

# Introduction to Title IX: Gender Equity in Education

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<http://www.shepherd.edu/title-ix>



# Overview on Policies, Resources, Reporting, and Prevention



## Shepherd Community

We strive to create a safe and equitable environment based on mutual respect and acceptance of differences.

# Outcomes

- Recognize gender –based and sexual harassment, discrimination, and interpersonal violence
- Empower employees in response and prevention of harassment and violence
- Understand Shepherd policies and procedures
- Recognize importance of Title IX reporting and referral to resources
- Promote Shepherd community of respect

**Expect ReSpect**



# Title IX

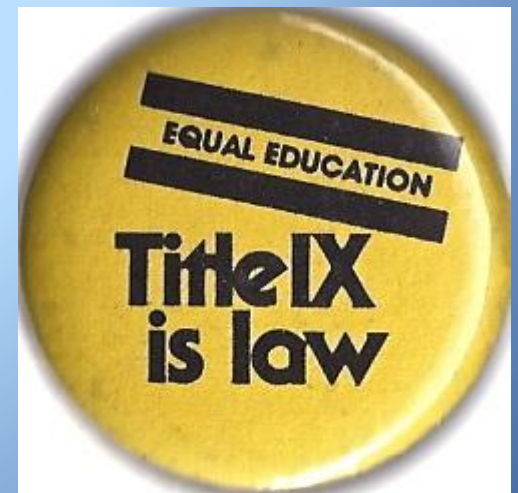
Protects campus community from gender-based harassment/discrimination/violence; and retaliation..

*“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.”*

- Education Amendments of 1972

# Title IX Application – Discrimination on Basis of Gender, including:

- Admissions/ Recruitment/ Financial Assistance
- Academics - STEM
- Athletics
- Sexual misconduct – harassment, violence, exploitation
- Gender-based harassment/discrimination
- Discipline
- Pregnancy and Parenting Status
- Employment
- Retaliation



# Sexual harassment and violence

## Federal Case Law

- Supreme Court: sexual harassment, including sexual violence, is a form of sex discrimination when harassment affects access to educational programs/activities
  - Knowledge + deliberate indifference = liability
  - Sexual violence considered severe form of sexual harassment

# Title IX Enforcement



Dept. of Education(DOE) Office for Civil Rights (OCR)  
and Dept. of Justice Civil Rights Division

- OCR Issues guidance and Investigates Complaints
  - Dear Colleague Letters
  - Resolution Agreements
- Other Enforcement Mechanisms
  - Private Action
  - Institutional obligation/community expectation of safety/duty of care



# Non-Discrimination and Civil Rights



## Employment

- Title VII of Civil Rights Act of 1964: Covers race, religion, sex, and national origin
  - Employment consideration/selection whether full/part time
  - Sex (pregnancy/marital status)
- ADA

## Education

- Title VI covers race and national origin (recipients of federal funds)
- Title IV covers race, sex, religion, and national origin
- ADA (Section 504)





# **Under Title IX**

## **Institutions Must :**

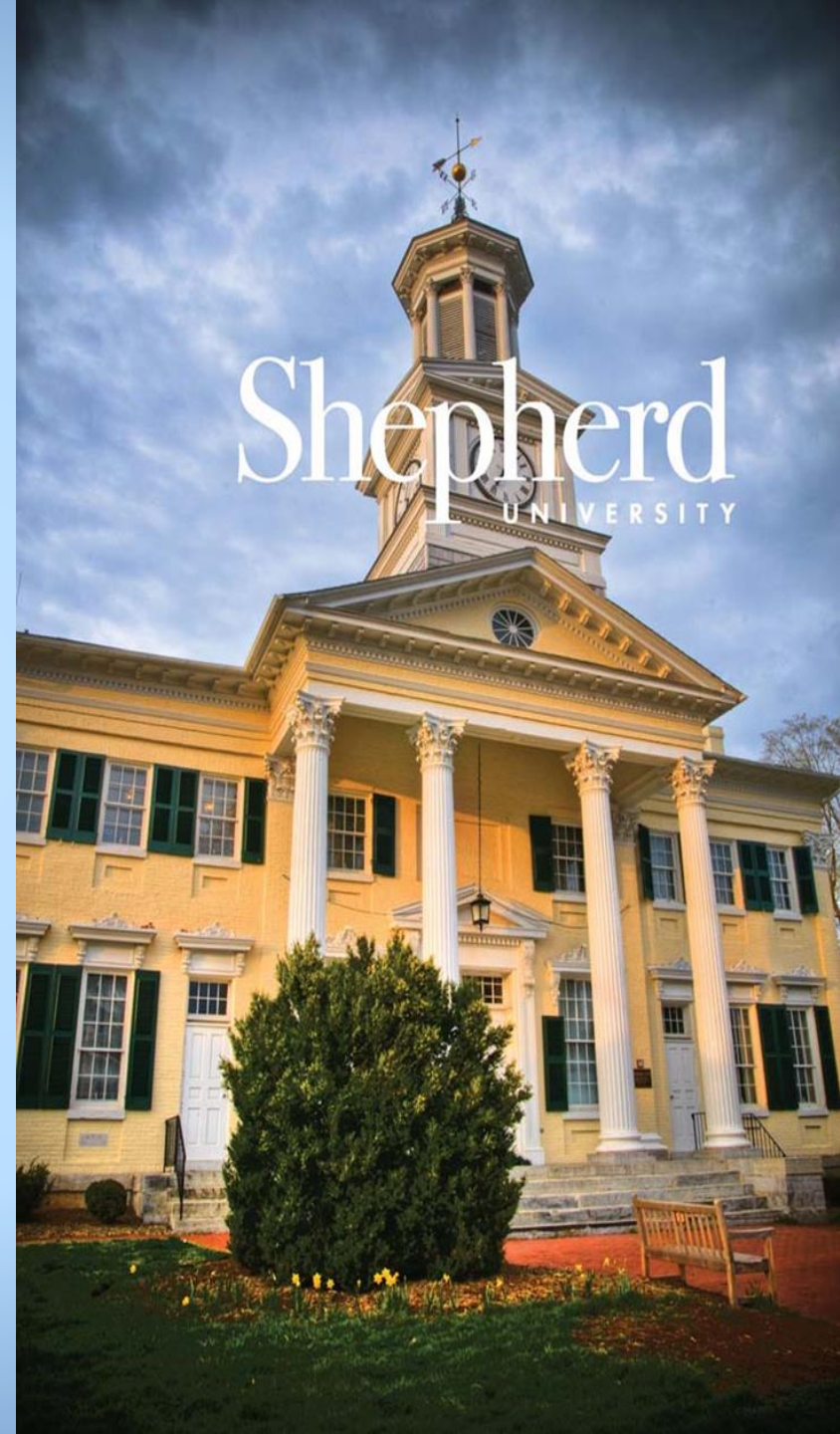
1. Designate TIX Coordinator
2. Disseminate non-discrimination policy,
3. Adopt, publish, distribute grievance procedures

## **Shepherd University Non-discrimination & Anti-harassment Statement**

<http://www.shepherd.edu/title-ix>

## **Title IX Policy**

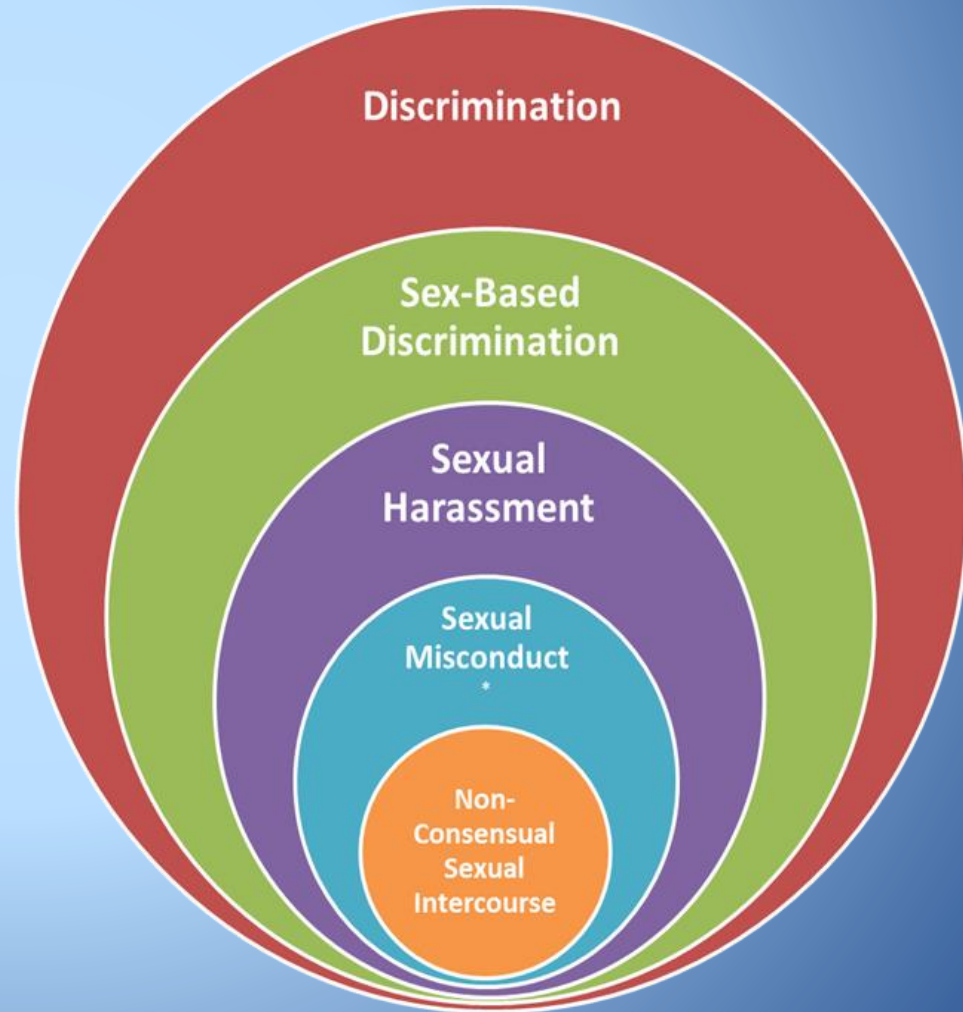
**No tolerance for discrimination, harassment, violence, or retaliation**



# Title IX Policy (incorporates VAWA)

## Gender-based and Sexual Misconduct includes:

- Sexual Harassment
  - Quid pro quo
  - Hostile Environment
- Sexual Assault
  - Non-consensual sexual contact
  - Non-consensual sexual intercourse
- Sexual Exploitation
- Relationship Violence
- Stalking
- Gender-based harassment
- Retaliation



# Relationship Violence

## Dating Violence

- Committing, attempting, or threatening an act of violence against a person in a romantic or intimate relationship, either currently or formerly.

## Domestic Violence

- Committing, attempting, or threatening an act of violence by a person against a current or former spouse, current or former cohabitant, person sharing a child in common, or person situated in a similar familial environment.

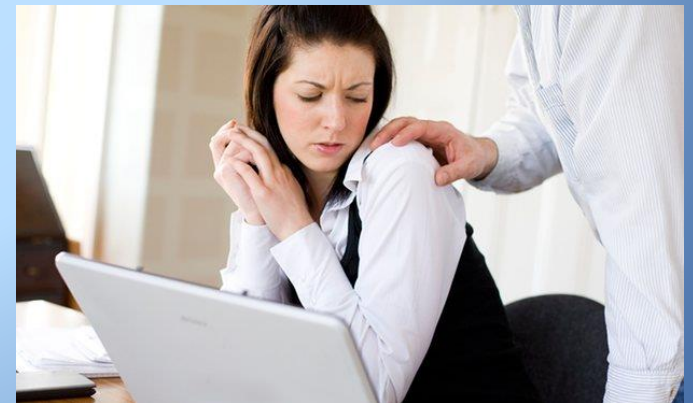




# Sexual Harassment

- Unwelcome, unwanted conduct of a sexual nature that:
  - (1) Is based on power differentials (quid pro quo), or
  - (2) Creates a hostile environment
    - Hostile Environment – Severe, or pervasive/persistent and objectively offensive effectively limiting access

[Click here](#)





# Hostile Environment Analysis

Totality of the circumstances

- Frequency (persistent or pervasive), nature, and severity of the conduct
- Conduct was physically threatening?
- Conduct was humiliating?
- Identity/relationship between alleged harasser and subject(s) of harassment
- Age/sex of alleged harasser and subject(s)
- Size of school, location of incidents, and context

# Gender-based harassment

Including unwelcome conduct of a nonsexual nature based on a student's actual or perceived sex, sexual orientation, gender identity, gender expression, and nonconformity with gender stereotypes.



# Examples of Harassment based on Gender

- Threats or adverse actions for refusal to tolerate/submit to/for reporting
- Physical contact or suggestive body language
- Excessive remarks about body, appearance, dress
- Sexual rumors/ratings/jokes/proposals
- Sexually explicit or offensive language
- Hostility based on gender/stereotyping
- Change in responsibility based on gender-related status

# Stalking

Engaging in a course of conduct directed at a specific person that would cause a reasonable person to

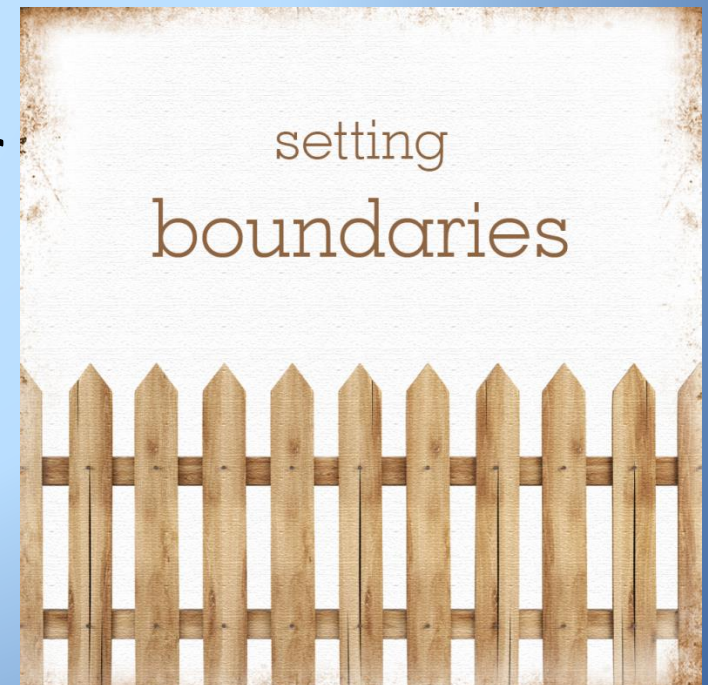
1. fear for the person's safety or the safety of others, or to
2. suffer substantial emotional distress.





# Empower students and co-workers

- It's ok to tell someone their attention or conduct is offensive or unwelcome
- Ask person to stop – make them aware of how their actions are perceived
- Address issues as they occur



# Sexual Exploitation

Including taking non-consensual, unjust, or abusive advantage of another person for the benefit or advantage of anyone other than the person who is exploited.

- Unwanted or non-consensual photo/video sharing
- Manipulation of someone or a situation
  - Alcohol
  - Experience
  - Isolation

# Sexual Assault

**Non-consensual sexual contact:** including any intentional sexual touching, however slight, with any object or body part, performed by a person upon another person.

**Non-consensual sexual intercourse:** including any penetration, however slight, with any object or body part, performed by a person upon another person.



# What it looks like on campus



**Majority  
involve  
alcohol**



**It happens to men and women**

**85% they  
know  
each  
other**







# Consent

- knowing, voluntary, and mutual agreement
- words or actions creating clear, unambiguous permission
- Active, not passive – silence does not equal consent
- On-going
- <https://www.youtube.com/watch?v=fGoWLWS4-kU>

Consent cannot be obtained when person is

- Incapacitated by:
  - drugs/alcohol or
  - mental/physical disability
- Coerced or intimidated
- Forced
- Physically helpless
- Unconscious or asleep

# Reality check

- 1 in 5 women and 1 in 15 men
- Highest Risk Populations – first/second year students, students with disabilities, international students, LGBTQ community, women of color
- Risk declines from 1<sup>st</sup> year to senior year
- More than 90% of victims will not report
- 2/3 of college students experience sexual harassment during college
- Violence is normalized

<https://www.youtube.com/watch?v=Y23JEKv8tYs&list=PLcZFna672PJn2Al9cjCmkutVf3mmXwiOg&index=1>

# Retaliation

- Retaliatory action of any kind, including but not limited to intimidation, coercion, discrimination, or threats, against any individual as a result of a person's attempt to seek redress or to participate in any part of an investigative process
- **Protected Activity..**



# Title IX Notice: Shepherd Reporting

## Responsible Employees:

Employees with authority, duty, or who students could reasonably believe have authority or duty - responsibility for student welfare (faculty, staff, administration, athletics, student employees)

- school has notice if responsible employee knew or reasonably should have known of harassment or violence (OCR)
- Duty to report all information to Title IX Coordinator (employee situations can also be reported to HR)
- Reporting options – email, phone, online form

<http://www.shepherd.edu/title-ix>





# Title IX Response and Resolution

INSTITUTIONAL DUTY TO:

1. Stop Harassment or Violence
2. Eliminate Hostile Environment
3. Prevent Recurrence
4. Remedy Effects



# What do I do if someone reports to me?

- Respect
  - Express your support and desire to help
- Inform
  - Explain your requirement to report and offer to help them connect with a confidential resource. (IPV Response Coordinator: Rhonda Jackson 304-876-5161)
- Connect
  - Contact Title IX Coordinator: Annie Lewin to report what you know. 304-876-5067
  - IPV Response Coordinator will reach out for support

# Resources

## CONFIDENTIAL

### On campus

**IPV Response Coordinator:**

**Rhonda Jackson**

**[rjackson@shepherd.edu](mailto:rjackson@shepherd.edu)**

**304-876-5681**

- SAVAs (Sexual Assault Victims Advocates)

**<http://www.shepherd.edu/counseling/sexual-assault-victim-advocates-sava>**

**Counseling/Health Center:**

**304-876-5161**

### off-campus

**Shenandoah Women's Center**

**24 Hour Hotline: 304-283-8202**

**<http://swcinc.org/>**

## REPORTING OPTIONS

**Title IX Coordinator:**

**Annie Lewin**

**[alewin@shepherd.edu](mailto:alewin@shepherd.edu)**

**304-876-5067**

**Dean of Students:**

**Dr. Ann Wendle**

**[awendle@shepherd.edu](mailto:awendle@shepherd.edu)**

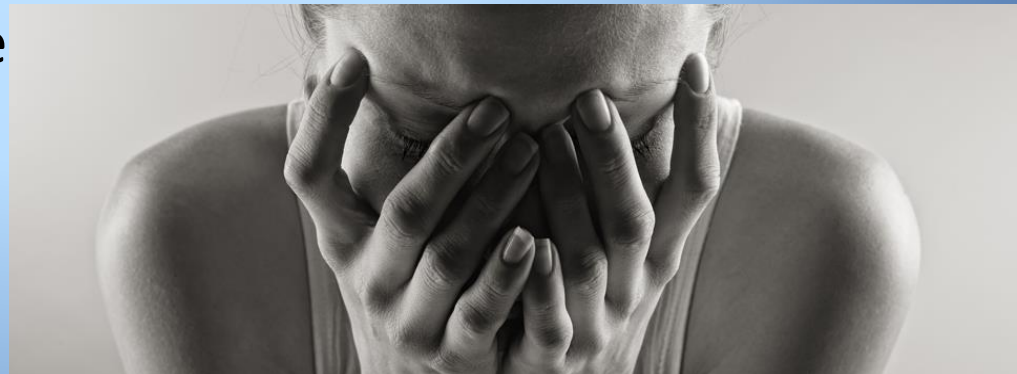
**304-876-5214**

**SUPD: 304-876-5202**

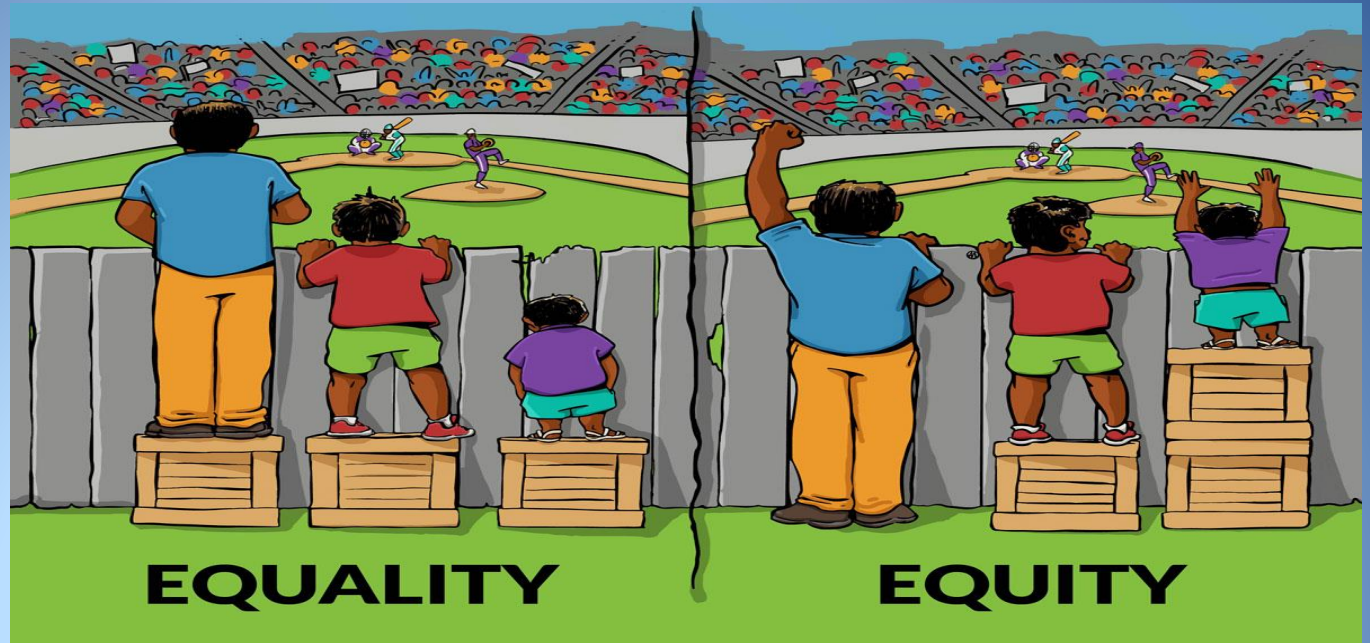
**EMERGENCY: 911**

# Importance of Referral

- Impact of trauma – access and success in school, work, and life
  - Shock
  - Fear/Anxiety
  - Nightmares/flashbacks
  - Disruption in sleep/appetite
  - Difficulty concentrating
  - Self-blaming / Guilt/Shame
  - Depression, Anxiety, PTSD
- Impacts not just parties directly involved, but community as a whole
  - Helplessness of friends/family
  - Community feelings of safety/civility
  - Institutional reputation & learning environment







# Costs

- Federal Investigations
- Legal costs for suits and liability
- Student/employee success and retention
- Victim support and recovery
  - Sexual violence overwhelming affects youth under 25 years of age – negative impact on physical and emotional health

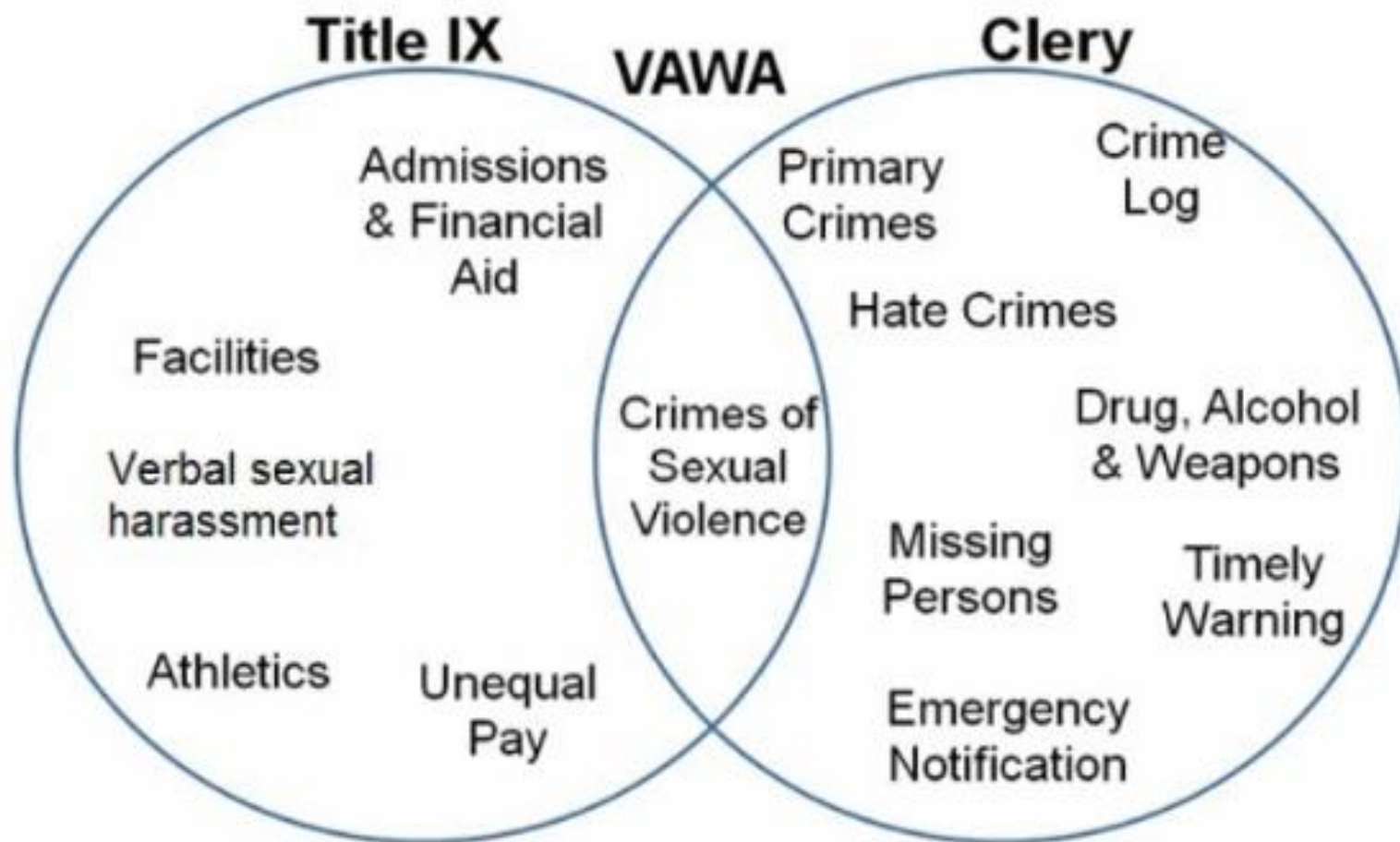
# Clery Amendments & VAWA Reauthorization (2015 effective)



- Victim Reporting Rights
- Gender violence (additions of Dating/Domestic Violence and Stalking)
- Training for incoming students/employees
- Ongoing awareness/prevention programs, risk reduction

- Campus Process:
  - provide a prompt, fair & impartial investigation & resolution
  - conducted by officials who receive annual training
  - Accuser and the accused are entitled to:
    - advisor of choice
    - Notice of outcome/procedures to appeal/any change to the results; and when such results become final

# Reviewing the Laws



# Techniques for Prevention

- Bystander Intervention
  - Recognize that something is wrong
  - Identify the problem
  - Decide to Act and Develop a Strategy (Direct, Distract, Delegate)
  - Intervene Safely
- Risk reduction – establishing boundaries
- Raising Awareness and Supporting Survivors
  - Create safe, supportive environment
  - Encourage reporting
- Shifting Culture
  - Model respectful behavior
  - challenge gender stereotyping



<https://www.youtube.com/watch?v=AQB0eaBz6sg&index=8&list=PLcZFna672PJn2Al9cjCmkutVf3mmXwiOg>