

# SEXUAL MISCONDUCT & TITLE IX

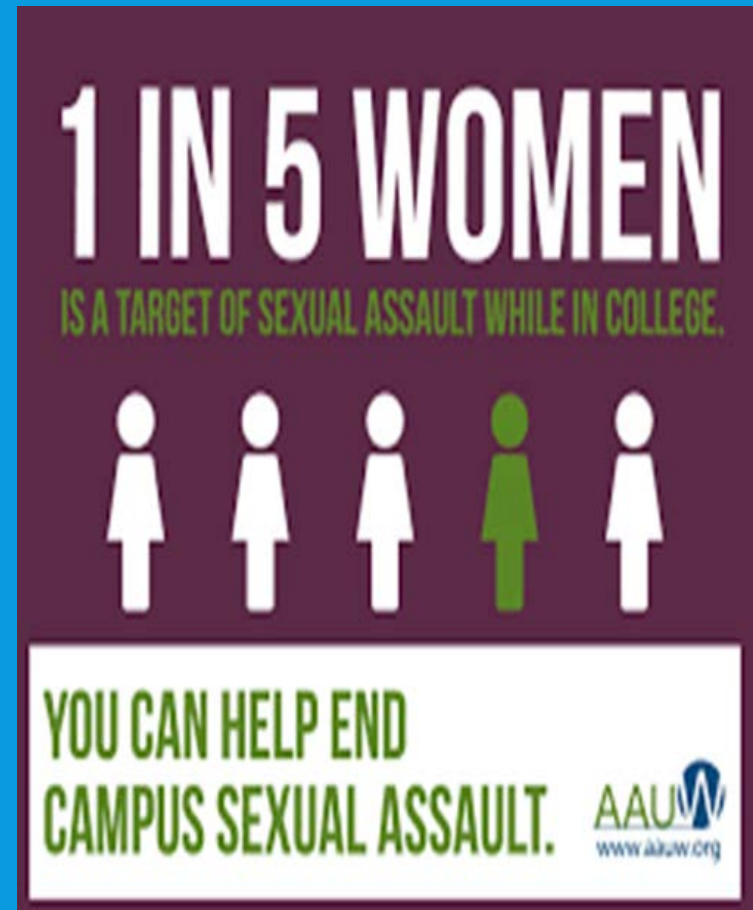
[HTTPS://WWW.NOCCCD.EDU/SEXUAL-ASSAULTMISCONDUCT-AND-TITLE-IX-161](https://www.nocccd.edu/sexual-assault-misconduct-and-title-ix-161)

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# SEXUAL VIOLENCE STATISTICS

- 1 in 5 college women are victims of sexual violence
- 1 in 7 men are victims of sexual violence
- Approximately 68% of sexual assault are not reported to the police
- 90% of victims of sexual violence know their perpetrator
- Substantial incidents of sexual violence go unreported



# SEXUAL HARASSMENT/ASSAULT IN THE NEWS



# LAWS AND DISTRICT POLICY REGARDING SEXUAL ASSAULT- SEXUAL MISCONDUCT

- **Title IX – Enacted in 1972**
- The Jeanne Clery Act – 1998
- Violence Against Women Reauthorization Act (VAWA) 2013
- Campus Sexual Violence Elimination Act (SaVE Act)
- Education Codes 67382 -67390
- **NOCCCD Board Policies**
  - BP 3410 & AP 3410 (Unlawful Discrimination)
  - BP 3430 (Prohibited Harassment)
  - BP 3540 & AP 3540 (Sexual Assault and Misconduct)
  - BP & AP 5500 (Standards of Student Conduct)

For District policies against Discrimination, Harassment and Sexual Assault go to  
<https://www.nocccd.edu/sexual-assaultmisconduct-and-title-ix-161>

# WHAT IS TITLE IX

- Title IX of the Education Amendments of 1972 was signed in law by President Richard Nixon on June 23, 1972,
- Title IX is enforced by the U.S. Department of Education, and prohibits discrimination on the basis of sex in education programs and activities operated by recipients of federal financial assistance.
- Covers students & employees at all levels of education. Covers all activities and programs. Is not limited to athletic programs.



# WHAT DOES TITLE IX SAY?

**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 Education Amendments of 1972

Implementing Regulations at:

20 U.S.C. §1681 & 34 C.F.R. Part 106

# WHAT DOES TITLE IX REQUIRE?

Title IX requires the District/College to provide a prompt, thorough and equitable investigation of any report of sex-based discrimination, sexual harassment or sexual violence. The District/College is also required to take appropriate corrective action.



# TITLE IX PROHIBITS:

- Discrimination on the basis of sex or gender
- Harassment on the basis of sex or gender
- Sexual Assault and Violence

Includes:

- Rape
- Dating violence
- Domestic Violence
- Stalking





# SEXUAL HARASSMENT SCENARIO

English instructor, Bida Boock and Theater Arts instructor Will B. Rood meet for lunch in the college cafeteria. The cafeteria was crowded as usual. They are joined by math instructor Susan Guerrero. Over lunch Will loudly jokes with Bida about a male student who is the lead in his theater production of "The Birdcage," that he considers effeminate. He says he calls him girly boy during rehearsals and the whole class gets a kick out of it.

During lunch Will tells Bida jokes that poke fun at gays and women. Bida knows Will to be a "fair guy" and very good at his job. Bida isn't offended by Will's comments and jokes.

Is there harassment occurring? What would you do in this scenario if you were Bida? Or, if you were Susan?

# WHO IS PROTECTED?

- **Title IX protects all students and employees**
  - Male and female
  - Regardless of sexual orientation or gender identity/expression
  - Persons with or without disabilities
  - All races and national origins
  - International students/employees
  - Persons who are undocumented



# WHAT IS THE SCOPE OF COVERAGE UNDER TITLE IX

When the incident occurs on campus or while participating in a district program or activity the District must proceed in accordance with its established procedures under Title IX .

- In some instances the district may have an obligation to respond and resolve incidents that occurred off campus and outside of the District's programs or activities..



# AFFIRMATIVE CONSENT

## “YES MEANS YES”

### California Consent Law

- Affirmative consent means affirmative, conscious, and voluntary agreement to engage in sexual activity.
  - Each person involved in the sexual activity has a responsibility to ensure that he or she has the affirmative consent of the other(s) to engage in the sexual activity.
  - Lack of protest or resistance does not mean consent, nor does silence mean consent.
  - Consent must be ongoing and can be revoked at any time.
  - Current or past sexual relations between persons, should never by itself be assumed to be an indicator of consent.
  - Consent cannot be given if the person is sleeping, unconscious, intoxicated, a minor, or under the influence of drugs or medication.

# CONSENT IS LIKE A CUP OF TEA



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

# CIVIL AND CRIMINAL RESPONSIBILITY

Sexual misconduct, including dating violence, domestic violence, sexual harassment, stalking, sexual assault, sexual battery and other more serious conduct, can subject the perpetrator to both civil and criminal penalties.

If the perpetrator is an employee of the District it may subject them to discipline including, but not limited to, demotion, suspension, or dismissal from employment.

If the perpetrator is a student of the District it may subject them to discipline including, but not limit to, reprimand, probation, suspension or expulsion. (See NOCCCD Administrative Procedure 5500 Standards of Student Conduct and Discipline)

# DISTRICT RESPONSIBILITIES - TITLE IX & DISTRICT PROCEDURES

When an individual files a complaint or when any employee of the district becomes aware of possible sexual misconduct the district must immediately:

- Investigate and determine if a violation occurred
- If necessary implement interim actions
- Take necessary and appropriate steps to end misconduct
- Eliminate effects of misconduct
- Take all necessary steps to prevent misconduct from reoccurring

# POTENTIAL INTERIM REMEDIES

Examples of remedies include but are not limited to:

- Classroom/schedule adjustments or changes
- Academic support (tutoring, mentoring, work extension)
- Withdraw/retake course(s) without penalty
- Campus parking lot escorts
- Counseling
- No contact orders.



# EMPLOYEE REPORTING PROCEDURES (MANDATED REPORTERS)

- Faculty and staff who receive complaints of sexual harassment and/or sexual violence are required to report the complaint to the *Campus Title IX Coordinator*.
- The only exception to this is if you are employed in the capacity of Psychologist or Psychiatrist as both would maintain the privilege of confidentiality, however you would still need to report the incident excluding the personal identifying information.
- If they report any details of sexual misconduct or assault you have the duty to report such.
- Inform them you are a mandated reporter.
- If someone desires to maintain their confidentiality they should be referred to Campus Health Services or after hours to Campus Safety who will refer them to community resources.

# EMPLOYEE REPORTING PROCEDURES

- Inform them of the support services on campus and in the community – if you are aware of the services available.
- Inform them of their ability to report to Campus Safety and police.
- Failure to report incidents of sexual harassment or violence, where there is reasonable belief of a violation may result in discipline or corrective action.

# EMPLOYEE REPORTING PROCEDURES

- Remember to be a compassionate listener if they begin to discuss sexual assault or misconduct with you. It takes courage to discuss an incident of this nature. As you listen
  - Believe them
  - Listen without judgment
  - Display empathy
  - Let the individual lead the conversation
  - Take notes
  - Protect privacy but do not promise confidentiality
- You represent the district as you listen with kindness and responsiveness.
- Be aware of the possibility of secondary trauma

# EMPLOYEE REPORTING PROCEDURES: MANDATED REPORTER STATEMENT

As an employee and a member of the NOCCCD community, a student or other employee may approach you regarding being the recipient of sexual misconduct, or may know of another person in this situation. **However, it is important to inform them you are mandated to report any information reported to you. The following statement is an example of what you may say:**

*"I need to tell you that I am a mandated reporter. I must inform the district that an incident has occurred. Your personal safety and overall health is our number one concern. The purpose of reporting is to ensure that you are referred to necessary resources and receive appropriate assistance. If you do not want details of what occurred reported, or are not interested in making a complaint at this time, you have the right to maintain your privacy. I will only report what you confide in me. If you prefer to speak with someone confidentially, I will help you get in touch with the Student Health Center. They are not obligated to report your personal identification information to the district."*

# EMPLOYEE REPORTING PROCEDURES – WHO TO CONTACT

**Any employee who receives a complaint of sexual assault or misconduct is obligated to report complaints to the Title IX Coordinator (or others) as follows:**

Cypress College— Campus Title IX Coordinator - Executive Vice President, Educational Programs & Support Services (714) 484-7330; Director of Campus Public Safety (714) 484-7387; Director of College Health Services (714) 484-7045

Fullerton College—Campus Title IX Coordinator – Dean of Student Support Services (714) 992-7088; Director of Campus Public Safety (714) 992-7777; Director of College Health Services (714) 992-7093

Anaheim Campus—Campus Title IX Coordinator - Office of the Provost of the School of Continuing Education (714) 808-4670; Dean Instruction & Student Services, School of Continuing Education (714) 808-4660; Campus Public Safety (714) 808-4911

District Services - District Director, Diversity and Compliance For complaints involving employees (714) 808-4820

NOCCCD Confidential Hotline (714) 808-4838

- In an emergency dial 911

# RETALIATION

Both Title VII (Employee Sexual Harassment) and Title IX state it is unlawful to retaliate against an individual who has:

- Made a complaint of Sexual Harassment, Sexual Misconduct or Sexual Assault.
- Participated in an investigation of such a complaint.
- Was a witness to the event, or
- Opposed conduct which they reasonably believed to violate Title VII or Title IX.

# SEXUAL HARASSMENT SCENARIO

You arrive to class a few minutes early to find that a few students have already settled into their seats and they are laughing loudly as you walk in. It seems that the group of male students are laughing about a sheet of paper being passed around. As you prepare for the start of class, two female students walk in and are visibly uncomfortable. They sit in the seats furthest away from the laughing students in the back. After class you notice a student in the back left a notebook. You open it to see who it belongs to and find a list of women's names in two categories- one category is for women that are easy to persuade to have sexual intercourse and the second for those that are not. Vulgar terms are used and you notice some of the names are for students in your class. How do you respond?

# SEXUAL ASSAULT SCENARIO

Sexual Assault: A female student approaches you to let you know that she was recently sexually assaulted by another student at an off campus party. She becomes extremely upset every time she sees him. He and his friends hang out near the building where she has a math class. She is beginning to have trouble in her classes and can't focus. When she walks by him on her way to her math class he and his friends appear to laugh at her. How do you respond?



# BYSTANDER INTERVENTION

*See something--Say something!*

Safety is everyone's responsibility. If you see something, say something. If you notice something suspicious, unusual or if a situation just does not seem right, you are encouraged to call Campus Safety to report it. This can be done on your personal phone or emergency phone on campus. A map of emergency phones on campus will help you locate emergency phones near your parking area and your classrooms.

# BYSTANDER INTERVENTION

**Bystander interventions can also include any of the following:**

- Speak directly to the perpetrator, while the behavior is occurring, and inform him/her that the behavior is inappropriate.
- Interrupt the behavior, in a non-direct way, to extricate the victim or potential victim.
- Speak with the perpetrator after the incident occurred and inform them that the behavior was inappropriate.
- Speak with the victim after the incident, validate their perception of the experience and offer assistance.

<https://vimeo.com/200088572>

<https://vimeo.com/63278335>

# DEFUSING A SITUATION

- ✓ **Remain Calm**  
Maintain your composure
- ✓ **Remember Safety First**  
Always consider your safety and the safety of others
- ✓ **Keep It Simple.**  
Be clear, direct, and respectful in your message, avoid giving complex choices.
- ✓ **Watch Your Body Language.**  
Be aware of your posture and gestures, and personal space
- ✓ **Use Silence.**  
Silence on your part allows time for to clarify and restate a viewpoint

# DIFFUSING A SITUATION

- ✓ **Empathize and Listen Actively**
- ✓ Make sure you hear the underlying message
- ✓ **Use Reflective Questioning**  
Paraphrase and restate what you think the person is saying
- ✓ **Remember your Paraverbal communication speaks volumes (30%)** - how we say the words we say, for example do we seem happy, sad, angry, determined or forceful. Two identical statements can have different meanings depending on the tone, volume, and cadence of your voice. Make sure your vocal inflection is consistent with the words you use.
- ✓ **Gather the facts and Document**
- ✓ **Contact Campus Safety , if necessary**

# PREVENTION STRATEGIES

- Make respect and inclusion a core value
- Never play favorites
- Report all complaints immediately
- Become interculturally proficient
- Take all complaints seriously
- Address inappropriate behavior immediately
- Monitor the education/workplace
- Follow District procedure
- Be a good role model
- Avoid compromising situations
- Develop a student run bystander intervention program

# Resources

## Sheriff's Department

### *Non-Emergency Calls*

North Orange County 714-647-7000

South Orange County 949-770-6011

## Police Departments

Anaheim 714-765-1900

Cypress 714-229-6600

Fullerton 714-738-6800

In all cases of emergency, call 911

## Hotlines

Domestic Violence Hotline: 714-992-1931 (24 hours)

Domestic Violence Assistance Program: 714-935-7956

With Tender Loving Care WTLC 877-531-5522 (24 hours)

LA County Rape Hotline: 800-585-6231

Sexual Assault/Rape Crisis, Orange County

24-hour Hotline: 714-957-2737

24-hour Hotline: 949-831-9110

LGBT (Gay, Lesbian, Bisexual, Transgender)

Hotline: 888-843-4564

Adult Protective Services: 800-451-5155

Orange County 211 2-1-1 or 888 600 4357 (24 hours)

## Therapy Referrals and Other Victim Services

SAVS: Sexual Assault Victims Services, North County Office: 714-834-4317

Project Sister: 909-626-4357 (a 24-hour hotline that provides the victim with a Rape Advocate at Pomona Valley Hospital Medical Center during the police interview and in court.)

GLBT: Information /Referrals: 714-953-5428

Women's Transitional Living Center: 877-531-5522 a 24-hour bilingual hotline for temporary shelter individual/group counseling.

# Resources

## Shelters

Human Options 949-737-5242

Interval House 714-891-8121  
562-594-4555

Laura's House 949-361-3775

## Hospitals

Anaheim Memorial Hospital (Safe Place):  
714-999-5136 (Evidence collection &  
treatment)

Pomona Valley Hospital Medical Center  
909-865-9500 (Mail Line)

St Jude Medical Center – 714-871-3280  
(Treatment only)

## Web Resources

<http://www.nij.gov/topics/crime/rape-sexual-violence/welcome/htm>

<http://womenshealth.gov/violence-against-women/index.html>

<http://www.cdc.gov/violenceprevention/sexualviolence/index.html>

<http://www.cdph.ca.gov/healthinfo/injviosaaf/pages/sexualviolenceprevention.aspx>

<http://www.victimsofcrime.org/help-for-crime-victims>

