



Sexual Misconduct & Title IX

PRESENTED BY:

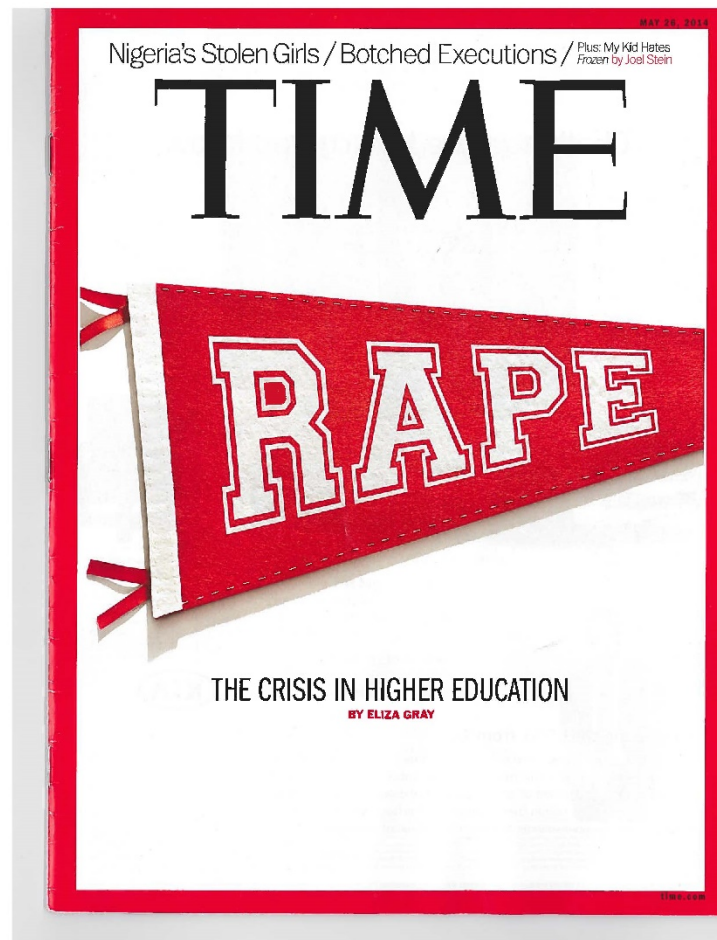
THE OFFICE OF HUMAN RESOURCE MANAGEMENT

Goals of Today's Session

To Understand:

- ▶ Importance & broad scope of protections of Title IX
- ▶ PM-73
- ▶ Obligations to report and investigate
- ▶ Campus and community support networks

On the Cover of Time



1 is 2 Many



Title IX – What is it?

- ▶ Title IX of the Education Amendments of 1972 **prohibits sex discrimination against students, guests and employees** of educational institutions.
- ▶ The regulations implementing Title IX, enforced by the U.S. Department of Education Office for Civil Rights, prohibits discrimination, exclusion, denial, limitation, or separation **based on gender**.
- ▶ **Intended to end sex discrimination in all areas of education.**

The Law

“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 –Is it just for Athletics?

- ▶ Title IX applies to issues of program equity, such as in athletics, but it also applies to sexual harassment and sexual assault/sexual misconduct in all areas across campus.

Once University has notice, duty to:

- ▶ Investigate the complaint
- ▶ Stop the harassment/sexual misconduct
- ▶ Remedy the effects
- ▶ Prevent the recurrence

Notice of Complaint

- ▶ Notice can be received from a:
 - ▶ Victim
 - ▶ Witness or other member of campus community
 - ▶ Campus police
 - ▶ Rumor, gossip, online posting, etc.
- ▶ Once notice exists; duty to investigate



Title IX Overview and Definitions



PM-73 Sexual Misconduct

- ▶ Sex discrimination and sexual misconduct violate an individual's fundamental rights and personal dignity.
- ▶ LSU considers sex discrimination and sexual misconduct in all of its forms to be serious offenses. This policy has been developed to reaffirm these principles and to provide recourse for individuals whose rights have been violated. This policy establishes a mechanism for determining when rights have been violated in employment, student life, campus support services, LSU programs and/or an academic environment.

Three types of Sexual Harassment

- ▶ Hostile Environment
 - ▶ Conduct based on sex or gender that alters conditions of education or employment by creating intimidating, hostile, or demeaning environment.
- ▶ Quid Pro Quo
 - ▶ “This for that.” Unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of sexual nature that imposes conditions on or interferes with work or education.
- ▶ Retaliation
 - ▶ Adverse employment or educational action taken because of participation in complaint or investigation of discrimination or sexual harassment or misconduct.

PM-73 Definitions

- ▶ **“Advisor of Choice”**
- ▶ **“Consent”**
- ▶ **“Dating Violence”**
- ▶ **“Domestic Violence”**
- ▶ **“Hostile Environment”**
- ▶ **“Incapacitation”**
- ▶ **“Responding Person”**
- ▶ **“Responsible Party”**
- ▶ **“Sexual Assault”**
- ▶ **“Sex Discrimination”**
- ▶ **“Sexual Harassment”**
- ▶ **“Sexual Misconduct”**
- ▶ **“Stalking”**

Sexual Misconduct.... Our Shared Responsibility

- ▶ Sexual misconduct in any form will not be tolerated.
- ▶ All students, faculty, and staff have responsibility to assist in enforcement of policy, be aware of contents, and to abide by terms.
- ▶ Supervisors shall insure that those under their supervision are aware of policy, receive copy of it, and reinforce the university's commitment to the policy.

Prompt, Fair and Impartial Processes for Both Parties

- ▶ Complaint processes and reporting/investigation protocols are in place to provide prompt and equitable procedures for both parties (victim and accused) in Title IX complaints, including cases of sexual misconduct and sexual assault. These processes and protocols include:
 - ▶ Impartial investigations of complaints;
 - ▶ Opportunities to present witnesses and other evidence;
 - ▶ Dual notices of outcomes;
 - ▶ Prompt = 60 days in typical cases;
 - ▶ Preponderance of the Evidence Standard; and
 - ▶ Police investigation a separate & distinct process.

Protection Against Retaliation

- ▶ Federal and state civil right laws make it unlawful to retaliate against an individual for the purpose of interfering with any right or privilege secured by these laws, including Title IX.
- ▶ Retaliation is also prohibited by University policy.



Reporting Title IX Violations

Responsible Employee

- ▶ A responsible employee has a duty to report violations, includes any employee who:
 - ▶ Has the authority to take action to redress sexual misconduct;
 - ▶ Has been given the duty of reporting incidents of sexual misconduct to the Title IX Coordinator or other school designee; or
 - ▶ A student could reasonably believe has this authority or duty.

Examples of Responsible Employees

- ▶ Title IX Coordinator
- ▶ Deputy Title IX Coordinators
- ▶ Resident Assistants (RA's)
- ▶ Every supervisor on campus
- ▶ Almost everyone is a responsible employee (except for those who have confidentiality rights)

Reporting Sexual Misconduct: The Victim is a student or employee

- ▶ Report the matter to a responsible employee
- ▶ Title IX Coordinator or Deputy Coordinator
- ▶ Dean of Students or SAA/HRM
- ▶ Faculty members
- ▶ LSU PD
- ▶ For confidential counseling contact the LSU Student Health Center-Lighthouse Program

Reporting Sexual Misconduct: Non-victim

- ▶ Any employee (faculty or staff) who is contacted about or **has knowledge of** incident(s) or an informal complaint of sexual harassment must report the incident/complaint as soon as possible (no matter how long ago).
- ▶ The OCR deems a school to have notice of sexual violence/sexual harassment if a responsible employee knew, **or in the exercise of reasonable care should have known**, about the sexual violence/sexual harassment.
- ▶ Report to an appropriate University official, the Deputy Title IX Coordinators/Title IX Coordinator, or HRM office.
- ▶ If the alleged behavior is a crime, LSU PD is also involved.

State Law

RS 14:131.1

§131.1. Failure to report the commission of certain felonies:

A. It shall be unlawful for any person having knowledge of the commission of any homicide, rape, or sexual abuse of a child to fail to report or disclose such information to a law enforcement agency or district attorney, except when the person having such knowledge is bound by any privilege of confidentiality

recognized by law.

B. Whoever violates the provisions of this Section shall be fined not more than five hundred dollars, or imprisoned, with or without hard labor, for not more than one year, or both. Acts 2012, No. 638, §1, eff. June 7, 2012.

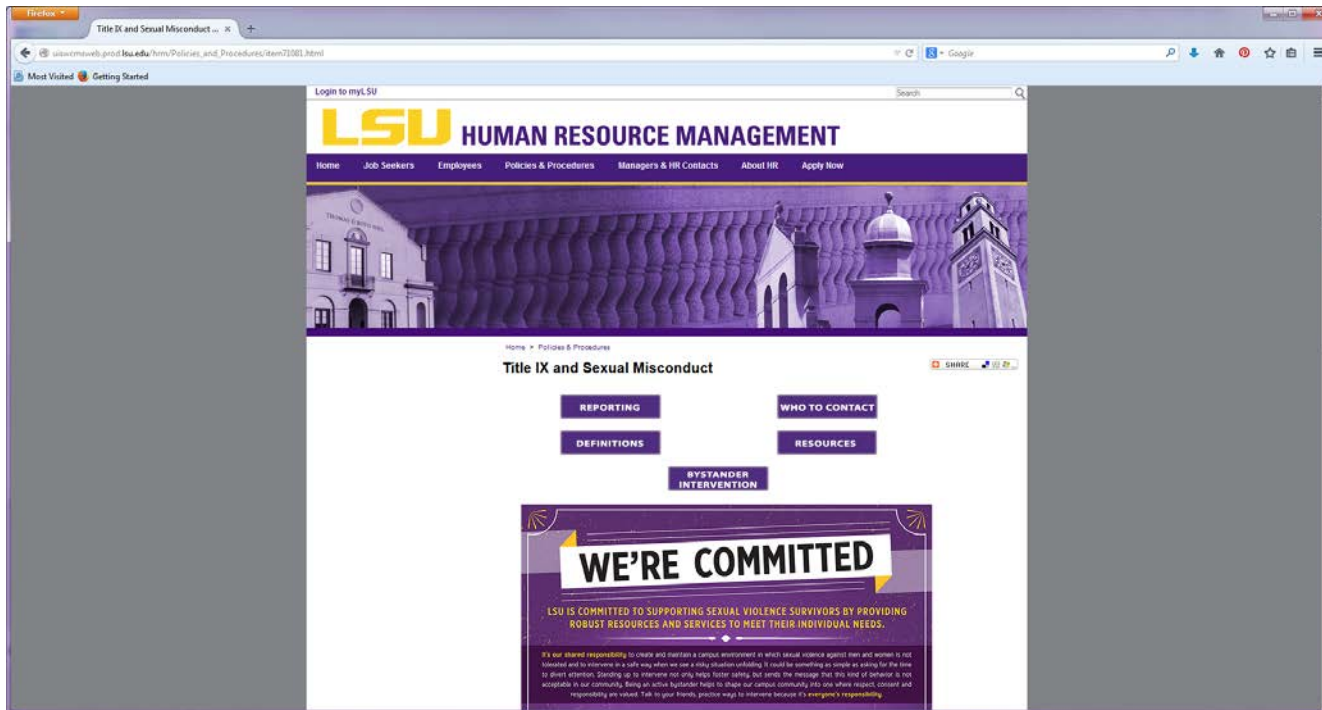
Reporting Sexual Misconduct: Confidential Reporting

- ▶ “As Private as possible”
- ▶ The University will preserve confidentiality to the extent possible and allowed by law.
- ▶ Requests for confidentiality must be evaluated in the context of the schools ability to provide a safe and non-discriminatory environment.
- ▶ The degree to which confidentiality can be protected depends upon whether or not individual to whom sex-based offenses reported can engage in privileged communications.
- ▶ The Title IX Coordinator, or designee, being consulted should make these limits clear before any disclosure of facts.

LSU's Resources

- ▶ LSU-Sexual Misconduct Website :
- ▶ [http://uiswcmsweb.prod.lsu.edu/hrm/Policies and Procedures/item71081.html](http://uiswcmsweb.prod.lsu.edu/hrm/Policies_and_Procedures/item71081.html)
- ▶ Resource/Referral Contact Information:
- ▶ The Lighthouse Program
- ▶ The Student Health Center
- ▶ LSU Police Department (24 hour service)
- ▶ Employee Assistance Program
- ▶ Student Advocacy & Accountability

Title IX Website



Title IX Poster

Pick one up before you leave!

WE'RE COMMITTED

LSU IS COMMITTED TO SUPPORTING SEXUAL VIOLENCE SURVIVORS BY PROVIDING ROBUST RESOURCES AND SERVICES TO MEET THEIR INDIVIDUAL NEEDS.

It's our shared responsibility to create and maintain a campus environment in which sexual violence against men and women is not tolerated and to intervene in a safe way when we see a risky situation unfolding. It could be something as simple as asking for the time to divert attention. Standing up to intervene not only helps foster safety, but sends the message that this kind of behavior is not acceptable in our community. Being an active bystander helps to shape our campus community into one where respect, consent and responsibility are valued. Talk to your friends, practice ways to intervene because it's **everyone's responsibility.**

Know what consent is and what it is not...

- Consent cannot be given by a person impaired by alcohol and/or other drugs.
- Consent can change at any time during an interaction.
- Consent must be without coercion or manipulation.
- Silence may not in and of itself constitute consent. Only yes means yes.
- Past consent of sexual activity does not imply future, on-going consent.

RESOURCES AVAILABLE 24/7

YOUR RESOURCES

If you are unsure about where to begin, start in the middle.

LSU Office of the
Dean of Students
www.deanofstudents.lsu.edu • 225-578-9442
@LSUstudents

LSU Student Health Center
www.lsu.edu/shc • 225-578-4271
@LSUHealthCenter

Questions?

Pick up a
poster on
your way out!