

# TITLE IX COMPLIANCE

SEXUAL MISCONDUCT & SEXUAL HARASSMENT

# TITLE IX



# TITLE IX STATES:

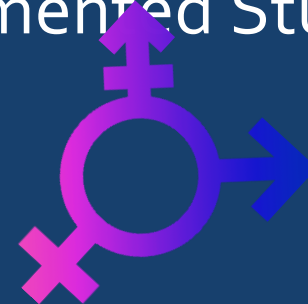
*" No person in the United States shall, on the basis of **sex**, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any **education program or activity** receiving Federal financial assistance."*

Title IX of the Education Amendments of 1972  
Implementing Regulations at:  
20 U.S.C. § 1681 & 34 C.F.R. Part 106

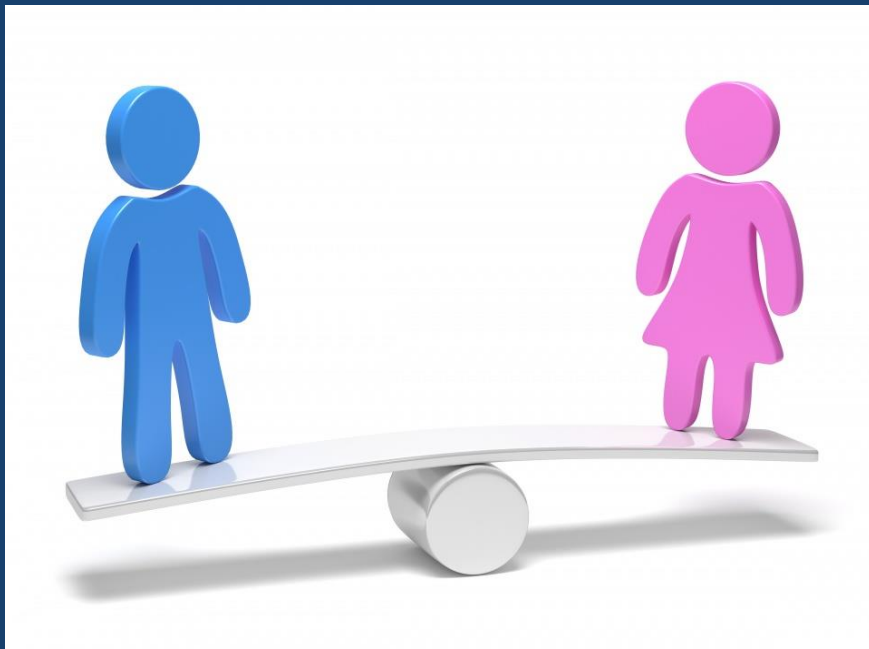
# SCOPE OF COVERAGE

Title IX protects ALL students and employees from sexual harassment:

- Female and Male
- Lesbian, Gay, Bi-Sexual, Transgender, and Queer (LGBTQ)
- Students and employees WITH and WITHOUT disabilities
- Students and employees of Different Races and National Origins, including International and Undocumented Students

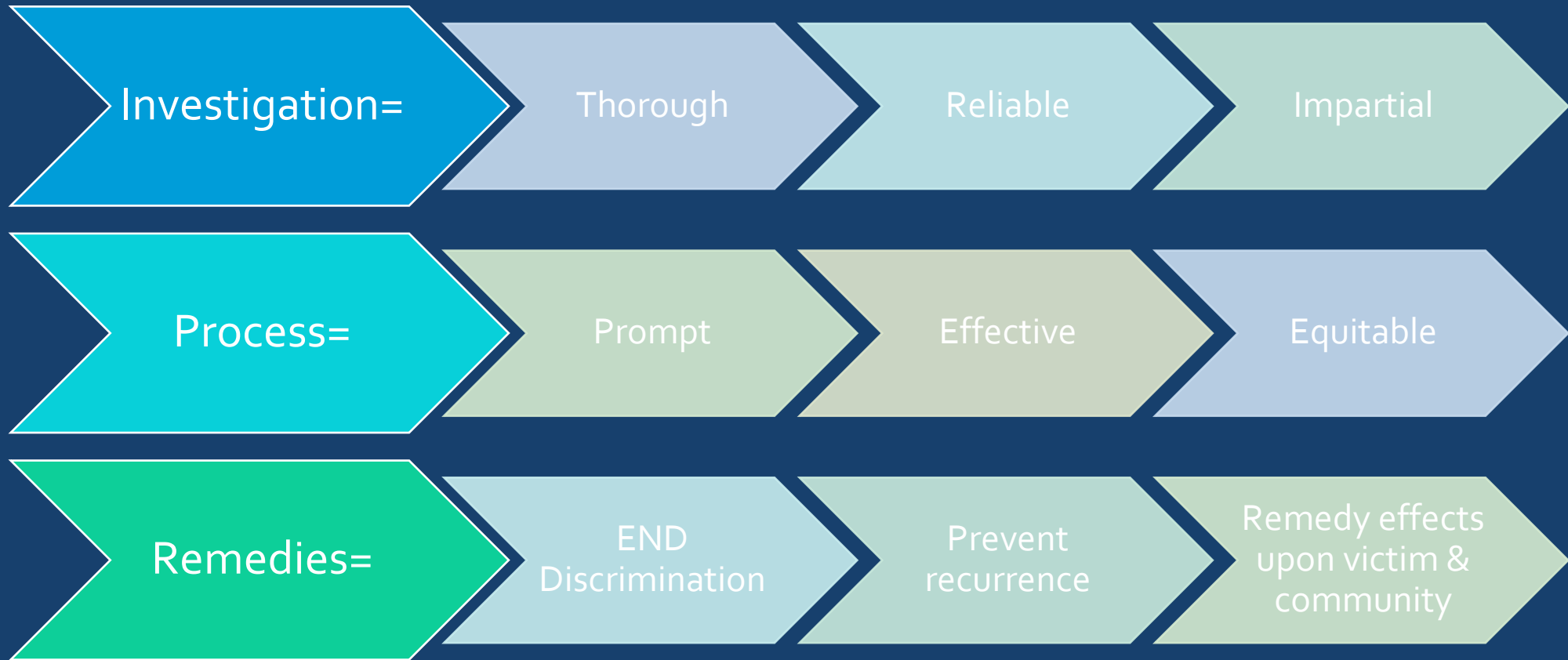


# GENDER-BASED HARASSMENT



- Title IX also prohibits gender-based harassment.
- Gender-Based Harassment is:
  - Nonsexual, unwelcome conduct based on the student's actual or perceived sex
  - Includes harassment based on gender identity, gender expression, and nonconformity with gender stereotypes

# TITLE IX PRINCIPLES:



# SEXUAL VIOLENCE ON CAMPUS

IN NUMBERS

1 in 5 college women are victims of sexual violence

1 in 7 college men are victims of sexual violence

About 68% of sexual assaults are not reported to the police

90% of victims know their perpetrator

Crime statistics can be unreliable, as many acts of sexual violence go unreported.

Survey data can also be unreliable.

# NEW REQUIREMENTS

## Prevention & Education

- Institutions must provide new students and employees “primary prevention and awareness programs” that promote awareness of rape, acquaintance rape, domestic violence, dating violence, sexual assault, and stalking.

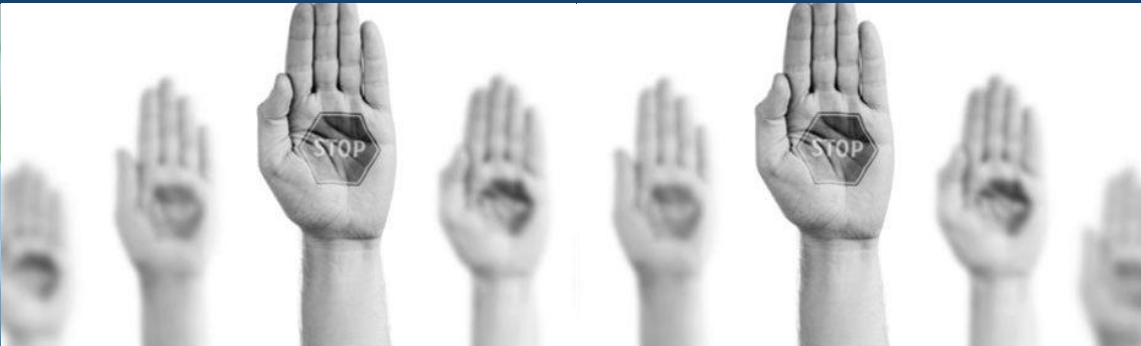




“YES MEANS YES”

Affirmation Consent

# TITLE IX REPORTING



see something • hear something • know something

**do**  
**something!**

**Title IX**

# TITLE IX REPORTING

Faculty and staff who receive complaints of sexual harassment or sexual violence are **OBLIGATED** to report complaints to the Title IX Coordinator.

**BC's Title IX Coordinator is:**

*Dr. Debbie D'Anna, VP for Student Success.*

The **exceptions** to this rule are counselors, college minister and medical care providers.

After hours, students can be referred to Campus Security to be connected to other community resources.



# TITLE IX REPORTING (CONT'D)



When a student comes to you with a complaint, let them know early on that you are a mandated reporter.

Employees are expected to be compassionate listeners if a student discusses sexual violence with you.

The purpose of reporting is to:

- Prevent sex discrimination,
- Promptly address reported issues, and
- Limit the effects of harassment on the educational environment

# HOW TO RESPOND

## Always remember:

If a student approaches you to report an incident, communicate early on that if they are going to tell you about an unwanted sexual encounter – you are obligated to report it to the Title IX Coordinator



## Determine:

1. If the victim is **safe**. If not, ask if you can call Campus Security for them.
2. If the victim **wants or needs** medical attention. This is ultimately the victim's decision. Your role is to inform them of their options:
  - A. S.A.F.E. (support/resources), Blue Ridge Health Center.
  - B. Calling a friend or family member for transportation to a local hospital/medical facility
  - C. Calling Campus Security for transportation to a local hospital/medical facility

# HOW TO RESPOND (CONT'D)

Students that come to you to report an assault, sexual violence, rape, or any other violent crime, will likely be in distress.

Students against whom a report is made may similarly be in distress.

**Your response matters!**



## What to do:

- Believe them
- Use active listening skills
- Listen without judgement and display empathy
- Let the individual lead the conversation
- Protect the person's privacy, but do not promise confidentiality
- **DO NOT** act as an investigator, simply be compassionate and connect them to campus and community resources

# RETALIATION

Under both Title VII (employee) and Title IX (employees and students), it is unlawful to retaliate against an individual who has:

- Made a complaint of sexual harassment
- Participated in the investigation of such a complaint (testifying as a witness, providing evidence, etc.); or
- Opposed conduct that is reasonably believed to violate Title VII or Title IX



# WHAT ARE REMEDIES?

Some examples include:

- Classroom adjustments or changes
- Academic support (tutoring, mentoring, flexible assignment due dates, allowing the student to make up coursework)
- Allowing the student to retake a course and/or withdraw without penalty
- Campus escort service
- Counseling services
- Protective/mutual no contact orders





# CAMPUS RESOURCES



# HOW TO REPORT?

## WAYS TO REPORT

To make a report of Sexual Misconduct by a student, faculty or staff:

- Debbie D'Anna, Title IX Coordinator  
[dannadl@brevard.edu](mailto:dannadl@brevard.edu)
- Campus Security  
[campussecurity@brevard.edu](mailto:campussecurity@brevard.edu)
- Michael Cohen, Deputy Title IX Coordinator  
[cohenmw@brevard.edu](mailto:cohenmw@brevard.edu)

# BREVARD COLLEGE'S PROCESS

- Initial Report
- Preliminary Investigation of Report
- Offer/Implementation of Interim Measures (Mutual, wherever applicable)
- Initial Determination of Facts
- Move forward or close case
  - Complainant's wishes are a factor
  - Whether enough facts exist that, if proven true by preponderance of evidence, would support claim
- Informal / Formal Processes - depends on nature of report and the parties
- Investigation (complexity and informal/formal path of case may determine in-house or outsourced investigation)
- Formal Cases
  - Formal Investigation
  - Investigative Report
  - Opportunities to Respond
  - Hearing Panel Convened
  - Hearing Held
  - Outcome Reached/Communicated
- Appeal Processes

# BC'S RESOURCES

Kevin George  
Director of Counseling

Stan Jacobsen  
Director of Security

Dr. Debbie D'Anna  
VP for Student Success and Title IX  
Coordinator

Michael Cohen  
Director of Institutional  
Effectiveness/ Deputy Title IX  
Officer

Sharad Creasman  
Campus Minister

# BC'S RESOURCES (CONT'D)

## *Off-Campus Resources*

- *S.A.F.E. (828) 885.7233 Available 24/7*
- Brevard Police Department 9-1-1
- Transylvania Regional Hospital
- Blue Ridge Health Center (828) 883-5550

# CASE STUDIES

# Case Study

An instructor of religion is teaching a class on the Old Testament. A transgender student taking the class has frequent friction with the instructor over the instructor's narrow interpretations of scripture and conservative beliefs about the value of religion as a tool of social control. In class, the instructor has twice failed to use the student's chosen name, and has defended herself, saying that she uses the name on the class registration roster for all students. The student finds out from classmates that the instructor misgenders the student in conversations with these classmates. The student approaches the instructor to address the misgendering and is told by the instructor that there are only two genders, and that the instructor only refers to students by their birth-assigned gender.

# Case Study Two

During class, a Professor assigned homework that required students to watch a show on Netflix that depicts numerous sexual acts (including same-sex acts, which the complaining student mentioned as one of their objections to the assignment), nudity, drug use, suicide, marital infidelity, etc. The student found the content to be disturbing. The student is a devout Catholic and was so appalled they went to confession and reported the matter to the Title IX Coordinator. The department chair informed the Title IX Coordinator that the Netflix show did not meet any learning objectives and the professor could have chosen a variety of content through university resources.



Questions?