

Title IX Training for RAs & OLs

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Session Purpose and Guidelines



CAN BE SENSITIVE TOPIC



DON'T NEED TO
MEMORIZE EVERYTHING



ASK QUESTIONS

Discrimination, Harassment, Title IX

- At UHSP, we value the benefits of a diverse student body and workforce and believe in an environment where **everyone feels they belong**.
- Discrimination and/or harassment against individuals or groups in certain protected classes are **against University policy** and cut against our desired culture.
- There are also several laws the University must follow that prevent harassment and discrimination such as:
 - **Civil Rights Act of 1964** which protects against discrimination based on race, color, religion, national or ethnic origin, and sex
 - **Americans with Disabilities Act (ADA)** which protects against discrimination based on certain disabilities
 - **Title IX** which ensures that women and men have equal educational opportunities including environments free from sexual violence.





Policies, Procedures and Process

- We have **policies, procedures and processes** in place to prevent and remediate any incidents of sexual harassment/sexual assault, discrimination and/or harassment.
- In addition, there are processes in place for dealing with issues that may not be discrimination or harassment but still behavior or incidents that **don't support the culture** we desire.
- **Training programs and personnel** are in place to help you understand these policies, procedures and processes.

Main Things an OL/RA Needs to Know

- We need you to be **active and engaged** against discrimination and/or harassment to continue to improve our culture.
- It is important that all employees have at least a basic understanding of:
 1. **Definitions** of prohibited behavior such as sexual harassment including sexual assault
 2. **How to report** issues you believe may be sexual harassment
 3. **How to intervene or support** a student who may report an issue to you
 4. How issues that may not technically be sexual harassment, discrimination or harassment, but may still be **behavior misaligned with University values or culture** may be resolved



Read Scenario 1

Break into groups and discuss the scenario and how you would proceed as an RA or OL.



What is Title IX?

Federal law ensuring equal educational access based on sex

- Equity in athletics
- Equal educational opportunity

Regulations manage complaints of:

- Sexual harassment,
- Sexual assault,
- Domestic and dating violence,
- Stalking

Cannot have equal opportunity in an environment with sexual harassment. Therefore, Title IX and VAWA put regulations around issues of Sexual harassment, sexual assault, dating and domestic violence and stalking



Prevalence

- Colleges are generally safe places, but there are dangers, particularly around sexual assault and relationship violence.
 - **20% of women** experience attempted or sexual assault during their college career.
 - Most often (75-80%), the survivor **knew the perpetrator**
 - At least 50% of sexual assaults involve either the perpetrator, victim or both consuming **alcohol**
 - Nearly 50% of women report intimate partner violence **between 18 and 24** years of age



Prohibited Behavior Under Title IX



Sexual Harassment

Sexual Harassment (Title IX)

The term “sexual harassment” under Title IX includes the following conduct in the context of an educational program or activity in United States governed by Title IX:

- Quid Pro Quo sexual harassment
- Hostile environment - Unwelcome sexual conduct determined by a reasonable person to be so severe, pervasive and objectively offensive that it effectively denies a person equal access to any University education program or activity;
- Sexual assault
- Dating Violence
- Domestic Violence
- Stalking

To qualify as Title IX “Sexual Harassment” the conduct **MUST**

- occur in the University's educational programs or activities in the United States,
- Occur in off-campus physical locations, activities, events, and circumstances over which UHSP has substantial control, and any buildings owned



Examples of Title IX Sexual Harassment

- Quid Pro Quo:
 - A professor offers a student a better grade in exchange for a sexual favor
- Hostile Environment:
 - A professor constantly degrades women, assigns group work based on gender and awards points or grades in a manner that benefits one sex/gender



Sexual Assault

Sexual Assault

The term “sexual assault” means any nonconsensual sexual act causing or attempting to cause another to engage involuntarily in any sexual act by force, threat of force, or duress. This includes:

- Non-Consensual Sexual Intercourse
- Non-Consensual Sexual Contact

TO qualify as Title IX “Sexual Assault” the conduct **MUST**

- Be non-consensual
- Without force or duress





**What are your thoughts
after watching this
video?**

**Pause
for a
check-in**



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What is Consent?

- **Each participant** obtain and give consent to each sexual activity **each time**.
- Consent to one form of sexual activity does not imply consent to **other forms**.
- **Past consent** does not imply future consent.
- Consent **may be withdrawn** at any time.
- **Silence or absence** of resistance does not imply consent.
- An individual who is **physically incapacitated** from alcohol and/or other drug consumption (voluntarily or involuntarily), or is unconscious, unaware, or otherwise physically helpless is considered unable to give consent.
- Consent cannot be **forced** or **coerced** through duress or deception.
- Consent cannot be obtained from a person who lacks the **mental capacity** to or is a minor.
- Consent cannot be inferred from an individual's **attire, physical appearance, or participation** in non-sexual social activity (social media, dating, dancing).
- Consent cannot be obtained via **force, intimidation or coercion**.



What is Force/Coercion/Intimidation?

When an individual is physically forced to participate.

When an individual is intimidated or threatened – even a perceived threat – isolated or confined.

When evaluating coercive behavior, factors such as the frequency, duration, location (isolation of recipient of unwanted contact), and intensity of coercive behaviors will be considered.

Examples of force/coercion/intimidation include:

- credible threats to release sexual photos, spread inaccurate information, falsely report, physically restrain or restrict access or escape, threats to physically harm self or others, use or threat of a weapon.
- Generally, for those in a relationship, requests for specific sexual activity, requests for frequent sexual activity or threats to end a relationship do not constitute coercion, intimidation, or force.



Examples of Sexual Assault

- Non-Consensual Sexual Contact
 - A student forcibly and without consent fondles, grabs or gropes another student's genitals or breasts
- Non-Consensual Sexual Intercourse
 - A student has sexual intercourse with a student who is intoxicated and cannot give consent



Relationship Violence: Dating/Domestic/Stalking

Relationship Violence	The term relationship violence applies to domestic violence, dating violence and stalking.
Dating Violence	Dating violence is defined as violence by a person who has been in a social relationship of a romantic or intimate nature with the victim. Whether a relationship exists will be determined based on the consideration of the length, type, and frequency of interaction.
Domestic Violence	The term “domestic violence” includes abusive behavior committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of Missouri, or by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of Missouri.
Stalking	The term “stalking” means engaging in a course of conduct directed at a specific person that would cause a reasonable person to - (A) Fear for his or her safety or the safety of others; or (B) Suffer substantial emotional distress.



Pause for a Check in

What signs would there be in a relationship where there is domestic violence?



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Examples of Relationship Violence

- Dating Violence

- An individual hits **punches** their dating partner
- A person **threatens violence** upon their partner if they leave the house or talk to another their ex.

- Domestic Violence

- Examples as above, but when the parties have a **child** together or **cohabitate**

- Stalking

- A person is constantly popping up outside of class and excessively texting a student about they are meant to be together such that they student on the receiving end stops attending class and gets a new phone number because they are afraid of an encounter.



Retaliation

Retaliation

To intimidate, threaten, coerce, or discriminate against any person for the purpose of interfering with any right or privilege established under this policy or because the person has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this policy.

- Applies to anyone who makes a report, formal complaint, is a witness, etc.
- Examples of retaliation
 - A student sends messages over social media to cause harm to their dating partner who reported the student for dating violence



How to Report

What is a report?

Who can you report to?

What happens when a report is made?

What happens if it turns into a formal complaint?



What is a “report”?

- A report is **notice to the University** that a person has experienced or observed something they believe to be in violation of our policies against Title IX, harassment and/or discrimination.
 - Reports can be made to:
 - EEO/Title IX Coordinators
 - Responsible employees
 - Public safety staff
 - Anonymously online through our [Compliance and Ethics Hotline](https://www.uhsp.edu/compliance-and-ethics/). Details online at <https://www.uhsp.edu/compliance-and-ethics/>
 - It is preferred to be in writing, but it could also be verbal.
- The person making the report is the “**reporter**”, the person who received the negative behavior or outcome is the “**complainant**”, and the person who did the negative behavior or outcome is the “respondent.”



Who are “responsible employees” and what do they need to do?

- We all have a part in keeping the environment discrimination and harassment free.
- All employees, including **Resident Assistants**, are all considered "Responsible Employees" under Title IX. **They are mandatory reporters who are obligated to make a report to EEO/Title IX officials.**
- If you are witness to something that seems unfair or offensive, say something. It's ok to intervene.
- Only licensed counselors are truly confidential and without obligation to report.



Who are those officials you can report to?

- Issues of discrimination or harassment, including sexual harassment, should be reported to the following officials:

Section 504/EEO Coordinator	Deputy Section 504/EEO Coordinator for Students	Deputy Section 504/EEO Coordinator for Employees
Daniel Bauer	Rebecca Jones	Erica Whitted
Assistant Vice President, Human Resources/Title IX Coordinator	Assistant Vice President, Student Success and Wellness	Associate Director, Human Resources
South Residence Hall, Room 2140B	RAS, Room 410	South Residence Hall, Room 2140C
Daniel.Bauer@uhsp.edu	Rebecca.Jones@uhsp.edu	Erica.Whitted@uhsp.edu
314-446-8308	314-446-8352	314-446-8315



What happens when a “report” is made?

- Reports are assessed by University officials.
- With reports, the reporter or complainant can seek advice and/or support without the respondent even knowing. Often interim supportive measures and resources are explored with the complainant to support them.
- This is not a point in the information gathering period where the matter would be “formally” investigated, or where a hearing with possible disciplinary determination, or punishment would occur.



What happens when a “formal” complaint is made?

- Reports can be escalated to “**formal**” complaints where they are investigated and adjudicated.
 - By the complainant in **writing**
 - For example, a student files a complaint against another student saying they were sexually assaulted.
 - Or by the **University official in writing**
 - For example, a student reports that a fellow student may have used a date rape drug and had sex with her. However, she doesn’t want to file a complaint because the student is popular and everyone will know. The Title IX has now received four separate reports about this student and date rape drugs. The Title IX coordinator would be obligated to file a formal complaint.



Formal Complaint Process



Formal complaint must be in writing



Must be filed by Complainant
or Title IX coordinator

Triggers notice of charges
Preliminary conference with Respondent
Investigation
Hearing



Both parties can agree to informal resolution (except sexual assault)



Keys To Formal Complaint Process

Respondent is not presumed guilty

Both parties get access to information

Both parties may have advisors

Both parties participate live in the hearing

Advisors cross-examine parties and witnesses at hearing

Hearing run by hearing officer, decision made by three-person panel

Limited rights to appeal



How OLs/RAs should receive a report:

- Understand victim trauma
- Diversity and empathy
- Do's and don'ts



Are their protections for parties in "formal" complaints?

- Parties who report, are named in, or are witnesses to a complaint are **protected from retaliation** and the matters are treated as **confidentially** by the University as possible.
- **Parties involved** are asked to treat the matter as **confidential** to protect themselves and ensure the process can be as fair as possible.
- Parties are afforded interim **supportive measures** which may include:
 - Change in work or class schedule
 - Counseling support through campus counseling or the EAP for employees
 - “No contact” restrictions





Why would a college student not report a sexual assault/dating violence?

Victim Trauma is the Norm

Common feelings

- Shock, numbness
- Guilt
- Anger
- Loss of control over life
- Humiliation, violation, degradation
- Sadness or depression
- Fear – safety, retribution, blame
- Confusion or loss of trust in others

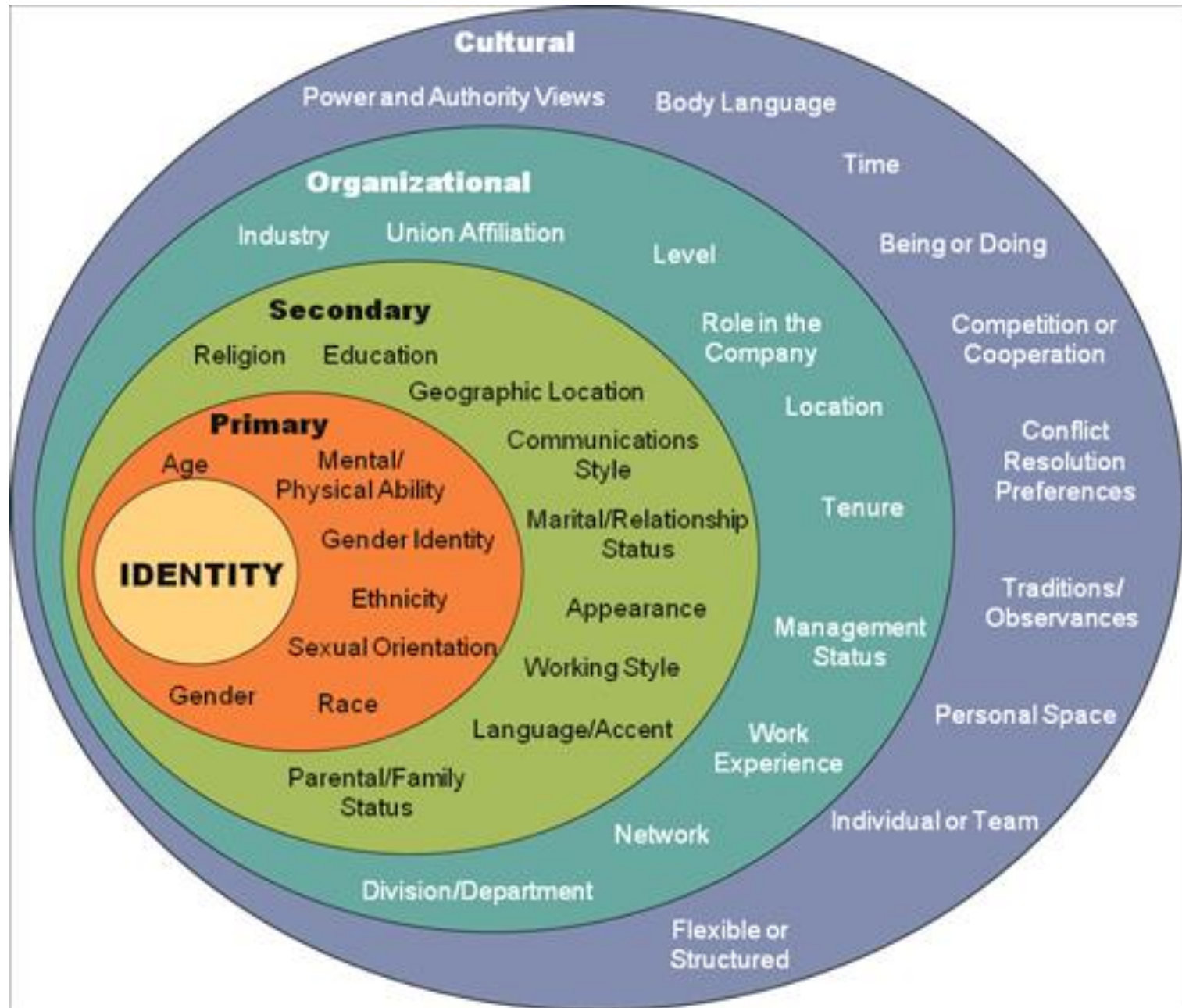
Common behaviors

- Expressive – Anxiety, crying, yelling
- Totally calm – emotionless, denial
- Withdrawn – avoidance of friend or family, missing classes or other activities, staying at home, unwilling to talk about what occurred
- Difficulty focusing – can perform simple tasks, loss of memory, inappropriate wakefulness



We are not all the same

- Everyone reacts differently to trauma
- Made up of layers of life experience



Pause for Research

- Pair up with someone and research how to support someone who is a victim of sexual assault.
- Take notes.
- Be prepared to share.



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Do's and Don'ts When Someone Reports

"Do" When Receiving Report

- Tell them about confidentiality and your responsibility
- Let the person tell their story
- Ask just enough
 - What happened?
 - Ask who was involved?
 - Where it happened?
 - When it happened?
 - How it happened?
- Ask how a person feels
- Ask if they need immediate medical help/physical protection
- Keep evidence (screenshots, clothes, etc.)
- Make a report after
- Share known next steps

"Do not"

- "Blame the victim"
- Ask too many "why's"
- Interrupt too many times
- Investigate on your own
- Jump to conclusions
- Promise an outcome



Some Options for a Student After Sexual Assault

- Do nothing
- Talk with loved one
- Contact student staff, faculty, or professional staff, including Public Safety
- Contact outside support agency, such as YWCA or Safe Connections.
- Go to the hospital to be checked out. They can call an advocate to support.
- Seek counseling.



Pause for Practice – Role Play



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Safe Colleges Training

- All new students
 - “Not Anymore” program
 - Alcohol and Drugs program

Sexual Violence Prevention for Undergraduate Students (Primary)
Full Course

Primary Sexual Violence Prevention 55 Minutes

TABLE OF CONTENTS

1	Introduction	1 Minute Required	Start →
2	Consent and Sexual Assault	11 Minutes Required	Start →
3	Rape Culture	7 Minutes Required	Start →
4	Bystander Intervention	3 Minutes Required	Start →

Alcohol and Other Drugs
Full Course

Alcohol and Drug Abuse Prevention 31 Minutes

TABLE OF CONTENTS

1	Introduction	0 Minutes Required	Start →
2	Your GPA	7 Minutes Required	Start →
3	Your Brain	7 Minutes Required	Start →
4	Your Peers		Start →



Additional Resources

- Discrimination or Harassment Report Intake Form
- Rights and Resources Document
- Harassment & Discrimination Chart
- RA Training Handout



Knowing what you know now about Title IX, what if anything would you do differently with your case scenario?



Questions or Concerns?

Thank you!

