TITLE IX IN IX MINUTES

WHAT YOU NEED TO KNOW ABOUT TITLE IX

SUNY CANTON
GREAT MAJORS,
GREAT CAREERS.
WHAT IS TITLE IX?

Thirty-seven (37) words that changed everything........

"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 educational program or activity receiving Federal financial assistance.” -Title IX of the Education Amendments of 1972
WHAT DOES IT MEAN?

• The College has a duty to promptly respond to complaints of sexual harassment and sexual violence in a way that limits its effects and prevents its recurrence.

• The College must attempt to promptly help the victim and eliminate future harm.

• All members of the campus community must report observed or experienced sex discrimination to the Title IX Coordinator.
Sexual Discrimination

- Sexual Harassment
- Sexual Violence
  - Sexual Assault
  - Rape
  - Sexual Coercion
SEXUAL DISCRIMINATION

• Includes all forms of sexual harassment, including verbal sexual harassment and sexual violence by employees, students, or third parties against employees, students, or third parties.

• Unequal pay based on gender, discrimination, on the basis of pregnancy, unequal distribution of athletic funds, or unequal admissions and financial aid practices.
SEXUAL VIOLENCE

• Sexual Violence: Physical sexual acts perpetrated without consent.

• Consent is clear, unambiguous, and voluntary agreement between the participants to engage in specific sexual activity.

• Examples: Rape, Sexual Assault, Sexual Coercion
SEXUAL HARASSMENT

• Unwelcome conduct of a sexual nature that is sufficiently severe, persistent or pervasive, that it unreasonably interferes with, denies, or limits someone’s ability to participate in or benefit from a program or activity.

• Examples and information:
  • Requests for sexual favors
  • Unwelcome advances
  • Sexist comments
  • May occur in a single episode or be persistent behavior
CANTON’S CODE OF CONDUCT SAYS…..

**SEXUAL MISCONDUCT** - The act of consent requires spoken words or behavior that indicates, without doubt to either party, a mutual agreement to participate in sexual intercourse or other sexual activities. Indicators of consent do not include silence or past or present sexual relationship(s). A person is deemed incapable of consenting when that person is mentally defective, mentally incapacitated, physically helpless (whether induced by drugs, alcohol, or otherwise), or asleep. The use of alcohol or other drugs cannot be considered an excuse for rape or sexual assault. Rape or sexual assault can be committed by a friend, acquaintance, or stranger. Sexual misconduct can be defined as one or more of the following:
A. **Forcible Rape:** Forcing or coercing someone to have vaginal, penile, oral, or anal penetration/sexual intercourse. Rape may involve the use or threat of force, violence, or immediate and unlawful bodily injury. The perpetrator does not need to use a weapon or produce physical harm; the threat of force, expressed or implied, is sufficient to categorize the act as rape. Rape also occurs when the victim is incapable of giving legal consent because the victim is less than 17 years of age, mentally incapacitated, physically helpless (including drug or alcohol intoxication), mentally incompetent, or asleep.

B. **Acquaintance Rape/Date Rape:** Sexual intercourse undertaken by a friend, date, or acquaintance without consent. Acquaintance rape includes sexual intercourse that occurs through force, as a result of threat(s), physical restraint or physical violence, or without consent.
C. **Sexual Abuse**: Forcing or coercing a man or woman to engage in any sexual contact other than intercourse under the circumstances previously mentioned in the description of Forcible Rape or Acquaintance Rape including taking non-consensual advantage of another person for one’s own or another’s benefit.

D. **Sexual Harassment**: (Based on Equal Employment Opportunity Commission and Office of Civil Rights regulations): Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when: (1) submission to, or enduring such conduct, when rejection is made either explicitly or implicitly a term or condition of instruction, employment, or participation in other College activity, or (2) submission to, or rejection of, such conduct by an individual is used as the basis for making academic or personnel decisions affecting the individual; or, (3) such conduct has the purpose or effect of unreasonably interfering with an individual’s performance or creating an intimidating, hostile, or offensive College environment.
HOW TO REPORT IT

• If you see something, say something!
• If you believe you have been sexually harassed or discriminated against or are a victim of sexual violence, you can report to:

  • Title IX Coordinator/Affirmative Action Officer, Stacey Basford
  • Deputy Title IX Coordinator/Dean of Students, Courtney Bish
  • Deputy Title IX Coordinator/Deputy Chief of University Police, Alan Mulkin

E-mail: Title9@canton.edu
http://www.canton.edu/titleix/
WHAT TO REPORT

• Any observed, experienced, or known sex discrimination, including sexual harassment and sexual violence.

• Doesn’t matter if it occurred on campus, off campus, at a nearby private college campus, on spring break in Mexico, last week, or two years ago.
WHAT HAPPENS IF YOU’RE THE VICTIM?

- **Resources are available, such as:**
  - Counseling services
  - Health services
  - Reporting to University Police to go through criminal process
  - Reporting to Dean of Students office to go through judicial process

- **We offer interim measures, which may include a change in housing, work schedule, academic schedule, and a no-contact order between victim and accused.**
WHAT HAPPENS IF YOU ARE THE “ACCUSED”?

• The matter will be investigated by either the University Police Department/Title IX Coordinator/the Dean of Students’ Office, or all of the above.
• You may face criminal charges.
• Students may face disciplinary sanctions up to expulsion in some cases.
• Employees may face discipline or termination.
• Zero tolerance for retaliation of any kind.
• **As both the victim and the accused, you have rights which include:**
  • The right to have a judicial hearing to review the matter
  • At the judicial hearing, you have the right to have a support person.
  • At the judicial hearing, you have the right to hear the other person’s story, witnesses, and information and to ask questions of those individuals.
  • The right to appeal a judicial sanction given by the judicial hearing board

• **As the victim, you also have the right:**
  • To give testimony from a separate location as long as you are able to be heard by all parties, including the accused
  • To appeal the sanctions given to the accused, if any, and to appeal any appeal granted to the accused after the hearing board has rendered sanctions
  • To receive a copy of the sanctions given to the accused, and any follow up information from an appeal (whether it was granted or denied) in writing.
As both the victim and the accused, you have rights which include:

- The right to a thorough and speedy investigation
- To be provided with a copy of the findings
- Victim may at anytime pursue the case with an outside agency.
We have to balance confidentiality with the safety of other members of the college community.

The College will protect your privacy to the extent possible under the law.

The College is required by law to investigate, but that investigation will be limited by the information provided by victims and the victims’ interest in pursuing a formal complaint process.

The Title IX Coordinator and Dean of Students are professionals - information reported is never broadcast or otherwise made public.

Confidential resources:
- Local, off-campus rape crisis center
- Licensed mental health professional
- Clergy
- If you’re not sure of someone’s ability to keep information confidential, ASK THEM.
A BRIEF QUIZ......

• How do I report Title IX issues?
• When and to whom do I report it?
• Does it matter when or where it happened or who it was with? What if it happened two years ago?
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Miller Campus Center 229/(315) 386-7120/bish@canton.edu.

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