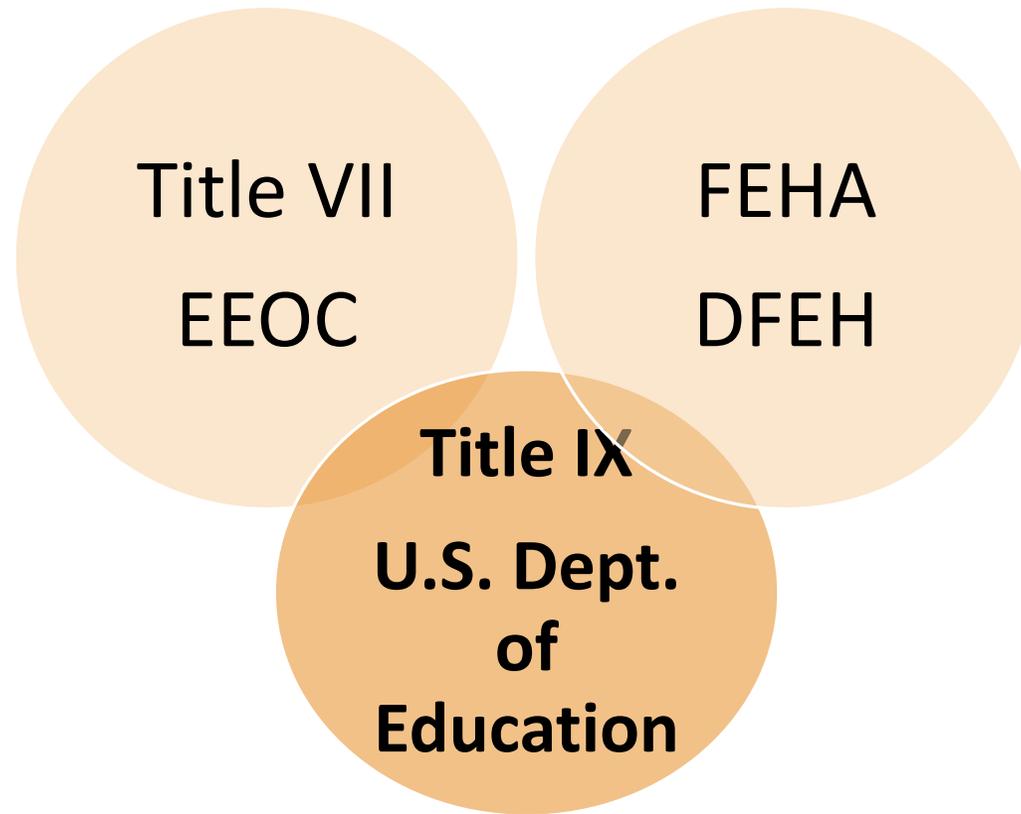




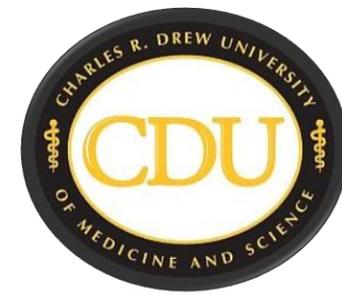
Title IX



Protections against Discrimination



Title IX



Title IX States:

“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.”

20 U.S.C. § 1681(a)

CDU Protected Personal Characteristics



- Binary Male or Female



- Gender



- Gender Identity



Pregnancy or childbirth and related status or conditions
e.g.lactation



Sexual Orientation



Gender Expression



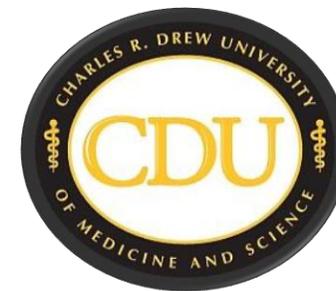
Discrimination on the basis of sex

Protections continued:

Sex- one's binary identity based on birth, male or female

Gender Identity- a person's self-concept as being male or female or not, including self-identification, which can be same or different from their sex assigned at birth.

Gender Expression- gender related appearance or characteristic which may or may not conform to socially defined behaviors and characteristics typically associated with being masculine or feminine.



WHO IS PROTECTED BY TITLE IX

Students

Employees

Contractors

Vendors

Residents

Volunteers

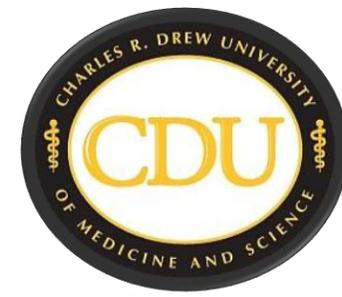
Interns





What Does Title IX Cover?

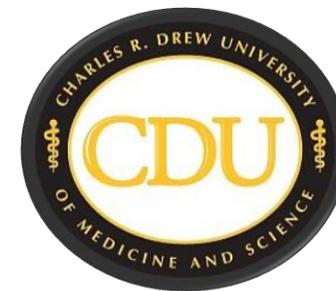
1. Sex Discrimination- unfair or differential treatment .
2. Sexual Harassment – 1.) conduct that is unwelcome determined by a reasonable person to be severe, pervasive or objectionably offensive or 2) conditioning a benefit, aid or service on participation in unwelcome sexual conduct.
3. Sexual Violence – Intimate partner or domestic partner violence, dating violence, attempted or completed rape, and other forms of sexual assault.
4. Stalking A repeated course of conduct such as following, harassing or intimidating a person that is motivated by a romantic or sexual interest in the person, so that they have a reasonable fear for their safety.



Sex-Based Discrimination

Examples

- May not discriminate based on an individual's pregnancy, including breastfeeding, childbirth, false pregnancy, termination of pregnancy, or recovery from any of these conditions. Also prohibits a school from applying any rule related to a student's parental, family, or marital status that treats students differently based on their sex.



Title IX

SEXUAL HARASSMENT

Quid Pro Quo

Predicating a benefit, aid or service on participation in unwelcome sexual conduct. (Employees)

Hostile Environment

Unwelcome conduct that a reasonable person finds so severe, pervasive and objectionably offensive that it interferes with an employee's ability to work or a student's ability to learn.



Title IX

Sexual Nature of Conduct

1. Direct or implied threats that submission to sexual advances will be a condition of advancement or promotion in any endeavor, including but not limited to employment, work status, promotion, or academic grades;
2. Direct propositions of a sexual nature;
3. Unwelcome touching, hugging, or brushing against another person's body;
4. **Sexually explicit statements, questions, or jokes; or,**
5. Remarks of a sexual nature about a person's clothing or body, sexual activity, sexual orientation, gender identity, or previous sexual experience.

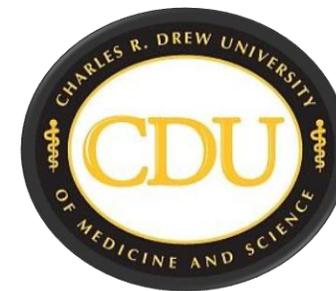


Title IX

What Sexual Harassment Looks Like

The person engaging in harassing behavior can be in a position of power, influence, or authority over the individual toward whom the conduct is directed.

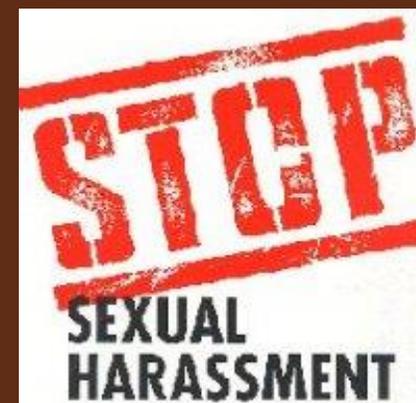
Questionable conduct is more likely to be harassment if it is repeated.



Title IX

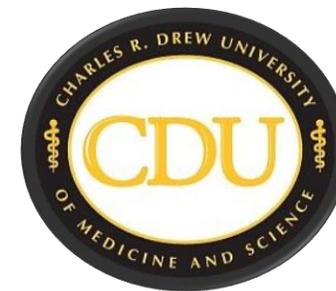
Responding to Sexual Harassment

Sexual harassment is unlikely to stop until confronted. In some cases, this may mean informing the person directly that his or her actions are offensive and unwelcome. Other situations may require an informal talk from a supervisor, a formal reprimand, or a disciplinary action.



Retaliation Prohibited

An institution **may not retaliate against an individual** by failing him/her, preventing someone from participating in school activities, or by threatening expulsion against someone who exercises his/her rights under Title IX. Moreover, schools are prohibited from intimidating, threatening, coercing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by Title IX.

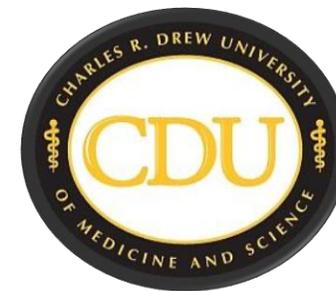


Title IX

#1 True or False

Sexual harassment means bothering someone in sexual way.





Title IX

True

Sexual harassment is any unwanted act or behavior that is sexual in nature that negatively affects the recipient's work or academic environment. If the conduct is not sexual in nature, it may be another form of harassment.

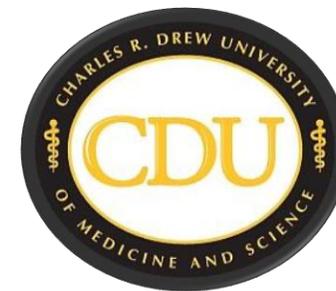


Title IX

#2 True or False

Sexual harassment must persist over a long period of time to be considered actionable.





Title IX

False

If severe enough, a single incident of harassment can qualify as **quid pro quo** sexual harassment or **hostile environment** sexual harassment.



Title IX

#3 True or False

A seemingly consensual sexual relationship between two people cannot be deemed sexual harassment.



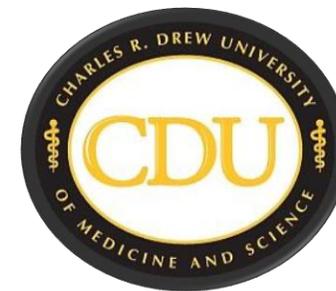


Title IX

False

Sexual harassment is not about *consent* only. The issue is whether the advances are welcome. One may appear to consent and yet not welcome the advances. In situations involving two people of unequal status, a student or subordinate may be unable to refuse sexual advances due to the fear of adverse employment or education action.





Title IX

#4 True or False

Sexual harassment can be perpetrated by a student against his or her professor, or, by an employee against his or her supervisor.





Title IX

True

Sexual harassment does not require a top-down power differential. A student can sexually harass his or her professor, and an employee can do the same to his or her supervisor.



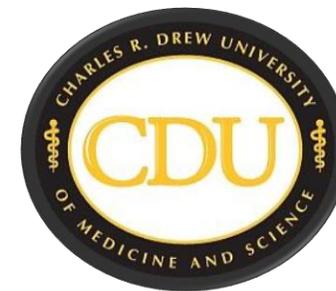


Title IX

#5 True or False

If you believe you have been sexually harassed, you must personally confront the harasser to give him/her a chance to correct the behavior before reporting the conduct.





Title IX

False

CDU does not expect you to confront the harasser. There are others on campus that will address harassers on your behalf. If you feel inclined to address the wrongdoer, please do so in a bold, respectful manner.





Title IX

Sexual Violence

Sexual Violence is a form of sexual harassment.

*Sexual violence includes same-sex sexual violence.





Title IX

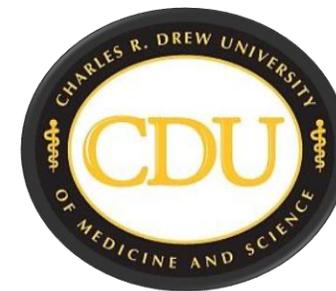
Sexual Violence (continued)

Sexual violence includes the following:

Rape – penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, **without the consent of the victim.**

Sexual assault – any type of sexual contact or behavior that occurs **without the explicit consent of the recipient.** Includes such activities as forced sexual intercourse, forcible sodomy, child molestation, incest, fondling, and attempted rape.

Sexual battery – the **non-consensual** touching of another with intent to arouse or gratify the sexual desire of the offender. Many states will consider any sexual conduct, such as groping, touching genitals over or under clothing, etc., to be sexual battery.



Title IX

Sexual Violence (continued)

Sexual abuse – is unwanted sexual activity, with perpetrators using force, making threats or taking advantage of victims **not able to give consent**. Most victims and perpetrators know each other. Immediate reactions to sexual abuse include shock, fear or disbelief. Long-term symptoms include anxiety, fear or post-traumatic stress disorder.

Sexual coercion – is the act of using subtle pressure, drugs, alcohol, or force to have sexual contact with someone **without consent**. Sexual coercion is ongoing attempts to have sexual contact of some kind with another person who has already made it clear that he or she does not want to have sexual contact.



Title IX

Consent

Consent is *affirmative, conscious, and voluntary*.

No consent if:

coercion, intimidation, threats, and/or physical force are used;

a person is mentally or physically incapacitated, or impaired by alcohol or drugs such that the person cannot understand the fact, nature, or extent of the sexual situation; or,

a person is asleep, passed out, unconscious, or not in the right frame (e.g. drunk) of mind to provide affirmative consent.





Title IX

Consent (continued)

Consent to one form of sexual activity does not imply consent to other forms of sexual activity.

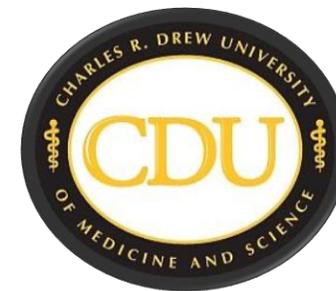
Consent can be withdrawn.

Lack of resistance does not indicate consent.

Effective consent may not exist when there is a disparity in power.

- Supervisor/employee
- Faculty/student

IF IT'S NOT
CLEAR
IT'S NOT CONSENT



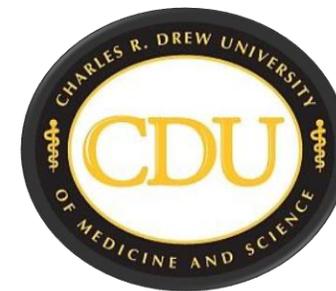
Title IX

Interplay Between Title IX & the Clery Act

The Clery Act is a federal law that requires institutions to disclose information about crime reported on and around their campuses.

Violence Against Women Reauthorization Act of 2019 (VAWA) amended sections of the Clery Act.





Title IX

Domestic Violence, Dating Violence, and Stalking

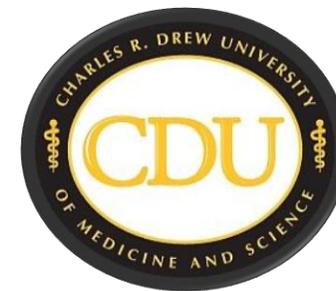
The 2013 VAWA Amendments include:

Domestic Violence;

Dating Violence; and,

Stalking.





Title IX

Domestic Violence

A violent act committed by a:

Current or former spouse or intimate partner;

Person sharing a child with the victim;

Person cohabitating with or has cohabitated with the victim as a spouse or intimate partner; or,

as relationships/protections are defined under California state domestic or family violence laws.



Title IX

Dating Violence

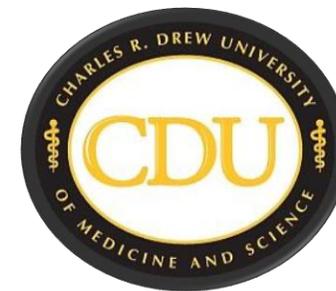
A violent act committed by:

A person who is or has been in a relationship of a romantic or intimate nature with the victim; and

The existence of the relationship shall be determined based on:

- length of the relationship
- type of relationship
- frequency of the interactions between involved parties.





Title IX

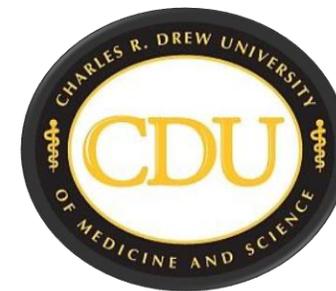
Stalking

Engaging in a course of conduct (two or more acts):

Directed at a specific person; and

Causes a reasonable person to fear for his or her safety or the safety of others, or causes that person to suffer substantial emotional distress.





Title IX Reports

REPORT TO WHOM

Title IX Coordinator-

Deans of any school or college

Provost

HR Director





Title IX

The Title IX Coordinator – KAREN CARR

- Office: Compliance Office Suite, Cobb Building, office 241b
Phone: 323-357-3684
Email: TitleIX@cdrewu.edu;
karencarr@cdrewu.edu

Confidentiality and Privacy

Confidentiality refers to situations in which information may not be disclosed based on privilege or some other legal protection. It generally safeguards the relationship between individuals such as attorney-client, doctor-patient, spouse to spouse communications. Confidentiality may also apply to the provision of services or consultation by a mental health provider, or clergy subject to certain legal exceptions.

The University maintains confidentiality to the extent possible, but it is not guaranteed. The University must comply with state and federal laws.

The privacy interests of individuals reporting or otherwise involved as parties or witnesses under this Policy will be protected to the extent reasonably possible and as permitted by law.

Although privacy is an important concern, an investigation and any subsequent adjudication requires the disclosure of certain information to facilitate gathering information and fact finding. Similarly, administrative or legal processes may require the disclosure of sensitive information that might otherwise be private.

Support Services

Employee Assistance Benefits

Managed Health Network

<https://members.mhn.com/>

24-Hour Hotline (800) 977-7593



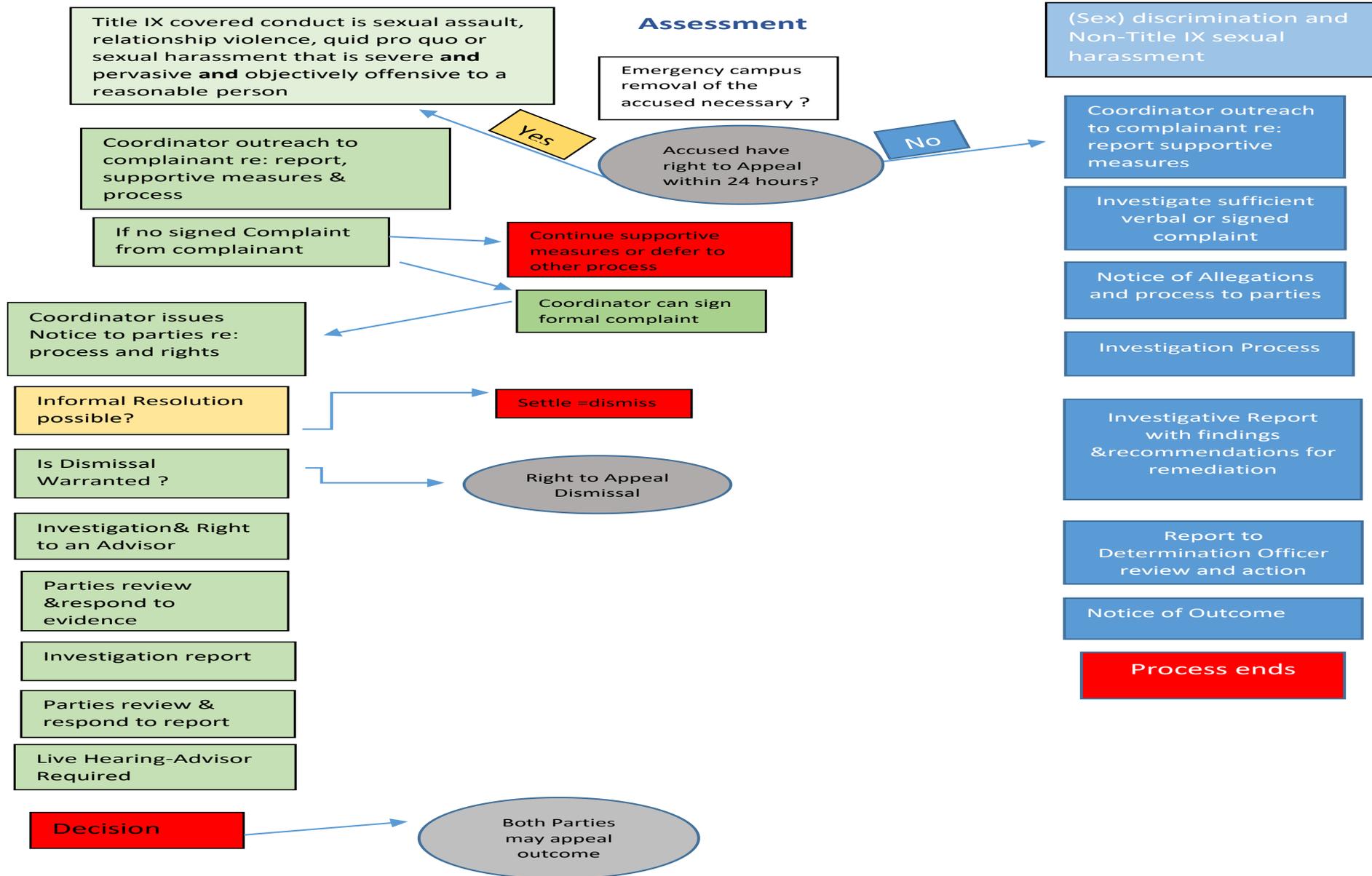
CONFIDENTIAL

COUNSELING



Interim CDU Sexual Misconduct Reporting and Resolution Process

Report of Sex Discrimination or Sexual misconduct



CDU ALERT LINE

the **confidential** and **anonymous** reporting line of potential wrong doing. **(800)716-9007** or

mysafecampus.com for **students**, **faculty**, **staff** and community members

Aware of Questionable

Conduct

- *Discrimination
- *Harassment
- *Abusive conduct
- *Potential criminal violations

Ethics

- *Fraud or theft
- *Conflict of time or interest
- *Misuse of property, technology or confidential information
- *Records alteration or destruction
- *Violation of student/patient rights

Safety

- *Breach of safety protocols
- *Potential communicable disease exposure
- *Spills and leaks
- *Exposed wiring
- *Drug & alcohol influence or impairment

CDU EXCELLENCE means if you know something **REPORT IT**