



# Title IX and More NCAA Training

Fall 2020

# Location

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# Prohibited Conduct

- Discrimination
- Hazing
- Bullying



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# Discrimination

➤ Actions that deprive or limit access to education, employment, benefits, or other opportunities on the basis of an individual's actual or perceived membership in a Protected Class.

- Age
- Disability
- Equal Pay/Compensation
- Genetic Information
- Sex
- Pregnancy
- Race/Color
- Religion
- Retaliation
- National Origin



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# Hazing

- Hazing is any action taken or situation created that involves or results in abusive physical contact or mental harassment of a prospective or current organization member.
- Kentucky State University prohibits hazing - KRS 164.375.
- This policy governs University students, faculty, staff, visitors, and other licensees and invitees and is deemed to be part of the bylaws of all University organizations.



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# Hazing

- Track & Field sanctioned, Henner resigns
- Eight SUNY Geneseo volley ball players accept plea deal after hazing incident.
- College baseball team cancels it season over hazing charges.
- 1 of 5 Wheaton College football players accused of hazing that caused injury, expected to enter plea Thursday
- St. Joe's Univ. settles softball hazing lawsuits
- St. Norbert women's basketball team suspended 10 games for alcohol- related incident



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# Bullying

- Bullying consists of: Unwanted aggressive behavior; observed or perceived power imbalance; and repetition of behaviors or high likelihood of repetition.
- There are two types of bullying: direct and indirect. Direct is in person and indirect is not (cyber bullying, spreading rumors).
- Marginalizing - The process whereby something or someone is pushed to the edge of a group and accorded lesser importance. This is predominantly a social phenomenon by which a minority or sub-group is excluded, and their needs or desires ignored.



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# About 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.”*
- Some issue areas in which recipients have Title IX obligations are: recruitment, admissions, and counseling; employment; financial assistance; athletics; single-sex education; treatment of pregnant and parenting students; discipline; and sex-based harassment.



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# Key Topics

- Sexual Harassment
- Sexual Misconduct and Violence
- Consent
- Reporting a Title IX Violation
- Title IX Investigation Process
- Discipline
- Campus Resources



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# Sexual Harassment and Sexual Misconduct

- KSU's Policy and Procedures on Sexual Harassment defined under Title IX and Other Sexual Misconduct prohibits sexual harassment and sexual misconduct, which includes:
  - Sexual Harassment means conduct on the basis of sex that occurs in the University's education program or education activity and satisfies one or more of the following:
    - An employee of the University conditioning the provision of an aid, benefit, or service of the recipient on an individual's participation in unwelcome sexual conduct. This type of sexual harassment is also referred to as Quid Pro Quo.;
    - Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the University's education program or activity. This type of sexual harassment is also referred to as Hostile Environment.;
    - "Sexual assault" as defined in 20 U.S.C. 1092(f)(6)(A)(v), "dating violence" as defined in 34 U.S.C. 12291(a) (10), "domestic violence" as defined in 34 U.S.C. 12291(a)(8), or "stalking" as defined in 34 U.S.C. 12291(a) (30).
  - Sexual Exploitation: Photos, videos, prostitution, peeping-toms
  - Prohibits Retaliation



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# KSU Policy also prohibits...

- Domestic Violence
- Dating Violence
- Sexual Assault
- Sexual Exploitation
- Stalking



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# Sex and Minors

- Students under 18 are MINORS
  - “Producing” photos and videos = felony
  - Possessing photos and videos = felony
  - Sharing photos and videos = felony
  - Selling photos and videos = felony



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# Prevalence of Sexual Misconduct

Since 1987, six national studies – including one released in early 2016 by the Department of Justice – show that as many as 1 in 4 college women are sexually assaulted in college.

National Institute of Justice (NIJ) (2016)

15,000 women in 9 institutions.

25% of undergraduate women sexually assaulted while in college.

5-6% of men will experience sexual assault during college.

78% of campus sexual assaults are committed by perpetrators that the survivor knows.

Approximately 1 in 6 women and 1 in 9 men will be stalked in their lifetime.

College students are twice as likely as non-college students to be stalked.



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# Consent

- What is consent?
- How do I get consent?
- How do I know if my partner has consented?
- Who can consent?



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# Consent – What is it?

- An informed-decision, freely given, made through mutually understandable words or actions that indicates a willingness to participate in mutually agreed upon sexual activity.
- i.e., informed and freely given permission to engage in a specific sexual act



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# Consent – How Do I Get It?

- Ask!
- Clear verbal and physical cues.
- When do I **not** have it?
  - Consent cannot be given by an individual who is asleep, unconscious, or mentally or physically incapacitated, either through the effect of drugs or alcohol or for any other reason, or is under duress, threat, coercion, or force.
  - Past Consent does not imply future Consent, and Consent to one type of sex does not constitute or imply consent for another type of sex, whether during a sexual encounter or from a previous sexual encounter.
  - Silence or an absence of resistance does not imply Consent.
  - Consent can be withdrawn at any time
  - Consent cannot be obtained with Force (e.g., violence, threats)



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# Consent – How do I know if I have it?

- Who? What? When? Where? Why?
  - But if you have to ask...
- If you don't know, now you know.



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# Consent – Who Can Consent?

- Adults, generally
- Minors
  - 26/27 years old = nobody 10 or more years younger than you
  - 21 years old = 16 years or older
  - 18 years old = 15 years or older



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# Healthy Relationships

- Mutual Respect
- Trust
- Honesty
- Compromise
- Individuality
- Good Communication
- Anger Control
- Fighting Fair
- Problem Solving
- Understanding
- Self-Confidence
- Being a Role Model
- Boundaries



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# Reporting a Title IX Violation

- Who do I tell?
- How do I make a report?
- When should I make a report?
- What do I do if I'm a victim of sexual misconduct?
- What if my report isn't taken seriously?



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# Reporting – Who do I tell?

- Title IX Coordinator
  - Hannah Satram-Hale – hannah.hale@kysu.edu – 502-597-6138 – ASB Room 537
- Any “Responsible Employee”
  - A KSU employee who has the authority to redress sexual misconduct and gender based violence, who has the duty to report incidents of sexual misconduct and gender based violence, or who a student could reasonably believe has this authority or duty. Examples include, but are not limited to, faculty, staff, administrators, and para-professionals.
  - This is any KSU employee (including Resident Advisors) except:
    - Nurse Samantha Todd – Old Rosenwald
    - Counselors at KSU Center for Emotional Wellness – Old Rosenwald
    - Baptist Campus Ministry and Wesley Foundation
- Responsible Employees must inform the Title IX Coordinator of any reports made by students or employees, including:
  - All relevant details about the alleged sexual violence shared by the complainant, including the names of the complainant and alleged respondent(s), any witnesses, and any other relevant facts, including the date, time, and specific location of the alleged incident.



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# Reporting – How do I report, and when?

- How?
  - In-person, phone, email, letter, etc.
  - Any report made in any capacity to a Responsible Employee will be reported to the Title IX Coordinator for action.
- When?
  - As soon as possible, but whenever you feel comfortable.



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# Reporting – What do I do if I’m a victim of sexual harassment or violence?

- Go to a safe place, call someone you trust.
- Do Not:
  - Bathe,
  - Use the restroom,
  - Change clothes (if you change, ensure you keep the clothes in individual plastic bags),
  - Brush your teeth.
- Go to the police, a hospital, or a crisis center.
- Report it to the Title IX Coordinator or any Responsible Employee.



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# Investigations

- Process
- Supportive Measures
- Retaliation



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# Investigations - Process

- Incident occurs;
- Reported to Responsible Employee or Title IX officer;
- Title IX Coordinator will contact the parties and ensure supportive measures are offered and explains how to file a Formal Complaint and the investigative process;
- The process will move forward based upon receipt of a formal complaint.



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# Supportive Measures

- Upon receipt of a report of an alleged Title IX policy violation, the Office of Title IX will contact the Complainant and offer supportive measures. Supportive measures are intended to restore and or preserve a parties' equal access to the University's educational program or activities. Supportive Measures include, but are not limited to:
  - Referral to counseling and health services;
  - Referral to the Employee Assistance Program;
  - Education to the community; d. Alteration of the housing situation of Respondent (resident student or resident employee);
  - Alteration of the housing situation of the Complainant (resident student or resident employee), if desired;
  - Limitations of contact between the parties, up to and including issuance of a no contact order;
  - Adjustments to academic deadlines and course schedules;
  - Altering work arrangements for employees; and
  - Other remedies appropriate to each individual situation.



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# Retaliation

- Adverse action by an individual against a party to a Title IX investigation.
- Retaliation is strictly prohibited and will not be tolerated.
  - Suspension or Administrative Leave,
  - Expulsion or Termination.
- Report retaliation to the Title IX Office immediately.



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# Discipline

- Will I be disciplined?
- What type of discipline can I receive?
- Can I fight it?



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# Discipline – Will I be disciplined, and how?

- If the Title IX Office determines there has been a violation of the Title IX Policy, there will be discipline.
  - “Preponderance of the evidence”
- Discipline may be administered and is determined on a case-by-case basis.
  - Warnings,
  - Probation,
  - Loss of Privileges,
  - Suspension or Administrative Leave,
  - Expulsions or Termination.
  - Students can appeal disciplinary determinations.



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# Discipline – Can I fight it?

- Yes.
- A party who disagrees with the decision or discipline resulting from an investigation may appeal the findings.
  - Must appeal within 2 business days.
  - Appeals are submitted to the Title IX Coordinator and forwarded to the Appellate Officer.



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# Campus Resources

- Confidential Resources:

- Center for Emotional Wellness Counselors– Student Center

- Medical Assistance – Nurse Samantha Todd – Old Rosenwald

- Religious – Baptist Campus Ministries or Wesley Foundation

- Non-Confidential Resources:

- Title IX Office

- KSU Police

- RDs and RA's

- Responsible Employees



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# Off Campus Resources

- Frankfort Regional Hospital – 2 Sexual Assault Nurse Examiners (“SANE”)
- Legal Aid of the Bluegrass
- & “Ampersand” Sexual Violence Resource Center of the Bluegrass (formerly Bluegrass Rape Crisis Center)



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# Questions?

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