

Sexual Misconduct & Title IX

Sex Discrimination / Sexual Harassment

- **Title IX** of the Education Amendments of 1972, (20 U.S.C. §1681) and 2020 Amendments to TIX a(34 CFR Part 106)
- **Stockton University Student Policy** Prohibiting Discrimination and Harassment in the Academic/Education Environment ([#I-120](#))
- **Sexual Misconduct Procedure** ([#6940](#))

Who am I ?

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What is 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 education program or activity** receiving Federal financial assistance.”

What Does TIX Do?

Title IX prohibits:

- Harassment based on sex and gender
- Discriminatory Sex-and-gender-based conduct that is disparate treatment, but not harassing.

The 2020 Amendments to Title IX established new procedures for handling complaints of sexual harassment.

Who must Comply with Title IX?

- State and private colleges or universities that receive federal funds must follow TIX.
- A college/university can be held legally responsible if it fails to take required action when it knows of TIX-related issues that arise among students and employees.
- Stockton receives federal funds and must adhere to the requirements of TIX.

Title IX Key Points

DEPARTMENT OF EDUCATION, Office for Civil Rights, 34 CFR Part 106

These regulations are intended to effectuate Title IX's prohibition against sex discrimination by **requiring recipients to address sexual harassment** as a form of sex discrimination in education programs or activities.

~ <https://www2.ed.gov/about/offices/list/ocr/docs/titleix-regs-unofficial.pdf>

2020 TIX Regulations

Sexual Harassment Defined

Unwelcome Sexual Conduct + Jurisdiction

- i. **Quid pro quo** harassment by an employee (*this for that*)
OR
- ii. **Sex-based conduct** that a reasonable person would find so “severe [**and**] pervasive, and objectively offensive”
- iii. That it effectively denies a person equal access to the recipient’s **education program or activity**

2020 TIX Regulations

1. Severe + Pervasive + Objectively Offensive

- One action may be sufficient, depending on the seriousness of the act. For example, VAWA offenses are inherently serious.
- VAWA = Violence Against Women Act (*VAWA; Title IV of P.L. 103-322 / Reauthorization Act of 2013, P.L. 113-4*)
- VAWA offenses include:
 - Sexual assault
 - Dating and domestic violence
 - Stalking

2020 TIX Regulations

2. Jurisdiction

Education Program or Activity Includes:

- ✓ locations, events, or circumstances - on or off campus,
- ✓ where the university exercises **SUBSTANTIAL CONTROL** over
- ✓ **BOTH** the **respondent** and the **context** in which the sexual harassment occurs.

Jurisdiction also exists in:

- ✓ premises **owned or controlled** by an **officially recognized student organization** (e.g., fraternity or sorority houses).

What happens if Title IX Does Not Apply



Sex Discrimination

STOCKTON'S POLICY & PROCEDURES PROHIBIT DISCRIMINATION EVEN WHERE SEXUAL MISCONDUCT FALLS OUTSIDE TITLE IX's JURISDICTIONAL REQUIREMENTS

- Student Policy Prohibiting Discrimination and Harassment in the Academic/Education Environment #I-120
(covers conduct of students and employees in the academic environment)
- Sexual Misconduct Procedure #6940 *(covers conduct of students and employees in the academic environment and the workplace)*

Also, it's severe "OR" pervasive, not severe "AND" ...



**BOTH TITLE IX AND OUR SEXUAL MISCONDUCT PROCEDURE EXTEND
EQUAL TREATMENT TO ALL PARTICIPANTS.**

They both:

- Provide the parties with the same opportunities to have others present during any grievance proceeding,
 - including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney,
 - and not limit the choice or presence of advisor for either the complainant or respondent in any meeting or grievance proceeding;
 - however, the recipient may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties

Duty to Report

**What do SOAs
especially need
to know ?**

Report v. Formal Complaint

REPORT

- Any person may report sexual misconduct.
- Title IX Coordinator meets with the aggrieved party and generates a Formal Complaint, if appropriate.
- And/Or provides supportive measures.

FORMAL COMPLAINT

- Title IX Coordinator sends Letter of Notice to parties.
- Also, Complainant or Coordinator fills out a complaint form that gives a brief description of the report.

* **Q:** *What's in a name (complaint v. report) ?*

A: *It Does Not affect your requirement to make a report.*

Who CAN make a report ?

Complainant

- ☐ Aggrieved person / Alleged victim

OR

Third Party

- ☐ Friend
- ☐ Bystander witness
- ☐ Parent
- ☐ Faculty, Coach, or Student peer

Who MUST make a report ?

U/ Title IX, Universities have discretion to determine:

- Which employees are **mandatory** reporters.
- Which employees may keep a student's disclosure of sexual harassment **confidential**.

Who Must report?

At Stockton Responsible Employees = Mandatory Reporters

- **Responsible Employees** must promptly share with the Title IX Coordinators all details about potentially Prohibited Conduct, which they receive in the scope of their employment.
- A Responsible Employee's failure to make a prompt report to the Office of Equal Opportunity & Institutional Compliance **may subject them to appropriate discipline**, up to and including removal from their position.

Who is a Responsible Employee @ Stockton?

Student employees who serve in a supervisory, advisory, or managerial role = Responsible Employees.

Example: Teaching assistants, residential assistants, orientation leaders, student managers, etc.

Who are Confidential Sources ?

ALL employees are Responsible Employees, EXCEPT:

- Counseling Services
- Licensed physicians and nurses
- Women's, Gender, and Sexuality Center
- Osprey Advocates who are certified victim advocates

QUESTION FOR THE CROWD

What are SOAs??

- ☐ Mandatory Reporters?
- ☐ Confidential Sources who cannot report?
- ☐ Student peers who can decide if the matter should or should not be reported, depending on various concerns?

QUESTION FOR THE CROWD

What



Answer:
SOAs are
Mandatory Reporters

should or

various

Why else is reporting important?

CAMPUS SEXUAL ASSAULT, *By Kate Hidalgo Bellows, Sarah Brown, and Megan Zahneis,*

AUGUST 27, 2021: An article discussing a student report of a sexual assault at a campus fraternity on a campus in Nebraska, 3 nights earlier.)

- “Sexual assaults are statistically most likely to take place from the start of the fall semester to Thanksgiving break.”
- “...as students restart their social lives, many are also demanding better, safer campuses than the ones they left behind nearly 18 months ago.”
- “Everybody deserves to be psychologically and physically safe” ... “We just don’t really live in a world where that’s a reality yet. But I think that we can do things as individuals and as members of groups within our institutions to advocate for those things.” ... “this particular person’s peers automatically believed and spoke up to that person against this type of violence.”

Your Role in the Process

Understanding the basics of Stockton University's
Process Governing Sexual Misconduct

1. Understand what happens upon a report of sexual misconduct

- Complainant & Respondent have an advisor. The advisor sits in on meetings, receives evidence, and questions witnesses at a hearing.
- Victim Advocates are available for complainants through the **WGSC**.
- Respondents are connected with Office of Student Conduct for supportive measures, as needed.
- Questions about the hearing process can be directed to Office of Student Conduct or the TIX Coordinator.

2. Know how to respond to a student who discloses an incident of power-based violence

DONT's

- **Promise Confidentiality**
(*"This is between us"*)
- **Forget** to report ASAP
- **Investigate**
(*Ask Only about immediate physical safety*)
- Allow victim to guide the process of reporting to **SUPD**, **except where there is immediate danger or medical or health emergency**
- **Give advice**

DO's

- **Call the WGSC – Save hotline # in your phone: (609) 849-8473, 24/7**
- Tell about your status as a **Responsible Employee – Have lines prepared** to explain.
- Report using on-line **incident report form** (Office of Student Conduct Website – "[How Do I Report?](#)" page – Stockton.edu)
- **Ask if they feel safe at the location +** where where they are comfortable talking. **Provide options.**
- **Outline** what you are going to report

Common Responses to Power-Based Violence

Victims often feel:

- Powerless/not in control
- Self blame
- Fear/unsafe
- Anger
- Dissociation
- Spatially sensitive
- Anxious

If a student discloses to you that they are a victim of a type of power-based violence

Put the Student at the Center of Decision Making

- Ask for Permission
- Provide options
- Do not give advice
- Do not call police on students' behalf

Ensure the Student's Physical Safety

- Ask if they need medical attention
- Ask if they feel safe at the location
- Ask where they are comfortable talking

Prepared Scripts for Tough Situations

Give a Mandatory-Reporter Advisement

- It sounds like you're in a tough situation. I want to share some important information with you.
- Thank you for letting me know. I want to make sure you have all the information you need.
- There are people who can help. I can/will put you in touch with a Student Advisor, so you know what resources are available to you.

Make a Check for ER Help Needed

- Are you hurt? / Is there anyone else hurt?
- Is there a danger to you or others?
- In an emergency, call the Stockton Police at (609)-652-4390.

+s For Your Tool Kit

IMPORTANT RECAP

Reporting

How to Report Sexual Misconduct

- Using Title IX Coordinator's contact information
 - ☐ In person
 - ☐ Mail
 - ☐ Telephone
 - ☐ Email
- File online using the Online Incident Report Form available here:
<https://stockton.edu/respect/file-report.html>
- Type "report" in search box at *Stockton.edu*

Use any means that results in the Title IX Coordinator receiving a verbal or written report

Who is the TIX Coordinator ?

Tammy Saunders

Director of EEO and Title IX

Office of Equal Opportunity and Institutional Compliance

Stockton University – L214

(609) 652-4693

tammy.saunders@stockton.edu

On and Off Campus Resources

Resources

Both Stockton University and our local community offer other important resources to the victims of sexual violence including medical treatment, counseling and advocacy they may wish to utilize.

*Victims of sexual assault, domestic violence, and/or stalking who wish to speak **confidentially** with an **Osprey Advocate** can call **(609) 849-8473** 24 / 7 - 365.*

***In an emergency**, call **911** or **Stockton Police** at **(609)-652- 4390**.*

Resources cont. ...

Other Non-confidential Resources

- **Annual Security & Fire Safety Report - Contains Clery Act Statistics**
- **Complainant Notification Guide:** This informational police handout is for students who are victims of sexual assault, domestic violence, dating violence and/or stalking. Includes victim bill of rights, important on-campus and off-campus resources, how to preserve evidence, SANE/SART, and what happens during a forensic examination.
- **Office of Student Conduct:** F-107 | 609.626.3585
- **Title IX/Equal Opportunity and Institutional Compliance Office:** L-20 | 609.652.4693

Resources cont...

Other Confidential Resources

- [The Women's, Gender, and Sexuality Center \(WGSC\)](#): F-103 | 609.626.3611
Hotline 609.849.8473 | The WGSC is a free *confidential* center that supports all students who have experienced power-based personal violence. Power-based personal violence includes sexual harassment, sexual assault, dating/domestic violence, LGBTQ identity-based harassment, stalking, and bullying.
- [Stockton Office of Counseling Services](#): J-204 | 609-652-4722
- [Stockton Office of Community Wellness & Health](#): WQ 108 | 609-652-4701
(*Licensed physicians and nurses only*)
- [Avanzar](#): 927 N. Main St, Bldg. D, Pleasantville, 24-hour hotline 1-800-286-4184 | Free individual & group counseling for residents of Atlantic County.
- [Coalition Against Rape & Abuse \(CARA\)](#): 1-877-294-2272 Free individual and group counseling services for residents of Cape May County.

Respondent Support

Other Confidential on-Campus Support Services

- Office of Student Conduct: F-107 | 609.626.3585
- Counseling Services: J204 | 609.652.4722
- Health Services: WQ 108 | 609.652.4701
(Licensed physicians and nurses only)

Additional Resources

Complainants / Reporters / Respondents / Witnesses

- Military and Veteran Services: F109 | 609.652.4316
- Human Resources (for employees): J115 | 609.652.4645
- Equal Opportunity & Institutional Compliance (OEOIC):
L-214 609.652.4693
- Residential Life: A100 | 609.652.4332 or 4697
- Dean of Students: Campus Center Suite 243 | 609.652.4645

Questions?

Please contact the Office of Equal Opportunity and Institutional Compliance at any time.

OEIIC@Stockton.edu

609-652-4693

Thank you!