Title IX And Your Role As College Employee, Campus Leader Or Community Member
1. Overview of Title IX
2. Not Any More (On-Line Sexual Assault Course)
3. FERPA, Confidentiality & Your Obligation to Report
   a) FERPA, Exceptions and Students’ Rights
   b) Title IX Requirements
   c) Confidentiality vs Privacy
4. When A Kiss Is Not Just A Kiss
5. Key Terms and Definitions
   a) Consent
   b) Sexual Harassment
   c) Non-Consensual Sexual Activity
   d) Forced Sexual Activity
   e) Non-Consensual Sexual Intercourse
   f) Forced Sexual Intercourse
   g) Sexual Exploitation
6. The Rape of Mr. Smith
   a) Risk Management vs Responsibility
7. Your Role As A Community Member
   a) Providing Support
   b) Risk Management vs Responsibility
   c) Avoiding Re-victimization
   i. The Rape of Mr. Smith
8. Campus Resources
9. Student Code of Conduct Review (Handout)
10. Q & A
Overview of Title IX

In April of 2011 the OCR released a document to college and university presidents labeled “Dear Colleague.” This letter was intended to remind educators that the OCR has clear expectations regarding how sexual misconduct investigations are held, training and awareness expectations, as well as the importance of keeping accurate documentation of Title IX subject matters.

Title IX governs how institution’s compliance efforts on gender discrimination, sexual harassment, retaliation, sexual assault/misconduct, athletics equity and related civil rights investigations. Until the “Dear Colleague Letter,” Title IX was most associated with gender equality in athletics.
NOT ANYMORE

Reduce Risky Behavior and Prevent Sexual Assault

The Not Anymore training program familiarizes students and employees with Title IX and related topics, including sexual assault and harassment, relationship violence, stalking, consent, alcohol, verbal defense, and bystander intervention. All new students and employees must complete the Not Anymore training.

Student Login Information

1. Log into eServices
2. From your eServices dashboard, click Other Resources
3. Under Training, click Title IX Mandatory Training.
FERPA & Confidentiality

As college employees, FERPA (Family Education Rights and Privacy Act) governs access to, and confidentiality of, student records. In a nutshell, what information about a student can be shared without their permission and who can see it?

Students have a right to expect that information in their educational records (including computerized records) will be kept confidential and will be disclosed only with their permission or as allowed by law.

When a student reaches the age of 18 OR begin attending a post-secondary institution regardless of age, FERPA rights transfer to the student. This limits the student’s educational record information that may be released to third parties without your written permission unless it is “directory information.”

Non-Directory Information Examples:

- Grades
- Financial Aid Records
- Social Security Number
- Enrollment records
- Class Lists
- Schedules
- ID Number

*Does not include health or counseling records
Exceptions To FERPA

Confidentiality is not absolute, exceptions include when:

• The student poses a danger to self or others or is gravely disabled (i.e., unable to provide food, clothing, or shelter).
  • To report elderly or child abuse
  • Court-issued subpoena for records
• To on-campus individuals with the “need to know” or to coordinate campus resources or support
• To anonymously report a Title IX incident to LRPD (only broad/generic information about the incident will be shared for Clery Reporting requirements.)
  • When a signed release is provided by the student

Always inform the individual of your limits to confidentiality as well as prior to you breaking confidence.

You cannot guarantee complete confidentiality, but you can guarantee privacy.
Student’s Rights Under FERPA

• Student’s have the right to inspect and review their educational records;

• Seek amendment of the records you believe to be inaccurate, misleading or otherwise in violation of your privacy rights;

• Consent to disclosures of confidential information except to the extent that the law permits disclosure without your consent; and

• File a complaint concerning alleged failures of the College to comply with the law.
Parents/Guardians & FERPA

There are two conditions under which parents can have access to records of their children:

• By establishing the student’s dependency as defined by the IRS code...if parents claimed you on their taxes (rarely shared discussed or offered).

• By obtaining the signed written consent of the student using SCC’s release of information form.

In a nutshell, we avoid disclosing information without student knowledge and consent.

When in doubt, direct all questions to professional staff.
Title IX Confidentiality vs Privacy

You cannot guarantee or promise confidentiality, you CAN guarantee privacy/discretion. As a college employee, you have an obligation to report.

Obligation to report

Sexual assault is the most under reported crime crimes in our society. The victim always has the option to report the incident, BUT YOU DO NOT. While the first priority is to attend to and ensure the well being of the victim, federal law requires the reporting of any incident of sexual misconduct.

Reports can be made privately (not quite) confidentially with LRPD or to the Campus Title IX Officer where the reporter only discloses general details (date, time, general location and general information) about the incident. You WILL NOT be required to share the individual’s name or identifying information.

WEAVE Confidential Advocate

The WEAVE Confidential Advocate is available for students or employees who have experienced any form of sexual harassment or violence and want support or information. The confidential advocate is not an employee of Los Rios Community College District. The confidential advocate is someone you can share your story with confidentially. They will not report anything to the police or Title IX officer unless you ask them to.
WHEN A KISS IS NOT JUST A KISS
Consent

Consent is informed, knowing and voluntary. Consent is active, not passive. Silence, in of itself, cannot be interpreted as consent. Consent can be given by words or actions, as long as those words or actions create mutually understandable permission regarding the conditions of sexual activity.

- Consent to one form of sexual activity cannot imply consent to other forms of sexual activity.
- Previous relationships or consent cannot imply consent to future sexual acts.
- Consent cannot be procured by use of physical force, compelling threats, intimidating behavior, or coercion. Coercion is unreasonable pressure for sexual activity. Coercive behavior differs from seductive behavior based on the type of pressure someone uses to get consent from another. When someone makes clear to you that they do not want sex, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be considered coercive.
- Consent may be ruled invalid if it is expressed under mental incapacitation due to use of alcohol, drugs, or prescription medication.

Key Terms & Definitions

Consent

Consent is informed, knowing and voluntary. Consent is active, not passive. Silence, in of itself, cannot be interpreted as consent. Consent can be given by words or actions, as long as those words or actions create mutually understandable permission regarding the conditions of sexual activity.
Sexual Harassment
Unwelcome, gender-based verbal or physical conduct is sufficiently severe, pervasive and objectively offensive that unreasonably interferes with or deprives someone of educational access, benefits or opportunities. Two Types of Sexual Harassment:
- Hostile environment
- Quid Pro Quo

Non-Consensual Sexual Contact
Any intentional sexual touching;
however slight; with any object; by a man or a woman upon a man or a woman; without effective consent.

Forced Sexual Activity
Sexual activity by force or against the will of the victim.

Force includes: the use of physical means, violence, threats, intimidation or coercion; however slight; with any object; by a man or woman upon a man or woman; without effective consent.

Sexual activity includes: Intentional contact with the breasts, buttock, groin, or genitals, or touching another with any of these body parts, or making another touch you or themselves with or on any of these body parts; any intentional bodily contact in a sexual manner, though not involving contact with/of/by breasts, buttocks, groin, genitals, mouth or other orifice.
Key Terms & Definitions

Non-Consensual Sexual Intercourse
Any sexual intercourse (anal, oral or vaginal); however slight; with any object; by a man or a woman upon a man or a woman; without effective consent.

Forced Sexual Intercourse
Sexual intercourse (anal, oral or vaginal) by the use of force or against the will of the victim. Force includes: the use of physical means, violence, threats, intimidation or coercion; however slight; with any object; by a man or woman upon a man or woman

Sexual Exploitation
Occurs when a student takes nonconsensual, unjust or abusive sexual advantage of another; for his/her own advantage or benefit; or to benefit or advantage anyone other than the one being exploited; and that behavior does not otherwise constitute non-consensual sexual contact, nonconsensual sexual intercourse or sexual harassment. Sexual exploitation includes:

• Prostituting another student
• Non-consensual video or audio taping of any form of sexual activity
  • Voyeurism
• Knowingly transmitting an STI or HIV to another student
The Rape Of Mr. Smith
Risk Management vs Responsibility
The Rape of Mr. Smith
An Example of Victim Blaming

In the following example, a holdup victim is asked questions similar in form to those usually asked a victim of rape.

Officer: “Mr. Smith, you were held up at gunpoint on the corner of 16th and Locust?”
Mr. Smith: “Yes.”

Officer: “Did you struggle with the robber?”
Mr. Smith: “No.”

Officer: “Why not?”
Mr. Smith: “He was armed.”

Officer: “Then you made a conscious decision to comply with his demands rather than to resist?”
Mr. Smith: “Yes.”

Officer: “Did you scream? Cry out?”
Mr. Smith: “No. I was afraid.”

Officer: “I see. Have you ever been held up before?”
Mr. Smith: “No.”
Officer: “Have you ever given money away?”
Mr. Smith: “Yes, of course—”

Officer: “And did you do so willingly?”
Mr. Smith: “What are you getting at?”

Officer: “Well, let’s put it like this, Mr. Smith. You’ve given away money in the past—in fact, you have quite a reputation for philanthropy. How can we be sure that you weren’t contriving to have your money taken from you by force?”
Mr. Smith: “Listen, if I wanted—”

Officer: “Never mind. What time did this holdup take place, Mr. Smith?”
Mr. Smith: “About 11 p.m.”

Officer: “You were out on the streets at 11 p.m.? Doing what?”
Mr. Smith: “Just walking.”

Officer: “Just walking? You know it’s dangerous being out on the street that late at night. Weren’t you aware that you could have been held up?”
Mr. Smith: “I hadn’t thought about it.”

Officer: “What were you wearing at the time, Mr. Smith?”
Mr. Smith: “Let’s see. A suit. Yes, a suit.”
Officer: “An expensive suit?”
Mr. Smith: “Well–yes.”

Officer: “In other words, Mr. Smith, you were walking around the streets late at night in a suit that practically advertised the fact that you might be a good target for some easy money, isn’t that so? I mean, if we didn’t know better, Mr. Smith, we might even think you were asking for this to happen, mightn’t we?”
Mr. Smith: “Look, can’t we talking about the past history of the guy who did this to me?”

Officer: “I’m afraid not, Mr. Smith. I don’t think you would want to violate his rights, now, would you?”
Risk Management vs Responsibility

An important part of reframing a victim’s experience is helping them understand that while there are things that could have been done differently, that doesn’t mean they are responsible for the actions taken against them. Poor risk management does not make the individual responsible for the violation against them.

Consider this.

Most of people would agree that safety pinning five $100 bills to your shirt and walking through a high crime part of town is a bad idea. If you were robbed and the individual was captured, would a judge dismiss the case because you made a bad decision and didn’t manage your risk well?

Of course not! It may not have been one of your smartest moments; however it does NOT over shadow the perpetrator’s responsibility for robbing you. Too often in sexual misconduct cases we are very willing to shift responsibility from the perpetrator to the victim when we really should be talking about risk management.
Helping Them Put The Pieces of Their Lives Back Together
Your primary goals are to listen and provide non-judgmental support, guidance, care, and to connect with the appropriate campus resource(s).

Many survivors have experienced a situation where someone has violated their boundaries, thereby making it more critical that you assist them in framing and sometimes reframing what they have experienced.

In working with a student, one of the first places to start is with “problem identification and ownership.” Too often, survivors overwhelming blame themselves for the incident. Compounding their self-blame is the fact that they are often questioned and blamed for decisions they made which led to the incident.

As a support person you have to remind yourself and the victim that the perpetrator is always responsible for their behavior. The survivor is never responsible for being raped. It is almost always true that the victim could have done things differently and/or made “better” decisions, however sharing that is not productive in the early stages of recovery.

The focus should and needs to remain on the perpetrator, their behavior and the impact that it has had on the victim. There will be plenty of time for the victim to dissect the incident and reflect on how things could have been done differently.
Campus Resources

LRPD – 916-558-2221

Andre Coleman, Dean of Campus Interventions – 916-650-2929

WEAVE - (916) 568-3011; WEAVEConfidentialAdv@losrios.edu
  •  On campus Monday’s in Health Services

Health Services – 916-558-2533

Sexual Assault Reporting and Resource Guide
https://www.losrios.edu/docs/lrccd/title-ix/reporting-resources-guide.pdf