

Gender-Based Misconduct and Title IX Training

Rogers State University

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THAT'S
NOT
RSU

- National Campaigns
- RSU's Campaign
- Sexual Harassment and Sexual Violence Awareness, Reporting and Prevention

RSU's Commitment

- RSU is committed to providing you with the tools needed to report and prevent gender-based misconduct.
- RSU is committed to ensuring you know what to do if you have been harassed or if you become aware of an act of gender-based misconduct.
- RSU is committed to taking measures to protect members of the campus community 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 person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational 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 misconduct
(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

What faculty and staff should do:

- Faculty and staff 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 staff and faculty should *not* do:

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

TITLE IX
IMPORTANT DEFINITIONS

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.
- Title IX prohibits gender-based misconduct, sexual harassment, sexual violence, domestic violence, dating violence, and stalking.

Gender-Based 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
- Gender-based 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.

Two 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

Sexual Harassment Continued

- 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 (VAWA) added:
 - Domestic violence
 - Dating violence
 - Stalking

Sexual Assault on Campus

- 1 in 5 women is sexually assaulted in college
- 93.9% of victims are women
- 6.1% of victims are men
- Most often it is by someone he/she knows
- A perpetrator has an average of 7 victims
- Title IX applies to same sex incidents
- Many survivors are left feeling isolated, ashamed, or feel that they are to blame

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

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 faculty or staff member, 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 Rogers State University, **you must report this immediately to the Title IX Coordinator.**
- Please understand that **your role is to report** any potential Title IX violations immediately.

Reporting

- RSU encourages victims of gender-based misconduct to talk to someone about what happened in order to receive support and so we can respond appropriately.
- Faculty need to be aware that only select individuals have absolute confidentiality (licensed medical personnel and licensed counselors).
- RSU offers confidential reporting options.

Reporting Options

- Confidential Reporting Options Include:
 - Licensed Professional Counselors (Claremore and Bartlesville campuses)
 - College health care providers (Health Center)
- Non-Confidential Reporting Options:
 - All university employees except those who are confidential reporters are expected to report any instance of sexual harassment or sexual violence

Responding to a Victim Disclosure

- 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 Student Development Office. RSU policy requires that I report what you have shared with me to the appropriate campus officials.”
- Resources:
 - RSU Student Health Center
 - RSU Counseling Services

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

QUIZ

The definition of quid pro quo involves:

- A. A supervisor or faculty member, promising an employee a promotion, or a student a grade, in return for sexual favors.
- B. A supervisor, or faculty member, threatening to fire an employee if sexual favors aren't granted.
- C. Placing suggestive pictures on a wall.
- D. Both A and B



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

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

TRUE or FALSE

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

TRUE or FALSE



Mary Sue shares an office with you. When she uses the phone for personal calls she uses profanity, graphic descriptions of 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



If you become aware of gender-based misconduct, including assault, you should ask the complainant to inform RSU Police and continue to encourage them to report.

TRUE and FALSE

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, 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

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

A person who works in an office where sexual harassment occurs, but to whom harassment activity is not directed, may still charge the University with sexual harassment.

TRUE or FALSE

QUESTIONS?

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