

What Do I Do?

Title IX Practices and Procedures for Mandated Reporters

Laws, Policies and Guidance

Framework for Addressing Sex & Gender Misconduct on Campus

- ▶ **College Policy**
 - ▶ Reflect the law as well as campus mission and values
- ▶ **Title IX** – Applies to entire campus, covers sex/gender
 - ▶ OCR creates Guidelines & provides oversight
 - ▶ DOJ/DOE Compliance Requirements
- ▶ **Title VII** – Limited to employment only (covers sex, race, religion and national origin)
- ▶ **Case law**
- ▶ **Clery Act**
 - ▶ “Campus Sexual Assault Victims’ Bill of Rights” “SaVE Act” 2013
- ▶ **Violence Against Women (VAWA) Act & SaVE Act** (March, 2013)
- ▶ **President’s Task Force on Sexual Assault Report** (April, 2014)
- ▶ **OCR – FAQ** (April, 2014)

Title IX

“No person in the United States shall, on the basis of sex, be excluded from participation in, be denied benefit of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.”

20 U.S.C.A section 1681(a)

Interim Title IX Coordinator:

Jason Cha, Ph.D.

310-846-2554, jcha2@otis.edu

Title IX

- ▶ Title IX of the Education Amendments of 1972 is a federal law intended to end sex discrimination in **all areas of education**
- ▶ The **law applies to non-discrimination based on sex/gender** to all recipients of federal funds, both public and private institutions
- ▶ It **applies to** issues of **program equity**, such as in athletics and student organizations, **and also to sexual harassment and sexual assault**

Covered Individuals

- Students
- Faculty
- Staff
- Campers
- Subcontractors, vendors
- Guests, visitors

(all as both victim and perpetrator)

Subject Matter

- ❑ All unwelcome sex-based and gender-based conduct
- ❑ All unwelcome conduct of a sexual nature
- ❑ All sex discrimination
- ❑ All gender discrimination
 - ❑ Including gender identity discrimination and
 - ❑ Sexual orientation discrimination that implicates gender
- ❑ Pregnant and parenting/nursing student discrimination

Clery Act

- **The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act took effect in 1991, and requires all colleges and universities participating in federal student aid programs to:**
 - Maintain a public daily crime log
 - Publish and distribute to students and employees, as well as prospective students and employees, an annual crime report by October 1, which includes 3 years of crime statistics; and
 - Provide both emergency and timely warnings to the campus community about crimes and other emergencies posing an immediate or ongoing threat.

To learn about Otis College's commitment to campus safety and security as well as compliance with the Clery Act, you can find more information in *The Hoot*

How Otis College Collects Data for the Clery Report

▶ **Incident Reports:**

- ▶ Student Conduct Reports
- ▶ Title IX Incident Reports
- ▶ General Incident Reports through Otis Website

Relationships Between Faculty/Staff and Students

- ▶ Otis College of Art and Design prohibits all faculty and staff members, including graduate teaching assistants, and others involved in teaching activities, from engaging in or pursuing dating, sexual, or intimate relationships with students, including consensual relationships.

Why Reporting Matters

Impact of Sexual Assault on Those Involved

TO THE VICTIM

- ▶ Falling Grades
- ▶ Drop out/Fail out
- ▶ Mental Health Issues
 - ▶ Depression, Post-Traumatic Stress Disorder
 - ▶ Alcohol and drug use
 - ▶ Contemplation of suicide

TO THE ACCUSED

- ▶ Time lost from class
- ▶ Potential expulsion from school
- ▶ Impact on ability to obtain job, graduate admission, licensures
- ▶ Stigma of “rapist”

Impact of Sexual Assaults on the Institution

- ▶ Impact of victim accommodations on system and people
- ▶ Retention, persistence and completion
- ▶ Legal liabilities
- ▶ Reputation
- ▶ Demands on fiscal resources
- ▶ Demands on human resources
- ▶ Safety concerns for the community

College's Responsibility

Role Of OCR & Title IX

- The Office for Civil Rights (OCR) is responsible for establishing the compliance standards to be applied in investigations and enforcement of Title IX
- OCR requires that once a school has notice of possible sexual harassment of a student, the school should take immediate and appropriate steps to:
 - Investigate what occurred
 - Take prompt and effective action to end the harassment
 - Remedy the effects
 - Prevent the recurrence

Regulatory Standards

- ▶ If the institution has “notice” of sexual misconduct, these four steps are the school’s responsibility whether or not the student who was harassed makes a complaint or otherwise asks a school to take action
- ▶ OCR acknowledges that there may be circumstances where the complainant requests confidentiality or refuses to participate, thus, the school’s ability to take action may be limited
- ▶ BUT - the school is still required to take all reasonable steps to investigate and respond

The IX Commandments

Thorough	Reliable	Impartial
Prompt	Effective	Equitable
End the Discrimination	Prevent its Recurrence	Remedy the effects upon the victim & community

Investigation

Process

Remedies

Reporting – Who? What? Where?
How?

Mandated Reporter = Responsible Employee

- ▶ In accordance with Title IX guidelines and the Office of Civil Rights, a responsible employee is any employee:
 - ▶ a. who has the authority to take action to redress sexual harassment/misconduct;
 - ▶ b. who has been given the duty of reporting incidents of sexual harassment/misconduct *or* any other misconduct by students to the Title IX coordinator or other appropriate designee; or
 - ▶ c. who a student reasonably believes has this authority or duty.

Mandated Reported Responsibilities

- ▶ Clearly and compassionately inform the victim that information about an incident (name, time, date, location, nature of incident) must be shared and why.
- ▶ Explain confidential services available to the victim (Counseling Services, Student Health Center, local resources such as Santa Monica Rape Treatment Center).
- ▶ Mandated Reporters may serve as a contact point for students who may have been the victim of sexual misconduct/sexual assault.

- ▶ **Report** the incident to the Title IX Coordinator and let them know everything you have been told so far.
- ▶ If possible, stay with the student reporting sexual assault until the TIXC arrives providing appropriate comfort and support to student.
- ▶ Document and report via the incident report – Title IX form. This form will be automatically sent to the Title IX Coord. for follow up. Be sure to note what services/support the student requested and declined based on your initial interactions (i.e. police report, contact with Counseling Services, hospital treatment, etc.).

Can I talk to you confidentially about something that happened to me?

- ▶ For most of the campus, there is no such thing as confidentiality. The individuals with confidential status are the College's counselor and the Health and Wellness staff. You can offer an assurance of privacy, but not confidentiality.

Talking Points

- ▶ *I can see this is so hard for you. I want to make sure you get all the support you need. Let me see if there is someone available that can support you.*
- ▶ *Jason Cha, our Title IX Coordinator is specially trained to support people through experiences like this. Can I help you connect with her?*
- ▶ Let them know you trust the referral you are making

VACANT

Assistant Dean of Student Affairs
Title IX Coordinator

Jason Cha, Ph.D.

Dean of Student Affairs
Interim Title IX Coordinator



Steve McQueen

Chief Safety Officer

Title IX Report Form



Otis College of Art and Design

Title IX Incident Report-Sexual Harassment, Misconduct, and Sex/Gender Discrimination

As of August 17, 2016, this is a new version of this form. If you are experiencing difficulty please [notify us](#).

DEFINITIONS:

Discrimination: is adverse treatment based on membership in a legally protected category. Legally protected categories are listed in Otis College's equal opportunity policies for students and employees.

Harassment: an incident or incidents of verbal, written, visual, or physical conduct based on or motivated by a student or employee's (and their family members') actual or perceived race, creed, color, national origin, marital status, sex, sexual orientation, gender identity, age or disability that has the purpose or effect of: (1) objectively and substantially undermining and detracting from or interfering with a student's educational performance or access to University resources; or (2) creating an objectively intimidating, hostile, or offensive environment.

Sexual Harassment: Gender or sex-based verbal or physical conduct that has the effect of unreasonably interfering with an individual's work or academic performance or creates an intimidating, hostile or offensive working or educational environment.

Sexual Misconduct: Includes, but is not limited to, sexual harassment, nonconsensual sexual contact, nonconsensual sexual intercourse, and/or sexual exploitation

Depending on the nature and severity of the behavior, the associated incident of harassment/misconduct and impact, will be addressed as appropriate through interventions such as: education and formal processes through institutional offices (e.g., review, investigation, resolution). Not every incident will be a violation of university policy or law, however all reported incidents will be reviewed for an appropriate response.

If you are reporting an incident that poses an imminent risk of harm to a person(s) or property, contact Campus Safety & Security at 6965 (if on-campus) or (310) 665-6965 (if off campus or using a cell phone) or 9-1-1.

What to Do?

- ▶ Remain calm and bring person into a quiet area.
- ▶ Ask person for information in order to determine what and with whom you are dealing.
- ▶ Ask if they would like you to call 911, a family member, The Title IX Coordinator, Counseling Services, etc.
- ▶ Tell them about the Santa Monica Rape Treatment Center. Urge them to go so that any evidence can be collected.
- ▶ If the person is able, have them write a statement or fill out an incident report. If they are not, tell them they can fill one out at a later date.
- ▶ Follow-up with an incident report
 - ▶ <http://www.otis.edu/report-incident>



- ▶ Be a sympathetic listener
 - ▶ The best thing you can do is offer your support
- ▶ Do believe the victim
 - ▶ Individuals are already traumatized and feeling a variety of emotions. They do not need to have their experience questioned.
- ▶ Preserve evidence
 - ▶ This will assist law enforcement
- ▶ Know your resources
 - ▶ There are a variety of resources on campus and in the community to assist you if you are a victim of harassment or violence.

How Not to Help

- **Don't** blame the victim, especially for choices they may have made leading up to the assault or ask “why” questions. - *This can convey judgment and blame.*
- **Don't** pressure the survivor to recount all details.
- **Don't** tell him or her to “get over it” or “just forget about it.”
- **Don't** take charge of the healing process or force them to make quick decisions; let them be in control. Be patient and supportive.
- **Don't** say you will keep it confidential.



Complaint Process Overview

- ▶ After the College is notified, the appropriate department, along with the Title IX Coordinator will generally take up to 60 days to complete an investigation.
- ▶ Interim measures will be put in place and resources identified.
- ▶ All parties will be notified of an investigation
- ▶ All parties will be interviewed by an outside investigator
- ▶ Any evidence will be collected

- ▶ If respondent is staff, HR will conduct the investigation and determine whether or not sanctions are an option. If respondent is faculty, HR will work with the Provost Office in determining sanctions. If respondent is a student, the TIX will turn the completed investigation over to the Conduct Officer for further possible review by the Conduct Committee. The Title IX Coordinator has knowledge of and access to all processes and final determinations of sanctions.
- ▶ All parties will be notified, by writing, in a timely manner.
- ▶ All parties have the right to appeal within 5 days of learning the outcome of the case.

Is This a Title IX Issue?

- ▶ Flirting between two consenting individuals
- ▶ Instructor talking about their fantasies and past sexual history
- ▶ Phone calls and texts between faculty and students
- ▶ Student in the class yells, “I lost my teddy bear, will you sleep with me?”
- ▶ Sending pictures of your body parts to another person
- ▶ Asking someone for a date
- ▶ Accidentally brushing up against someone
- ▶ Pressuring someone for a date
- ▶ You friend a student on Facebook, but now they message you every day
- ▶ You overhear a student telling friends that they “hit that”
- ▶ Repeatedly offering a student a ride home/to campus

Practice Self Care

- ▶ Recognize your own triggers
- ▶ Get Victim to another source of support if you need to take time for yourself...
 - ▶ Counseling
 - ▶ Santa Monica Rape Treatment Center, or other local agency



You cannot *drink*
from an empty cup.

Rumors and Social Media

- ▶ Social Media is a good place to meet friends, show off your new car and play Candy Crush.
- ▶ Social media is also a place where misinformation is spread.
- ▶ Increasingly, institutions are spending more and more time combating the rumor mill of social media.
- ▶ People want to know information and need to fill a vacuum.

Quotes on Social Media Rumors

- ▶ When you do peer-to-peer news, which is how most people are receiving their news these days or at least the initial heads-up, is that people see a story or they hear about something and there's a race to be the first person to announce things.
- ▶ Spreading rumors on social media can be compared to "the worst case of telephone," a game in which one person whispers a message to another, which is passed through a line of people until the last player announces the message to the entire group. Most time, that message is corrupted at the end.

What to Do When You Hear Rumors

- ▶ Ask for the source of information
- ▶ Direct individual to speak with the Title IX Coordinator
- ▶ Inform the individual about the process
- ▶ Know your resources
- ▶ Let the Title IX Coordinator know about the rumor
- ▶ Gently encourage individual to discontinue spreading potentially false and harmful information
- ▶ **You should absolutely never spread rumors or private information!**