

Title IX at WSC

**International
Student
Orientation**



Sensitive topic advisory

Please be aware... we will be discussing topics inclusive of sexual harassment and sexual violence. While the information is straightforward and presented in a way to talk about policies, support services, etc., we understand that these issues can impact individuals on a variety of levels. We want to make sure you receive information which could enable you to be successful, but if you become too uncomfortable at any time during the presentation and feel the need to excuse yourself, please do so. Please contact your group leader after the session and we can follow up as needed/desired (e.g. it is necessary for mandatory reporters to receive training).

American Customs & Culture

Culture is a neutral term, neither good nor bad, and refers to the broadest conception about the learned knowledge that humans use to fulfill their needs and wants. It refers to the collective historical patterns, values, societal arrangements, manners, ideas, and ways of living that people have used to order their society. It is comprised of all those things we learn as part of growing up including language, religion, beliefs about economic and social relations, political organization and legitimacy.

Many foreign students find that people in the United States are informal in dress, in decorum and in personal relationships to a degree that may seem inappropriate or, at times, extreme.

American Customs

Perhaps the most outstanding characteristic of society in the United States is its diversity. Truly a multicultural society, it is difficult, if not impossible, to make meaningful generalizations about behavior and society, or even about specific ethnic, religious, socioeconomic, age, occupational or other types of subgroups.

Nevertheless, it is possible to mention certain characteristics that, in general, describe attitudes and practices that are common among the people of the United States.

Greetings

Americans shake hands with each other when first introduced or when they meet again, but rarely when they part, which is more of a European custom. Social kissing, as a greeting, is also sometimes acceptable between men and women who know each other well and between women. American men rarely embrace each other or kiss on both cheeks. When two Americans are standing and talking, they generally stay at least 16 inches apart from each other.

Conversation

It is permissible to start a conversation with a stranger, but the conversation should be immediately ended if the person does not seem interested in talking. Be especially careful not to “force” your attention on someone confined in a place (e.g. in an office or on a plane, train or bus). If you meet someone you know on the street while you are with someone else, it is polite to introduce the person. If you are with a group of mainly English-speaking people and the conversation is in English, you should avoid speaking in a foreign language for more than a few sentences.

What is Title IX?

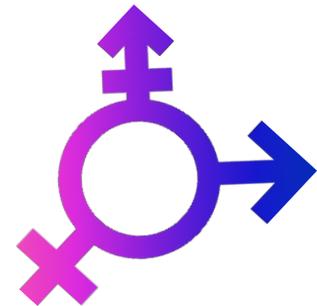
The Mink Act (Ed.Am. '72)

“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...”.

Title IX: 37 Words that Change everything (youtube.com)

To whom does Title IX apply?

Title IX protects all **students** and **employees** from discrimination and sexual harassment by any school employee, another student or a “disconnected” third party.



Note: Being impaired by drugs or alcohol is not a defense to any violation of this policy.

What is covered under Title IX?

Title IX provides protection against discrimination:

- Inequitable offerings in educational programs/activities
- Sexual Violence/non-consent
 - Sexual Assault
 - acquaintance, date or stranger assault
 - Stalking
 - Dating/Domestic Violence
- Sex Harassment
 - Quid Pro Quo
 - Hostile Environment
 - Bullying/Cyber Harassment

What is Sexual Violence?

Any intentional act of sexual contact (touching or penetration) that is accomplished toward another without their consent. Such acts may include, but are not limited to, forced oral sex, forced anal penetration, insertion of foreign objects into the body, and any act of sexual intercourse "against someone's will." This includes, but is not limited to, the use of a weapon, physical violence or restraint, verbal threats, intimidation, and threats of retaliation or harm. Sexual Violence includes Sexual Assault as defined in this policy.

What is it all about?

It's about **Consent**



What is Consent?

Consent is positive cooperation in an act or expressing intent to engage in an act. Consent is indicated through words or conduct. An absence of words or conduct does not constitute consent. An individual who consents to a sexual act must give that consent voluntarily, and with knowledge and understanding of the nature of the act and their participation in it. Consent to one type of sexual activity does not necessarily constitute consent for another type of sexual activity. Consent can be withdrawn by any party at any time through words or conduct.

Consent can be invalidated (in other words, a person cannot give consent) in a number of situations.

- A person cannot give consent if they are incapacitated by drugs or alcohol, unconscious, passed out, asleep, coming in and out of consciousness, or if they have a disorder, illness, or disability that would impair their understanding of the act and their ability to make decisions.
- A person cannot give consent if they are under the threat of violence, injury, or other forms of coercion or intimidation.
- A person cannot give consent if they are forced, coerced, intimidated, or deceived into providing consent. Consent cannot be inferred from silence or passivity alone.

What is Lack of Consent?

A person may express a lack of consent through words or conduct. A person need only resist, either verbally or physically, so as to make the person's refusal to consent genuine and real and so as to reasonably make known to the other party that person's refusal to consent. A person need not resist verbally or physically where it would be useless or futile to do so. The presence or absence of consent is based on the totality of circumstances, including the context in which an alleged incident occurred.

The fact that the alleged victim was under the influence of drugs/alcohol may be considered in determining whether that person had the capacity to consent to the act in question. If the person was incapacitated, the question of whether the alleged perpetrator knew, or should have known, that the alleged victim was incapacitated will be considered.

What is Sexual Assault?

Sexual assault shall mean an offense classified as a forcible or non-forcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation. Sexual assault is contact or sexual penetration that occurs without the consent of the recipient.

- Sexual contact means the intentional touching of a person's intimate parts or the intentional touching of a person's clothing covering the immediate area of the person's intimate parts. Sexual contact also includes when a person is forced to touch another person's intimate parts or the clothing covering the immediate area of the person's intimate parts. Sexual contact shall include only such contact which can be reasonably construed as being for the purpose of sexual arousal or gratification of either party.
- Sexual penetration means sexual intercourse in its ordinary meaning, cunnilingus, fellatio, anal intercourse or any intrusion of any part of the person's body or of a manipulated object into the genital or anal openings of another person.

What is Stalking?

Stalking shall mean engaging in a course of conduct directed at a specific person that would cause a reasonable person to; (a) fear for his or her safety or the safety of others; or, (b) suffer substantial emotional distress.

Stalking includes a pattern of repeated and unwanted attention, harassment, contact or any other course of conduct directed at a specific person that would cause a reasonable person to feel fear. Stalking may include: repeatedly communicating with, following, threatening, or spreading rumors about a person who does not want the attention.

What is Dating Violence?

Dating violence is violence (*violence includes, but is not limited to sexual or physical abuse or the threat of such abuse*) committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the following factors: (i) the length of the relationship, (ii) the type of relationship, (iii) the frequency of interaction between the persons involved in the relationship.

Dating violence can occur when one person purposely hurts or scares someone they are dating. **Dating violence can be physical, emotional, and/or sexual abuse.**

What is Domestic Violence?

Domestic violence shall mean felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws.

Domestic violence includes patterns of abusive behavior in relationships used by one partner to gain or maintain power and control over another intimate partner. **Domestic violence can be physical, sexual, emotional, economic, or psychological actions or threats of actions that influence another person. This includes any behavior that intimidates, manipulates, humiliates, isolates, frightens, terrorizes, coerces, threatens, blames, hurts, injures, or wounds someone.**

Under Neb. Rev. Stat. §28-323, domestic assault occurs when a person; (a) intentionally and knowingly causes bodily injury to his or her intimate partner; (b) threatens an intimate partner with imminent bodily injury; or, (c) threatens an intimate partner in a menacing manner. Intimate partner means a spouse; a former spouse; persons who have a child in common whether or not they have been married or lived together at any time; and persons who are or were involved in a dating relationship.

What is Sex/Gender Harassment?

Sex/gender harassment is unwelcome conduct of a sexual nature that is sex or gender based. Sex/gender harassment can include (but is not limited to) the following:

- unwelcome sexual advances,
- requests for sexual favors,
- cyberbullying
- other verbal, nonverbal or physical conduct of a sexual nature
- physical aggression, intimidation, or hostility based on sex or sex-stereotyping, sexual orientation and/or gender identity, even if those acts do not involve conduct of a sexual nature.

Harassment does not have to include an intent to harm, be directed at a specific target, or involve repeated incidents.

What is Hostile Environment Harassment?

Sex and/or gender harassment creates a hostile environment for a student-victim when it is so severe, pervasive, or persistent that it interferes with or limits the student's ability to participate in or benefit from the Colleges' services, activities, or opportunities because of their sex or gender.

The determination regarding whether a hostile environment has been created requires objective and subjective consideration of the pertinent circumstances, including the type of conduct alleged, its severity, duration, and frequency, the context, including the parties' age, sex, and relationship to each other, and any history of similar behavior.

Examples of Sex/Gender Harassment

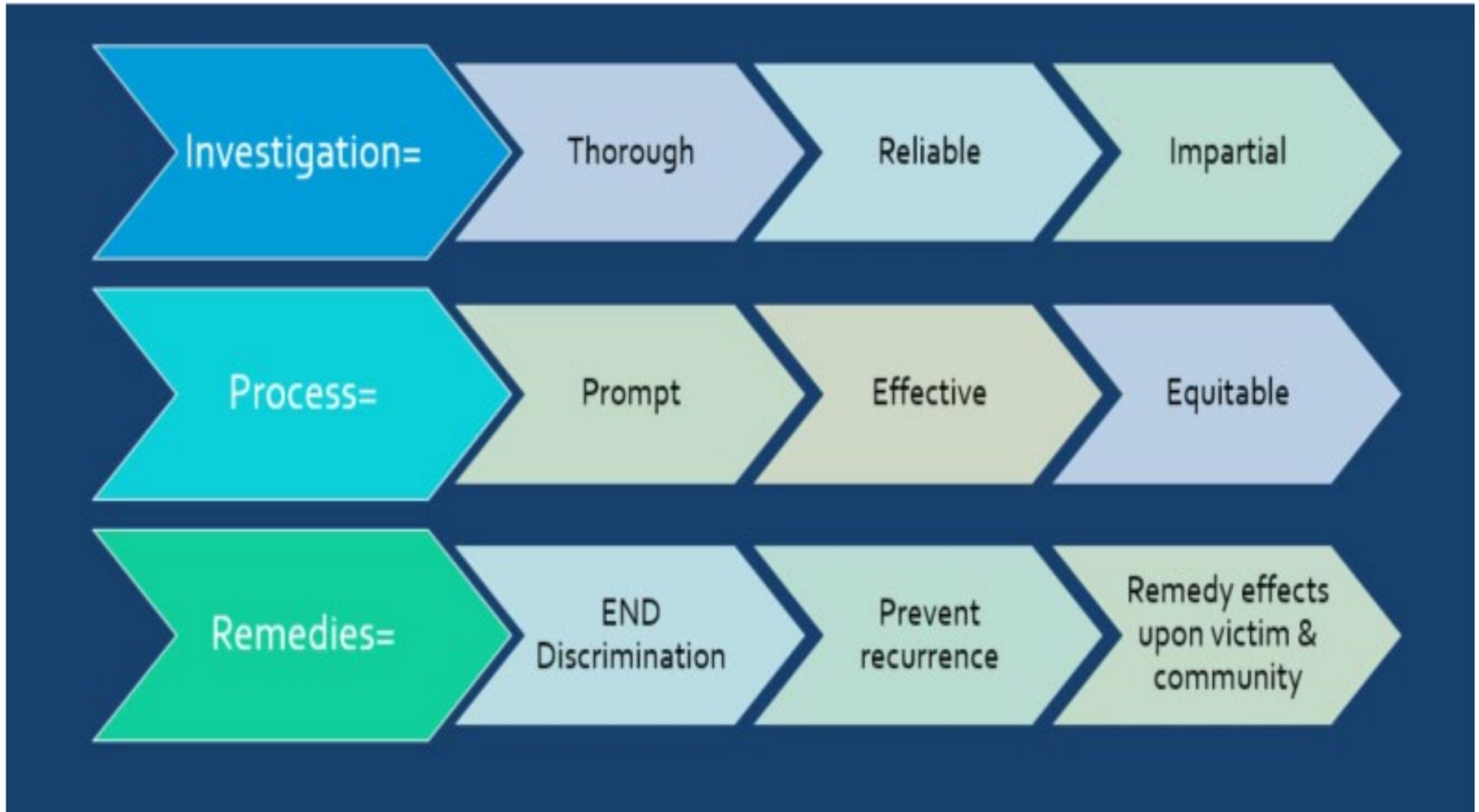
- Sex or gender themed Jokes
- Rating a person's sexuality
- Name calling due to a persons gender or sexual orientation
- Pervasive displays of pictures, or other materials with sexually explicit or graphic content

What is the College's role?

If a school *knows* or *reasonably should know* about... harassment...the school (must) take immediate action to:

- end/eliminate the harassment,
- prevent its recurrence, and
- address/remedy its effects.

So What About... Investigation, Process & Remedies?



So What About... Remedies – Individual?

- Complainant-based
 - Provision of counseling and medical services
 - Academic support services
 - Living situation adjustments
 - Work/schedule accommodations
 - Academic Course adjustments/no penalty withdrawals etc.

So What About... Pro-Active Programming?

- Primary Awareness/Education - Student activities and programming assessment – Orientation, HRW, Team Orientations, etc.
 - Values Check/Culture, Awareness, Communications
 - Bystander –abuse indicator awareness and intervention without assumption of risk
 - Personal precautions
- Secondary/reinforcement/ refresher training – Active and Passive
- Annual “Climate Check” - Surveys, Focus Groups, individual experiences
 - Assess effectiveness of materials, programs and training

Reporting

Reports can be filed by the alleged victim or a third party who is aware of allegations of sexual violence or sex harassment, including other students or College employees. Reports should be filed with one of the designated College administrators and/or employees responsible for student services, as follows:

- President
- Vice Presidents
- Deans
- College Title IX Coordinator
- Housing/Residence Life Staff to include:
 - Director
 - Assistant Directors
 - Hall Coordinators
 - Resident Assistants
- Coaches and Assistant Coaches
- Campus Security Officers

WSC Title IX Coordination Team

- David McMahan, Dean of Students & Title IX Coordinator

423-470-2919 - compliance@wsc.edu

- Candace Timmerman, Director of Human Resources
- Linda Anderson, Assistant Director of Athletics
- Jason Mrsny, Campus Security Manager

Confidential Resources

The law recognizes and protects the confidentiality of communications between a person seeking care and a medical or mental health professional. Medical or mental health professionals employed by the Colleges (Licensed Student Counselors, Nurses and Athletic Trainers) respect and protect confidential communications from students, faculty, and staff to the extent they are legally able to do so. Employees may have to breach a confidence, however, when they perceive an immediate and serious threat to any person or property.

- Alicia Dorcey, Director of Counseling
- Regina Korth, Campus Nurse
- Muffin Morris, Head Athletic Trainer

NOTE - College employees (even medical or mental health professionals identified herein) are required by law to report any allegations of sexual abuse or assault of a minor to either law enforcement or the Department of Health and Human Services.

Confidentiality

- The College appreciates the privacy concerns inherent in allegations of sexual violence or sex harassment. To protect students' privacy rights, the names of students or other identifying information, especially that which is contained in written documents and notes, will only be disclosed to third parties if (a) prior written permission is given by the student concerned, (b) the disclosure is necessary to conduct an investigation, (c) the disclosure is necessary to pursue disciplinary action or (d) the disclosure is otherwise required by law.
- Victims will be informed that the College has a legal duty to include information about reports of criminal sexual misconduct in annual security report statistics which do not identify either the person claiming to have been subject to criminal sexual misconduct or the alleged perpetrator.
- If an alleged victim is under the age of eighteen (18) years, the College will obtain consent from the parents or guardians prior to beginning an investigation or disclosing information, unless otherwise required by law.
- If the alleged victim requests confidentiality, asks that the report not be pursued, or declines to participate in an investigation or disciplinary proceeding, the College will document the request. The College will take reasonable steps to investigate and respond to reports consistent with such a request, if possible. Requests will be evaluated and weighed against the College's responsibility to provide a safe and nondiscriminatory environment.

Disciplinary Processes and Consequences:

- Processes and procedures described in Board Policies 3100 and 3200 may be used subsequent to a sexual violence or sex harassment investigation to address cases of student misconduct, due process and discipline. If the alleged perpetrator is an employee, other Board Policies or Collective Bargaining Agreements will determine the due process steps and disciplinary consequences.
- Disciplinary consequences may include, but are not limited to: warnings, disciplinary probation, loss of privileges, restitution, remedial work assignments, remedial educational requirements, service requirements, remedial behavioral requirements, College housing relocation, College housing suspension, removal from College housing, suspension, and expulsion.

Law Enforcement:

- Alleged victims should be advised that physical evidence can be collected at the same time as medical care is provided, but that medical evidence for a criminal prosecution cannot be collected without a report being made to local law enforcement. It is important that students make an informed decision regarding important physical evidence that can be preserved.
- While students are not required to notify law enforcement authorities regarding a report of sexual violence or sex harassment, reports still need to be filed with Campus Security to inform them that an act of violence may have occurred. Campus Security shall notify the Title IX Coordinator, who is responsible for coordinating the College response to the reports of sexual violence and sex harassment. Pursuant to federal law, the College has a legal responsibility for documenting and reporting an incidence of sexual violence and sex harassment. Regardless of whether or not the law enforcement authorities choose to prosecute a reported offense, the College can pursue formal disciplinary action against a student or employee alleged to have committed sexual violence or sex harassment.

Off Campus Resources

- **Haven House: 402.375.4633:** The local Domestic Violence/Sexual Assault Shelter. Provides victim advocacy, shelter, and services free of charge in Cedar, Dixon, Dakota, Thurston, and Wayne Counties
- **Wayne Police Department: 402.375.2626:** If you believe you have been witness or are a victim of a crime, you are encouraged to contact the police. This is your choice. The sooner you contact the police, the better they can support you in a criminal investigation
- **Providence Medical Center: 402.375.3800:** The local hospital provides hospitalization and medical services including counseling services and nurses specially trained to respond to sexual assault.
- **Bright Horizons: 402.379.3798:** Domestic violence/sexual assault shelter providing victim advocacy, shelter, and services free of charge in Antelope, Boyd, Holt, Knox, Madison, Pierce, and Stanton Counties
- NATIONAL OFF CAMPUS RESOURCES
- <http://ndvsac.org/> **Nebraska Domestic Violence and Sexual Assault Coalition: 1.800.876.6238:** Nebraska's toll free 24 hour support hotline for the domestic abuse/sexual assault program serving your area
- <https://www.rainn.org/> **Rape, Abuse, & Incest National Network (RAINN): 1.800.656.4673:** The largest anti-sexual assault organization providing abundance resources on support, prevention tips, news, and more.
- <http://www.glnh.org/> **The GLBT (Gay, Lesbian, Bi-Sexual, Transgender) National Help Center: 1.888.843.4564:** Providing support and resources for the GLBT community
- <http://www.victimsofcrime.org/> **National Center for Victims of Crime: 1.800.394.2255:** Provides information and referrals to all victims of crime and also provides civil attorney referrals

Questions

When you...

SEE IT

HEAR IT

LEARN IT

EXPERIENCE IT

Or When You...

are in doubt

have questions

wonder

Contact the Title IX
Coordinator at:

David McMahan

1111 Main St.-WSC

Kanter Student Center Room
201D

402.375.7213

compliance@wsc.edu

Intervene

Cornell University

<https://vimeo.com/183541312>

So How do I...?

Find out more...

- About process?
- Get involved in pro-active interventions and community support?