



# Sexual Misconduct & Title IX

AP 3540 Sexual Assaults and Other Sexual Misconduct

<http://www.nocccd.edu/Policies/documents/3540.APfinal.revised.DCC2015-10-26.pdf>

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# Laws Regarding Sexual Assault-Sexual Misconduct

- **Title IX – Enacted in 1972**
- **The Jeanne Clery Act – 1998**
- **Violence Against Women Reauthorization Act (VAWA) 2013**
- **Campus Sexual Violence Elimination Act (SaVE Act)**
- **SB – 967 California Affirmative Consent Law - 2014**

# Title IX

- Title IX of the Education Amendments of 1972 is a federal civil rights law that prohibits discrimination on the basis of sex in education programs, including athletic programs, or activities that receive federal funding.
- **“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.”**
- Under Title IX, discrimination on the basis of sex can include sexual harassment, rape, and sexual assault.

Title IX of the Education Amendments of 1972

Implementing Regulations at:

20 U.S.C. §1681 & 34 C.F.R. Part 106

# Who is Protected?

- Title IX protects all students and staff from sexual harassment:
  - Male and female
  - Lesbian, Gay, Bi-sexual and Transgender
  - Students with and without disabilities
  - Students of different races and national origins
  - International students
  - Undocumented students.

# Gender-Based Harassment

- Title IX prohibits gender-based harassment.
- Gender-based harassment is defined as: nonsexual, unwelcome conduct based on the student's actual or perceived sex, including harassment based on gender identity, gender expression and nonconformity with gender stereotypes.

# Sexual Violence Statistics

- 1 in 5 college women are victims of sexual violence
- 1 in 7 men are victims of sexual violence
- Approximately 68% of sexual assault are not reported to the police
- 90% of victims of sexual violence know their perpetrator
- Substantial incidents of sexual violence go unreported

# Definitions

- **Sexual assault/misconduct** can include, but is not limited to, rape, domestic violence, dating violence, or stalking.
- **Dating violence** is violence committed by a person who is or has been in a relationship of a romantic or intimate nature with the victim. The existence of a romantic /intimate relationship will be determined based on the length of the relationship, type of relationship, and frequency of interaction between the persons involved in the relationship.
- **Domestic violence** includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, a person with whom the victim shares a child in common, a person who is cohabitating with or has cohabitated with the victim as a spouse, a person similarly situated to a spouse of the victim under California law, any other person against an adult or youth victim who is protected from that person's acts under California law.
- **Stalking** is engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety, or the safety of others, or to suffer substantial emotional distress.

# Affirmative Consent

## “ Yes Means Yes”

- California Consent Law
  - Affirmative consent means affirmative, conscious, and voluntary agreement to engage in sexual activity.
    - It is the responsibility of each person involved in the sexual activity to ensure that he or she has the affirmative consent of the other or others to engage in the sexual activity.
    - Lack of protest or resistance does not mean consent, nor does silence mean consent.
    - Affirmative consent must be ongoing throughout a sexual activity and can be revoked at any time.
    - The existence of a dating relationship between the persons involved, or the fact of past sexual relations between them, should never by itself be assumed to be an indicator of consent.
    - Consent cannot be given if the person is sleeping, unconscious, intoxicated, or under the influence of drugs or medication.



# Scope of Coverage

- The district may have obligation to respond and resolve student-on-student sexual misconduct that initially occurred off campus and outside the district programs or activities
  - If the incident occurs off-campus the district must proceed in accordance with its established procedures
  - If there is a connection with continuing impact to on campus programs the district will address the matter and take appropriate action to maintain a positive educational environment.

# Retaliation

- Both Title VII (Employee Sexual Harassment) and Title IX state it is unlawful to retaliate against an individual who has:
  - Made a complaint of Sexual Harassment, Sexual Misconduct or Sexual Assault.
  - Participated in an investigation of such a complaint.
  - Was a witness to the event, or
  - Opposed conduct which they reasonably believed to violate Title VII or Title IX.

# District Responsibilities - Title IX

- When an individual files a complaint or when any employee of the district becomes aware of possible sexual misconduct the district must immediately:
  - Investigate
  - Take necessary and appropriate steps to end misconduct
  - Eliminate effects of misconduct
  - Take all necessary steps to prevent misconduct from reoccurring
- Why
  - Prevent sex discrimination on Campus
  - Promptly address the reported matter
  - Limit the effects of sexual assault or misconduct on the educational and work environment

# Title IX – Reporting to Employees

- **When a report of sexual assault/misconduct is made to you, you are required to act:**

As an employee and a member of the NOCCCD community, a student may approach you regarding being the recipient of sexual misconduct, or may know of another student in this situation. It is important to provide support and appropriate referrals to this person for professional resources. Understand that it is a major life decision when someone discusses a sexual assault/misconduct, and this person has placed their trust in you by revealing the experience. **However, it is important to inform the student/victim you are mandated to report any information reported to you. The following statement is an example of what you may say:**

***“I need to tell you that I am a mandated reporter. I must inform the district that an incident has occurred. Your personal safety and overall health is our number one concern. The purpose of reporting is to ensure that you are referred to necessary resources and receive appropriate assistance. If you do not want details of what occurred reported, or are not interested in making a complaint at this time, you have the right to maintain your privacy. I will only report what you confide in me. If you prefer to speak with someone confidentially, I will help you get in touch with the Student Health Center. They are not obligated to report your personal identification information to the district.”***

# Title IX – Reporting to Employees

- If this report is made to you after normal business hours and the person wants to maintain confidentiality, please refer them to campus safety who will connect them with community resources.
- Remember to be a compassionate listener if they begin to discuss sexual assault or misconduct with you. It takes courage to discuss an incident of this nature. As you listen
  - Listen without judgment
  - Display empathy
  - Let the individual lead the conversation
  - Protect privacy but do not promise confidentiality
  - Take notes
  - You are the conduit to providing appropriate resources
  - You represent the district as you listen with kindness and responsiveness.

# Title IX – Employee Responsibilities

- Faculty and staff who receive complaints of sexual harassment of sexual violence are required to report complaint to the *Campus Title IX Coordinator*
- The only exception to this is if you are employed in the capacity of Psychologist or Psychiatrist as both would maintain the privilege of confidentiality, however would still need to report the incident excluding the personal identifying information.
- If someone desires to maintain their confidentiality they should be referred to Campus Health Services or after hours to Campus Safety who will refer them to community resources.

# Title IX – Employee Responsibilities

- (continued)
- If they report any details of sexual misconduct or assault which occurred while they were a student you have the duty to report such.
- Inform them you are a mandated reporter
- Inform them of the support services on campus and in the community
- Inform them of their ability to report to Campus Safety and police.
- Be a compassionate listener, you represent the NOCCCD

# Campus Resources

- Student Health Center
  - Physical and Psychological Medical Needs
- Campus Safety
  - Assist in reporting to local police
  - Campus Security matters
- Campus Title IX Coordinator
  - Address formal complaints
  - Student Accommodation



# Title IX Reporting To Employees

- Any employee who receives a complaint of sexual assault or misconduct are obligated to report complaints to the Title IX Coordinator as follows:

Cypress College— Campus Title IX Coordinator - Executive Vice President, Educational Programs & Support Services (714) 484-7330; Director of Campus Public Safety (714) 484-7387; Director of College Health Services (714) 484-7045

Fullerton College—Campus Title IX Coordinator - Vice President of Student Services (714) 992-7073; Director of Campus Public Safety (714) 992-7777; Director of College Health Services (714) 992-7094

Anaheim Campus—Campus Title IX Coordinator - Office of the Provost of the School of Continuing Education (714) 808-4670: Dean Instruction & Student Services, School of Continuing Education (714) 808-4660; Campus Public Safety (714) 808-4911

# NOCCCD Administrative Procedure 5500

## Standards of Student Conduct and Discipline

Students enrolling in the programs and services of the North Orange County Community College District assume an obligation to conduct themselves in a manner compatible with the function of the colleges and the School of Continuing Education as educational institutions. A student who violates the standards of student conduct shall be subject to disciplinary action including, but not limited to, the removal, suspension, or expulsion of the student.

# Civil and Criminal Responsibility

Sexual misconduct, including dating violence, domestic violence, sexual harassment, stalking, sexual assault, sexual battery and other more serious conduct, can subject the perpetrator to both civil and criminal penalties.

If the perpetrator is an employee of the District it may subject them to discipline including, but not limited to, demotion, suspension, or dismissal from employment.

If the perpetrator is a student of the District it may subject them to discipline including, but not limit to, reprimand, probation, suspension or expulsion.

# Potential Remedies

Examples of remedies include but are not limited to:

- Classroom/schedule adjustments or changes
- Academic support (tutoring, mentoring, work extension)
- Withdraw/retake course(s) without penalty
- Campus parking lot escorts
- Counseling
- No contact orders.

# Bystander Intervention

*See something--Say something!*

Safety is everyone's responsibility. If you see something, say something. If you notice something suspicious, unusual or if a situation just does not seem right, you are encouraged to call Campus Safety to report it. This can be done on your personal phone or emergency phone on campus. A map of emergency phones on campus will help you locate emergency phones near your parking area and your classrooms.

# Defusing a Situation

- ✓ **Remain Calm**  
Maintain your composure
- ✓ **Remember Safety First**
  - Always consider your safety and the safety of others first
- ✓ **Keep It Simple.**  
Be clear, direct, and respectful in your message, avoid giving complex choices.
- ✓ **Watch Your Body Language.**  
Be aware of your posture and gestures, and personal space

# Diffusing a Situation

- ✓ **Empathize and Listen Actively**
- ✓ Make sure you hear the underlying message
- ✓ **Use Reflective Questioning**  
Paraphrase and restate what you think the person is saying
- ✓ **Remember your Paraverbal communication speaks volumes (30%)** - how we say the words we say, for example do we seem happy, sad, angry, determined or forceful. Two identical statements can have different meanings depending on the tone, volume, and cadence of your voice. Make sure your vocal inflection is consistent with the words you use.
- ✓ **Gather the facts and Document**
- ✓ **Contact Campus Safety , if necessary**

# Prevention Strategies

## Be safe while on Campus

- Walk in well-lit, public areas.
- Walk confidently and at a steady, brisk pace.
- Travel with a friend or call the parking lot escort service (number listed under Campus Resources).
- Walk close to the curb, avoid bushes, doorways, and alleys where someone could hide.
- Be alert and aware at all times do not use a mobile device as you walking.
- Carry your keys ready at all times



## Make sure your home and vehicle are secure

- Lock all doors and windows when you leave, and lock the doors when you are inside.
- Leave lights on in your home if you plan to return after dark.
- Check inside and around your car before getting inside and after entering, then immediately lock the doors.

## Be alert when on a date or at a party

- Know your alcohol tolerance level and don't exceed it.
- Never let your drink out of your sight.
- Use the buddy system and watch out for each other.
- Decide now what your sexual and relationship boundaries are and communicate your feelings and sexual expectations clearly.
- If you are attacked, fight back as hard as you can (you have a better chance of getting away if you fight). Yell **"FIRE"** if in danger; do not yell **"HELP"** or **"RAPE."** People are more likely to respond to a general emergency than one involving an assault.

# Reporting Sexual Assault/Misconduct In an Emergency DIAL 911

- Cypress College— Campus Title IX Coordinator - Executive Vice President, Educational Programs & Support Services (714) 484-7330; Director of Campus Public Safety (714) 484-7387; Director of College Health Services (714) 484-7045
- Fullerton College—Campus Title IX Coordinator - Dean of Student Support Services (714) 992-7088; Director of Campus Public Safety (714) 992-7777; Director of College Health Services (714) 992-7094
- Anaheim Campus—Campus Title IX Coordinator - Office of the Provost of the School of Continuing Education (714) 808-4670: Dean Instruction & Student Services, School of Continuing Education (714) 808-4660; Campus Public Safety (714) 808-4911

# Resources

## Sheriff's Department

### *Non-Emergency Calls*

North Orange County 714-647-7000

South Orange County 949-770-6011

## Police Departments

Anaheim 714-765-1900

Cypress 714-229-6600

Fullerton 714-738-6800

In all cases of emergency, call 911

## Hotlines

Domestic Violence Hotline: 714-992-1931 (24 hours)

Domestic Violence Assistance Program: 714-935-7956

With Tender Loving Care WTLC 877-531-5522 (24 hours)

LA County Rape Hotline: 800-585-6231

Sexual Assault/Rape Crisis, Orange County

24-hour Hotline: 714-957-2737

24-hour Hotline: 949-831-9110

LGBT (Gay, Lesbian, Bisexual, Transgender)

Hotline: 888-843-4564

Adult Protective Services: 800-451-5155

Orange County 211 2-1-1 or 888 600 4357 (24 hours)

## Therapy Referrals and Other Victim Services

SAVS: Sexual Assault Victims Services, North County Office: 714-834-4317

Project Sister: 909-626-4357 (a 24-hour hotline that provides the victim with a Rape Advocate at Pomona Valley Hospital Medical Center during the police interview and in court.)

GLBT: Information /Referrals: 714-953-5428

Women's Transitional Living Center: 877-531-5522 a 24-hour bilingual hotline for temporary shelter individual/group counseling.

# Resources

## Shelters

Human Options	949-737-5242
Interval House	714-891-8121 562-594-4555
Laura's House	949-361-3775

## Hospitals

Anaheim Memorial Hospital (Safe Place):  
714-999-5136 (Evidence collection &  
treatment)

Pomona Valley Hospital Medical Center  
909-865-9500 (Mail Line)

St Jude Medical Center – 714-871-3280  
(Treatment only)

## Web Resources

<http://www.nij.gov/topics/crime/rape-sexual-violence/welcome/htm>

<http://womenshealth.gov/violence-against-women/index.html>

<http://www.cdc.gov/violenceprevention/sexualviolence/index.html>

<http://www.cdph.ca.gov/healthinfo/injviosaf/pages/sexualviolenceprevention.aspx>

<http://www.victimsofcrime.org/help-for-crime-victims>

# Thank you

