

Question #1

- ▶ Title IX is a landmark federal civil right that prohibits discrimination based on what in education?
 - ▶ Sex/gender discrimination
 - ▶ Race discrimination
 - ▶ Age discrimination

Question #2

- ▶ Title IX applies only to students who participate in athletics
 - ▶ True
 - ▶ False

Question #3

- ▶ In what year did the Office of Civil Rights and the U.S. Department of Education issue the Dear Colleague Letter that explained a school's responsibility to respond promptly and effectively to sexual violence against students in accordance with the requirements of Title IX?
 - ▶ 2009
 - ▶ 2010
 - ▶ 2011
 - ▶ 2012

Question #4

- ▶ Alcohol is rarely involved in cases of sexual assault on college campuses
 - ▶ True
 - ▶ False

Question #5

- ▶ Incapacitation is defined as a state where someone cannot make rational, reasonable decisions because they lack the capacity to give knowing consent (eg, to understand the who, what, when, where, why or how of their sexual interaction).
- ▶ At what blood alcohol content is a person considered incapacitated?
 - ▶ .08
 - ▶ .10
 - ▶ There is no defined BAC in which a person is considered incapacitated. Rather, it depends on each individual person.

Question #6

- ▶ A person can become incapacitated for reasons other than just over-indulging in alcohol
 - ▶ True
 - ▶ False

Question #7

- ▶ Some people don't realize it, but Title IX also addresses stalking and domestic/intimate partner violence.
 - ▶ True
 - ▶ False

Question #8

- ▶ Federal law requires colleges to take immediate action to ensure a victim of sexual harassment can continue their education free of ongoing discrimination, harassment, or violence.
 - ▶ True
 - ▶ False

Question #9

- ▶ A person who is a victim of sexual misconduct can report **CONFIDENTIALLY** to:
 - ▶ The Rose-Hulman Counseling Office staff
 - ▶ A resident assistant
 - ▶ A faculty member

Let's Talk 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 educational program or activity receiving financial assistance

Let's Talk Title IX

- ▶ Why is this important on a college campus?
- ▶ Creates a hostile environment
- ▶ Education provides opportunity
 - ▶ Civil rights and a social justice issue
- ▶ Criminal Court versus Higher Ed

Let's Talk Title IX

- ▶ National higher education spotlight - the DOE and the OCR came together to write the Dear Colleague Letter (2011)
- ▶ The DCL mandated that all institutions of higher education receiving federal money **MUST** have a comprehensive system in place to manage sexual assault complaints
- ▶ New regulations finalized in 2020, with an implementation of 8/14/20 for colleges and universities

Let's Talk Title IX

- ▶ Schools must be proactive in ensuring their campus is free of discrimination based on sex
- ▶ A school put “on notice” of possible sexual harassment of a student must take immediate and appropriate steps to do FOUR very specific things

Let's Talk Title IX

- ▶ 1. Investigate what occurred
- ▶ 2. Take prompt and effective action to end the harassment
- ▶ 3. Remedy the effects
- ▶ 4. Prevent it from occurring again

Let's Talk Title IX

- ▶ As well, the DCL states that schools/employees/students may not retaliate against someone filing a complaint

Important Highlights - Investigation

- ▶ Investigation model
- ▶ Team of trained investigators made up of faculty and staff (Equity Resolution Panel)
- ▶ The goal of the investigation is to fact find
- ▶ Preponderance of Evidence (50 plus a feather/more likely than not)

Important Highlights - Definitions

- ▶ Defines sexual misconduct and sexual harassment
- ▶ Defines consent

What is Consent?

- ▶ Consent is knowing, voluntary and clear permission by word or action, to engage in mutually agreed upon sexual activity. Since individuals may experience the same interaction in different ways, it is the responsibility of each party to make certain that the other has consented before engaging in the activity. For consent to be valid, there must be a clear expression in words or actions that the other individual consented to that specific sexual conduct.

What is Consent?

- ▶ A person cannot consent if he or she is unable to understand what is happening or is disoriented, helpless, asleep or unconscious for any reason, including due to alcohol or other drugs.
- ▶ It is not an excuse that the individual responding party of sexual misconduct was intoxicated and, therefore, did not realize the incapacity of the other.

What is Incapacitation?

- ▶ Incapacitation is defined as a state where someone cannot make rational, reasonable decisions because they lack the capacity to give knowing consent (e.g., to understand the “who, what, when, where, why or how” of their sexual interaction).
- ▶ This may be due to alcohol or other reasons - can you think of some?

Tea Time?

- ▶ This may help you better understand consent.
- ▶ <https://www.youtube.com/watch?v=fGoWLWS4-kU>

So What Does This Mean?

- ▶ Take care of each other - We R Family - family takes care of family
- ▶ STEP UP! Be an ACTIVE BYSTANDER!
 - ▶ Get involved in a situation that might go bad
 - ▶ That might mean YOU stepping in
 - ▶ That might mean YOU asking someone else to step in (Public Safety, an RA, a staff member)