

Title IX Preventing Sex and Gender Discrimination

Ms. Jess Brown
Title IX Coordinator
Eureka College

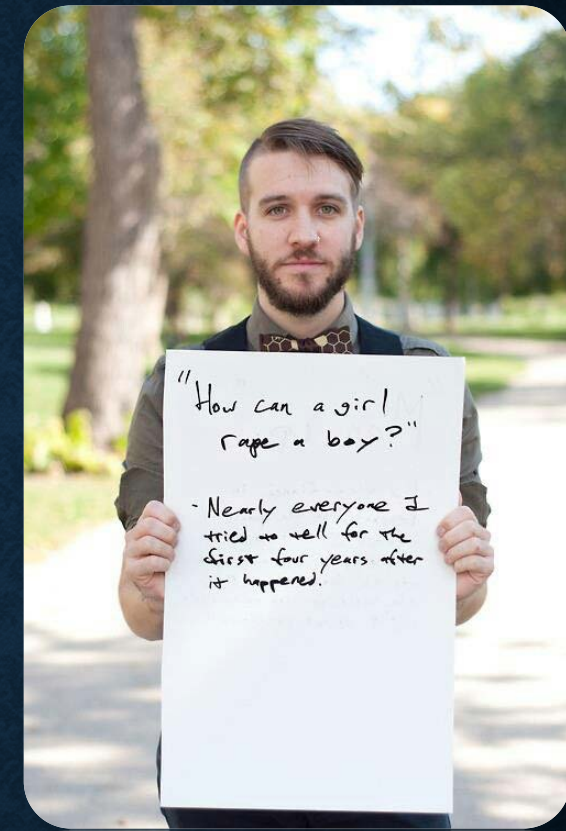
Eureka College is an Annual **MEMBER** of atIXa

- atIXA provides a professional association for school and college Title IX Coordinators and administrators who are interested in serving their districts and campuses more effectively. Since 1972, Title IX has proven to be an increasingly powerful leveling tool, helping to advance gender equity in schools and colleges. Title IX's benefits can be found in promoting equity in academic and athletics programs, preventing hostile environments on the basis of sex, prohibiting sexual harassment and sexual violence, protecting from retaliation, and remedying the effects of other gender-based forms of discrimination. Every school district and college in the United States is required to have a Title IX Coordinator who oversees implementation, training and compliance with Title IX. atIXA brings campus and district Title IX coordinators and administrators into professional collaboration to explore best practices, share resources, and advance the worthy goal of gender equity in education.

Why is Title IX a BIG Deal?

- 1 out of every 6 American women has been the victim of an attempted or completed rape in her lifetime (14.8% completed, 2.8% attempted) (RAINN, 2018).
- 11.2% of all students experience rape or sexual assault through physical force, violence, or incapacitation (among all graduate and undergraduate students) (RAINN, 2018).
- Among undergraduate students, 23.1% of females and 5.4% of males experience rape or sexual assault through physical force, violence, or incapacitation (RAINN, 2018)
- Assault is not just between opposite genders

About 50% of all assault cases that result in a police investigation are prosecuted.



Why is Title IX a BIG Deal? cont'd

- State of Illinois has continued to increase its requirements in regard to Preventing Sexual Violence on campus that colleges and universities are required to comply with.
- The list of colleges under investigation by OCR continues to grow...now there are 337 ongoing investigations for mishandled sexual harassment cases.
 - 121 cases have recently been resolved. Cornell University is sitting at the highest with 6 cases, Stanford University, Indiana at Bloomington, St. Mary's College of Maryland, and Kansas State University are all currently sitting at 5 cases.
 - Colleges and universities near Eureka College that are on the list include: University of Illinois Chicago, The University of Chicago, Southern Illinois University Carbondale, Judson University, and Knox College.
 - Investigations may be the result of complaints filed against the college or by DOE audits.
 - The Office of Civil Rights (OCR) continues to release additional points of clarity for colleges to adapt their policies using a "Dear Colleague Letter"

Primary Issues ("Deliberate Indifference")

- Lack of or insufficient/ flawed investigations
- Lack of appropriate interim measures
- Insufficient resolutions/ remedies

BE HEARD.
SEXUAL HARRASSMENT SEXUAL VIOLENCE DATING VIOLENCE STALKING
IT'S EVERYONE'S ISSUE

THIS Presentation Covers

- What is Title IX?
- What is sexual discrimination, including sexual assault, sexual misconduct, and sexual harassment?
- Who should report a possible or known Title IX violation?
- Who do I talk to about Title IX?
- What are the processes and procedures to address a concern or complaint?

What is Title IX?

- Title IX of the Education Amendments of 1972 is a federal mandate that prohibits sex discrimination in educational activities and programs.

Title IX Language

- “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 education program or activity receiving federal financial aid.”
 - Title IX of the Education Amendments of 1972



What does all of that mean?

- **Anti-discrimination statute**
 - Protects all in campus community
 - Includes any federally-funded programs abroad as well
- **Constantly changing by DOE and courts**
 - Has been broadened significantly over past decade
 - (e.g., faculty are required to excuse ALL pregnancy-related absences; new updated to Clery)

"Enforced as if law includes "gender", not just sex"
(interpreted as such by courts and DOE)

What does this mean for Eureka College?

- The College has a duty to promptly respond to possible incidents of sex discrimination in a way that prevents its reoccurrence and limits its effects
- *Obligation to investigate is **absolute**
- *Institutions can be and are increasingly being sued
- *Deliberate Indifference in creating a hostile environment
- **ALL** employees of the College are **required** to report any information about an alleged or known case of sexual harassment, assault, or misconduct within 24 hours of witnessing it or being notified, including RA staff.

The IX Commandments

Thorough	Reliable	Impartial	Investigation
Prompt	Effective	Equitable	Process
End the Discrimination	Prevent its Recurrence	Remedy the effects upon the victim & community	Remedies

Source: atIXa, (2018)

What is Sex Discrimination?

- Sex Discrimination includes all forms of misconduct, assault, and harassment, including verbal harassment and sexual violence by students, employees, and guests against students, employees, and guests.
- Unequal pay based on gender, discrimination on the basis of pregnancy, unequal distribution of athletic funds, unequal admissions and financial aid are also forms of sex discrimination.

What is Sexual Harassment?

- Sexual harassment is **unwelcome** conduct of a sexual nature that is sufficiently severe, persistent, or pervasive enough to unreasonably interfere with, deny, or limit someone's ability to participate in or benefit from an activity or program.
 - Examples:
 - Request for sexual favors
 - Unwelcome advances or compliments
 - Sexist comments
 - It may be single episode or persistent behavior

Examples of Sexual Harassment

- Request for sexual favors
 - Making promises for preferential treatment if sexual acts are completed
 - Ex: promotion in a sport, social ladder, or letter grade
- Unwelcome advances or compliments
 - Sending nudes
 - "Cat-calling"
 - Pinching butt
- Sexist comments
 - "Why don't you go into the kitchen where you belong?"
 - "Dude are you on your period? Quit being such a girl!"
 - "Jane Doe looks like a queer in that shirt."



What is Sexual Assault?

- Sexual assault is actual or attempted physical sexual acts perpetrated without CONSENT.
 - Examples:
 - Rape
 - Sexual Coercion
- Consent is a clear, unambiguous, and voluntary agreement between the participants to engage in specific sexual activity.
 - *Lack of a “no” is not a “yes” (Silence does not constitute consent).



CONSENT
IT'S SIMPLE AS TEA

Examples of Sexual Assault

- Any sexual penetration (including oral, anal, or vaginal), however slight, without consent
- Any sexual contact when the victim is unable to consent
 - Ex. Passed out drunk, drugged, sleeping, or comatose.
- Any intentional and non-consensual touching of, or coercing, forcing, or attempting to coerce or force another to touch, a person's intimate parts (genital area, groin, inner thigh, buttocks, or breast).

What is Sexual Misconduct?

- Sexual misconduct includes inducing incapacitation for sexual purposes, sexual exploitation, and relationship violence
 - Examples
 - Use of drugs or alcohol to affect consent (Date rape drugs)
 - Non-consensual voyeurism (the practice of gaining sexual pleasure from watching others when they are naked or engaging in sexual activity)
 - Knowingly transmitting a sexually transmitted disease
 - Unwelcome physical contact with a current or former partner



Examples of Sexual Misconduct

- Use of drugs or alcohol to affect consent
 - Lacing a drink or “date rape”
 - Giving drinks until too drunk to consent
- Non-consensual voyeurism
 - Hidden cameras
 - Watching roommate through cracked door
- Knowingly transmitting a sexually transmitted disease
 - Ex of diseases: Herpes, Chlamydia, Gonorrhea, HIV/AIDS, HPV, Syphilis, Trichomoniasis
- Unwelcome physical contact with a current or former partner
 - If a spouse says they don't want to sleep together tonight but you continue to pursue.

Who is involved?

- Complainant Party(s) of sexual harassment, sexual assault, or sexual misconduct can be faculty, staff, students, or guest.
- Accused/Alleged Perpetrators/ Respondent Party(s) similarly can be from the same groups.
- Complainant Party and Respondent Party can be male or female. Harassment can take place between members of the same sex.
- Witnesses and others who are or may be aware of the discrimination.
- Reporting Party, an individual(s) who reports an alleged Title IX violation

Reporting Sex Discrimination

- Who needs to report sexual harassment, misconduct, and assault?
- Am I required to report?
- What should I report?
- What is the process to report?



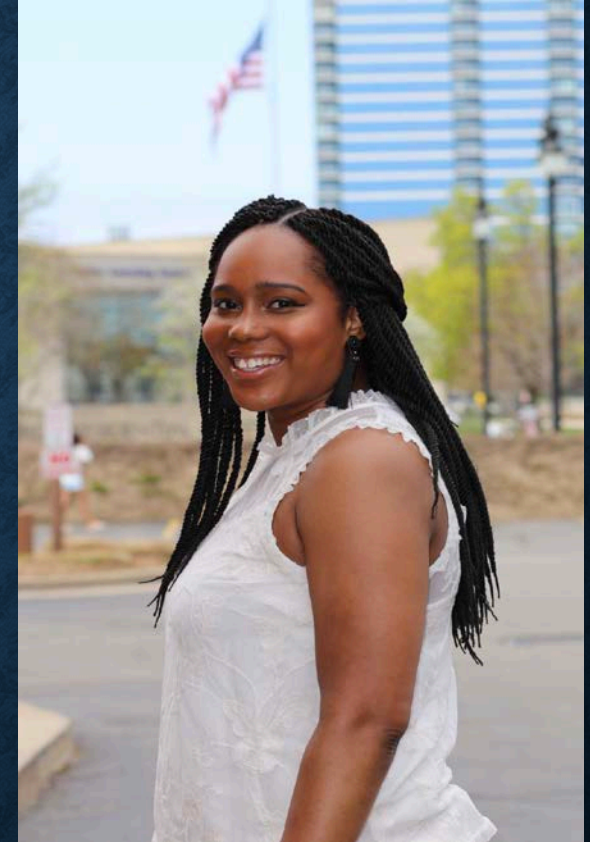
I want to
report an
incident

Who needs to report?

- **ANY** College employee, students, or volunteers who witness or hear about an incident of sex discrimination is **required** to report it to the Title IX Coordinator (Ms. Brown), **within 24 hours**.
 - A member of the Title IX Investigation Board, or another College official (e.g. Supervisor) may also be informed
 - **ALL** College employees except the **Chaplain/Ombudsperson** are **“mandatory”** or **“responsible”** reporters.
 - Anyone who experiences sex discrimination is **urged** to report it to one of the College officials listed above.

Who Do I Report To?

- Report to the Title IX Coordinator
 - Ms. Jess Brown: Title IX Coordinator, Assistant to Residential Life/ Coordinator for Campus Involvement
 - 300 East College Ave, Eureka, IL 62530
 - Phone: 309.467.6865
 - Jbrown@eureka.edu
- This may include reporting to your supervisor or Division Chair.
- Report as soon as possible, but no longer than 24 hours after witnessing or being made aware of the possible violation!



What should I report?

- Any observed, experienced, believed, or known sex discrimination, including sexual harassment, sexual misconduct, or sexual assault.
- This includes incidents on campus, off campus, from yesterday, last week, or two years ago. It does not matter when the incident took place.
 - There is no statute of limitations

DID YOU KNOW?

85-90%
OF VICTIMS
OF SEXUAL ASSAULT
▶ **KNOW THEIR ASSAILANT** ◀

Beginning Process

- Interim Measures
 - Protection of the involved parties and campus may include arranging of class schedules and/or living arrangements, issuing no-contact orders, obtaining counseling, and modifying test schedules temporarily.
 - A college employee alleged to have violated this policy may also be temporarily reassigned or placed on administrative leave.

Process Once You Report (cont.)

- Informal Investigation:
- Title IX coordinator will conduct fact-finding meetings with involved parties as it is useful to resolve the conflict and as necessary to protect the interests of the parties, college, and community.
 - Any resolution researched will be documented and agreed to in writing by the **Complainant Party**, Respondent, and Title IX Coordinator.

Process Once You Report (cont.)

- Formal Investigation
- Team of three people is created as an investigation team
 - Team will decide if there is sufficient evidence that a policy was violated and determine if the case falls under the school's jurisdiction.
 - If not under school's jurisdiction, the Title IX coordinator will help find on- and off-campus resources addressing the issue of concern.



Possible Sanctions if found in violation of the Eureka College Title IX Policy

Sexual Harassment

- Reprimand
- Probation
- Deferred Suspension
- Suspension

Sexual Assault

- Suspension
- Expulsion

Sexual Misconduct

- Probation
 - Deferred Suspension
 - Suspension
 - Expulsion
-

What about police?

- We are required to notify police when there is known or believed sexual assault of a minor. (Under 18)
- Involvement from law enforcement does not relieve the institution from investigating under Title IX.
- You may have a violation under Title IX without a criminal violation; the standard of proof is different.



What about confidentiality?

- The Title IX Coordinator and Investigation will never broadcast or otherwise make public reported information. Information is shared on a need to know basis.
- The college will protect your privacy to the extent possible under the law.
- The college is required to investigate, but that investigation will be limited by the information provided by the Reporting Party and Respondent Party and their interests in pursuing a formal and fair investigation process.

Why isn't confidentiality GUARANTEED?

- The Title IX Coordinator has to balance confidentiality with the safety of other members of the college community.
- Examples:
 - Repeat offenders
 - Respondent Party/ Accused poses an imminent threat of danger to the complainant party or the community



Who can I talk to confidentially?

- On Campus:
- Campus Chaplain/ Ombudsperson
 - Bruce Fowlkes
 - bfowlker@eureka.edu or 309.467.6429
- Off Campus
 - Tazwood Center for Wellness
 - 309.347.5522
 - Other Licensed counselors or licensed health-care professionals
 - Refer to Eureka College Title IX Website

Retaliation

- Retaliation against ANY participant in the process - Reporting Party or Respondent Party, witness, Reporting individuals - is prohibited.

What does the Title IX Coordinator Do?

- Oversees the College's review and investigation of sexual discrimination complaints and ensures compliance with Title IX guidelines.
- Provides information about available remedies, complaints processes and procedures on and off campus, filing a police report, and victim resources on and off campus
- Answers procedural questions from the Investigation Team
- Offers reasonable interim measures
- Reports directly to President Jamel Santa Cruze Wright



Deputy Title IX Coordinator(s) Role

- The Deputy (s) Title IX Coordinator assist the College's Title IX Coordinator with various Title IX implementation activities that include students, staff, and faculty.
- Deputy(s) Title IX Coordinator receive reports of sexual assault/sexual misconduct, sexual harassment, and sexual violence.
- The Deputy(s) Title IX Coordinator also serves as a designated Title IX Investigator, with responsibilities to lead investigations of complaints of sexual assault/sexual misconduct, sexual harassment, and sexual violence.

Eureka College Deputy(s)

- Dr. Marygrace Kaiser: 309.467.6400
 - Email: mgkaiser@eureka.edu



- Chris Wille: 309.467.6360
 - Email: cwillie@eureka.edu



- Dr. John Salzer: 309.467.6302
 - Email: jsalzer@eureka.edu



Ten Steps

- 1. Complaint or Notice
- 2. Preliminary Investigation (initial strategy)
- 3. Gatekeeper Determination
- 4. Charge
- 5. Strategize Investigation
- 6. Formal Comprehensive Investigation
- 7. Witness Interviews
- 8. Evidence Gathering
- 9. Analysis
- 10. Finding

Source: atIXa, 2018

In Conclusion...

- The college must attempt to:
 - Prevent sex discrimination
 - Educate the campus community
 - Promptly help the victim
 - Eliminate future harm
- Always report observed, believed, or experienced sex discrimination to the Title IX Coordinator.

Remember the IX Commandments

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Source: atIXa, 2018

Resources

Title IX Coordinator (309)467.6865

jbrown@eureka.edu

Tazwood Center for Wellness: (309)347.5522

National Sexual Assault Hotline www.rain.org

Woodford County Center for Prevention of Abuse:
(800)559.7233

Eureka Police(309)339.0321

<http://www.eureka.edu/student-life/title-ix/>

Questions?

Bystander video