

Sexual Misconduct & TITLE IX

Sex Discrimination / Sexual Harassment:

- Title IX of the Education Amendments of 1972, 20 U.S.C. §1681 +
- 2020 Amendments to TIX at 34 CFR Part 106.

Sexual Harassment:

- Sexual Misconduct Procedure (6940)

Sex Discrimination:

- S.U. Student Policy Prohibiting Discrimination and Harassment in the Academic/Education Environment (I-120)
- Student Procedure Prohibiting Discrimination and Harassment in the Academic / Education Environment (1200)

Who am I?

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Who is Stockton's TIX Coordinator?

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Title IX

New Key Points

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

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>

What Makes 'Now' Important?

Transition Activity Leaders of New Students (T.A.L.O.N.S.)

- **Give new students a realistic view of academic, social, and emotional changes that may occur in their transition to Stockton.**
- **Help new students transition** into college by remaining in contact with students through their first-year seminar course.

Intersection with Title IX – “**THE RED ZONE**”

- From **mid-August to Thanksgiving Break**, when more than 50% of campus sexual assault incidents occur.
- **Why?** Students are entering a campus culture that they have never experienced & have limited knowledge about sexual violence and consent.

PAVE ~ Nat'l nonprofit that works to prevent sexual assault and heal survivors by social advocacy, prevention education & survivor support.

~ <https://www.shatteringthesilence.org/red-zone>

RED ZONE

The Red Zone is the period of time between mid-August and Thanksgiving Break where statistically more than **50%** of campus sexual assault incidents occur.



15% of young women reported they had been raped while incapacitated by alcohol or drugs during their first year in college

Alcohol and Drug Incapacitated Rape accounted for **69% – 72%** of rapes reported in college samples

23.1%
OF FEMALES

5.4%
OF MALES

Among all undergraduate students, 23.1% of females and 5.4% of males experience rape or sexual assault through physical force, violence, or incapacitation

Male college-aged students (18-24) are

78% more likely than non-students of the same age to be a victim of rape or sexual assault



~ <https://www.shatteringthesilence.org/red-zone>

What does Title IX say?

“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:

- Sexual harassment based on sex and gender
 - (1) Quid-Pro-Quo = This for That
 - (2) Hostile Environment = Severe & Pervasive & Objectively Offensive
 - * Includes VAWA offenses: Sexual Assault, Dating/Domestic Violence / Stalking
- Discriminatory Sex-and-gender-based conduct that is disparate but not harassing. (i.e. unequal treatment)

Who must Comply with Title IX?

- College / university that receives federal funds must follow TIX
- Includes state & private schools – if receive federal funds
- Stockton is a NJ State university that receives federal funds
- College/university can be held legally responsible if it **knows** of TIX-related issues among students & employees and **fails** to take required action

Limits of 2020 TIX Regulations

(1) CONDUCT = Severe, Pervasive + Objectively Offensive

(2) JURISDICTION = “In” Education Program or Activity

- ✓ Locations, events, or circumstances **On** campus or university property OR
- ✓ Where university has **Substantial Control** over the actor + context
- ✓ Includes premises of an **Officially Recognized student organization**
e.g., fraternity or sorority houses listed in S.U. portal

What Happens if Title IX Does Not Apply



Sex Discrimination / Misconduct

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 + employees in the academic arena + the workplace)

*Also, under S.U. Sexual Misconduct Procedure prohibited conduct is “**OR**” **NOT** “**AND**” (unreasonably interfering with an individual’s academic/work performance **or** creating an intimidating, (**or**) hostile **or** offensive academic/work environment)*

Sex Discrimination

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

They both:

- Provide **advisors** to both parties.
 - Parties may choose their advisor.
 - Advisor can be a friend, family member, attorney, or someone else, but should not be a witness.
 - University will appoint a trained advisor free of cost.
- Permit parties to bring a **support person** to all meetings and hearings.
- Establish meeting & hearing **processes that apply equally**

Mandatory Reporting

What reporting is required under the
Sexual Misconduct Procedure ?

Report v. Formal Complaint

“Make A Report”

REPORT

- A sexual misconduct report is made via the **S.U. portal reporting link (online)** – or by **email, phone, in-person** – and it **may be made by any person**.
- Title IX Coordinator meets with aggrieved party(s) and generates a Formal Complaint.

FORMAL COMPLAINT

- A formal complaint = Title IX Coordinator’s Letter of Notice to the parties **OR**
- A complaint form completed by the Complainant or Coordinator

Q: *What’s in a name?*

A: *Whether a person “reports” or “complains,” **you must always formally report the matter to the TIX Coordinator or OEOIC, or online, via the Portal.***

Who Can report ?

Complainant

- ☐ Aggrieved person / Alleged victim

OR

Third Party

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

Who Must report ?

Under Title IX, Universities have discretion to determine:

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

Who Must report ?

At Stockton **Responsible Employees** Are 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.

At Stockton – Our Procedure Is:

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

They are... Teaching assistants

Residential assistants

Student managers

Orientation leaders

T.A.L.O.N.S. / SOA

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.

Q: What should you do in the moment of a sudden disclosure or ER event?

Common Victim Responses to Power Based Violence

Remember that Victims often feel:

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

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** "[Make a 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

Examples of Practiced Statements

Mandatory Reporter Advisement

- It sounds like you need something real to help me...
- Thank you for your help to make sure you are successful.
- There are people who can help you. We can/will put you in touch with a Student Advisor so you know what resources are available to you.

ER-Help Inquiry

urt?

to me

Is there a danger
right now?

- **In an emergency, call the Stockton Police at (609)-652-4525**

IMPORTANT RECAP

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 and TIX for supportive measures, as needed.
- Questions about the hearing process can be directed to Office of Student Conduct

Reporting

How to Report Sexual Misconduct

- Filing online using the Online Incident Report Form available here: <https://stockton.edu/respect/file-report.html>
- In person
- Mail
- Telephone
- Email
- Using Title IX Coordinator's published contact information

Any means that result in the Title IX Coordinator receiving a verbal or written report

On and Off Campus Resources

On-Campus Resources:

What are they?

- *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**, please call **911** or Stockton Police at (609)-652-4390.*

Resources cont. ...

Confidential Resources – On-campus and Off-campus

- **The Women's, Gender, and Sexuality Center (WGSC): 609-626-3611**
A free confidential center that supports all students who have experienced power-based personal violence or abuse, including sexual harassment, sexual assault, dating/domestic violence, LGBTQ identity-based harassment, stalking, and bullying.
- **Office of Counseling Services: 609-652-4722**
- **Office of Community Wellness & Health Education: 609-652-4701**
- **Avanzar – Atlantic County residents: (609) 601-9925**
Offers free social services focused to women and their families in Atlantic County, NJ, including Domestic Violence and Sexual Assault Victim's Services, Batterer's Education, Child Care, Employment Services and Training
- **Coalition Against Rape & Abuse (CARA) – Cape May County residents: 609-522-6489**
Free individual and group counseling services for females, males, members of the LGBTQ+ community, and teens who reside in Cape May County and have experienced sexual, domestic, and gender abuse, violence, or coercion.

Resources cont. ...

Non-confidential Resources

- Stockton Police Department: **911** or 609.652.4390 | Building 71
(across from North Lot)
- Office of Student Conduct: 609-626-3585 | F-107
- Title IX/Equal Opportunity and Institutional Compliance Office:
609-652-4693 | L-214

Respondent Support

Other On-Campus Resources

- [Military and Veteran Services](#) | F109 | 609.652.4316
- [Dean of Students](#), Campus Center Suite 243 | 609.652.4645
- [Human Resources](#) (for employees) | J115 | 609.652.4645
- [Residential Life](#), A100 | 609.652.4332 or 4697
- [University Police Department](#), Building 71 (across from North Lot) | 609.652.4390
- [Financial Aid](#), Campus Center Suite 201 | 609.652.4203

Questions?

Please contact the Office of Equal Opportunity and Institutional Compliance if you have any questions.

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Thank you!