

# **Addressing Sexual Misconduct and Other Crimes at Saint Joseph's College**

## **TITLE IX**



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# Federal Mandates Regarding Campus Crime



Intersecting legislation and task force reports aimed at addressing sexual misconduct and other crimes on college and university campuses include:

- Clery Act
- Office of Civil Rights (OCR)
- Campus SaVE Act
- Violence Against Women Act (VAWA)
- Not Alone: White House Report
- Title IX

# What Is Title IX?



- 1972 Landmark civil rights protection
- History of addressing college athletics
- Provides protection from all forms of sexual misconduct including: sex-based discrimination, harassment, or gender violence at any educational institution receiving federal funding
- Students are the primary focus of Title IX, although it is applicable to all campus constituencies
- Applies to males and females, including gender non-conforming individuals

# Title IX Focus: Sexual Misconduct



- Sexual Misconduct:  
All forms of harassment and violence that are sexual in nature.
- Sex-Based Harassment:  
Stalking, voyeurism, exhibitionism, verbal or physical abuse or threats thereof.
- Sex-Based Violence:  
Intimate partner or domestic partner violence, dating violence, attempted or completed rape, and other forms of sexual assault.

# Sexual Misconduct & Sexual Discrimination are defined as:



Any sex-based circumstances/events that deny or limit an individual's ability to participate in or receive benefits, services, or opportunities in the College's programs: academic programs, internships, sports, housing, admissions, health services, employment, etc.

# Defining Consent



- **Sexual activity requires consent, which is defined as voluntary, positive agreement between the participants to engage in specific sexual activity.**
- **Communicating consent:**
  - Consent to sexual activity can be communicated in a variety of ways. In the absence of clear, positive agreement, one should presume that consent has not been given.
  - While verbal consent is not an absolute requirement for consensual sexual activity, verbal communication prior to engaging in sex helps to clarify consent.
  - Consent must be clear and unambiguous for each participant at every stage of a sexual encounter.
  - The absence of "no" should not be understood to mean there is consent.
  - A prior relationship does not indicate consent to future activity.
- **Alcohol and drugs:**
  - A person who is asleep or mentally or physically incapacitated, either through the effect of drugs or alcohol or for any other reason, is not capable of giving valid consent.
  - The use of alcohol or drugs may seriously interfere with the participants' judgment about whether consent has been sought and given.

# Our Responsibilities Under Title IX



- **Policy and Process:**

- Maintain and advertise College policies, resources & services aimed at addressing any instances of sexual misconduct and other campus crimes
- Identify individuals who serve as SJC's "Responsible Employees"
- Has an obligation to investigate all reports of sexual misconduct through the Title IX Coordinator
- Adopt and publish reporting and grievance procedures for the timely resolution of complaints
- Provide victims with on and off-campus resources & services;
- Take expedient action to assure victim/complainant can continue education free of sex discrimination, sexual harassment or sexual violence
- Make accommodations for the victim/complainant as needed/requested in areas of housing, academic, work & transportation

# Our Responsibilities Under Title IX



- **Notification:**

- Immediate notification to the campus community is required for crimes that pose a serious and ongoing threat
- Immediate notification is sent out through text message alert or through notification on the College homepage
- The campus must be notified in a timely manner (usually within 24 hours of a threatening incident)
- ‘Timely Warning’ notification may be given by voicemail, email, information bulletins, newspaper announcements, etc.
- These notifications are important as they make the campus aware of incidents and may prevent someone else from being harmed



# College Responsibilities Under Title IX



- Training:
  - Provide specific training for new and continuing students on what constitutes sexual misconduct
  - Train individuals identified as “Responsible Employees” on sexual misconduct, reportable crimes and campus reporting requirements

# Critical Definitions



- **Responsible Employee per the OCR**

Any person who has the authority to take action to redress sexual harassment/misconduct; who has been given the duty of reporting incidents of sexual harassment/misconduct by student to the Title IX coordinator, or who a student reasonably believes has this authority or duty.

- **This includes Coaches, RA's, Residence Life staff, etc.**

- **CSA (Campus Security Authority)**

Any official with significant responsibility for student and campus activities

# What it Means to be a Responsible Employee



- If someone tells you about a crime or an incident that might be a crime, record the information and submit a report.
- Simply get the facts - experts will do the analysis.
- To make a report, complete the SJC Title IX Report Form, forward it to the Title IX Coordinator.
- OR...simply call x6601, request a meeting, or submit in writing.
- When in doubt, report it!
- Questions? Contact:

Title IX Coordinator, 207-893-6601

or

Director of Campus Safety, 207-893-6686

# When Crimes Need to be Reported



Report the crime whenever a victim or witness calls it to your attention.

Be sure to document:

- When the crime or incident occurred
- When it was reported to you

# Report All Crimes Even if They Did Not Occur at SJC



Any crime involving a Saint Joe's student while attending a College-sponsored event, function or in conjunction with the educational process must be reported, no matter the location of the incident.

## Example 1:

A student is assaulted while attending a Saint Joe's sponsored conference or an event in another city.

## Example 2:

A student is being sexually harassed during an internship at a local business.

# Just Get the Facts



- Title IX Coordinator(s) will categorize the report; your job is to get the information the person is willing to tell you.  
Remember:
  - *You are not a detective.*
  - *You don't have to prove what happened or who was at fault.*
  - *You are not supposed to find the perpetrator.*
- Title IX: The victim must be identified, however, the victim can request anonymity from the Title IX Coordinator.

# Helping Survivors



- Believe the survivor
- Be patient
- Listen
- Do not be judgmental
- Validate her/his feelings of fear and anger
- Let her/him know they do not have to go through this alone
- Avoid Victim Blaming – Remind her/him that sexual assault is never the victims fault
- Let the survivor make the decisions
- Keep it confidential – Chances are, this person confided in you because they trust you. Do not break that trust.
- Know the resources – Offer to go with them if they choose to visit any of these resources, but do not insist
- Take care of yourself – Ask for help if you need it. Do not be afraid to talk to someone about how you are feeling.

# Rights of the Accused



- Saint Joseph's College will provide a timely and thorough investigation, and will treat the accused with respect before, during, and after the student conduct process.
- Accused students have the right to have an advisor throughout the student conduct process, including meetings and hearings.
- The college will make reasonable efforts to protect confidentiality, within the parameters of FERPA (Family and Education Privacy Act of 1974) and the college conduct process.



# SJC's Reporting, Resources & Services Options



- **Reporting options**
  - Campus Safety
  - Title IX and deputy Title IX coordinators
  - Dean of Campus Life Office
  - To any member of athletic coaching staff, residence life staff
  - Human Resources (HR)
- **On-Campus Resources**
  - Health & Wellness Center
  - Counseling Center
  - Dean of Campus Life Office
- **On-Campus Services**
  - Academic, Housing, Employment and Transportation Adjustments
  - Assistance with investigations, complaint and hearing options, no-contact orders, and filing criminal complaints

# Crime Reporting



- **Contact Campus Safety for non-emergencies (207) 893-7911; 911 for emergencies**
- **Contact the Director of Campus Safety @ x6686**
- **Title IX:**

<http://www.sjcme.edu/titleix>

# Questions



- Please contact the Title IX Coordinator for the College for any questions regarding the material in this presentation.