


The background of the slide features a large, semi-transparent watermark of the University of Illinois seal. The seal is circular and contains a central torch with a flame, surrounded by a laurel wreath. The text "UNIVERSITY OF ILLINOIS" is visible at the top, "S'INSTRUIRE IN QVIETUDINE" is written around the inner circle, and "1801" is at the bottom. The entire slide has a dark blue gradient background with curved lines at the top and bottom.

What You Need to Know About Title IX and Sexual Harassment



There are several federal laws whose purpose is to make campuses safer by requiring colleges to train students and employees on preventing sexual assault, dating assault, domestic violence, and stalking. They are as follows:

Federal Mandates Regarding Campus Crimes

- Clery Act – requires colleges and universities that receive federal funding to disseminate a public annual security report to employees and students every Oct.1.
- Campus SAVE Act – requires higher education institutions to educate their students, faculty and staff on the prevention of rape, domestic violence, dating violence, sexual assault and stalking.
- Violence Against Women Act (VAWA) – colleges and universities are required to report domestic violence, dating violence, and stalking; adopt certain student discipline procedures; and adopt certain institutional policies to address and prevent campus sexual violence.
- Title IX – a comprehensive federal law that prohibits discrimination on the basis of sex in any federally funded education program or activity.

What is Title IX?

Title IX is a comprehensive law that prohibits discrimination on the basis of sex in any federally funded education program or activity:

“[N]o 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 education program or activity receiving federal financial assistance.” 32 C.F.R. §106.31.



What does it do?

- ▶ Title IX provides protection from all forms of sexual misconduct.
- ▶ Although it is applicable to all campus constituencies, students are the primary focus of Title IX.
- ▶ Title IX protections apply to males and females, including gender non-conforming individuals.


Title IX Focus: Sexual Misconduct

Sexual Misconduct:

Includes all forms of harassment and violence that are sexual in nature.

Sex-Based Harassment: Includes stalking, voyeurism, exhibitionism, verbal or physical abuse or threats.

Sex-Based Violence: Includes intimate partner or domestic partner violence, dating violence, attempted or completed rape, and other forms of sexual assault.



Sexual Misconduct is an umbrella term that includes sexual violence (rape, sexual assault, sexual battery, sexual abuse, sexual coercion), sexual harassment, dating violence, domestic violence, or stalking.

Vincennes University's Nondiscrimination Statement

Vincennes University does not discriminate based on race, religion, color, national origin or ancestry, age, sex, sexual orientation, or handicap or against disabled veterans and veterans of the Vietnam Era, or other non-merit factors in its employment or educational programs or activities.

The University's jurisdiction in regard to sexual misconduct includes:

- ▶ Conduct on campus.
- ▶ Conduct that occurs in connection with any University-sponsored program or activity.
- ▶ Conduct off campus that creates a hostile environment on campus.



Sexual Harassment



There are different types of sexual harassment, including:

Quid Pro Quo

- “This for that.”
 - When an employment or educational benefit is based on a request for sexual favors. Actual action is not required – the threat is sufficient.
- The power disparity can be between:
 - A faculty member and student, or
 - A supervisor and subordinate.





Hostile Education Environment

This type of sexual harassment is *any* unwelcome conduct that a reasonable person would determine is so severe, pervasive and objectionably offensive that it denies a person equal access to the school's education program or activity.

Clery Act Violations

Any act of sexual assault, as defined by the Clery Act. This includes dating violence, domestic violence, or stalking (as defined by the Violence Against Women Act).

Examples of Sexual Harassment

- **Unnecessary touching, hugging, or brushing against another person's body;**
- **Sexually explicit statements, slurs, innuendos, questions, comments, teasing or jokes; or**
- **Remarks of a sexual nature about a person's clothing or body, sexual activity, sexual orientation, gender identity, or previous sexual experience;**
- **Pressure/repeated unsolicited propositions for dates and/or sexual relations.**

Sexual Harassment does not include:

- Discussions, communications, or actions that are sexual in nature but part of a legitimate academic exchange; or
- Minor, isolated incidents that do not unreasonably interfere with a person's work, education, or participation in a University activity.



University Responsibilities Under Title IX & Clery

Policy and Process:

- Maintain and advertise University policies, resources and services aimed at addressing any instances of sexual misconduct and other campus crimes.
- Identify individuals who serve as Responsible Employees and CSA's (Campus Security Authorities).
- Publish and distribute an annual Campus Security Report by October 1 of each year.
- Support and keep up-to-date log of all reported crimes.

The University also:

- Has obligation to investigate all reports of sexual misconduct through the Title IX Coordinator.
- Adopt and publish reporting and grievance procedures for the timely resolution of complaints.
- Provide victims with on and off campus resources/services.
- Take expedient action to assure victim/complainant can continue education free of sex discrimination, sexual harassment or sexual violence.
- Make accommodations for the victim/complainant as needed/requested in areas of housing, academics, work & transportation.

Additional responsibilities include:

Notification:

- Immediate notification to the campus community is required for crimes that pose a serious and ongoing threat.
- The campus must be notified in a timely manner (usually within 24 hours of a threatening incident).

Training:

- Provide specific training for new and continuing students on what constitutes sexual misconduct.
- Train individuals identified as Responsible Employees and Campus Security Authorities on sexual misconduct, reportable crimes and campus reporting requirements.

Critical Definitions

Responsible Employee (RE) per the Office of Civil Rights

Any person who has the authority to take action to redress sexual harassment/misconduct; who has been given the duty of reporting incidents of sexual harassment/misconduct by students to the Title IX coordinator, or who a student reasonably believes has the authority or duty.

Campus Security Authority (CSA)

Any official with significant responsibility for student and campus activities.

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.

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

- ✗ False! A single incident can be considered sexual harassment.

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

- ✗ False! This issue is not one of consent. The issue is whether the advances are welcome. In other words, "no, means no."

True or False



Sexual harassment can be perpetrated by a subordinate against his or her supervisor or by a student against a professor.

- ✓ 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.

If you believe you have been sexually harassed you should confront the harasser to give them a chance to correct the behavior before reporting the conduct.

- ✗ False! There is no requirement that a person confront the harasser with objections to the conduct.

Sexual Violence

Sexual violence is a form of sexual harassment. Some forms of sexual violence include:

- Rape
- Sexual assault
- Sexual battery
- Sexual abuse
- Sexual coercion



***Sexual violence includes same-sex sexual violence.

Sexual Violence

Sexual violence includes physical acts perpetrated against a person's will or where a person is incapable of giving consent because of his/her drug or alcohol use, physical incapacity, or because of his/her youth.



The Issue of Consent

- Consent is permission, freely given, informed and mutually understood.
- Consent is not passive. Instead, it requires an affirmative act or statement by each participant.



It is NOT Consent if...

- Intimidation, threats, and/or physical force are used.
- The person is mentally or physically incapacitated, or impaired by alcohol or drugs, such that a person cannot understand the fact, nature, or extent of the sexual situation.
- The person is asleep or unconscious.



Domestic Violence is:

A violent act committed by a:

- **Current or former spouse or intimate partner;**
- **A person sharing a child with the victim; or**
- **A person cohabitating with or has cohabitated with the victim as a spouse or intimate partner.**

Dating Violence is:

A violent act committed by:

- A person who is or has been in a relationship of a romantic or intimate nature with the victim.
- The existence of a relationship shall be determined based on:
 - Length of the relationship.
 - The type of relationship.
 - The frequency of interactions between the persons involved in the relationship.



Dating Violence may be...

Physical

- Hitting or slapping
- Biting
- Shoving
- Pinching
- Spanking
- Shaking or jerking
- Spitting
- Burning
- Chasing
- Forcing sex or sexual acts
- Stalking

Emotional

- Using personal information against partner
- Blaming partner
- Playing mind games
- Demanding
- Controlling
- Intense jealousy or rage
- Criticizing partner
- Isolating from family and friends
- Insulting partner's family and friends

Verbal

- Threatening to use violence or kill
- Calling repeatedly
- Accusations of cheating
- Yelling
- Insulting
- Calling names
- Making demeaning jokes
- Silent Treatment
- Lying
- Making degrading comments

Who Has a Duty to Report Incidents of Sexual Misconduct?

Responsible Employees are those employees:

- 1) who have the authority to take action to redress sexual misconduct,
- 2) who have been given the duty to report to appropriate officials of an institution about incidents of sexual misconduct, or
- 3) who a student could *reasonably* believe have this authority or responsibility.



Responsible Employees

- ✓ Faculty
- ✓ Staff
- ✓ Resident Assistants (RAs)
- ✓ Coaches
- ✓ ALL University Employees



What should an employee do if they witness/hear of/are told about a sexual assault or sexual misconduct?

- If the employee is NOT designated as a confidential resource, they should report the information to the Title IX Coordinator.

Tony Hahn

Interim Title IX Coordinator

812.888.4106

Or the University Police Department at 812.888.5555

Confidential vs. Non-Confidential Resources

Confidential Resources

Counseling Center

Student Health Center

Hope's Voice (victim
assistance program)

Non-Confidential Resources

Responsible Employees

Title IX Coordinator

Vincennes University Police

How to Respond to Incidents of Sexual Misconduct

If possible, before a student reveals information that he or she may wish to keep confidential, a responsible employee should make every effort to ensure that the student understands...



Responsibilities...

- A responsible employee is required to report the names of the alleged perpetrator(s) and complainant involved in the alleged sexual misconduct, as well date, time, and location to the Title IX Coordinator.



Responsibilities

- The complainant's option to request that the University maintain his or her confidentiality, which the Title IX Coordinator will consider; and
- The complainant's ability to share the information confidentially with counseling, mental, health, or sexual assault-related services.



Confidentiality

Sometimes the University will not be able to honor a confidentiality request because it has an obligation to provide a safe and nondiscriminatory environment for its entire campus community.

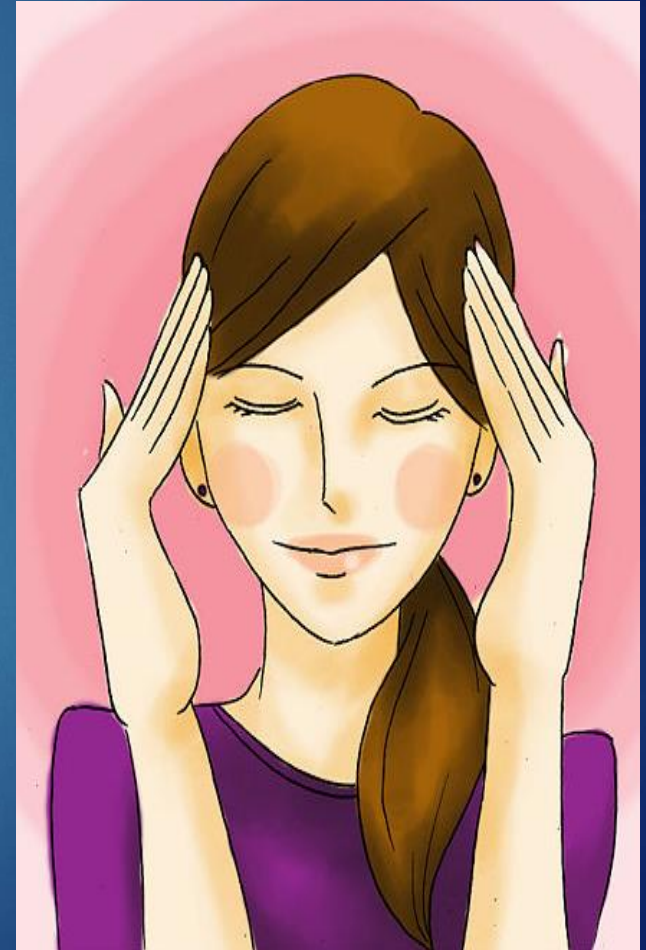
What is NOT My Responsibility?

It is NOT your responsibility to determine whether the sexual misconduct occurred.



Responding to Reports of Sexual Misconduct

- Complainants might exhibit confusing emotions like panic, helplessness, guilt, shame, numbness, or denial.
- A person's flat or emotionless display immediately after an incident of sexual misconduct may seem an inappropriate response.



Avoid Judgment

- It's important to avoid statements that indicate that you do not believe the complainant.
- Avoid statements and comments about possible outcomes.



Reporting Options & Rights

- File a University Complaint.
- File a criminal complaint with VU Police Department and/or the Vincennes City Police.
- Refer to the University's *Sexual Misconduct Policy*.



University Consequences for Failure to Report/Comply with Title IX

- Termination of all or part of the University's federal funding.
- Potential lawsuits against the University, which can result in judgments or settlements.
- Reputational harm.





The Vincennes University Sexual Misconduct Policy can be found on the VU website.

www.vinu.edu

This policy outlines VU's Title IX procedures and individual rights under Title IX.

Questions?

Title IX Interim Coordinator's Contact Information:

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