

# CAMPUS TITLE IX | SEXUAL HARASSMENT TRAINING

STUDENT TRAINING

2023

# CONTENT ADVISORY

The content and discussion in this presentation will necessarily engage with sex- and gender-based harassment, discrimination, and violence and associated sensitive topics that can evoke strong emotional responses.

There may be examples and/or scenarios that emulate the language and vocabulary that Title IX practitioners may encounter in their roles including slang, profanity, and other graphic or offensive language.

This content may be difficult and you are encouraged to take care of your wellbeing.

# KEY PLAYERS



**DEIDRE  
HOPKINS**

- Title IX Coordinator
- Equity Officer



**BETSY  
ASPINWALL**

- Interim Dean of Students
- Associate Dean of Students



**ZACHARY  
WILLIAMS**

- University Investigator



**ALEX  
FIELDS**

- Director of Department of Student Community Ethics



**NANCY  
FORD**

- Director of Employment Relations, Talent Acquisition and Development

# TITLE IX OF THE EDUCATIONAL AMENDMENTS OF 1972

“No person in the US 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.”

# TWO WAYS OF HANDLING STUDENT SEXUAL HARASSMENT THROUGH THE UNIVERSITY

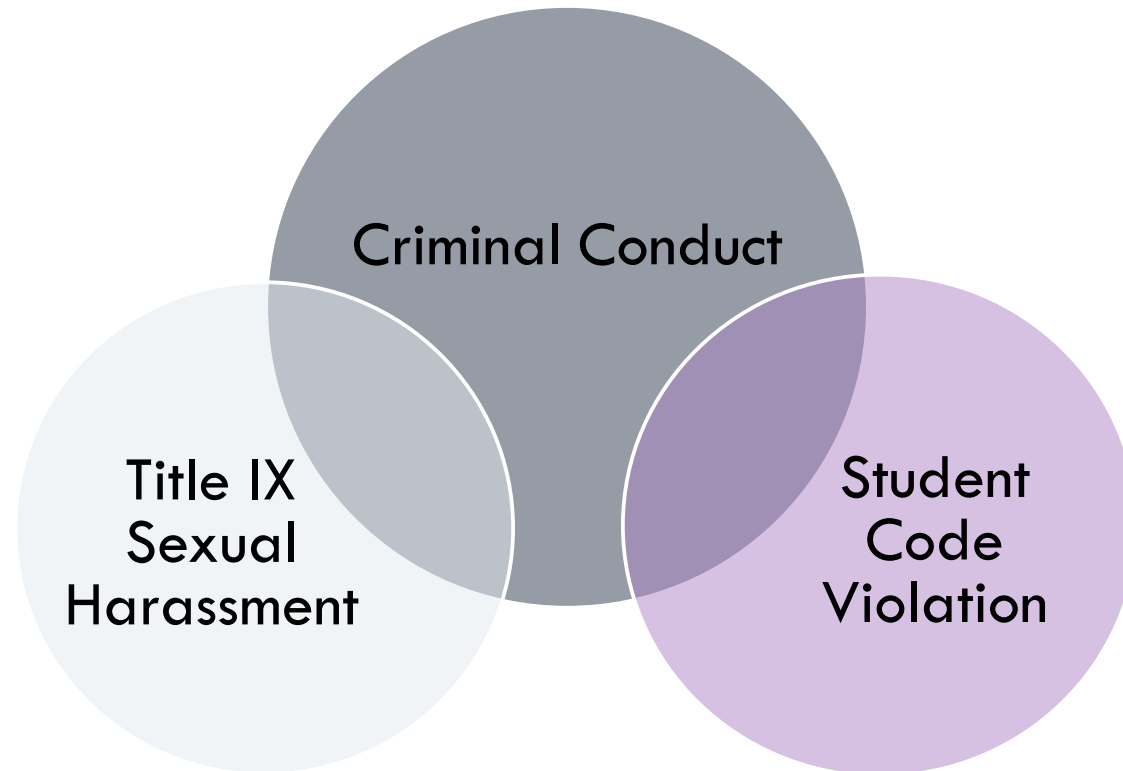
## PROCESS A: Policy 129 – Title IX Sexual Harassment

- Title IX Sexual Harassment is limited to:
  - Quid pro quo - An employee of the respondent conditioning the provision of an aid, benefit, or service of the respondent on an individual's participation in sexual conduct;
  - 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 recipient's education program or activity; or
  - Sexual assault, dating violence, domestic violence, or stalking as defined by relevant statutes.

## PROCESS B: Student Code of Conduct

- Covers other student sexual misconduct that doesn't meet the definition of Title IX Sexual Harassment.

# CRIMINAL VS. UNIVERSITY PROCESSES



**SEXUAL HARASSMENT  
PROHIBITED BY UNIVERSITY  
POLICY**

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# EXAMPLES OF UNWELCOME CONDUCT OF A SEXUAL NATURE

## PHYSICAL

- Touching that is inappropriate in the workplace/classroom:
  - Patting
  - Pinching
  - Stroking
  - Brushing up against the body
- Attempted or actual kissing;
- Attempted or actual fondling;
- Attempted rape or rape

## VERBAL

- Offensive jokes of a sexual or sexist nature;
- Requests for sexual favors;
- Requests for dates;
- Compliments of a sexual nature.
- Cat calls

## NON-VERBAL

- Sexual looks such as leering and ogling with suggestive overtones;
- Licking lips or teeth
- Winking
- Throwing Kisses
- Unsolicited photographs

\*Conduct must be unwelcome.

\*\*Verbal and nonverbal behavior may not violate policy on the first incident.



# CONSENT

(4.07) CONSENT - approval and permission to engage in mutually agreed upon sexual activity demonstrated by clear actions, words, or writings.

- **Consent cannot be granted when:**
  - o The other party is under the age of legal consent:
  - o The other party is asleep or unconscious:
  - o The other party was coerced; intimidated; or threatened with mental or physical force.
- **Consent is not to be inferred from:**
  - o Silence, passivity, or lack of resistance; and/or
  - o An existing or previous dating or sexual relationships.

Unwelcome conduct means there is **NO** consent for the conduct.

It is the **responsibility of each party** to determine that the other has consented before engaging in the activity.

# CONSENT TEA VIDEO

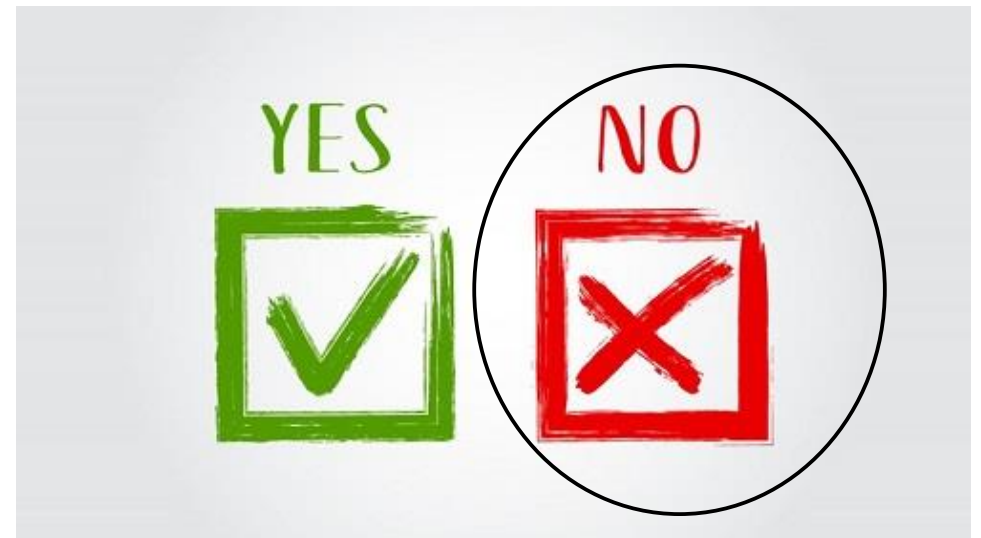
*BY BLUE SEAT STUDIOS*



# HYPOTHETICAL #1

Andy and Bobby meet at a party and realize they live in the same apartment complex. When the party ends, Bobby's friend gives them a ride home. During the ride, Andy and Bobby kiss. Then, Andy texts a friend that they had met a "hot" person at a party and is "totally going to hook up." Once at the apartment complex, Bobby asks Andy if they want to have sex; Andy says yes and kisses Bobby. Andy and Bobby walk to Bobby's apartment mutually holding hands, and immediately walk to Bobby's bedroom. When Bobby and Andy get to the bed, they undress themselves and Bobby engages in sex with Andy. After a few minutes, Bobby begins engaging in "rough sex" and slaps Andy a few times. Andy tried to block a couple of the slaps stating they don't like rough sex but Bobby continued until they were "finished." As soon as it was over, Andy leaves Bobby's apartment.

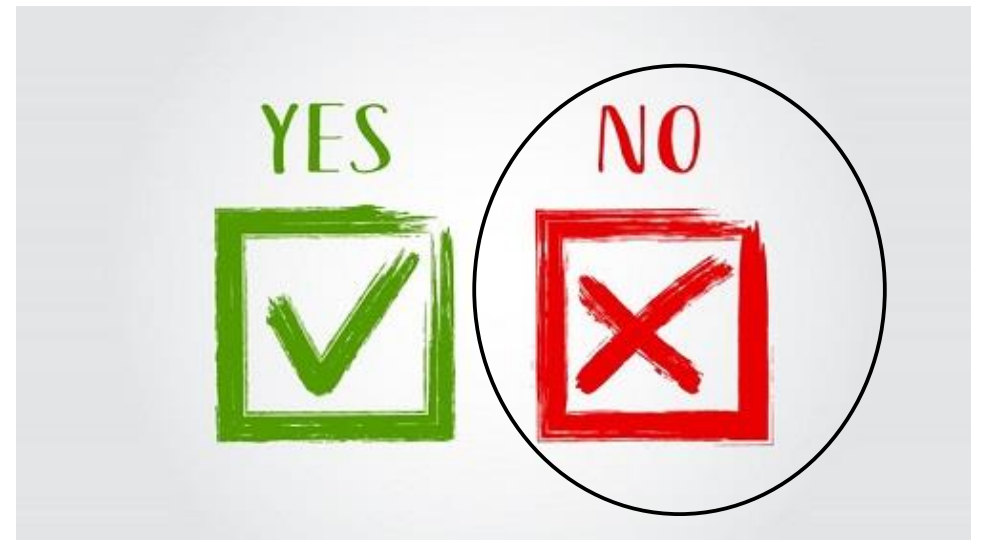
**Did Bobby have consent?**



## HYPOTHETICAL #2

Casey and Devon have been in a sexual relationship for about 3 months and both describe the relationship as “friends with benefits.” Generally, once a week, one will text the other to see if they want to “hook up.” “Hooking up” usually consists of watching TV, making small talk and, at some point, one person initiates kissing and then sex. Once early in their “FWB” status, Casey & Devon had consensual penetrative intercourse. Since that time, all sexual contact has been oral. One night, Casey invites Devon to their apartment. Casey told Devon they only wanted oral, as usual. When Devon arrives at Casey’s apartment, neither person exchanges any words. Instead, Casey and Devon begin kissing. Casey begins performing oral sex on Devon. Then Devon penetrates Casey with his penis.

**Did Bobby have consent?**



# “NO” MEANS NO, BUT SO DOES:



# HOW TO ASK FOR CONSENT



**HOW DO I REPORT?**

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# REPORTING PROHIBITED CONDUCT

- If it involves a crime, report directly to the **police**, then the **Title IX Coordinator**.
  - 828.227.7301 (non-emergency)
  - 828.227.8911 (emergency)
- Report it even if it happened months (or years) ago.
- Report even if the behavior has not been confirmed.
- Do not assume that the victim/complainant has reported.

## Safe @ WCU

Western Carolina University is committed to creating and maintaining an environment that promotes a healthy spirit of responsibility, dignity, and respect in matters of sexual conduct and interpersonal relationships. This website serves as a portal for resources and information related to sexual harassment, sexual violence, interpersonal violence, and stalking.

EMERGENCY AND CRISIS INFORMATION >

**FILE A REPORT >**


IMMEDIATELY ESCAPE THIS PAGE





# WHAT HAPPENS WHEN I REPORT

Your report will prompt University administrators and/or police to reach out to you (or the victim, if you are not the victim).



The victim will receive information about supportive measures, local resources, and how to pursue University or Criminal action.



Everyone can and should expect a fair process.

# SUPPORTIVE MEASURES

## WHEN ARE SUPPORTIVE MEASURES PROVIDED?

- May be implemented as soon as the incident is reported.

## TYPES OF SUPPORTIVE MEASURES

- No Contact Order
- Housing Accommodations
- Course-related adjustments
- Police escorts
- Leave of absence notifications
- Etc...

## WHO CAN RECEIVE SUPPORTIVE MEASURES?

- Either Party so they may continue to access their educational programs and activities in a safe environment

# YOU CAN BE PART OF THE SOLUTION

- **It is important to emphasize that the only person responsible for committing sexual misconduct is a perpetrator.**
  - Review the information on what sexual misconduct is and then reflect on your own behaviors. If you recognize that you have been doing some of these behaviors, it is time to stop.

- **Bystander Intervention**

## DIRECT

- Direct means that you directly confront the situation.

## DISTRACT

- Distract means you intervene in the situation by distracting the parties.

## DELEGATE

- Delegate means you enlist help from others.

- **Watch out for one another.**

- **Report misconduct to the University.**

# FINAL NOTE

**If you don't know, call me.**

**The investigation is a collaborative process.**

**Everyone can and should expect a fair process**

**S**

**Supportive Measures**

**A**

**Ask for Consent**

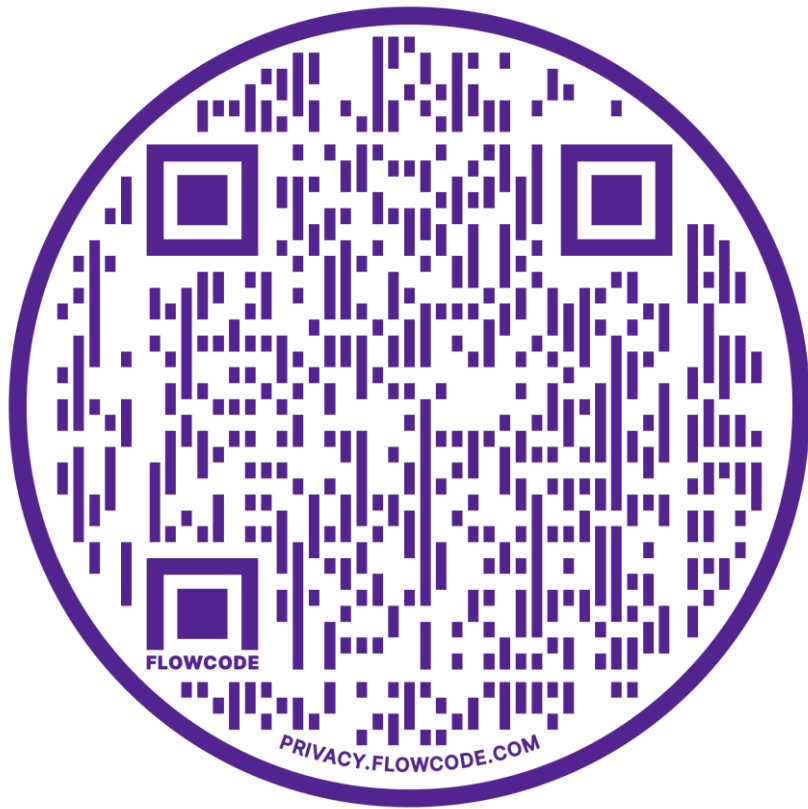
**F**

**Follow Policies**

**E**

**Effective Reporting**

# QUESTIONS?



[safe.wcu.edu](https://safe.wcu.edu)

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