



# Title IX

Fall 2020

# Location



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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 key 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.

# Consent

- ▶ An informed-decision, freely given, made through mutually understandable words or actions that indicates a willingness to participate in mutually agreed upon sexual activity.
  - ▶ 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.
  - ▶ Consent to one type of sexual contact or sexual intercourse (e.g., oral intercourse) does not constitute or imply consent for another type of sexual contact or sexual intercourse (e.g., vaginal intercourse), whether during a sexual encounter or during a previous sexual encounter.
  - ▶ Silence or an absence of resistance does not imply Consent. Consent can be withdrawn at any time.

# Sexual Harassment

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.; or
  - ▶ "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).
- ▶ Prohibits Retaliation

# Sexual Misconduct

- ▶ Sexual misconduct, under KSU policy, includes sexual assault, dating violence, domestic violence, stalking, and sexual exploitation when that behavior does not meet the jurisdictional requirements to constitute Sexual Harassment under Title IX.
  - ▶ Example Sexual Exploitation:
    - ▶ Photos, videos, prostitution, peeping-toms



# Responsible Employee

- ▶ Responsible Employee is An employee who:
- ▶ Has the authority to take action to redress Sexual Harassment or Sexual Misconduct; or
- ▶ Has the duty to report incidents of Sexual Harassment or Sexual Misconduct to appropriate school officials, or
- ▶ Is an individual reasonably believed to have this authority or duty.
- ▶ This includes all KSU employees except confidential employees.
  - ▶ Confidential Sources include Nurse Todd, Center For Emotional Wellness Counselors, and Baptist Campus Ministries and Wesley Foundation.
- ▶ A responsible employee must report to the Title IX Coordinator 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.

# Campus Resources

- ▶ Title IX Office
- ▶ Student Health Services
- ▶ Counseling
- ▶ KSU Police
- ▶ Resident Assistant
- ▶ Frankfort Regional Hospital – 2 SANE Nurses