



SEXUAL MISCONDUCT & TITLE IX

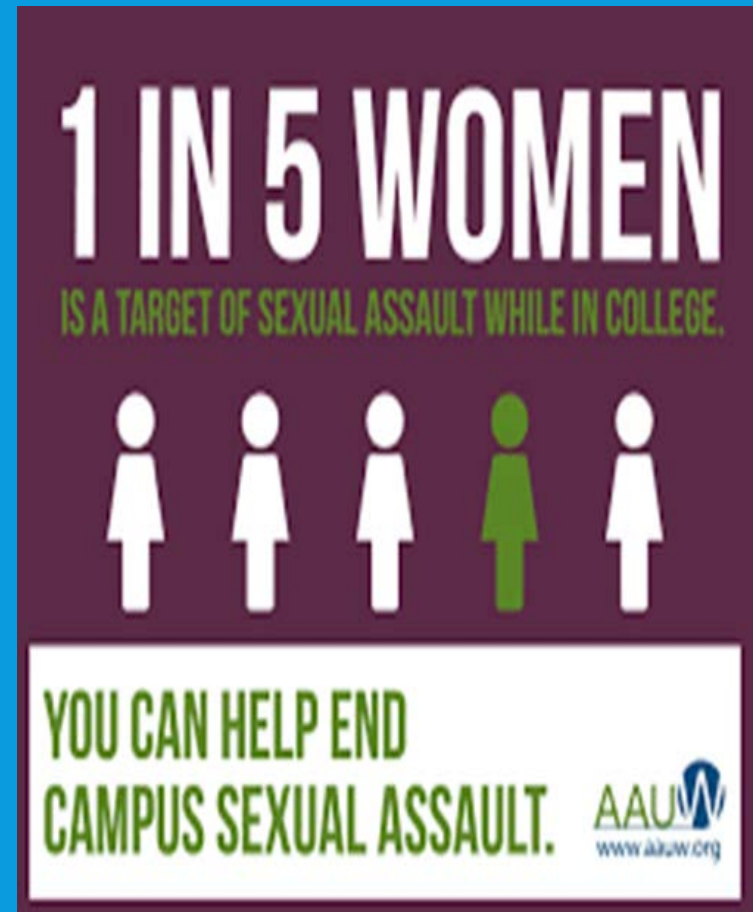
[HTTPS://WWW.NOCCCD.EDU/SEXUAL-ASSAULTMISCONDUCT-AND-TITLE-IX-161](https://www.nocccd.edu/sexual-assault-misconduct-and-title-ix-161)

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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



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

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



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



SEXUAL HARASSMENT SCENARIO

English instructor, Bida Boock and Theater Arts instructor Will B. Rood met for lunch in the college cafeteria. The cafeteria was crowded as usual. They are joined by Susan Guerrero who is a student in Will's class. Will gives Susan a big hug, and kiss on the cheeks. Susan looks uncomfortable, and Will says, "don't look so upset, I know you don't like hugs but you will need to get used to it if you want to be in theater arts." Susan is auditioning for the lead in the next play directed by Will.

After small talk Bida invites Will to a party at his house. Will says yes and asks if there will be hot babes there. He goes on to make several jokes of a sexual nature and some that are demeaning to women.

Is there harassment occurring? What would you do in this scenario if you were Bida? Or, if you were Susan? Or a student at the next table overhearing this conversation.

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 if the incident is related to a campus activity or has an impact on campus.



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>

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. (Recent change includes Title IX advocates).
- Employees must Inform students they 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: 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 - Vice President Student Services 714-484-7335; 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, and complaints of discrimination.

NOCCCD Confidential Hotline (714) 808-4838

- In an emergency dial 911

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>

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>

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>

