

SC Title IX and Sexual Harassment Prevention for Employees (Full)

Full Course

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SECTION 1 - Title IX and Sexual Harassment Prevention for Employees

[1] Introduction

Splash Screen

[2] Title Screen

Title IX and Sexual Harassment Prevention for Employees

[3] Welcome

Presenter

Welcome to Title IX and Sexual Harassment Prevention for Employees. You're being asked to participate in this program because you've been identified as someone who's vital to the effective response to and prevention of sexual harassment on campus. What's more, students or colleagues may reach out to you for help if they experience this.

Presenter

Our goal is to provide you with essential knowledge to assist in these situations and give you background on recent laws to help guide your response. Your institution believes this program will help you feel more knowledgeable, confident and prepared to respond in a compassionate and informed way to the disclosure of sexual harassment, which includes sexual violence.

Presenter

Specifically, we'll discuss why people commit sexual harassment, primary prevention methods, federal requirements, reporting obligations, trauma-informed response, and campus policies and resources.

Presenter

Due to the nature of this program, it's possible you may find yourself feeling upset or overwhelmed. After learning the relevant laws and policies, you may even realize you or someone close to you has experienced sexual violence. If that happens, please know that you're not alone and that your campus has resources to help you. You can always stop for a bit and come back to the program where you left off.

Presenter

Finally, please take the time to be as present as possible during this program. Close your door. Turn off your phone. And eliminate distractions, because your response to a person who discloses sexual harassment or sexual assault can set the path for their healing journey. Your attention to this program is critical.

[4] Why You're Important

Presenter

No matter what your role is, it's possible that someone may one day tell you about sexual or interpersonal violence they – or someone they know – have experienced. Remember, it's not just students who experience violence; employees do, too.

Presenter

When someone wants to report sexual harassment, which includes sexual violence, they often seek a trusted, nonjudgmental and knowledgeable person. You can make the choice to be a caring and well-informed resource on campus.

Presenter

While the law has evolved and changed over the years, one philosophy remains constant: When the person disclosing feels they have safe resources, they're more likely to report. If they're more likely to report, schools are more likely to hold perpetrators accountable. It's important to remember that the intention is to offer guidance on prompt reporting options available through the Title IX office to safeguard equal access to education and ensure the safety of the person reporting.

[5] Definitions and Laws

Presenter

Title IX of the Education Amendments of 1972 is a federal law that says, "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 assistance."

Presenter

This means that nearly all schools that receive *any* federal money – from elementary to higher ed – must provide fair and equal treatment of the sexes in all areas, including athletics. Title IX also extends to claims of discrimination or harassment based on actual or perceived sexual orientation and gender identity. The Department of Justice and the Department of Education's Office for Civil Rights enforce Title IX regulations.

Presenter

Federal laws – such as the Clery Act and Title IX – guide a lot of the information on campuses regarding federal regulations. Sexual harassment, as defined by the *current* Title IX regulations, will be the common term used in this program. Unless specified, this

term includes sexual harassment, sexual assault, dating violence, domestic violence and stalking.

Presenter

All forms of sexual harassment can happen to and be perpetrated by *anyone*. As a result, we'll intentionally use gender-neutral language whenever possible.

Presenter

Also, while Title IX uses the terms "complainant" and "respondent" to refer, respectively, to the target of the alleged misconduct and the alleged perpetrator, your institution's policies may use language like "reporting party" or "responding party."

Presenter

Every state has different laws, and every campus has different policies. It's crucial you familiarize yourself with these, as you'll likely need them as a resource.

Presenter

A Dear Colleague letter, issued by the Department of Education's Office for Civil Rights serves as a reminder to campuses that under Title IX, they must be proactive in ensuring that the campus is free of sex discrimination. Title IV, another related law enforced by the Department of Justice and the Department of Education, says that if you receive federal funding, you have to comply with additional laws as to how those funds are used.

Presenter

Final regulations issued in May 2020 address Title IX compliance at K-12 and higher ed institutions. These Title IX regulations, known as the Final Rule, require that campuses have the same procedures for faculty, employees and students.

Presenter

Under the Final Rule, sexual harassment is defined as:

- any instance of quid pro quo harassment by a school's employee against a student
- any unwelcome conduct that a reasonable person would find so severe, pervasive and objectively offensive that it denies a person equal educational access (and)
- any instance of sexual assault (as defined in the Clery Act), dating violence, domestic violence or stalking (as defined in the Violence Against Women Act)

Presenter

Keep in mind that some misconduct, including quid pro quo harassment, sexual assault, dating violence, domestic violence and stalking, is automatically considered severe enough by itself to deny a person equal access to education.

[6] Sexual Harassment

Presenter

According to the Office for Civil Rights, sexual harassment can take three forms: quid pro quo, hostile environment and sexual assault.

Presenter

Quid pro quo, which is Latin for “something for something,” occurs when a school employee causes a student or colleague to believe that they have to submit to unwelcome sexual conduct to participate in a school program or activity.

Presenter

It can also occur when an employee causes a student to believe that the employee will make an educational decision based on whether the student submits to unwelcome sexual conduct.

For example, when a teacher threatens to fail a student unless the student agrees to date the teacher, it’s considered quid pro quo sexual harassment.

Presenter

A hostile environment results when unwelcome conduct of a sexual nature is so serious that it affects a student’s ability to participate in or benefit from an education program or activity. This conduct creates an intimidating, threatening or abusive academic environment. Offensive language, comments or jokes can contribute to a hostile environment.

Presenter

A hostile environment can be created by a school employee or another student. An educational institution must have actual knowledge of the sexual harassment that occurred in an education program or activity in which the school exercised substantial control over both the alleged perpetrator and the context in which the sexual harassment occurred.

Presenter

The third form of sexual harassment is sexual assault, dating violence, domestic violence and stalking. Sexual assault, as defined by the Clery Act, includes rape, fondling, incest and statutory rape.

Presenter

Regardless of which type of sexual harassment occurs, a school must take immediate and appropriate steps to stop it and prevent it from happening again. A school has to respond right away in a manner that’s not deliberately indifferent, meaning its response to sexual harassment must not be clearly unreasonable in light of the known circumstances. Ultimately, the school is responsible for taking all reasonable steps to ensure a safe and nondiscriminatory learning environment.

Presenter

As you watch this program, it's important you understand what's likely happening on your campus. Even if you don't have many reports at your school, sexual harassment is likely still occurring.

[7] Prevention

Presenter

Sexual harassment has affected us all in one way or another, whether directly or through someone we know. As a staff or faculty member, one of your colleagues or students has likely experienced sexual harassment. It's important as you approach your work or classroom that you're aware of the impact of this trauma.

Presenter

Your institution has provided this program to leave no doubt that your school prohibits sexual assault, dating violence, domestic violence and stalking, now defined collectively as sexual harassment under Title IX.

Presenter

This change of focus, from reducing the risk of potential victims to increasing the accountability of perpetrators, is what will ultimately lead to a safer space for everyone. That's why the Centers for Disease Control and Prevention defines primary prevention as "an approach that takes place before sexual violence has occurred to prevent initial perpetration or victimization."

In other words, the only way to stop *victimization* is by stopping *perpetration*. Bystander intervention, for example, is one of these approaches.

[8] Positive Options for Bystander Intervention

Presenter

As a member of the community, you can help change the perception of sexual harassment as a private or one-on-one situation to a cultural problem we're all responsible for preventing.

Presenter

For example, let's say that while walking on campus you overhear two students commenting on other people's bodies and rating them as they walk by. You'll likely think this isn't a good situation, but you may also decide that it's just words and not as bad as someone being physically grabbed or assaulted.

Presenter

But if no one intervenes and these people continue to rate others, this reinforces that degrading, humiliating and objectifying people isn't only OK, it's the social norm. In other words, silence sends the message that perpetrators are justified in their harassment.

Presenter

As a campus employee, you may want to address this kind of behavior. These interventions don't have to be direct. You can explore several creative ways to respond, including working with an advisor of a student club or with a coach if an athlete is involved. Your Title IX coordinator is also a resource.

Presenter

The 2020 Department of Education's regulations and the Violence Against Women Act amendments to the Clery Act require education for employees on **how to report and respond** to sexual violence. The end goal is to create a campus community where it's safe to live, learn and work.

Presenter

Since every situation is unique, you'll need to be ready to think through different **possible ways of intervening** and then decide on the one you're actually most comfortable doing. Let's say you overhear a joke where rape is being treated as a punchline. Typical reactions to this type of humor range from mild discomfort to extreme offense taken depending on the individual who hears it.

Presenter

This is a situation in which bystander intervention could be appropriate. Here, the term "rape" – the nonconsensual penetration of a bodily orifice – is being used to make someone laugh. This results in a **desensitized culture that minimizes the horrific reality of rape**. By allowing the joke or comment to go unchecked, your silence can be understood as support.

Presenter

This type of statement could have a tremendous traumatic impact on a survivor in the room. When we don't address the language as problematic, someone who has experienced sexual harassment will likely not look to you as a support person. It may even cause them to second-guess or minimize their own experience, as many survivors unfortunately do. This may further affect their perception of safety on campus and in the academic community.

Presenter

Also consider the effect on any perpetrators in the room. The likely response of laughter or even agreement – or at least a lack of *disagreement* – **sends a message that rape isn't serious**. To make progress toward ending sexual violence on campus, it's **everyone's responsibility to intervene** when they hear this type of language or are in a similar situation that fosters a culture where sexual violence is minimized.

Presenter

As for ways to intervene in this situation, you could address things **directly**, saying, "I'm uncomfortable with your use of rape as a punchline. My friend was raped, and I can't imagine how they would feel hearing you do that. Please consider not making a joke out of it."

Presenter

Or start a conversation with, “I’m having a hard time with what you said. Can you help me understand how such a violent act is funny?” There’s always an *administrative* response like, “Joking about rape is offensive and unacceptable and can create a hostile environment.”

Presenter

As you consider your options, keep in mind you’re in a unique position to truly effect change.

When students and colleagues see important stakeholders in their community speaking out against sexist language and abusive behavior, it can create a cultural norm that this behavior isn’t tolerated and that intervening is safe, accepted and encouraged.

Presenter

Multiple levels of the campus and surrounding communities holding people accountable for harmful language and behaviors can lead to a positive shift in the culture. More survivors will report, which can lead to more perpetrators being held accountable. This can, ultimately, decrease incidents on campus, but only if you and your colleagues choose to become active bystanders at every opportunity.

Presenter

When intervening, keep in mind that people are more likely to change their behavior when they’re approached with kindness and respect. While sometimes unavoidable and necessary, verbally attacking someone as opposed to helping them understand how you feel and the effect of what they’ve said will likely *not* lead to long-term change.

Presenter

While it’s usually best to intervene in front of everyone, it’s still effective to pull someone aside and speak to them privately. They may be more likely to hear what you’re saying and feel less vulnerable. If you say something, you create a safe and open space for others to speak up.

Presenter

And if someone says something first, don’t stay silent. Express your agreement with their analysis. Not only will this positively affect the intervener, but it will also show the person who made the offensive comment that it wasn’t *just one* person who didn’t like it.

[9] Trauma-informed Employee Response to Sexual Harassment

Presenter

Trauma exposure is pervasive among college students and is related to abuse, neglect, loss or other emotionally harmful experiences. Trauma-informed responses can help to avoid retraumatizing individuals, thereby increasing safety for all, decreasing re-offenses, and promoting and supporting recovery. The development of effective prevention programming and a comprehensive response to sexual and relationship

violence requires an institution-wide commitment to the values of trauma-informed practices that are both evidenced-based and promising.

Presenter

Those who have experienced sexual harassment, including sexual assault, are very intentional about whom they tell. For many, it's one of the most difficult decisions they will ever make. They have to weigh the risk of being blamed, questioned and second-guessed against keeping an extremely traumatic event to themselves.

Presenter

They may tell you because you're their most trusted role model on campus. Or because you're a really good listener. Or because they remember seeing you at a sexual violence awareness event. Or because they saw you intervene with someone who was making a sexist joke. Whatever their reason, it's almost always a risk to reach out about such a sensitive issue.

Presenter

Everyone responds to trauma differently. Some may go on as if nothing happened. Others may be completely unable to function or meet their daily needs. It's extremely important not to question the validity of a report based on your thoughts on how someone *should* respond. There's no way to determine how someone will react and no right or wrong way for them to respond to sexual violence and trauma.

Presenter

There are many ways in which someone can be affected by sexual violence. The CDC places the consequences of sexual violence into four main categories: physical, psychological, social and health-related.

Presenter

Those who have experienced a form of sexual harassment, may also suffer from post-traumatic stress disorder, depression, generalized anxiety, low self-esteem or self-blame, attempted or completed suicide, numbness, long-term gastrointestinal disorders, and long-term migraines and other frequent headaches. In other words, they're carrying a lot. When they come to you, it's important to respond in a nonjudgmental and non-blaming way.

Presenter

Validating someone's experience, honoring them for sharing with you and being generally concerned for someone's safety is what it means to be a kind, thoughtful and trauma-informed responder. So, let's start with some basics.

Presenter

First, be transparent with those around you regarding your reporting obligations and level of confidentiality. Employees can proactively advertise these by adding a statement on their class syllabi or posting signs or stickers in their office windows.

Presenter

This transparency should be ongoing and immediate so that no one's blindsided if they begin to share information with you, and you have to tell them that you're obligated to report the incident. However, this *doesn't* mean presenting your status in a way that discourages people from telling you. Instead, be direct while also explaining what reporting means and why it's important.

Presenter

Second, be honest. If you get the sense that someone is about to disclose to you, and you have an obligation to be somewhere else, it's important you share this with them. It'll be obvious if you're totally checked out, watching the clock or fidgeting. While you may be well intentioned, it's important to be present at a time they need you most.

Presenter

Instead, you can say something like, "I get the sense you're about to share something very important with me. I want to be fully present for you, and right now I can't give you that since I have to pick up my child from school." Of course, include your own reason. Then you could end with, "Is there a time later today that we can talk? If not, can I connect you with someone else on campus to speak with you now?"

Presenter

They may say they would rather wait and talk to you when you're available over the next few days. However, when sexual violence is involved, time can be a critical factor, especially for medical services. Connect the student or colleague with the Title IX coordinator to speak with them that same day.

Presenter

Third, think about how you would want someone to respond if you disclosed something intensely private and traumatic. You would probably want someone who was open-minded, nonjudgmental, empathetic, comforting and knowledgeable. That's what survivors want, too. You could say something like, "I'm so sorry to hear what you're going through. Thank you for your courage in sharing your experience with me." Then just be present and listen.

Presenter

It's helpful to be aware of your body language and maintain eye contact. Remember that you're a bridge to resources; you're not an investigator. It's not your role to ask questions about what happened or about who was involved. Don't offer advice or try to be a counselor, but do listen, think, explain confidentiality, provide reporting options, and share resources for medical, advocacy, legal and counseling services.

Presenter

if you're a designated official with authority to address sexual harassment, remind the person that you're obligated to report the incident to the Title IX coordinator. Then explain what they should expect once a report has been made based on your campus's

protocol. Provide the individual with information regarding what happens when you contact the Title IX coordinator. Ensure them that the information will be kept private until the Title IX coordinator gets in touch with them.

Presenter

Finally, provide the reporter with the Title IX coordinator's contact information. The Title IX coordinator will provide confidential resources for advocacy, student conduct and legal issues, as well as details on forensic examinations and, if applicable, information on whom to contact if they experience retaliation.

Presenter

A forensic exam, often called a rape kit, is available to any victim of physical sexual violence. It's free and can be anonymous, meaning no police involvement at the victim's request. The exam offers free treatment to prevent sexually transmitted infections, as well as free pregnancy prophylaxis.

[10] Campus-Specific Reporting Guidelines

Presenter

Now that you have a sense of how to respond in a trauma-informed way, you need to be aware of your campus's reporting obligations. It's possible that not every incident reported to you must be passed on through your campus system – unless requested by the individual who reports sexual harassment or you have the authority to institute corrective measures on behalf of the school. Check with your Title IX coordinator for clarification.

Presenter

However, even if you're not designated as an official with authority, you may still provide the student or employee with resources and support by referring them to the Title IX coordinator.

It's still always vital to ensure that a person who reports being the alleged victim is provided with medical and legal resources. And it's important to refer them to the Title IX coordinator.

Presenter

As an informed employee, you should have a basic understanding of a student's rights to file reports and use the campus grievance process. Unless otherwise specified, your role is to notify the student of their rights to take these actions.

[11] Action

Presenter

It may seem counterintuitive, but reports of sexual harassment on a campus are usually a positive sign. It means community members feel safe and respected enough to come forward. It also means those responsible for filing reports are doing so.

Presenter

Please take a few moments to consider what *you* can do to create a safer, more knowledgeable, and more open campus environment around sexual violence prevention and response. Consider these additional ideas.

Presenter

Include information about resources, your level of confidentiality, student rights, and active bystander tips or statements in your syllabus.

Include campus policies as part of your internal employee handbook or binder, and review the policies annually with coworkers and colleagues in meetings.

Presenter

Work with students to develop a tailored marketing campaign around campus-specific calls to being an active bystander.

Link campus sexual violence resources, policies, protocols and rights to your office department website.

Seek out active bystander training for yourself and other coworkers from applicable campus organizations or community rape crisis domestic violence center. Let your students and coworkers know you're there for them.

Presenter

Imagine the impact on your campus community if every employee completing this program committed to at least two of these actions. Your voice and your actions *do* make a difference.

Thank you for working to end sexual violence.

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