

# Title IX, VAWA/Campus SaVE Act, and Related Legislation Requirements and Obligations



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# What is Title IX?

## TITLE IX

"No person... shall, on the basis of sex... be subjected to discrimination..."

- ⌘ A federal law prohibiting discrimination on the basis of sex in an educational institution's academic, extracurricular and athletic activities
- ⌘ Protects all persons, regardless of gender or gender identity, from sexual harassment and sexual violence, which are forms of sex discrimination

# Violence Against Women Act/ Campus SaVE Act

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- ☞ Amends the Clery Act, which already requires universities to:
    - ☞ Report annual crime statistics
    - ☞ Develop and publish prevention policies and procedures
  - ☞ **Campus SaVE Act:**
    - ☞ Clarifies that “sexual violence” includes domestic violence, dating violence and stalking
    - ☞ Requires policies that address and prevent sexual violence through specified training, education, and discipline procedures

# Know your policy



- ✧ A new interpretation of Title IX resulted in the CSU issuing EOs 1072-4.
- ✧ With only a few exceptions\* faculty and staff are deemed responsible employees who are mandated to report all knowledge of sexual assault, intimate partner violence and stalking to a Title IX officer.

\* CAPS counselors, UPD officers, Mira Friedman, Health Educator and Mary Sue Savage, Prevention Coordinator for DOJ Campus Grant

# Know who to call



If a student tells you about an incident of sexual harassment or sexual violence and they provide information that this harm occurred while they were enrolled at HSU, you are required to call **Randi Darnall Burke, the Dean of Students,** (707) 826-5694. She or her designee will then contact the student to offer options for support, accommodations and accountability.

## The following campus staff and faculty members can provide students with support

- ☞ Community agencies with options for anonymous and confidential 24 hour support
- ☞ **North Coast Rape Crisis Team** (707) 445-2881, 24 hour hotline; no mandated reporting requirements
- ☞ **Humboldt Domestic Violence Services** (707) 443-6042, 24 hour hotline; mandated only to report child abuse to state authorities.

## On campus options for confidential support

- ☞ **HSU's Counseling and Psychological Services** (707) 826-3236, including 24 hour crisis counseling; for an overview of the limits to confidentiality go to <http://www.humboldt.edu/counseling/>
- ☞ **Mira Friedman**, HSU Health Educator, (707) 826-5234; must report to UPD in cases of imminent threat to the community
- ☞ **Mary Sue Savage**, Prevention Coordinator (707) 826-5123; must report to UPD in cases of imminent threat to the community
- ☞ **The University Police Department** (707) 826-5555 offers students options for anonymous and confidential reports

# Your responsibilities . . .



- ❧ I. How to prepare before a student discloses an incident that violates Title IX
- ❧ II. What to do when a student discloses
- ❧ III. How to fulfill your responsibilities after a student discloses



How to prepare before a  
student discloses an  
incident that violates  
Title IX

Know the definition of  
Sexual Violence

# Sexual Violence



- ❧ Physical sexual acts; unwelcome sexual touching; sexual assault or battery; rape; domestic violence; dating violence; and stalking
- ❧ Without consent or against an individual incapable of giving consent
- ❧ May include physical force, violence, threat, or intimidation; causing the victim's intoxication; or taking advantage of incapacitation
- ❧ Men as well as women can be victims
- ❧ Intercourse with a minor is unlawful even if "consensual"

# Rape, Sexual Assault and Battery



- ❧ **Rape:** Non-consensual sexual intercourse; any sexual penetration, however slight (includes acquaintance rape)
- ❧ **Sexual assault:** An attempt, coupled with the ability, to commit a violent injury on someone because of gender or sex
- ❧ **Sexual battery:** Any willful and unlawful use of force or violence against a person because of gender or sex

# Consent



- ☞ An informed, affirmative, conscious decision by each participant to engage in mutually agreed-upon sexual activity
- ☞ Must be voluntary, and given without coercion, force, threats, or intimidation
- ☞ Can be withdrawn or revoked at any time
- ☞ Cannot be given by someone who is incapacitated
  - ☞ A person is ***incapacitated*** if s/he lacks the physical or mental ability to make informed, rational judgments (*e.g.*, too intoxicated; physical/mental disability; under 18)

# Domestic/Dating Violence and Stalking



- ❧ **Domestic violence:** Abuse committed against a spouse, cohabitant (based on gender or sex), or someone with whom the abuser has a child or a dating relationship
- ❧ **Dating violence:** Abuse committed by a person in a relationship of a romantic or intimate nature with the victim
- ❧ **Stalking:** A repeated course of conduct directed at someone (based on gender or sex) that places that person in reasonable fear of harm, or to suffer substantial emotional distress



What to do when a student discloses an incident that violates Title IX

# Remember your role



❧ You are not a counselor

❧ You are not an investigator

❧ You are a bridge to connect students  
to campus and community support

# Listen, Support, Validate



- ☞ Listen and believe
- ☞ Let the survivor know that you care
- ☞ Don't overly express your own feelings about what happened to them.
- ☞ Don't define their experience for them
- ☞ Validate that what happened to them was not ok.

# Establish clear boundaries



- ❧ Offer forms of support that are appropriate for your role
- ❧ For support that is needed beyond your role, serve as a bridge to campus and community support and resources



How to fulfill your responsibilities after a student discloses

# Making a report



Call Randi Darnall Burke, Dean of  
Students, to report the violation

# Responsibilities of the Title IX Officer

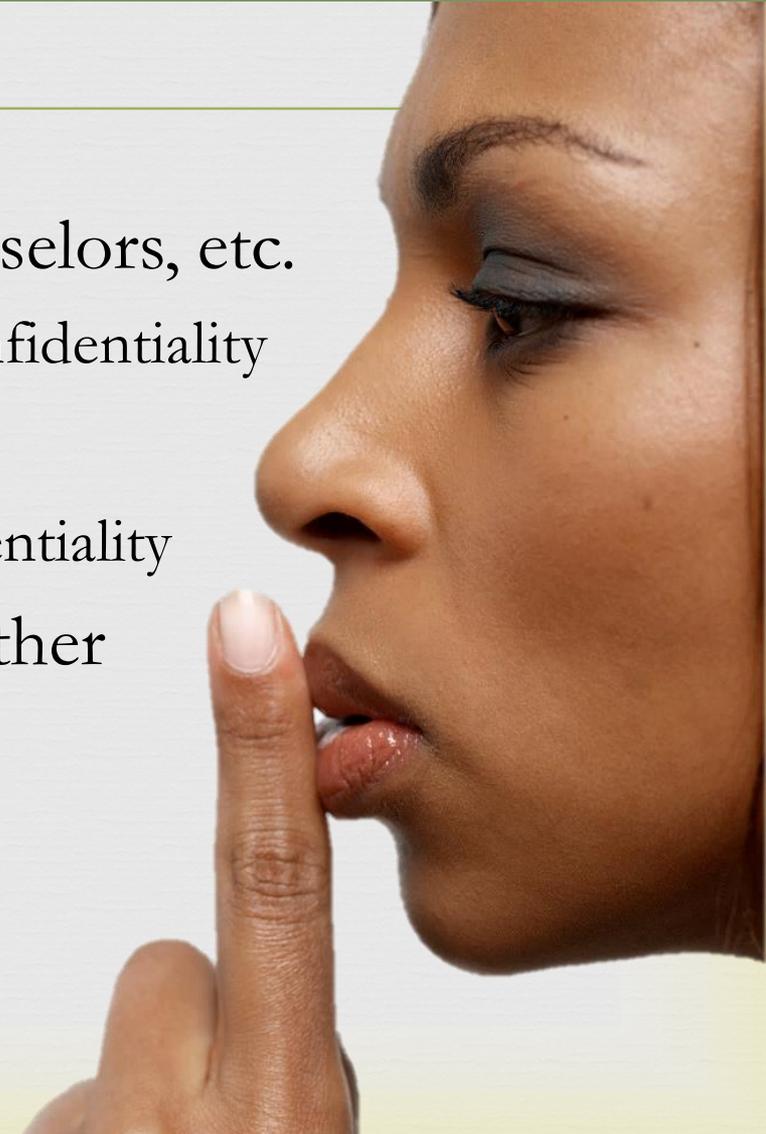
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- ☞ Randi (or if she is unavailable, another Title IX officer) will call the student to discuss options for support, accommodations and accountability
- ☞ The focus of the call is on immediate safety and meeting the needs of the student

# Confidentiality and Sexual Violence

## Three separate groups

- Physicians, sexual assault counselors, etc.
  - ✧ Must maintain **complete** confidentiality
- Law enforcement employees
  - ✧ May maintain **partial** confidentiality
- Title IX Coordinator and all other employees
  - ✧ **Minimal** confidentiality



# Options for Reporting



## ☞ **Privileged and Confidential Reporting**

- ☞ Physicians, Psychotherapists, Professional Counselors and Clergy - may not report incident without consent

## ☞ **Confidential Reporting**

- ☞ University Police may not disclose name if student requests confidentiality; UPD obligated to report incident to Title IX Coordinator

## ☞ **Open Reporting**

- ☞ All other university employees must report incidents of sexual violence

*In all cases, the University strongly encourages victims to report sexual violence directly to the Dean of Students or Title IX Coordinator*

# Protecting Student Privacy

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- ☞ Provide only the minimum information necessary when discussing a student
- ☞ If you need support processing a student's disclosure of violence, call HSU Counseling & Psychological Services (CAPS) or Northcoast Rape Crisis Team (24-hour crisis line)

# What is your reporting responsibility?



☞ You overhear two students talking about sexual assault.

# Reporting Responsibilities

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- ☞ At this point you have no reporting responsibilities because you don't have information about to whom, when and where this violence occurred.

# Best Practice



- ☞ In a casual manner let them know that you overheard the topic of sexual assault. Show them the door sign as a general resource for information on options for support and accountability on campus, as well as information about to whom students can talk about the issue in confidence, and who on campus is mandated to report.
- ☞ Make sure to let them know that you fall in the category of a mandated reporter.

# Door Sign



As an HSU student, have you experienced **sexual harassment, sexual assault, rape, dating/intimate partner or domestic violence, harassment based on gender nonconformity, stalking, cyber-stalking, or retaliation?**

*You have options for support!*

# What are your reporting responsibilities?



1. A student says to you in your office or workplace, “I am a survivor of sexual assault.”
2. A student says to you, “I was raped.”

# Reporting Responsibilities

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- ❧ In both of these cases you have no reporting responsibilities because you are only mandated to report if you have information about when this violence occurred.
- ❧ You do have a responsibility to let the students know about HSU's commitment to provide support for survivors regardless of when the violence occurred, and options for accommodations and accountability if the violence happened while they were enrolled at HSU.

# Best practice



- ☞ In both scenarios, respond to the student with empathy, and **before giving them an opportunity to talk more (and interrupting if necessary)**
- ☞ Make sure to inform them about options for discussing the violence in confidence, and inform them that you are a mandated reporter.
- ☞ Make sure they know where to access support no matter when the violence occurred.
- ☞ Also let them know that if the violence occurred while they were enrolled at HSU, that HSU is committed to offering accommodations and pursuing accountability.

# What are your reporting responsibilities?

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☞ A student says, “I passed out at a party last weekend and I woke up with a guy trying to have sex with me.”

# Reporting Responsibility



- ❧ A person cannot consent to sex while drunk, drugged, or passed out. You thus have information that a student, while enrolled at HSU, was subject to an attempted assault.
- ❧ You are required to report to Randi.
- ❧ Inform the student that you will call Randi's office and Randi or her designee will call the student to discuss options for support, accommodations and accountability.
- ❧ Implement best practices, including referrals to campus and community support.

# Best Practices Handout



## Best Practices for Implementing Your Role as a Mandated Reporter of Sexual Assault, Intimate Partner Violence and Stalking

### I. Inform students of your role as a mandated reporter

- ☞ Do your best to ensure that the student knows that you are a mandated reporter **before** they disclose an incident that you must report.
- ☞ *When necessary, interrupt* students to inform them of your role. You might say, "I'm sorry to interrupt you, but I want you to be informed about your choices regarding what you tell and to whom this information is reported. Have you seen this door poster? There are a number of issues where I am required to report what you tell me to the Dean of Students. I'm happy to talk with you and put you in touch with Randi Darnall Burke, but if you'd like to first explore options for support, accommodations and accountability with someone who can keep your information confidential, here's a list of numbers you can call."

# What is your reporting responsibility?



☞ A student says to you, “I was injured last night in a fight with my partner.”

# Reporting Responsibility



- ❧ You have evidence that a student was injured in a relationship.
- ❧ You are required to report to Randi.
- ❧ Inform the student that you will call Randi's office and Randi or her designee will discuss options for support, accommodations and accountability.
- ❧ Implement best practices, including referrals to campus and community support.

# Medical Care



- ☞ If you are concerned about the physical well being of a student, you may want to refer them to medical care
- ☞ If so, be aware and **inform the student** that all medical providers in California are mandated reporters

# What is your reporting responsibility?

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- ☞ You overhear a student bragging about getting another student drunk in order to have sex.

# Reporting Responsibility



- ☞ You have a responsibility to report the conversation to Randi because you have reason to believe that someone has been sexually assaulted by an HSU student.
- ☞ Caution: do not let the student know you are reporting to Randi, as this could interfere with the investigation and/or could result in retaliation.

# Summary: when you are required to report

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☞ If a student discloses to you that they were subject to sexual assault, intimate partner violence or stalking **while a student at HSU**

OR

☞ If a student discloses that they committed sexual assault, intimate partner violence or stalking **while a student at HSU**

☞ *Follow the protocols for reporting to Randi.*

# Conclusion



Working together to create a safer  
campus community

# Additional Resources



<http://humboldt.edu/titleix/>