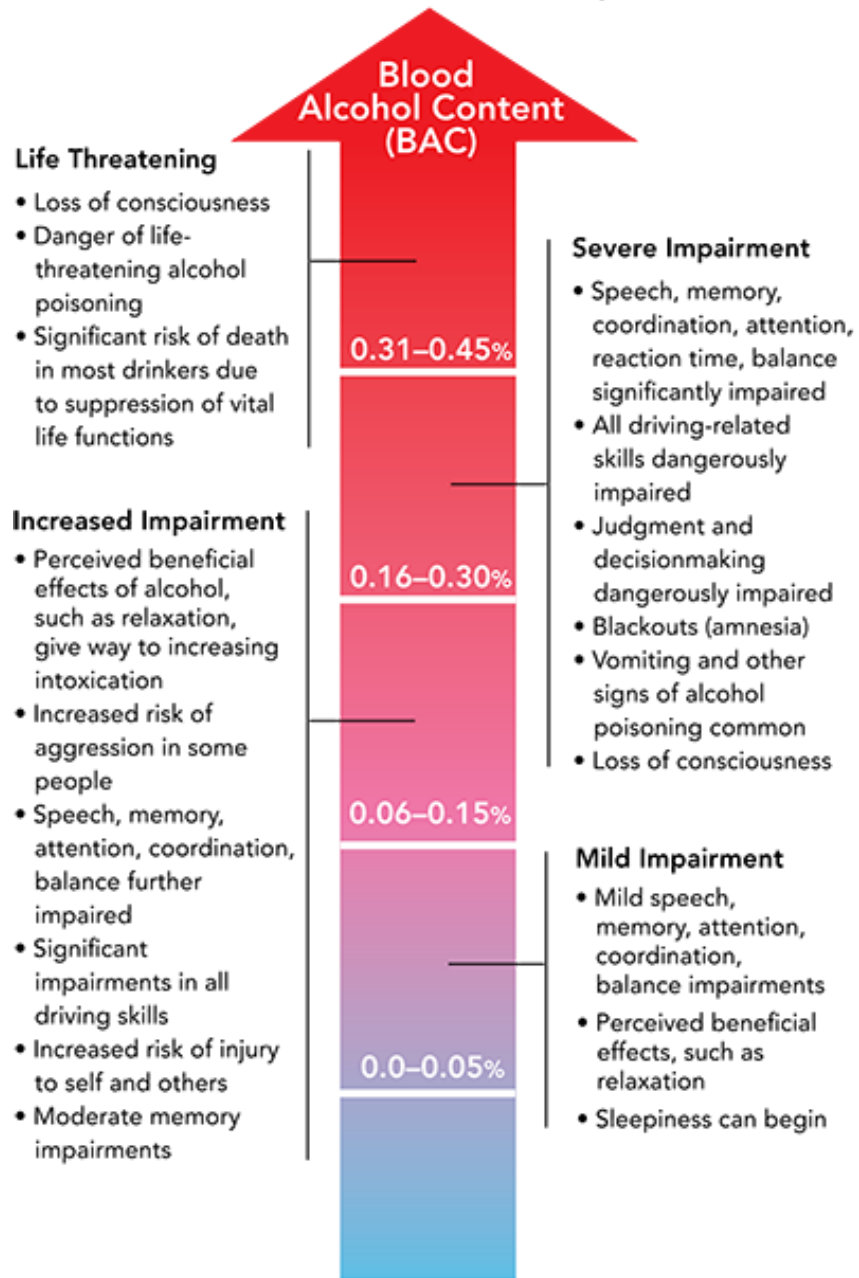
Sexual Violence

- Physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent
 - Age, use of drugs or alcohol, intellectual or other disability that prevents a person from having the capacity to give consent
- Examples include:
 - Rape
 - Sexual violence
 - Sexual abuse
 - Sexual coercion
- Sexual violence can be carried out by school employees, other students, or third parties

Intoxication vs. Incapacitation

- States of Incapacitation include sleep, unconsciousness, intermittent consciousness, or any other state where the individual is unaware that Sexual Contact is occurring. Incapacitation may also exist because of a mental or developmental disability that impairs the ability to Consent to Sexual Contact.
- Alcohol or drug use is one of the prime causes of Incapacitation. Where alcohol or drug use is involved, Incapacitation is a state beyond intoxication, impairment in judgment or “drunkenness.” Because the impact of alcohol or other drugs varies from person to person, evaluating whether an individual is Incapacitated, and therefore unable to give Consent, requires an assessment of whether the consumption of alcohol or other drugs has rendered the individual physically helpless or substantially incapable of:
 - Making decisions about the potential consequences of Sexual Contact;
 - Appraising the nature of one’s own conduct;
 - Communicating Consent to Sexual Contact; or
 - Communicating unwillingness to engage in Sexual Contact.

As BAC Increases, So Does Impairment



Alcohol Incapacitation

From:
<http://pubs.niaaa.nih.gov/publications/AlcoholOverdoseFactsheet/Overdosefact.htm>

REPORTING

Reporting

- The U.S. Department of Education expects all institutions of higher education that receive federal funds to address all acts of sex discrimination about which the institution knew or should have known.
- As a responsible employee, if you become aware of an act of sexual harassment, sexual assault, domestic violence, dating or partner violence or stalking affecting a faculty, staff, or student at RCC, **you must report this immediately to the Title IX Coordinator (Bailey Trammell)**
- If the issue involves a student and/or employee, it should be reported to Bailey Trammell (Title IX Coordinator) immediately.

Reporting Structure

- 1. Title IX Coordinator: Bailey Trammell**
- 2. Local Law Enforcement**

1. Bailey Trammell

- Report **ALL** incidents.
 - Sexual harassment
 - Sexual assault
 - Domestic violence
 - Dating or partner violence
 - Stalking

- You will report **All** known information

2. Local Law Enforcement

- Report incidents of:
 - Forcible rape
 - Forcible sodomy
 - Sexual assault with an object
 - Forcible fondling
 - Incest
 - Statutory Rape
- Only report the information **IF** the victim wants to report to local law enforcement.
- Encourage Sexual Violence survivors to report but do not force them to report.

Counseling Services

- RCC offers confidential and non-confidential reporting options.
 - Red Rock Behavioral
- RCC encourages victims of sex discrimination to talk to someone about what happened in order to receive support and so that we can respond appropriately.
- Responsible employees need to be aware that only select individuals have absolute confidentiality (licensed medical personnel, licensed counselors, trained sexual assault advocates).

Confidential Resources

- Confidential Reporting Options Include:
 - Red Rock Behavioral
 - Other Licensed Professional Counselors
 - Local Victim Advocates
 - College health care providers (i.e. individuals required to follow HIPPA)
- Non-Confidential Reporting Options:
 - All college employees, except those who are deemed as confidential reporters, are expected to report any instance of sexual harassment or sexual violence

Exception for Counselors and Advocates

- Although certain employees may have responsibilities that would otherwise make them responsible employees for Title IX purposes, OCR recognizes the importance of protecting the counselor-client relationship which often requires confidentiality.
 - Pastoral and professional counselors
 - Non-professional counselors or advocates

Inform the Individual You Have to Report and Offer the Individual Resources

- Inform:
 - “I need to let you know that I am required to report what you have shared with me to the Title IX Coordinator. RCC policy requires that I report what you have shared with me to the appropriate university officials to ensure your safety and the safety of others. This does not have to be reported to local law enforcement, but I would encourage you to do.”
 - Provide students with local resources.

Interim Measures

- Interim measures are available for students, staff and faculty survivors of sexual harassment, including sexual violence.
- A formal complaint does not need to be submitted to have interim measures put in place.
- If students, faculty, or staff, need accommodations they can speak with the Title IX Coordinator who will facilitate this process and ensure that all appropriate interim measure are arranged.
- As a faculty or staff member, if a student requests accommodations from you directly, please notify the Title IX Coordinator.

Examples of Interim Measures

- Assistance in Reporting
- No Contact Order
- Emergency Protective Order
- Safety Measures
- Living Arrangements
- Academic Arrangements
- Other Interim Measures

Does this create a hostile environment?



What about this?



Prevention/Resources

Canadian County Victim Coordinator

405.262.0177

Intervention & Crisis Advocacy Network (ICAN!)

405.262.4455 (Hotline)

405.224.8253 (Office)

Counseling Services – Red Rock Behavioral

405.422.8800

855.999.8055

7777 E. Hwy 66

El Reno, OK 73036

Title IX Coordinator: Bailey Trammell

405.422.1274

bailey.trammell@redlandsc.edu

SS-002

El Reno Police

405.232.6941 (Phone)

405.295.9399 (Tip Line)

116 N. Evans

El Reno, OK 73036



TALKING TO VICTIMS

Quiz

- The definition of quid pro quo involves:
 - A. A supervisor, faculty/staff member, promising an employee a promotion, or a student a grade, in return for sexual favors
 - B. A supervisor, faculty/staff member, threatening to fire an employee if sexual favors aren't granted
 - C. Placing suggestive pictures on a wall
 - D. Both A and B

Quiz

- An intimidating atmosphere, questions, or jokes related to sexuality, sexually oriented pictures, leering, or touching are related to:
 - A. A pleasant workplace
 - B. A quid pro quo situation
 - C. Increased productivity
 - D. A hostile environment

Quiz

- **If a student victim refused to cooperate with a city/county police investigation of his/her alleged assault, the college should take no further action and there is no need to investigate the claims under Title IX.**
 - True
 - False

Quiz

- **If a victim of sexual harassment asks a staff member, professor, or his/her resident assistant (RA) not to tell anyone about a sexual harassment incident, the staff member, professor, or his/her RA shouldn't take further action.**
 - True
 - False

Quiz

- **Mary Sue shares an office with you. When she uses the phone for personal calls, she uses profanity, graphic descriptions of her sexual activities, and an abusive tone. It really bothers you, but she didn't change even after you mentioned the problem to her. You may be a victim of:**
 - A. Hostile environment sexual harassment**
 - B. Quid pro quo sexual harassment**
 - C. Distracting behavior**
 - D. Circumstances**

Quiz

- **If you become aware of sexual misconduct, including assault, you should ask the complainant to inform local law enforcement and continue to encourage them to report.**
 - True
 - False

Quiz

- **Examples of sexual harassment include, but are not limited to:**
 - A. Rating a person's sexual attractiveness**
 - B. Unwelcome patting, hugging or touching of a person's body, hair or clothing**
 - C. Offensive or suggestive sexual comments**
 - D. Pervasive displays of pictures, calendars, cartoons, or other material with sexually explicit or graphic content**
 - E. Repeatedly asking for a date after the person has implicitly or explicitly expressed disinterest**
 - F. All of the above**

Quiz

- The legal standard for determining offensive behavior is based upon the beliefs of _____
 - A. The Regents
 - B. A reasonable person
 - C. The supervisor in the workplace
 - D. The person accused of sexual harassment

QUESTIONS?
