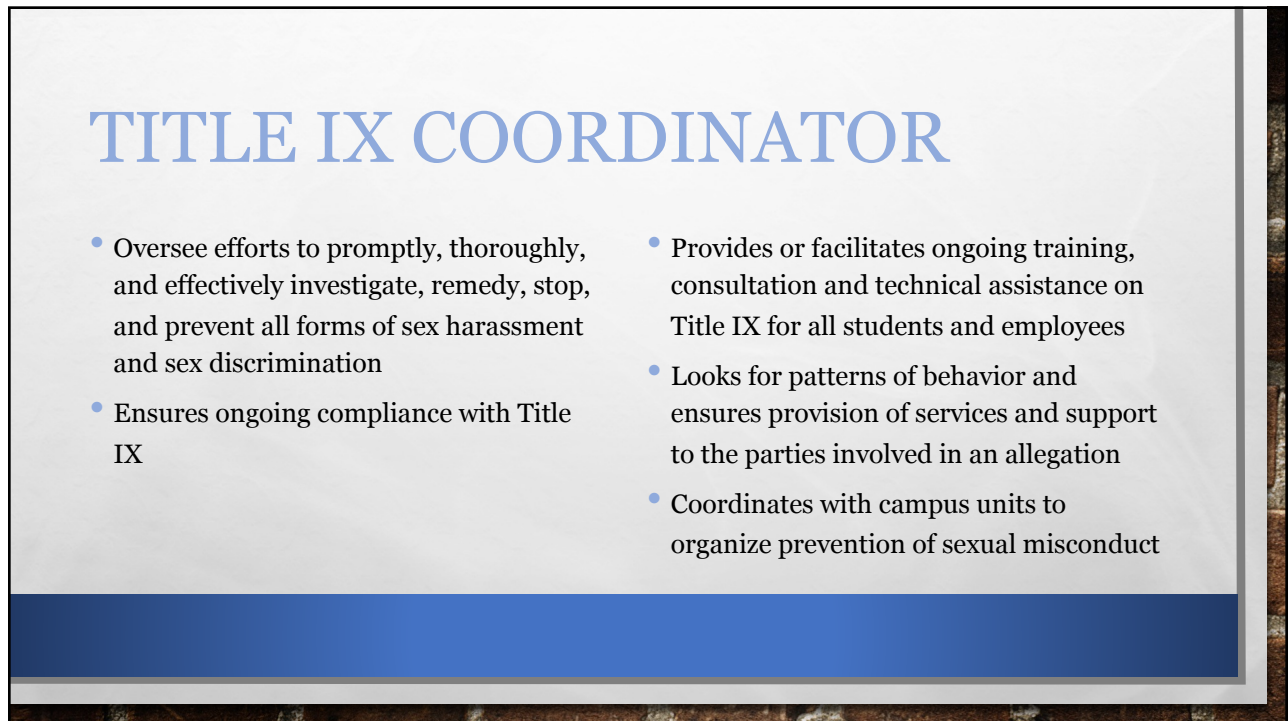




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TITLE IX

- 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. 20 U.S.C. § 1681 & 34 C.F.R. PART 106 (1972)

5

TITLE IX

- Title IX was enacted in 1972 as part of amendments to the higher education act of 1965.
- Title IX prohibits discrimination in federally funded educational programs on the basis of sex.
- Any school district receiving any federal funds must comply with Title IX.
- The U.S. Department of Education's Office for Civil Rights (OCR) enforces Title IX.

6

THE LAW- TITLE IX DISCRIMINATION ISSUES

Sex-Based Discrimination

- Program Equity
- Recruitment, Admissions, & Access
- Pregnancy
- Athletics
- Employment, Recruitment, & Hiring
- Extra-curricular Activities
- Housing
- Access to Course Offerings
- Salaries & Benefits
- Financial Assistance
- Facilities
- Funding
- Sex, Sexual Orientation, & Gender Identity

Sexual Harassment

- Quid Pro Quo
- Hostile Environment
- Sexual Assault
- Domestic Violence
- Dating Violence
- Stalking

Retaliation

7

JURISDICTION

Sexual Misconduct

- Institution property
- FVSU-sponsored or affiliated events, or
- Off campus

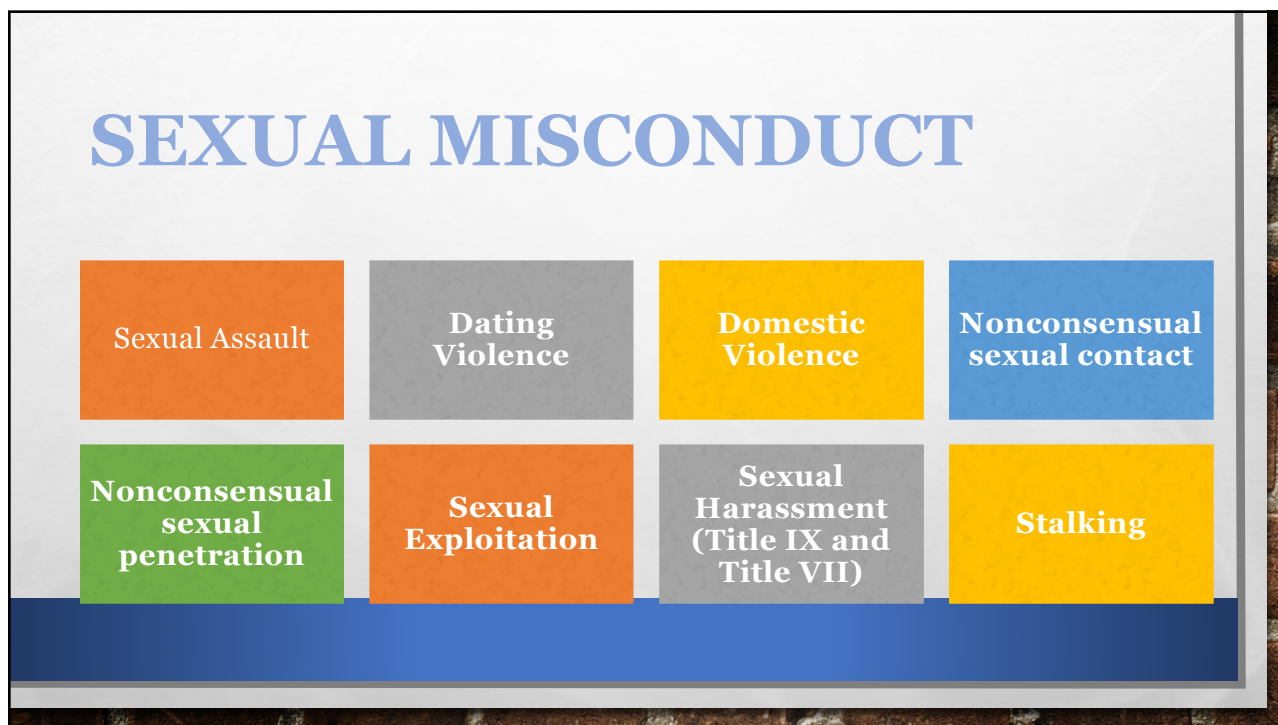
Title IX

- FVSU property,
- At FVSU-sponsored or affiliated event were the university exercises substantial control over both the Respondent and the context, or
- In buildings owned or controlled by a student organization that is officially recognized by FVSU

8



9



10

SEXUAL ASSAULT

- Any sexual act directed against another person, without the consent of the complainant including instances where the complainant is incapable of giving consent.
 - Rape
 - Sodomy
 - Sexual assault with an object
 - Fondling
 - Incest
 - Statutory rape

11

DATING VIOLENCE

- Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the complainant. The existence of such a relationship shall be determined based on the complainant's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition –
 - Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
 - Dating violence does not include acts covered under the definition of domestic violence.

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DOMESTIC VIOLENCE

- A felony or misdemeanor crime of violence committed — by a current or former spouse or intimate partner of the complainant;
 - By a person with whom the complainant shares a child in common;
 - By a person who is cohabitating with, or has cohabitated with, the complainant as a spouse or intimate partner;
 - By a person similarly situated to a spouse of the complainant under the domestic or family violence laws Georgia;
 - By any other person against an adult or youth complainant who is protected from that person's acts under the domestic or family violence laws of Georgia
 - To categorize an incident as domestic violence, the relationship between the respondent and the complainant must be more than just two people living together as roommates. The people cohabitating must be current or former spouses or have an intimate relationship.

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NONCONSENSUAL SEXUAL PENETRATION AND NONCONSENSUAL SEXUAL CONTACT

Nonconsensual sexual penetration: Any penetration of the vagina, anus, or mouth by a penis, object, tongue, finger, or other body part; or contact between the mouth of one person and the genitals or anus of another person.

Nonconsensual sexual contact: Any physical contact with another person of a sexual nature without the person's consent. It includes but is not limited to the touching of a person's intimate parts (for example, genitalia, groin, breasts, or buttocks); touching a person with one's own intimate parts; or forcing a person to touch his or her own or another person's intimate parts.

14

SEXUAL EXPLOITATION

- Taking non-consensual or abusive sexual advantage of another for one’s own advantage or benefit, or for the benefit or advantage of anyone other than the one being exploited.

Examples :

1. Invasion of sexual privacy;
2. Prostituting another individual;
3. Non-consensual photos, video, or audio of sexual activity;
4. Non-consensual distribution of photo, video, or audio of sexual activity, even if the sexual activity or capturing of the activity was consensual;
5. Intentional observation of nonconsenting individuals who are partially undressed, naked, or engaged in sexual acts;
6. knowingly transmitting an STD or HIV to another individual through sexual activity;
7. Intentionally and inappropriately exposing one’s breasts, buttocks, groin, or genitals in non-consensual circumstances; and/or
8. Sexually-based bullying.

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TITLE IX SEXUAL HARASSMENT

SEXUAL HARASSMENT TO INCLUDE ANY OF THE THREE TYPES OF MISCONDUCT ON THE BASIS OF SEX:

1. AN EMPLOYEE CONDITIONING THE PROVISION OF AID, BENEFIT, OR SERVICE OF THE INSTITUTION ON AN INDIVIDUAL'S PARTICIPATION IN UNWELCOME SEXUAL CONDUCT (I.E. QUID PRO QUO); OR
2. UNWELCOME CONDUCT THAT A REASONABLE PERSON WOULD DETERMINE IS SO SEVERE, PERVASIVE, AND OBJECTIVELY OFFENSIVE THAT IT EFFECTIVELY DENIES A PERSON EQUAL ACCESS TO THE SCHOOL'S EDUCATION PROGRAM OR ACTIVITY; OR
3. SEXUAL ASSAULT (AS DEFINED IN THE CLERY ACT), DATING VIOLENCE, DOMESTIC VIOLENCE, OR STALKING AS DEFINED IN VAWA

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STALKING

- Engaging in a course of conduct directed at a specific person that would cause a reasonable person to —
 - Fear for the person’s safety or the safety of others; or
 - Suffer substantial emotional distress.
- For the purposes of this definition:
 - **Course of conduct** means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person’s property.
 - **Reasonable person** means a reasonable person under similar circumstances and with similar identities to the complainant.
 - **Substantial emotional distress** means significant mental suffering or anguish that may but does not necessarily require medical or other professional treatment or counseling.

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RETALIATION

- **Retaliation Prohibited.** No recipient or other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX or this part, or because the individual 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 part... Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by title IX or this part, constitutes retaliation.

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RETALIATION CONTINUED...

- **§ 106.71 RETALIATION.**

The recipient must keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a formal complaint of sexual harassment, any complainant, any individual who has been reported to be the perpetrator of sex discrimination, any respondent, and any witness, except as may be permitted by the FERPA statute, 20 U.S.C. 1232g, or FERPA regulations, 34 CFR part 99, or as required by law, or to carry out the purposes of 34 CFR part 106, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder...

19



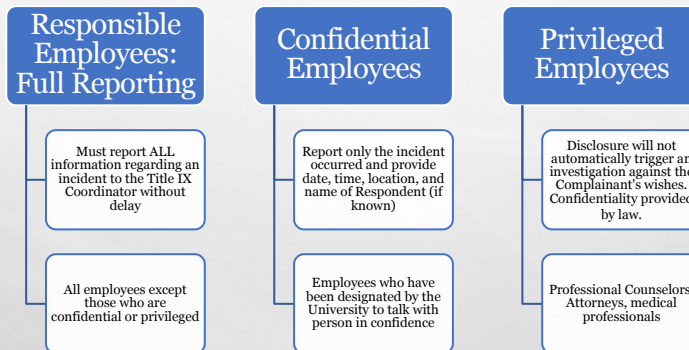
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DUTY TO REPORT

- **“ACTUAL KNOWLEDGE” DEFINED:**
- Means a report may be made to any school employee
- Also means that when a report is made to any school employee, this starts the clock on responding to the complaint promptly.
- Title IX Coordinator must immediately contact Complainant to explain how to file a formal complaint and offer supportive measures.
 - Supportive measures may be offered with or without a formal complaint.

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REPORTING RESPONSIBILITIES



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RESPONSIBLE EMPLOYEES DUTY TO REPORT ACTS OF SEX/GENDER DISCRIMINATION AND SEXUAL VIOLENCE

- **RESPONSIBLE EMPLOYEES:** Those employees who must promptly and fully report complaints of or information regarding sexual misconduct to the Title IX Coordinator.
 - Responsible employees include any administrator, supervisor, faculty member, or other person in a position of authority who is not a confidential employee or privileged employee. Student employees who serve in a supervisory, advisory, or managerial role are in a position of authority for purposes of this policy (e.g., Teaching assistants, residential assistants, student managers, orientation leaders).

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REPORTING RESPONSIBILITIES RESPONSIBLE EMPLOYEES

- All employees are responsible reporters, meaning they must report **all** known information regarding incidents of sex/gender discrimination, sexual violence, or crime to the Title IX Coordinator .
- Though many employees have mentoring and close relationships with students and other employees, it is not appropriate to promise someone that you will not report what they tell you.
- Thus, if it appears that a victim is about to disclose information regarding a crime, sex/gender discrimination, or sexual violence, employees should make sure the victim understands that you will have to share details of their report with a small circle of administrators who may be obligated to act on the information.

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REPORTING RESPONSIBILITIES PRIVILEGED EMPLOYEES

- **Only** professional counselors, attorneys, pastoral counselors, and health service medical staff whose official responsibilities include providing medical services or mental-health counseling to members of the school community may provide “complete” confidentiality for reported incidents.
- Exceptions to confidentiality exist where the conduct involves suspected abuse of a minor (in Georgia, under the age of 18) or otherwise provided by law, such as imminent threat of serious harm.
- For professional counselors or medical providers to maintain confidentiality, they must have received the notice while working within the scope of their licensure, certification, and job description.
 - So if person is teaching a class and student comes up and reports an incident, confidentiality is not extended.

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REPORTING RESPONSIBILITIES CONFIDENTIAL EMPLOYEES

- Confidential employees must only report that the incident occurred and provide date, time, location, and name of the respondent (if known) without revealing any information that would personally identify the alleged victim.
- Institution employees who have been designated by the institution to talk with a complainant or respondent in confidence.
- Confidential employees may be required to fully disclose details of an incident in order to ensure campus safety.

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VICTIM WANTS:

Confidentiality	<ul style="list-style-type: none">• Employee should suggest that person seek out counselor or medical provider• Off-campus resources
Report to Title IX Coordinator	<ul style="list-style-type: none">• Employee should assist the victim with the request• Title IX Coordinator will ensure that Campus Safety is notified to extent mandated by law
Report to Law Enforcement	<ul style="list-style-type: none">• Employee should assist the victim with the request• Campus Safety will notify the Title IX Coordinator

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PROCESS

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graph LR; A[Fill out report on Reporting Form/Contact Campus Safety] --> B[Send report to Title IX Coordinator]
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IMPORTANT THINGS TO REMEMBER

ADDITIONAL TITLE IX RULES AND REPORTING RESPONSIBILITIES

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TITLE IX

- If you receive notice of crimes, sex/gender discrimination, or sexual violence, you have a legal duty to act.
- If a victim does not want to put the institution on notice, the Title IX Coordinator is empowered to honor that choice under certain circumstances.
 - Although the Title IX Coordinator may proceed with an investigation if a safety concern is present.
 - Here at FVSU, we proceed with investigating all reported cases of rape

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REPORTING RESPONSIBILITIES

- Any employee who is uncertain how much information should be shared with the Title IX Coordinator about an act of sex/gender discrimination or sexual violence should seek advice from the Title IX Coordinator .
- When behaviors are both crimes and acts of sex/gender discrimination (e.g. Sexual violence), they must be reported to the Title IX Coordinator.
- While many reports come to employees first-hand by victims, the policy imposing a duty to report extends to information received second-hand, online, and even potentially through rumors and gossip, which can often be detailed enough to create notice to the institution.

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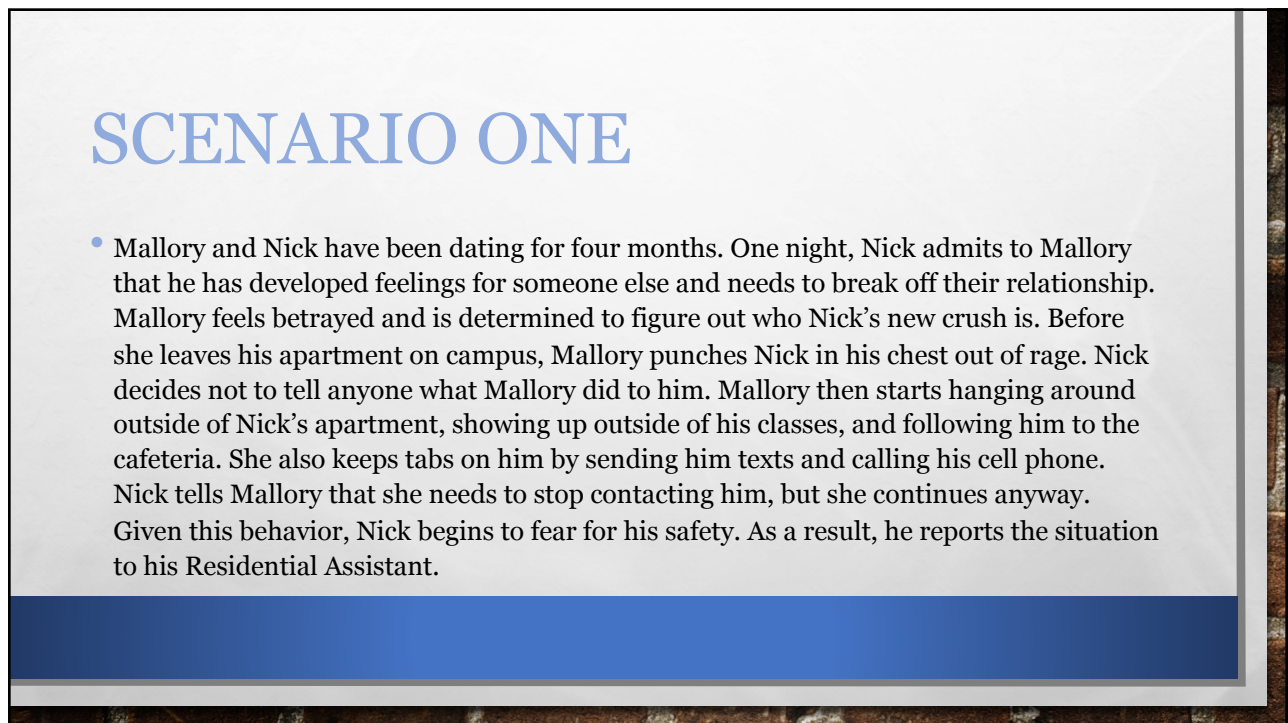
REPORTING RESPONSIBILITIES

- If an incident occurs off campus involving a member or members of the campus community, and you are unsure of whether you need to report, seek advice from the Title IX Coordinator.
- Student staff are considered mandated reporters for information they learn while they are working. When off- duty, student staff are not mandated to report.

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SCENARIO TWO

- Mallory reports to her roommate, Sasha, that her boyfriend raped her. Sasha then reports the information to her favorite professor whom she trusts to keep the information confidential. Sasha also tells her professor that Mallory does not want to report the rape.

35

SCENARIO THREE

- A student asks his professor for an extension of time to turn in classroom assignments. The professor inquires as to why the student needs additional time. The student then tells the professor that he was sexual assaulted by his significant other several weeks ago.

36

SCENARIO FOUR

- Responsible employee submits a report to the Title IX Coordinator. The Responsible (employee) disclosed witnessing “inappropriate conduct” of a sexual nature in the workplace by Respondent (employee). The Respondent uses “vulgar” language & “picks on the women” in the office. The Respondent also talks about their own “sexual encounters” and how attractive the coworkers are in the office. The supervisor “doesn’t seem to address any of the behavior,” and it’s “interfering with the office morale & work environment.” The employees in the office whom the conduct was directed too does not want to make a formal complaint because they fear retaliation.

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A chalkboard with the word "Questions" written in white chalk. The chalkboard is set against a dark, textured background that looks like a brick wall.

ANY QUESTIONS?



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**TITLE IX
OFFICE
CONTACT
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