What You Need to Know About Title IX

PRESENTED BY: LUMA AKITI
TITLE IX COORDINATOR & CONTRACTS ADMINISTRATOR
What is Title IX?

◆ Title IX of the Education Amendments of 1972 is a federal law that prohibits discrimination on the basis of sex in education programs or activities operated by recipients of federal financial assistance.
◆ Valparaiso University is a recipient of federal financial assistance.
What Does Title IX Cover?

Title IX prohibits:

1. **Sex Discrimination** (extends to discrimination based on gender identity);

2. **Sexual Harassment** (sexual harassment is unwelcome conduct of a sexual nature, including unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature);
Two Types of Sexual Harassment

1. Quid Pro Quo
   - Education or employment decisions based on a request for sexual favors.
   - “This for that.”

2. Hostile Environment
   - Unwelcome conduct that:
     - Unreasonably interferes with a student’s ability to learn or an employee’s ability to work, OR
     - Creates an intimidating, hostile, or offensive learning or work environment.
Examples of Sexual Harassment

(1) Direct or implied threats that submission to sexual advances will be a condition of advancement or promotion in any endeavor, including but not limited to employment, work status, promotion, or academic grades;

(2) Direct propositions of a sexual nature;
Sexual Harassment (continued)

(3) Unnecessary touching, hugging, or brushing against another person’s body;

(4) Sexually explicit statements, questions, or jokes; or

(5) Remarks of a sexual nature about a person’s clothing or body, sexual activity, sexual orientation, gender identity, or previous sexual experience.
3. Sexual Violence is a form of sexual harassment.

*Sexual violence includes same-sex sexual violence.
Sexual violence includes the following:

a) Rape,
b) Sexual assault,
c) Sexual battery,
d) Sexual abuse,
e) Sexual coercion; and
4. Retaliation = adverse action taken against an individual who, in good faith, exercises his or her rights under federal civil rights laws such as Title IX.
Interplay Between Title IX & the Clery Act

- The Clery Act is a federal law that requires institutions to disclose information about crime reported on and around their campuses.
The 2013 VAWA Amendments include:

5. Domestic Violence;
6. Dating Violence;
and
7. Stalking.

(“Sexual Misconduct”)
Domestic Violence

A violent act committed by a:
- Current or former spouse or intimate partner;
- Person sharing a child with the victim; or
- Person cohabitating with or has cohabitated with the victim as a spouse or intimate partner.
Dating Violence

A violent act committed by:
- A person who is or has been in a relationship of a romantic or intimate nature with the victim; and
- The existence of the relationship shall be determined based on:
  i. length of the relationship
  ii. type of relationship
  iii. frequency of the interactions between the persons involved in the relationship.

Dating Violence may be...

<table>
<thead>
<tr>
<th>Physical</th>
<th>Emotional</th>
<th>Verbal</th>
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<tbody>
<tr>
<td>• Hitting or slapping</td>
<td>• Using personal information against partner</td>
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<td>• Biting</td>
<td>• Blaming partner</td>
<td>• Threatening to kill or to use</td>
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<td>• Shoving</td>
<td>• Not accepting responsibility for one's own actions</td>
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<td>• Pinching</td>
<td>• Playing mind games</td>
<td>• Threatening to use violence</td>
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<td>• Spanking</td>
<td>• Using the &quot;guilt trip&quot;</td>
<td>• Calling over and over</td>
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<td>• Shaking or jerking</td>
<td>• Demanding</td>
<td>• Constant accusations of cheating</td>
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<tr>
<td>• Spitting</td>
<td>• Constant interrogations</td>
<td>• Yelling</td>
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<td>• Burning</td>
<td>• Mocking body parts</td>
<td>• Insulting</td>
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<tr>
<td>• Restraining</td>
<td>• Controlling partner's activities</td>
<td>• Calling names</td>
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<td>• Chasing</td>
<td>• Intense jealousy or rages</td>
<td>• Being sarcastic</td>
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<td>• Forcing sex or sexual acts</td>
<td>• Criticizing partner's looks</td>
<td>• Making demeaning jokes</td>
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<tr>
<td>• Touching in uncomfortable ways</td>
<td>• Isolating from family/friends</td>
<td>• Excessive swearing</td>
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<td>• Pulling hair</td>
<td>• Checking up on partner</td>
<td>• Mimicking</td>
</tr>
<tr>
<td>• Stalking</td>
<td>• Insulting partner's family/friends</td>
<td>• Making degrading or negative comments</td>
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<tr>
<td>• Driving recklessly</td>
<td>• Taking personal items</td>
<td>• Leaving vulgar messages</td>
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<td>• Punching walls</td>
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<td>• Silent treatment</td>
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<td></td>
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<td>• Twisting partner's words</td>
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<td>• Lying</td>
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Stalking

Engaging in a course of conduct (two or more acts):

- Directed at a specific person; and
- Causes a reasonable person to fear for his or her safety or the safety of others, or causes that person to suffer substantial emotional distress.
Who Has a Duty to Report Incidents of Sexual Misconduct?

A responsible employee is any employee who has the authority to take action to redress sexual misconduct, who has been given the duty to report to appropriate officials of an institution about incidents of sexual misconduct, or who a student or employee could reasonably believe has this authority or responsibility.

As a responsible employee,

YOU.
Responsible Employees

Responsible employees include:

✓ Faculty
✓ Directors
✓ Department Heads
✓ Administrative Staff
✓ Resident Assistants (RAs)
As a Responsible Employee, to Whom Do I Report?

- **The Title IX Coordinator**
- When a responsible employee knows or reasonably should know of possible sexual misconduct, the Office of Civil Rights deems an institution to have notice of the sexual misconduct.
Reporting to the Title IX Coordinator

- Reporting to the Title IX Coordinator ensures that information regarding resources, reporting options, and student and employee rights is provided to the alleged target of sexual misconduct.
How to Respond to Incidents of Alleged Sexual Misconduct

- **Before** a student reveals information that he or she may wish to keep confidential, you should make every effort to ensure that the student understands...
Your Responsibilities

(i) Your obligation to report the names of the alleged perpetrator and student involved in the alleged sexual misconduct, as well as relevant facts regarding the alleged incident (including the date, time, and location), to the Title IX Coordinator;
Your Responsibilities

(ii) The student’s option to request that the University maintain his or her confidentiality, which the Title IX Coordinator will consider; and

(iii) The student’s ability to share the information confidentially with counseling, mental, health, or sexual assault-related services.
Confidential Resources
1. Paula Dranger in the SAAFE Office
2. Counseling Center
3. University Pastors

Non-Confidential Resources
1. VU Police
2. Responsible employees
3. Title IX Coordinator
4. Discrimination Complaint Advisors (DCAs)
5. Valparaiso City Police
Reporting Options & Rights

- File a criminal complaint with VU Police and/or Valparaiso City Police
- File a University Informal and/or Formal Complaint
- Refer to the University’s Nondiscrimination, Harassment, and Sexual Assault Policy (available on General Counsel’s homepage)
Complaint Resolution Process

If the alleged violator of Policy is a student:
- File Informal and/or Formal Complaint with the Dean of Students Tim Jenkins

If the alleged violator of the Policy is an employee:
- File Informal and/or Formal Complaint with the Director of Human Resource Services Nora Wiergacz
Questions?

- Email: Lumturije.akiti@valpo.edu
- Extension: 6730