

TITLE IX: WHAT IS IT AND WHY IT IS IMPORTANT





Title IX Disclaimer

Please be advised we will be discussing sexual assault, domestic violence and dating violence, stalking, harassment and other topics that may be very sensitive in nature.

These training topics may be emotionally disturbing to some. For local counseling services, please check the following link:

[Support Services](#)



WHAT IS TITLE IX?

Title IX Education Amendments of 1972:

“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.”

WHAT IS TITLE IX?

- Sexual Misconduct
 - Sexual Harassment
 - Sexual Exploitation
 - Sexual Contact (without consent)
 - Sexual Intercourse (without consent)
- Dating or Domestic Violence
- Stalking (When Gender-Based)



TITLE IX REQUIREMENTS



A school “shall designate at least one employee to coordinate its efforts to comply with and carry out its responsibilities” under the law, including the investigation of complaints.

A school shall “notify all its students and employees of the name, office address, and telephone number of the employee(s) appointed...”



TITLE IX COORDINATOR

Todd S. Hill, J.D.

Title IX Coordinator
tshill@ferrum.edu
Roberts Hall, Room 15
O: 540-365-4287
C: 540-420-1976

Madison B. Collie '21

Deputy Title IX Co-Coordinator
Richeson Hall
mbcollie@ferrum.edu
O: 540-365-4456
C: 540-420-1976

COORDINATOR'S ROLE

- Maintain Equity on Campus
- Investigation Initiation
- Interim Measures (if necessary)
- Complaint Processing
- Documentation and Notice
- Non-Retaliation Provision Enforcement





Obligations Under Title IX

- Once a school knows or reasonably should know of possible sexual violence, it must take immediate and appropriate action to investigate.
- If sexual violence has occurred, prompt and immediate steps to end the sexual violence, prevent its recurrence, and address its effects **MUST** be taken.



Obligations Under Title IX

- Must take steps to protect the Complainant as necessary, including interim steps taken prior to the final outcome of the investigation.
- Provide a procedure for students to file complaints of sex discrimination, including complaints of sexual violence.
- Equal opportunity for both parties to present witnesses and other evidence.

SEXUAL HARASSMENT

- Unwelcome sexual conduct determined by a reasonable person to be so **severe, pervasive, and objectively offensive** that it effectively denies a person equal access to the College's education program or activity.

- **unsolicited, deliberate, or repeated touching, sexual flirtation, advances or propositions which are not welcomed and/or desired;**
- unwelcome jokes, stories, comments, innuendos, or other sexually oriented statements which are specifically designed to embarrass or humiliate through their sexual subject matter content;
- unwelcome sexual communication such as graphic or degrading comments about one's gender related to personal appearance;
- unwelcome display of sexually explicit materials, objects, or pictures in an individual's place of work or study, such as viewing material on computers or other electronic devices where others can see.

EXAMPLES →





HOSTILE ENVIRONMENT

- “Hostile environment” means a situation where an individual is subjected to harassment, and that conduct is sufficiently severe or pervasive, or so objectively offensive, so as to unreasonably interfere with an individual’s educational experience, work or academic performance or deny or limit the individual’s ability to participate in or benefit from the College’s programs, services, opportunities, or activities.
- Mere offensiveness is not enough to create a hostile environment. Although **repeated incidents** increase the likelihood that harassment has created a hostile environment, a serious incident, even if isolated, can be sufficient to create a hostile environment.

EXAMPLES

- Inappropriate Jokes and Comments
- Licking lips & staring
- Unwanted hugs & back rubs
- Spreading rumors
- Bottom line: Don’t be Creepy or a PERV!



INTENT v. IMPACT

- It is important to understand that **intent is not relevant** in determining whether or not a behavior is harassment.
- What matters is the *impact* of the behavior on the offended individual and on the work or school environment. Regardless of the *intent*, the behavior will be judged on its impact.
- The statement, "I didn't mean anything by it," is not a valid defense of harassing behavior.

SEXUAL EXPLOITATION



Yik Yak

“Sexual exploitation” means taking sexual advantage of another person without his or her consent. Sexual advantage includes, without limitation, causing or attempting to cause the incapacitation of another person in order to gain a sexual advantage over such other person; causing the prostitution of another person; **recording, photographing or transmitting identifiable images of private sexual activity and/or the intimate parts of another person; allowing third parties to observe private sexual acts; disclosing, causing to be disclosed or threatening to disclose, with the intent to harass, intimidate, threaten, humiliate, embarrass, or coerce, an image of another which shows the intimate parts of the depicted person or shows the depicted person engaged in sexually explicit conduct which was captured under circumstances where the person depicted had a reasonable expectation that the image would not be publicly disclosed; and engaging in voyeurism.**





SEXUAL ASSAULT

- “**Sexual Assault**” means sexual intercourse or sexual contact that occurs without consent.
 - “**Sexual Contact**” means any intentional touching, either directly or through clothing, or with an object, of the breasts, buttocks, anus or any part of the sex organs of another person, or intentional touching of any part of another person’s body by the actor’s sex organs.
 - “**Sexual Intercourse**” is defined as anal, oral, or vaginal penetration, however slight, by an inanimate object or another’s body part.

CONSENT

- Agreement, approval, or permission as to some act or purpose that is given knowingly, willingly, and voluntarily by a competent person. **Silence, by itself, cannot constitute consent.**
- Consent to one sexual act does not constitute or imply consent to a different sexual act.
- Previous consent cannot imply consent to future sexual acts.
- Consent is required regardless of the parties' relationship status or sexual history together.





CONSENT CONT.

- A person is not competent and therefore lacks the ability to consent where there is either **forcible compulsion** or incapacity to consent.
- A person is deemed incapable of consent when that person is either less than sixteen years old, mentally incapacitated, or physically unable to resist.
- Intoxication from alcohol or drug use, alone, **does not bar consent**, but can when a party is so intoxicated as to be incapacitated; i.e., unable to **knowingly and intentionally** make decisions for him or herself.
- Incapacitation negates consent when the alleged perpetrator **knows**, or a reasonable person in his or her position, under the circumstances, **should know**, that the alleged victim is incapacitated.

DATING VIOLENCE



EXAMPLES

Violence committed by an individual 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 individual's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the individuals involved in the relationship. This includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence.

- Intentionally making physical contact of an insulting or provoking nature.
- Intentionally causing physical harm.

- Attempting to commit a violent injury.
- Committing an act which creates reasonable apprehension of immediately receiving a violent injury.

- Creating fear of physical harm by harassment, stalking, psychological abuse or threatening acts.
- Holding, confining, detaining or abducting another person against that person's will.

STALKING



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

(a) fear for the individual's safety or the safety of others; or

(b) suffer substantial emotional distress.

- **Course of conduct* = two or more acts, including acts in which the stalker directly, indirectly, or through a third party, by any action, method, device, or means, where the stalker follows, monitors, observes, surveils, threatens, or communicates to or about an individual, or interferes with an individual's property.

* *Reasonable person* = a reasonable person under similar circumstance and with similar identities to the victim.

* *Substantial emotional distress* = significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.





RETALIATION

No individual may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by this policy or because an individual has made a report or formal complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding or hearing under this policy.



MANDATORY v. CONFIDENTIAL REPORTERS



Mandatory

If information regarding alleged sexual misconduct is shared with a Responsible Employee, the Responsible Employee is obligated to report that information to the College's Title IX Coordinator or Deputy Director.

Confidential

Professional Counselors, Pastoral Staff and Medical Personnel are confidential employees who are **not** obligated to report Title IX incidents.

HOW TO FILE A COMPLAINT



[ADMISSIONS](#) ▾ [ABOUT FERRUM](#) ▾ [ACADEMICS](#) ▾ [CAMPUS LIFE](#) ▾ [QUICK LINKS](#) ▾ [GIVING](#) ▾ [ATHLETICS](#) [SIGN-IN](#) [Q](#)

Title IX Information and Non-Discrimination Statement

Home / Title IX Information and Non-Discrimination Statement

TITLE IX INFORMATION AND NON-DISCRIMINATION STATEMENT

[DEFINITIONS](#)

[SEXUAL MISCONDUCT POLICY](#)

[RETALIATION](#)

[CONFIDENTIALITY](#)

[SUPPORT/ASSISTANCE](#)

[INTERIM MEASURES](#)

[MEDICAL ASSISTANCE](#)

[NON-DISCRIMINATION POLICY](#)

[TITLE IX TRAINING](#)

[ONLINE RESOURCES](#)

[HOW TO HELP](#)

Title IX of the Education Amendments of 1972 states:

Title IX of the Education Amendments of 1972 is an all encompassing federal law that protects people from discrimination based on sex in education programs or activities that receive federal financial assistance. 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.*

[Reporting Sexual Misconduct](#)

[Anonymous Complaints](#)

[The Option to Report Sexual Misconduct](#)

[Mandatory Reporters](#)

SEXUAL MISCONDUCT MAY ALSO BE REPORTED TO LAW ENFORCEMENT

Because Sexual Misconduct may in some instances constitute both a violation of College policy and a crime, and because Ferrum College's Complaint process is not a substitute for initiating legal action, Ferrum encourages individuals experiencing Sexual Misconduct to also report it to law enforcement authorities.

- Individuals may seek emergency assistance or initiate a criminal complaint directly with local law enforcement agencies by dialing 911. Ferrum College Police may be contacted at (540) 365-4444. Ferrum Police are available 24 hours a day, 7 days a week.
- It is important to note that filing a report or otherwise contacting Ferrum College's Police Department does not require the filing of criminal charges.
- Individuals may inform law enforcement authorities about Sexual Misconduct and discuss the matter with a law enforcement officer without making a formal criminal complaint (or filing a Complaint or Formal Complaint of alleged Sexual Misconduct with the Title IX Officer). Individuals who make a criminal complaint may also choose to pursue a Title IX Complaint or Formal Complaint with the College simultaneously.
- A criminal investigation into the matter does not preclude the College from conducting its own investigation (nor are the facts or results of a criminal investigation necessarily determinative of whether the alleged conduct violates this Policy or any other



SUPPORTIVE MEASURES

Counseling & Supportive Services

The screenshot shows the Ferrum College website's Counseling Services page. At the top is a dark navigation bar with the Ferrum College logo on the left and a menu of links: ADMISSIONS, ABOUT FERRUM, ACADEMICS, CAMPUS LIFE, QUICK LINKS, GIVING, ATHLETICS, and SIGN IN. Below the navigation bar is a breadcrumb trail: Home / Counseling Services. The main content area features a large photograph of a brick building, likely the Counseling Center. To the left of the photo is a vertical sidebar menu with the following items: OFFICE OF STUDENT LIFE AND ENGAGEMENT, CAMPUS ENGAGEMENT, STUDENT ACTIVITIES, INTRAMURALS, RESIDENCE LIFE AND HOUSING, DINING SERVICES, CAMPUS SAFETY PROCEDURES, COUNSELING SERVICES (highlighted), TRI-AREA HEALTH CENTER, SPIRITUAL LIFE, CHRYSALIS, and FERRUM RADIO. Below the photo, the text reads: 'Ferrum College Counseling Services' followed by a paragraph: 'Ferrum College Student Counseling Center (FCSCC) offers short-term, brief therapy and skills-based groups or workshops for students who are currently enrolled in classes. Counseling services are free of charge and there are no session limits; however, students may be referred to providers off campus for more involved therapy as appropriate or at the student's request.' A second paragraph states: 'Ferrum College no longer offers psychiatric services on campus but students with a need for medication evaluation and/or medication management can work with their therapist to locate psychiatric providers in the neighboring communities or in the students' own communities.' A note follows: 'Please note that FCSCC staff do not provide assessment for or documentation recommending Emotional Support Animals (ESA).' At the bottom of the page is a dark navigation bar with links: Get Help Now!, Campus Services, How to Help a Friend, Additional Resources, and Faculty & Staff - Assisting Students. Below this bar is a section titled 'Counseling Hours'.

SIMPLE AS TEA



CONSENT

IT'S SIMPLE AS TEA

Subtitles/closed captions (c)



<https://www.youtube.com/watch?v=fGoWLWS4-kU>

QUESTIONS - DISCUSSION