

TITLE

IX

*Michelle Willbanks
Title IX Coordinator*



The University of Texas at Arlington
Title IX

“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 of the Educational Amendments of 1972



The University of Texas at Arlington
Title IX

Title IX Today

- ❖ Sexual Harassment
- ❖ Gender-Based Harassment
- ❖ Sexual Violence
- ❖ Domestic Violence
- ❖ Dating Violence
- ❖ Sexual Exploitation
- ❖ Stalking



IN THE NEWS

- **“Post Harvey Weinstein: is America in a Sexual Harassment ‘Reckoning’?”**
- **“NBC Fires Matt Lauer, the Face of Today”**
- **“Bill Cosby is Found Guilty of Sexual Assault”**
- **“America’s Sexual Assault Epidemic”**
- **“Sexual Harassment and Assault in Hollywood and Beyond”**



IN THE NEWS

- **“Google Employees Stage Walk Out To Protest Sexual Harassment”**
- **“Cleveland Orchestra Fires Two Musicians for Sexual Misconduct”**
- **“Prominent Theoretical Professor to Retire After Sexual Misconduct Accusations”**
- **“A Sexual Misconduct Allegation Against The Supreme Court Nominee Brett Kavanaugh Stirs Tension....”**



IN THE NEWS

- **“Harvey Weinstein’s Behavior Was an “OPEN SECRET”**
- **“EVERYBODY KNEW: Inside the Fall of Today’s Matt Lauer”**



HOW COMMON IS IT?

- One in three people (**31%**) admit to having been sexually harassed at work
 - **45%** women, **15%** men
- **52%** of women experienced some form of sexual harassment at work, **1/4th** had been touched without invitation, **1/5th** experienced a sexual advance
- **60%** of women experienced inappropriate behavior
- **71%** of women do not report out of fear of retaliation, far fewer bystanders report



HOW COMMON IS IT?

- **62%** of college students experienced some form of sexual harassment **on campus**
- About **half** of students in grades 7-12

Hill, C, & Kearl, H. (2005, 2011) Drawing the Line Sexual Harassment at School; Crossing the Line Sexual Harassment at School



SEXUAL HARASSMENT

*“unwelcome conduct of
a sexual nature.”*



Quid Pro Quo Harassment

- ❑ **Asking for sexual favors** of some kind **in exchange** for special treatment in the workplace or classroom.
- ❑ It can be the **threat** of ill-treatment if the complainant will not consent to sexual favors.
- ❑ The “sexual conduct” may be **non-verbal, verbal, or physical**, and the “asking” may be **direct or implied**.
- ❑ It is **unlawful whether or not** the complainant **objects or gives** in to avoid the harm.



Hostile Environment

- ❑ Exists when sexual harassment is **sufficiently severe or pervasive** to deny or limit the individual's ability to **participate in or benefit from** the University's programs or activities or an employee's terms and conditions of employment.



Non-Verbal Conduct that Constitutes Sexual Harassment

Giving personal gifts of a sexual nature

Content of a sexually suggestive manner in emails, text messages, letters, notes, or social media

Making facial expressions, such as winking, throwing kisses

Displaying sexually suggestive visuals, such as: drawings, porn, screen savers, calendars, cartoons



Non-Verbal Conduct that Constitutes Sexual Harassment

Making sexual gestures with hands or through other body movements

Paying unwanted attention to someone, staring, following, blocking a person's path

Looking up a skirt or down a blouse or at a body part



Verbal Conduct that Constitutes Sexual Harassment

Turning work/class discussions to sexual topics

Telling lies or spreading rumors about a person's personal sex life

Making sexual propositions, insults, or threats

Referring to an adult woman or man as a hunk, doll, babe, honey, etc.

Calling someone by a sexually oriented demeaning name



Verbal Conduct that Constitutes Sexual Harassment

Whistling or making “cat calls” at someone

Making sexual comments about a person’s clothing or body

Telling sexual jokes or stories

Asking personal questions about sex life, fantasies, preferences, or history

Repeatedly “asking out” a person who is not interested

Reasons for Harassment

51% of men, 31% of women admit to harassing

- I thought it was funny (59%)
- I thought the person liked it (32%)
- It's just a part of school life/its no big deal (30%)
- I wanted a date with the person (17%)
- My friends encouraged/pushed me into do it (7%)
- I wanted the person to think I had power over them (4%)

Hill, C., & Kearl, H (2005) Drawing the Line Sexual Harassment at School



Gender-Based Harassment

Nonsexual, unwelcome conduct based on the a person's actual or perceived sex, including harassment based on gender identity, gender expression, and nonconformity with gender stereotypes.



SEXUAL ASSAULT

“Sex Act” without consent

- Non-Consensual Sexual Penetration (rape)
- Sexual Contact (fondling)



CONSENT

- Informed, reciprocal, voluntary, mutually understandable;
- Consent to one act does not imply consent to another;
- Past consent does not imply future consent;
- Consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another;



Consent (continued)

- ❑ Consent can be withdrawn at any time
- ❑ A current or previous dating or sexual relationship by itself is not sufficient to constitute consent
- ❑ Absence of physical force, threats, intimidation, coercion
- ❑ Never present for minors or incapacitated persons



Sexual Assault on Campus

- Nearly **16%** of women in college experienced attempted or completed sexual assault **before** entering college.
- **79%** of rape victims experience their first rape when they are **under the age of 25;**
40% before the age of 18.

Krebs, C.P., Lindquist, C., Warner, T., Fisher, B., & Martin (2001) The campus sexual assault (CSA) study);

Breiding, M., Smith, S., Basile, K., Walters, M., Chen, J., & Merrick, M. Prevalence and Characteristics of Sexual Violence, Stalking and Intimate Partner Violence in the United States.



Sexual Assault on Campus

- ❑ According to the US Department of Justice, **less than 5%** of college rapes are **reported** to the police.
- ❑ College students are the most vulnerable to rape during the **first few weeks of their first and second year.**
- ❑ Alcohol is the most commonly used “**weapon.**”
- ❑ Alcohol is involved in the **majority** of incidents.
- ❑ **97%** of alcohol related sexual assaults, **both** persons were drinking.

Fisher, B.S., Cullen, F. T., & Turner, M. G. (2000). The sexual victimization of college women; Abbey, A. (2015). Alcohol-related sexual assault: A common problem among college students



STALKING

- ❑ When a person engages in a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others or suffer substantial emotional distress.
- ❑ Persons 18-24 (average age of college students) experienced the highest rates of stalking victimization.

Katrina Baum, Shannan Catalano, Michael Rand, and Kristina Rose, "Stalking Victimization in the United States"



Stalking Conduct

- ❑ Repeated, unwanted, intrusive, and frightening communications from the perpetrator by phone, mail, and/or email.
- ❑ Repeatedly leaving or sending victim unwanted items or presents.
- ❑ Following or laying in wait for the victim at places such as home, school, work, or recreation place.
- ❑ Making direct or indirect threats to harm the victim, the victim's children, relatives, friends, or pets.



Stalking Conduct

- Damaging or threatening to damage property
- Posting information or spreading rumors about the victim on the internet, in a public place, or by work of mouth
- Obtaining personal information about the victim by accessing public records, using the internet, hiring private investigators, going through the victim's garbage, following the victim, contacting the victim's friends, family, work or neighbors, etc.
- **40%** of students have been cyberstalked

Reyns, B.W., Henson, B., Fisher, B.S. (2016) Guardians of the Cyber Galaxy



UTA SEXUAL MISCONDUCT POLICY

Handbook of Operating Procedures 5-513

- ❑ **Applies to everyone:** administrators, faculty, staff, students, visitors and applicants for employment;
- ❑ **Can apply on or off University property** if it potentially affects the complainant's education or employment with the university;
- ❑ **Applies regardless of** gender, gender identity, sexual orientation;
- ❑ **Complaint may be made** by or against a third party, verbally or in writing.

Goal is to provide a safe learning and working environment for ALL



Reporting Obligations

Who are “Responsible Employees”?

- ❑ A University employee who has the **duty to report** incidents of sexual misconduct to the Title IX Office or an employee whom an individual could **reasonably infer has this authority**.
- ❑ **Includes:** all administrators, faculty, teachers, instructors, coaches supervisory staff, resident life directors/advisors, graduate teaching assistants/athletics staff.
- ❑ **Exception:** any employee with confidentiality obligations (CAPs, Health Services).
- ❑ **Failure to report** could result in disciplinary action.

**Responsible Employee Resource Guide:
www.uta.edu/titleix/*



Reporting Obligations

What to report?

Concerns involving **real or perceived**: discrimination, harassment, sexual misconduct, sexual assault/violence, stalking, domestic/dating violence, and retaliation **must be reported immediately**.

see something

hear something

know something

say something!



Reporting Obligations

What to report?

- ❑ **All relevant details** about the alleged sexual violence that the student or another person has shared and that the school will need to determine what occurred and to resolve the situation such as:
 - ❑ name(s) and contact information for
 - ❑ the alleged perpetrator(s)
 - ❑ person(s) who experienced the alleged sexual misconduct
 - ❑ witnesses
 - ❑ whether law enforcement is involved
 - ❑ date, time, and location



Reporting Obligations

Who to report to?

- ❑ **Title IX Coordinator:** Michelle Willbanks titleix@uta.edu
- ❑ **Deputy Coordinators:**
 - ❑ Students: Heather Snow
 - ❑ Faculty: Toni Sol
 - ❑ Staff/Visitors/Contractors: Eddie Freeman
- ❑ **Police:** UTA, Arlington, other jurisdiction where incident occurred
- ❑ **Office for Civil Rights Department of Education** (Dallas)
- ❑ **Texas Workforce Commission, Civil Rights Division;
U.S. Equal Opportunity Commission** for employees



Reporting Obligations

How to report?

- Email
- Phone
- In person
- On-line reporting form www.uta.edu/titleix/



Confidential or Anonymous Requests

- ❑ Be sensitive to the request but do not promise confidentiality;
- ❑ Inform complainant you are required to report;
- ❑ The University will do its best to honor the complainant's wishes, but may not be able to maintain confidentiality;
- ❑ Only Counseling and Psychological Services (CAPS) and University Health Services can provide confidentiality.

Confidential or anonymous complaints may greatly limit the University's ability to stop the alleged conduct, investigate or take action.



How to Help a Victim/Complainant

- ❑ Explain that the University takes these situations seriously. Remind them of the **Sexual Misconduct Policy HOP 5-513** and Title IX website www.uta.edu/titleix;
- ❑ Encourage and explain how to seek **medical assistance**;
- ❑ Encourage and explain how to seek support from **campus resources** (RVSP, CAPS, UTAPD Crime Victim Services);
- ❑ Encourage reporting to **law enforcement**;
- ❑ **NEVER** make any promises or guarantees;
- ❑ **Do not judge** based on a victim/complainant's reaction, demeanor or behavior.



Interim and Ongoing Assistance

Individual services offered as appropriate to either or both parties before, during and/or after an investigation or while an investigation is pending. This may include:

- Counseling and other support services
- Extensions of time or other course-related adjustments
- Modifications of work or class schedules
- Campus escort and transportation services
- Restrictions on contact between the parties
- Changes in work or housing locations
- Leaves of absence
- Increased security and monitoring of certain areas of campus
- Other similar accommodations



Resources and Investigation

❑ Resources and support services offered:

- ❑ Relationship Violence and Sexual Assault Prevention Program (**RVSP**)
- ❑ Counseling and Psychological Services (**CAPS**) (24 hour crisis hotline)
- ❑ UTAPD Crime Victim Services
- ❑ Off campus resources and support
- ❑ Employee Assistance Program (**EAP**)

❑ Investigator is assigned and begins investigation

- ❑ Prepares report with findings and recommendations
- ❑ Both parties provided opportunity to review and submit written comments
- ❑ Standard of proof used is preponderance of evidence:
“It is more likely than not a violation of policy occurred”



Discipline and Appeals

Discipline

- Employees: Regents Rules, University policies for discipline
- Students: Office of Student Conduct
- Both parties are notified of the outcome

Appeals

- Both parties may appeal findings of investigation or disciplinary action



Retaliation

Any administrator, faculty member, student or employee who knowingly and intentionally retaliates in any way against an individual who has brought a complaint under this policy, participated in an investigation or disciplinary process is subject to disciplinary action up to and including dismissal or separation from the University.



University's Title IX Obligations

- When an institution knows or reasonably should know of possible sexual harassment, it must take immediate and appropriate steps to investigate or otherwise determine what occurred.
- If sexual harassment to include sexual violence has occurred, the institution must take prompt and effective steps reasonably calculated to:

Stop the violence

Prevent recurrence

Remedy the offense



QUESTIONS?



Michelle Willbanks

Title IX Coordinator

email: titleix@uta.edu

www.uta.edu/titleix/

817.272.4585



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