

Sexual Harassment & Title IX

STUDENT TRAINING

What is Title IX?

Title IX states that “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

What does it prohibit?

Discrimination on the basis of sex

Sexual harassment

Sexual assault and sexual violence

What is Sexual Harassment



- “Unwelcome sexual advances, requests for sexual favors, and
- other verbal or physical conduct of a sexual nature, when accepting such conduct is either explicitly or implicitly a term or condition of employment or academic decisions and
- has the purpose or effect of unreasonably interfering with an individual’s work or academic environment.”

Sexual Harassment law governed by Title VII of Civil Rights Act and enforced by EEOC

What is Sexual Violence?

Physical sexual acts perpetrated **against a person's will** or where a person is **incapable of giving consent** due to the victim's use of drugs or alcohol.

Sexual violence can include rape, sexual assault, domestic/dating violence, and stalking.

ALL ARE PROHIBITED



What is Sexual Assault?

Sexual Assault is contact without consent where the accused knows or has reason to know that the victim did not or could not consent.

- Includes the accused touching the victim **and** forced touching of the accused by the victim.

Sexual contact includes, but is not limited to:

- Intentional touching of intimate parts; or
- Intentional touching of the clothing covering the immediate area of intimate parts, if that intentional touching can be reasonably construed as being for the purpose of sexual arousal or gratification.



What is Stalking?

- A willful course of conduct involving repeated or continuing harassment of another individual that would cause a reasonable person to feel terrorized, frightened, intimidated, threatened, harassed, or molested.
- Harassment means conduct directed toward the victim that includes, but is not limited to, repeated or continuing nonconsensual contact that would cause a reasonable person to suffer emotional distress, and that actually causes the victim to suffer emotional distress.
- Harassment does not include constitutionally protected activity or conduct that serves a legitimate purpose.

What is Dating Violence?



- Dating Violence: Violence against someone the accused is dating or has a sexual relationship with or has dated or had a sexual relationship with in the past.
- Does not include fraternization between two individuals solely in a business or non-romantic context.

Violence includes, but is not necessarily limited to:

- Intentionally inflicting, or attempting to inflict, physical injury on the victim;
- Physical restraint;
- Placing the victim in fear of physical harm to victim or victim's pets; or
- Malicious damage to the victim's personal property (including pets).

What is Domestic Violence?



Domestic Violence as a pattern of abusive behavior in any relationship that is used by one partner to gain or maintain power and control over another intimate partner. Domestic violence can be physical, sexual, emotional, economic, or psychological actions or threats of actions that influence another person. This includes any behaviors that intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, blame, hurt, injure, or wound someone.

Examples of Domestic Violence Include:

- Physical Abuse
- Sexual Abuse
- Emotional Abuse
- Psychological Abuse

What is Consent?

Consent is an informed decision, freely given, made through mutually understandable words or actions that indicate a willingness to participate in mutually agreed upon sexual activity.

Consent **cannot** be given by an individual who is:

- Asleep;
- Unconscious;
- Mentally or physically incapacitated, either through the effect of drugs or alcohol or for any other reason;
- Under duress, threat, coercion, or force.

Past consent does not imply future consent. Silence or an absence of resistance does not imply consent. Consent can be withdrawn at any time.

What is Consent?

“NO” NEVER MEANS “YES”

- Absence of a “NO” is not consent.

Get a “YES” -- EVERY TIME

- Saying “YES” while intoxicated is not consent.
- Saying “YES” to kissing is not consent for oral sex.
- Saying “YES” to oral sex is not consent for sex.
- Saying “YES” to sex with one person is not consent for sex with another.



GET CONSENT AT EACH STEP

Role of Drugs and Alcohol

At least half of sexual assaults involve alcohol consumption by the accused, the victim, or both.

Victim who is impaired may be legally incapable of consenting to sexual activity.

Thus, **any sexual activity that takes place is, by definition, without consent.**

Use of Drugs and Alcohol by the Accused

Commonly, the accused is also impaired

- Liquid courage
- Lowers inhibitions
- Impairs judgment or you don't think clearly
- May cause you to do things you wouldn't do when sober or not high

Voluntary intoxication by the accused does not excuse the conduct

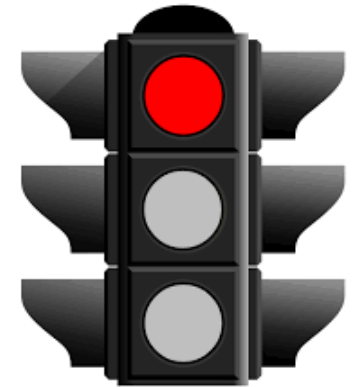
- The accused will be held to the same standards



How do you know you have consent?

RED: SIGNS YOU SHOULD STOP

- Your partner is too intoxicated to give consent.
- You are too intoxicated to gauge consent.
- You don't think he/she would agree to have sex if they were sober.
- You are using physical force or size to have sex.
- You hope your partner will say nothing and go with the flow.
- Your partner is asleep, unconscious, or for any other reason is physically or mentally unable to communicate consent.
- You have had sex before but they have said they're not interested tonight.
- You have coerced your partner in any way (asking repeatedly, pressuring, physically intimidating them).
- You intend to have sex by any means necessary.



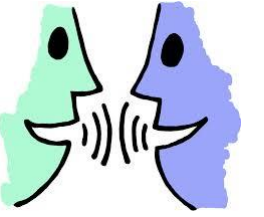
How do you know you have consent?



YELLOW: SIGNS YOU SHOULD PAUSE AND TALK

- You are not sure what your partner wants.
- You feel like you are getting mixed signals.
- You have not talked about what you want to do.
- You assume that you can do the same things you've done before.
- Your partner stops or is not responsive.

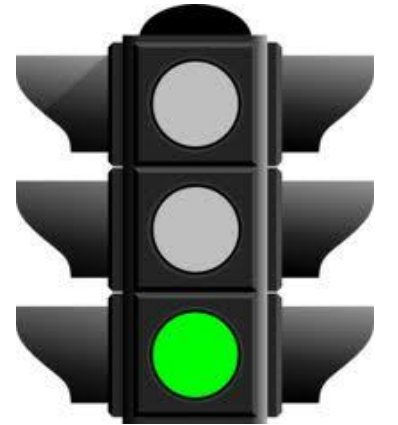




How do you know you have consent?

GREEN: KEEP COMMUNICATING

- Partners come to a mutual decision about how far to go.
- Partners clearly express their comfort with the situation.
- You feel comfortable and safe stopping at any time.
- Partners are excited!



Filing a Complaint

- TSU strongly encourages any student or visitor who has been subjected to or is aware of someone else being subjected to sex discrimination, sex harassment or sexual assault, **to promptly report the matter to the University's Title IX Coordinator or one of the Deputy Coordinators**
- All complaint allegations will be taken seriously and appropriately investigated in accordance with the University's Title IX Grievance Procedure (MAPP 02.05.09).

Filing a Complaint

Sex discrimination, sex harassment and sex assault complaints should be filed with the following Title IX Coordinators:

Against TSU faculty, staff, visitors or contractors should be filed with **The Office of Human Resources**

Against TSU students should be filed with **Judicial Affairs**

Against an Athletic coach, administrator or student should be filed with the **Athletics Sr. Women's Administrator**

Complaints alleging sexual assault can also be filed with the University's Police Department (ext. 7000)

Visit us online or Call the Human Resources office for the contact information of the title IX coordinators.

<http://hr.tsu.edu/policies/tix-policy/> or call Human Resources as **713-313-7521**

Timing

A complaint must be filed within 180 days of the incident (or last series of incident) that is the basis of the complaint.

Even if beyond period, you are encouraged to report the incident - University will respond pursuant to its obligations under Title IX.

Complaints will be handled in a “confidential manner to the extent allowed by law.



What Are The Consequences of Violating the University's Title IX/ Sexual Harassment policy.

- Wide range of sanctions available, all the way up to probation, suspension, and expulsion for students.
- Similar rules apply to faculty and staff. Sanctions include suspension and termination.



Retaliation is Prohibited

NO EXCEPTIONS

Anything that discourages someone from reporting or supporting claim of harassment/hostile environment/sexual violence is strictly prohibited.

- ✓ Prohibited at all stages of process
- ✓ Prohibited by everyone: Respondent, friends, family, classmates . . .
- ✓ Prohibited against anyone involved in process



It's on Us! (Tips for Bystanders)



- Don't just be a bystander, if you see something, intervene in any way you can
- Trust your gut. If something looks like it might be a bad situation, it probably is.
- Be direct. Ask someone who looks like they may need help if they're ok.
- Get someone to help you if you see something – enlist a friend, RA, bartender, or host to help step in.

<http://itsonus.org/>

It's on Us! (Tips for Bystanders)



- Keep an eye on someone who has too much to drink.
- If you see someone who is too intoxicated to consent, enlist their friends to help them leave safely.
- Recognize the potential danger of someone who talks about planning to target another person at a party.
- Be aware if someone is deliberately trying to intoxicate, isolate, or corner someone else.
- Get in the way by creating a distraction, drawing attention to the situation, or separating the.

OneTSU

We Are One!

LET'S ALL WORK TOGETHER TO PROMOTE A SAFE, AND
HARASSMENT FREE ENVIRONMENT FOR EVERYONE