

Stand Up Against Violence: Title IX

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Presented by:

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How can you best help Jennifer?

Is her safety a concern?

Does she need immediate help?

Is there a potential for harm for anyone else on campus?

Do you have any responsibilities as an employee of
Meredith?



What are her immediate needs?

- Is she afraid to leave the classroom for fear he may be waiting?
- Does she need any medical care?
- Would she like to talk with a counselor? On campus or off campus?
- Is she interested in reporting to Campus Police and/or to local law enforcement?



What do I say?

Offer support – be compassionate and non-judgmental (be careful not to use language that suggests she did something to provoke behavior):

- “Thank you for sharing this with me. I imagine it must not be easy, so I am honored you chose to reach out to me.”
- “You are not alone and there are resources to help you. How can I help you connect with what you need?” Show the Title IX info page, resources and reporting info. <http://www.meredith.edu/title-ix/>
- “Would you like for me to connect you with resources that are available to you?”

If the individual needs immediate medical attention:

- “In addition to being concerned about your safety and well-being, I am also concerned about your health – would you like medical attention?”
- Interact’s Solace Center: 919-828-3067 (off campus)
- MC Health Services: 919-760-8535 (on campus)



Where can you find the information on available resources?

Title IX website: www.meredith.edu/title-ix

Resources Listed Include:

Title IX Coordinators:

- Pamela Davis Galloway
- Ann Gleason

Confidential Resources:

- Counseling Center
- Health Center
- Chaplain

Other On Campus: Campus Police

Off Campus Options



Our Obligations Under Title IX

Title IX prohibits discrimination on the basis of sex (gender) in education programs or activities operated by those institutions receiving federal financial assistance in the US.

The College is required to take **immediate, appropriate** action:

- 1) Once we know or reasonably should know about possible sexual violence;
- 2) To prevent its recurrence; and
- 3) To address its effects.



Your role as an employee:

- Be familiar with College policies and follow them
- Be approachable: Provide support and assistance; follow up with complainant
- Follow up with Title IX Coordinator(s) with information and reports (even if the individual only wants to see confidential resource)
- Do not investigate a complaint or serve as the counselor/medical provider
- Refer to appropriate resources for counseling and other professional support
- Maintain privacy – share information only on a need-to-know basis
- Be an effective bystander – reach out when appropriate



What is Sexual Violence under Title IX?

- A severe form of sexual harassment
- Refers to sexual acts perpetrated against a person's will where consent is not obtained or where a person is incapable of giving consent.
- Includes:
 - Non-consensual Sexual Conduct
 - Non-consensual Sexual Intercourse
 - Sexual Coercion or Intimidation
 - Domestic Violence
 - Dating Violence
 - Gender-based harassment
 - Sexual Harassment
 - Sexual Exploitation
 - Stalking
 - Complicity



Some Common Effects of Sexual Violence

- Depression
- Change in sleep pattern
- Inability to concentrate
- Fear / worry / anxiety
- Loss of energy / persistent fatigue
- Flashbacks
- Anger / irritability / agitation
- Rape Trauma / PTSD
- Pregnancy / STI
- Suicidal thoughts
- Feelings of worthlessness, hopelessness or guilt
- Fear of not being believed
- Social withdrawal



Do we see any instances of sexual violence in the information Jennifer has shared with us?



Non-consensual sexual intercourse – defined by penetration (anal, oral or vaginal) by a penis, tongue, finger or other object.

Domestic Violence – attempting to cause bodily injury; intentionally causing bodily injury; or inflicting substantial emotional distress by causing fear of imminent serious bodily injury or harassment by someone whom the aggrieved party has or had a personal relationship (*one between current or former spouses, persons who live or have lived together, persons who have a child in common, or persons who are or have been in a dating relationship*).

Stalking - repeated contact or any other course of conduct directed at a person that is sufficiently serious enough to cause physical, emotional or psychological fear or to create a hostile, intimidating, or abusive environment for a reasonable person under similar circumstances and with similar identities.

Examples: unwanted communication in person, by phone, or by computer; unwelcome gifts or flowers; following a person



What is Consent?

“Yes means yes” -

- Clear words or actions that affirmatively demonstrate a knowing and voluntary willingness to engage in mutually-agreed-upon sexual activity.
- Is informed, freely given and mutual.
- Cannot be gained by force, intimidation, duress, deception or by ignoring objections.
- Cannot be inferred from silence or any other lack of active resistance.
- May not be implied by attire or money spent.
- Prior consent does not imply future consent regardless of whether there has been a past consensual sexual relationship.



If this occurred off campus, why would Title IX apply?



Title IX: Scope and Jurisdiction

- Applies to all members of MC community; includes on-campus and off-campus conduct
- To determine applicability of policy to off-campus conduct, Title IX Coordinators will determine:
 - seriousness of the conduct;
 - risk of harm or threat to MC community member or others;
 - whether both parties are MC community members;
 - Whether action is part of a series of actions occurring off or on-campus.
- Also applies to complaints brought by non-MC community members against a MC community member
- Even if the College does not have jurisdiction over the respondent, the College will take prompt action to provide for the safety and well-being of the complainant and the broader MC community, to the extent possible.
- Resources from the College may be made available to a campus community member, even when a disclosure is made by an individual that is not considered a formal complaint.



If she wants to report the incident:

- “I support your decision.....would you like for me to go with you to report the incident?”
- If person wants to report on his/her own:
“After you contact the Title IX Coordinator, she will give you information about resources and next steps. Is it OK for me to follow up with you to see how you are doing?”

Title IX Coordinators:

- Ann Gleason
- Pamela Davis Galloway

Other On Campus: Campus Police

Confidential Resources:

- Counseling Center
- Health Center
- Chaplain

Off Campus Options



What if she decides she doesn't want to report this and you think there is a safety issue?

- “Your safety and the safety of other community members are important to me. I will need to share this information with a Meredith Title IX Coordinator so that she can take the necessary steps. I want you to know that you are not alone and there are resources to help you.”
- Offer to go with her to report the complaint.
- If person ask you not to report it, tell her/him that you have an obligation to report what s/he has told you, but that information will only be shared on a need to know basis to maintain privacy to the full extent possible.
- You then need to share any information you've been given with a Title IX coordinator because the College has an obligation to investigate and take any corrective and interim actions.
- Tell her/him that they will probably be contacted by someone who works with these types of complaints to explain resources and options available to them.



What if the person discloses a past situation to you?

Student discloses past experience of off-campus sexual violence not involving another MC community member in paper, assignment, internship placement application, etc. – meet with student to offer support and resources:

Follow up with student:

“I am glad that you felt comfortable in sharing this with me. Is there anything you need? There are many campus resources available to you if you need any support or assistance (list a few, such as counseling center, Chaplain).” Offer to go to the Title IX web site if individual wants more info.

Then, follow up with Title IX Coordinator:

- Provide initial info about the disclosure and what resources were offered.
- May not need to disclose individual’s name or identifying info, but faculty/staff member cannot guarantee confidentiality. Title IX Coordinator will document disclosure and what resources were offered to the individual.



Important to remember.....

- Meredith College understands that an individual may not be ready to make a decision about next steps but the College will provide resources and support, to the extent possible, as requested.
- A report to a Title IX Coordinator does not necessarily result in a grievance process. Additional assistance may be appropriate.
 - The College may offer interim actions to help ensure student safety and academic supports.
 - The grievance procedure may be initiated by the complainant or, in some instances, the College may initiate when there is evidence of a possible threat to the safety/health of the campus community



Shouldn't I just direct them to the police?

- Complainants have the right to file either or both criminal charges and the College grievance procedures.
- The College can take interim actions at any time, even as an incident may be reported through the criminal justice system.
- The College grievance process is not a substitute for criminal proceedings.
 - Different standards of decision making are applied: Burden of proof vs. preponderance of the evidence
 - Since both processes are different, there may be different outcomes.



What if I do nothing?

- Consider the potential harm to the person
- Consider the potential harm to others
- The College still can be liable because “we” knew or should have known. Costs could include legal fees, time spent on the case, negative publicity and damaged reputation, fines, etc.
- You could be held personally liable or you could be disciplined for not following our policy.



Why is this an issue for Colleges and Universities?

- Anyone can experience sexual violence, but most victims are female – 19% of college women reported experiencing an attempted or completed rape during college. (*CDC, 2012*)
- At least 50% of campus sexual assaults occurred when individuals were incapacitated, primarily by alcohol.
- Stats underestimate problem because many cases are not reported.
- 246 cases at 196 colleges are currently being investigated for not effectively handling reports, procedures and issues related to sexual violence/Title IX reports on their campuses. (*New York Times, August 2016*)



An Ounce of Prevention...

- Model appropriate behavior; remember you are in a position of power
- Empower students and coworkers
 - It's okay to tell someone that their attention or conduct is offensive or unwelcome
 - It's okay to ask a person to stop
- Be careful when using social media
- Remember your role when attending or inviting students to social functions
- Think about how your actions may be perceived by others - will they understand your intent?



Take Aways:

- Unless you are a confidential resource, you are a responsible employee and must report any incident that falls under Title IX.
- Who do I report information to? Title IX Coordinators, Pam Galloway or Ann Gleason.
- Consult with a Title IX coordinator (with or without names) if you are unsure about whether an incident should be reported.
- Where can I find resource information? MC website or by going to <http://www.meredith.edu/title-ix/>
- Who can provide immediate assistance? A Title IX Coordinator or confidential resources. In addition, the individual may want to speak with local law enforcement, InterAct or other resources.



What happens next at Meredith?

- Policy and procedure updates in all student and employee handbooks; posters on campus
- Inclusion of anonymous reporting form on Title IX web site
- Presentation to new students at orientation; RA training
- Ongoing briefing and updates for MC employees based on new federal requirements and guidance
- Fall program for first year students about sexual violence and bystander intervention
- Targeted emails to campus on resources and the Title IX site
- Established Advisory Committee to assist with recommendations for campus training and educational opportunities and programs
- Online training modules for students and employees are currently being developed



Questions and Answers



Sexual Violence Definitions:

- **Non-consensual sexual contact** – ANY sexual contact that occurs without consent, including intentional touching of any area
- **Non-consensual sexual intercourse** – defined by penetration (anal, oral or vaginal) by a penis, tongue, finger or other object
- **Sexual exploitation** – taking sexual advantage of another person without effective consent (*example: taking a video of someone performing a sexual act and distributing this*)
- **Sexual harassment** – unwelcome sexual advances, requests for sexual favors. Includes threats; unwanted sexual flirtations or propositions; unwanted graphic verbal comments about a person's body; unwelcome touching or physical contact



- **Sexual coercion or intimidation** – an unreasonable amount of pressure to engage in sexual activity
- **Stalking** – repeated contact or any other course of conduct directed at a person that is sufficiently serious enough to cause physical, emotional or psychological fear or to create a hostile, intimidating, or abusive environment for a reasonable person under similar circumstances and with similar identities.

Examples: unwanted communication in person, by phone, or by computer; unwelcome gifts or flowers; following a person

- **Domestic Violence** – attempting to cause bodily injury; intentionally causing bodily injury; or inflicting substantial emotional distress by causing fear of imminent serious bodily injury or harassment by someone whom the aggrieved party has or had a personal relationship (*one between current or former spouses, persons who live or have lived together, persons who have a child in common, or persons who are or have been in a dating relationship*).
- **Dating Violence** – violence, sexual abuse, physical abuse, or threats of such abuse between partners who are or have been in a personal, romantic or intimate relationship.



Other Prohibited Conduct:

- Complicity – aiding or abetting an act of sexual violence
- Retaliation
- Wrongful Allegation



Title IX Training Attended Since August 2015:

Pam:

9/15 – Do you have what it takes to be a Title IX Coordinator? (VALIC / CUPA-HR)

11/15 – Transgender Issues in the Workplace – what you need to know. (HERC)

12/15 – Sexual Misconduct and Title IX Hearing Training (Lousiburg College – 2 day conference)

12/15 – Legal Issues: Title IX (NCICU Annual HR Directors Meeting / Beth Jones, Womble Carlyle)

12/15 – Puzzles Conference 2015 (Chrysalis Network – Peach College - 2 day conference)

3/16 – Campus Sexual Violence Symposium (National District Attorneys Association and NC Conference of District Attorneys – 1 day)

Ann:

1/15 - Are We There Yet?: Achieving Cleary Compliance (NACUA / Womble Carlyle Sandridge & Rice, LLP)

12/15 – Puzzles Conference 2015 (Chrysalis Network – Peach College - 2 day conference)

