

TITLE IX FACULTY & STAFF TRAINING

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WHY ARE WE DOING THIS TRAINING?

- New Federal Regulations released on May 6, 2020
 - Implementation August 14, 2020
- New Hampshire HB 705 signed on July 22, 2020
 - Implementation January 16, 2021
 - Requires institutions of higher education to adopt and make available to students policies on sexual misconduct; to develop a task force and survey on sexual misconduct and report its findings; to appoint a campus safety adviser; to collaborate with law enforcement on the investigation and prosecution of sexual misconduct incidents; to establish confidential resource advisors; to develop awareness programming; and to undertake institutional training in the awareness and prevention of sexual misconduct on campus.

LEARNING OBJECTIVES

- What is Title IX?
- What is sexual harassment, gender-based harassment, sexual violence, dating/intimate partner violence, and stalking?
- What are NHTI's policies and procedures?
- How can I report an incident?
- What resources are available?

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.”

Title IX of the Education Amendments of 1972
Implementing Regulations at:
20 U.S.C. § 1681 & 34 C.F.R. Part 106

LAWS AND REGULATIONS

- Title IX (1972): Federal law that prohibits sex discrimination in educational institutions.
- The Jeanne Clery Act (1998): Required colleges and universities in the United States to disclose information regarding crime on and around campus.

LAWS AND REGULATIONS, (CONTINUED)

- VAWA (2013): The Violence Against Women Act, aimed at improving how colleges address sexual violence; imposes obligations to revise policies and practices.
- SaVE Act (2014): Part of VAWA amendments, made changes to the Jeanne Clery Act; requires colleges to report additional sexually violent crimes.

NHTI's COMMITMENT



- NHTI's policies prohibit sexual harassment and sexual violence of any kind.
- We are committed to promoting a safe and secure academic environment for all members of our campus community.
- All students, faculty, staff, and visitors are expected to maintain a working and learning environment free from harassment and discrimination.
- Sexual harassment, a form of sex discrimination, is illegal under federal, and state laws and will not be tolerated at NHTI.

SCOPE OF TITLE IX COVERAGE

Title IX protects **ALL** students, faculty and staff from sexual harassment:

- Female and Male students.
- Lesbian, Gay, Bi-Sexual, Transgender, and Queer (LGBTQ) students.
- Students **WITH** and **WITHOUT** disabilities.
- Students of Different Races and National Origins, including International students.



SCOPE OF NEW REGULATIONS

Title IX applies to

- Any person registered, accepted or enrolled in any course, or program offered by any CCSNH college, as well as faculty, staff and 3rd party providers
- To all of a college's programs and activities, events, or circumstances
- Over which the college exercised substantial control over the respondent
- Including all locations within the United States,
- Occurring on-campus or off-campus.

SCOPE OF NEW REGULATIONS

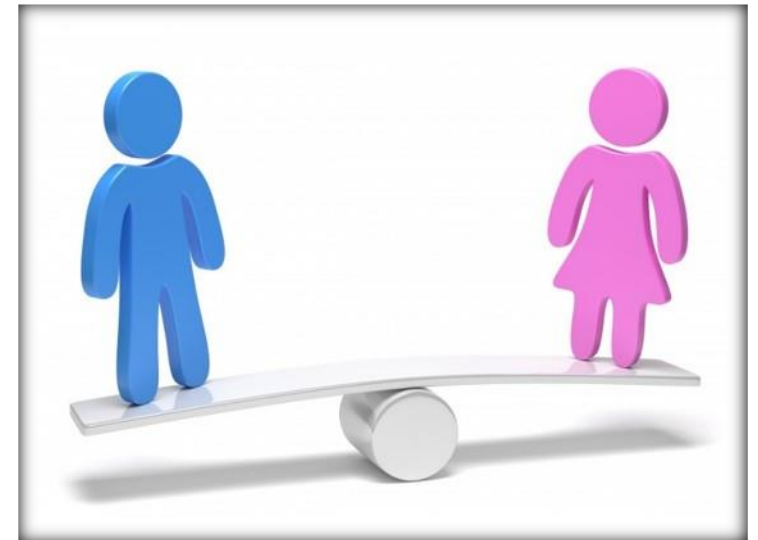
The focus of this presentation is on our policy as it relates to STUDENTS – both Complainant and Respondent.

Although the Title IX Regulations apply to all CCSNH employees there is a separate policy to address how the College responds through Human Resources.

GENDER-BASED HARASSMENT

Gender-Based Harassment is:

Nonsexual, unwelcome conduct based on the student's actual or perceived sex (gender). This includes conduct based on gender identity, gender expression, and nonconformity with gender stereotypes that is serious enough to adversely affect your ability to participate in or benefit from an educational program.



WHAT IS SEXUAL HARASSMENT?



Sexual harassment is *unwelcome* conduct of a sexual nature that is sufficiently serious to adversely affect your ability to participate in or benefit from an educational program. It includes *unwelcome* sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature.

TYPES OF SEXUAL HARASSMENT

New Title IX Regulations uses the umbrella term of “Sexual Harassment” to define acts of sexual misconduct and violence:

- Quid pro quo
- Sexual Harassment
- Sexual Violence
 - Sexual Assault
 - Domestic/Intimate Partner/ Dating Violence
 - Stalking

QUID PRO QUO



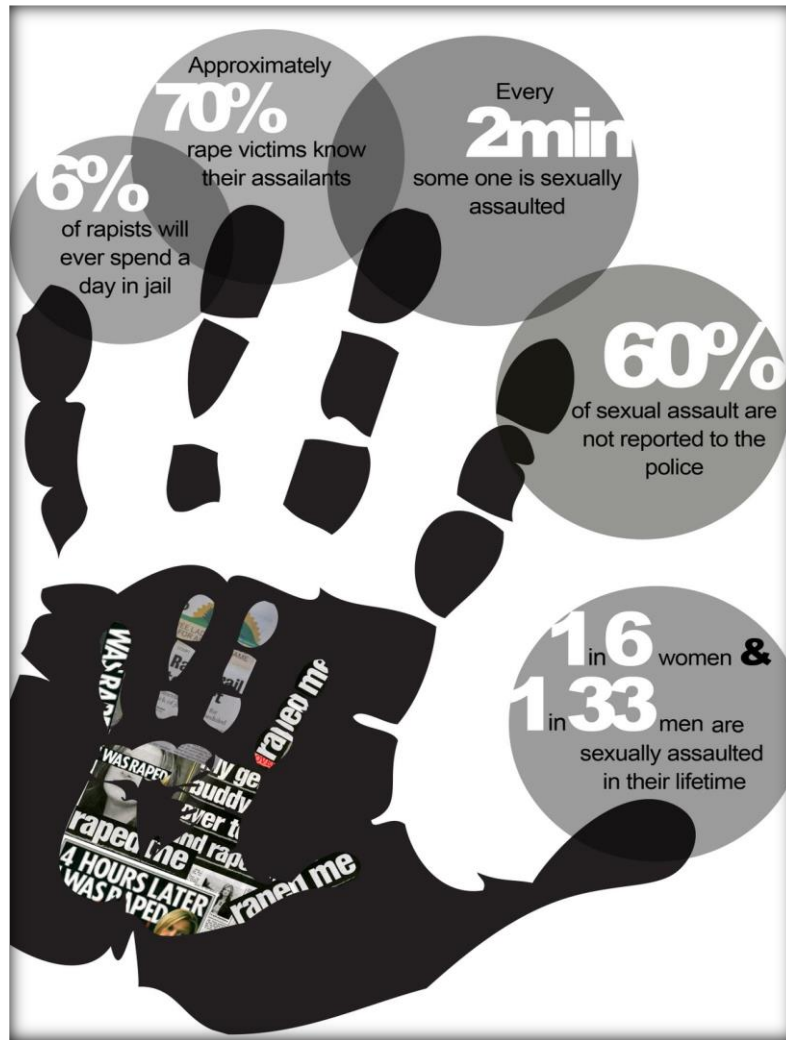
something that is **given** or **received** in **return** for something else.

NEW DEFINITION OF SEXUAL HARASSMENT

“Davis standard,” is based on a 1999 Supreme Court decision and defines sexual harassment as actions that are “so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the school’s education program or activity.”

Different than Title VII definitions

SEXUAL VIOLENCE



Sexual Violence is intentional physical sexual abuse committed against a person's will or consent. Sexual violence includes sexual assault, rape, fondling, incest, and statutory rape .

SEXUAL VIOLENCE ON CAMPUS

IN NUMBERS

- 1 in 5 college women are victims of sexual violence.
- 1 in 7 college men are victims of sexual violence.
- 90% of victims know their perpetrator.
- Crime statistics can be unreliable as many acts of sexual violence go unreported.
- About 68% of sexual assaults are not reported to the police.

WHAT IS SEXUAL ASSAULT? CLEARLY DEFINITION

Sexual Assault includes any sexual act directed against another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her temporary or permanent mental or physical incapacity (or because of his/her youth).

WHAT IS SEXUAL ASSAULT? CLEARLY DEFINITION

This offense includes the forcible rape of both males and females. There are four types of forcible sex offenses:

- Rape
- Fondling
- Incest
- Statutory Rape

CONSENT

Consent as used in this policy is an affirmative decision to engage in mutually acceptable sexual activity given by clear actions or words. It is an informed decision made freely, willingly, and actively by all parties.

- Consent is knowing and voluntary.
- Consent is active, not passive.
- Silence or absence of resistance cannot be interpreted as consent.
- Consent can be given by words or actions so long as those words or actions may be reasonably understood to give permission regarding sexual activity.
- Individuals cannot give consent if they are incapacitated due to alcohol or legal or illegal drugs, or under the age of 16.



DOMESTIC/INTIMATE PARTNER AND DATING VIOLENCE

- Domestic or Dating Violence is force or threat that results in injury (physically and/or psychologically);
- The act is committed by a person including:
 - A current or former spouse or intimate partner
 - A person which the victim is cohabitating or has cohabitated;
 - Family or household member

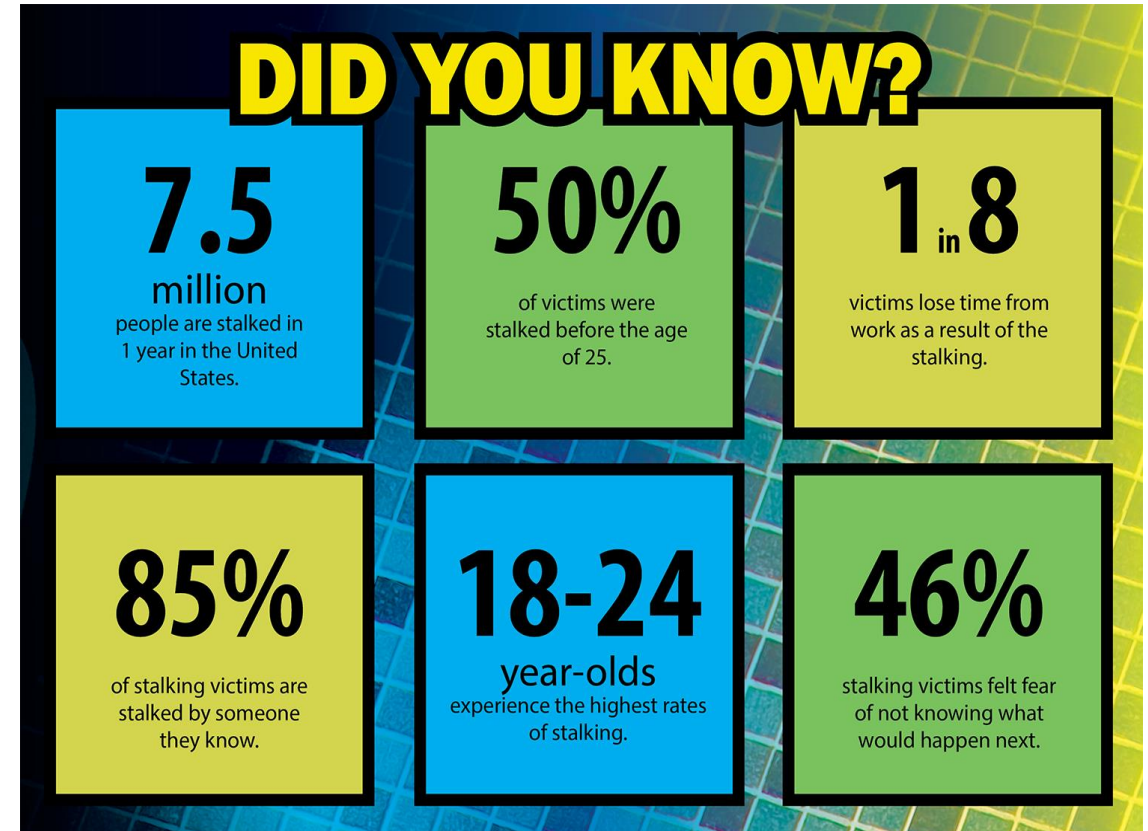
DOMESTIC/INTIMATE PARTNER AND DATING VIOLENCE. (CONTINUED)

It can include someone that you are dating or had been dating depending on length, type of relationship and interaction.



STALKING

Stalking is engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others; or suffer substantial emotional distress.



AMNESTY POLICY

- NHTI recognizes that an individual who has been drinking or using drugs at the time of the incident may be hesitant to make a report because of potential consequences for their own conduct.
- To encourage reporting, an individual who makes a good faith report of sexual misconduct that was directed at them or another person will not be subject to disciplinary action for a conduct or policy violation that is related to and revealed in the sexual misconduct report or investigation.
- Amnesty does not preclude or prevent action by police or other legal authorities. Amnesty shall also apply to student groups making a report of sexual misconduct

Title IX Reporting

TITLE IX REPORTING

The purpose of reporting is to:

- Provide support and options to the individual
- Limit the effects of harassment on the educational environment.



WHO CAN MAKE A REPORT?

Any one with knowledge of an alleged violation of our Sexual Harassment policy can make a report.

A report can be made at any time.
There is no statute of limitations on allegations of a Title IX violation made through the College.

WHERE CAN SOMEONE MAKE A REPORT?

- ✓ Title IX Coordinator
- ✓ Campus Safety
- ✓ Any NHTI employee, including RAs and Coaches
Faculty and staff who receive complaints of sexual harassment or sexual violence are **REQUIRED** to report complaints to the Title IX Coordinator.

The employee must report the name of the parties involved and all pertinent information.

WHERE CAN SOMEONE MAKE A REPORT?


- ✓ Faculty and staff who are seen as the Complainant should report to the Title IX Coordinator. The Title IX Coordinator will work in conjunction with Human Resources.
- ✓ The CBA may govern reporting and investigations of reports where an employee is the complainant and/or respondent.

WHERE CAN SOMEONE MAKE A REPORT?

You can also report an incident online on the NHTI's homepage
<https://www.nhti.edu/current-students/campus-safety/report-an-incident/>

COVID-19 Announcements for NHTI Students, Staff, Faculty, and Community [Stay Connected](#)

CONTACT US DIRECTORY CURRENT STUDENTS Q

 **NHTI**
Concord's Community College

Programs and Courses Admissions Paying for NHTI Campus Life Support and Success About

Report an Incident

[NHTI](#) > [Current Students](#) > [Campus Safety](#) > [Report an Incident](#)

Information sent via the NHTI Incident Report Form
is not actively monitored

If you need an immediate Campus Safety response call (603) 224-3287
(Dial 9 first if using a campus phone)

If you are reporting an emergency call 911 and then call Campus Safety

[NHTI Incident Report Form Submitted Here](#)

We at NHTI strongly encourage the reporting of crimes, accidents, incidents and

Current Students
Get Help with Your Studies

Campus Safety
Annual Security Report
NHTI Policies
Locker Policy
Fireworks
Gambling
Alcohol and Other Drug Policies
Firearms and Weapons
Smoking, Tobacco, and Tobacco Alternatives
Policy
[Report an Incident](#)
List of Crimes that Must Be Reported
List of Authorities on Campus Required to

NHTI's Responsibilities

When NHTI becomes aware of a report of sexual harassment

- Provide supportive measures
- Information on available resources (on and off campus)
- Options for filing a formal complaint with the College or law enforcement



WHAT ARE SUPPORTIVE MEASURES?

Some examples include:

- Classroom adjustments or changes
- Academic support (tutoring, mentoring, flexible assignment due dates, allowing the student to make up coursework).
- Allowing the student to retake a course and/or withdraw without penalty.
- Escort by campus safety.
- Referral to counseling services.
- No Contact Orders.

ANONYMITY/PRIVACY

- All employees of NHTI are **REQUIRED** to report any incident of sexual harassment to the Title IX Coordinator.
- Reports to Title IX Coordinator will include names of persons involved as well as details, HOWEVER the Title IX Coordinator is not required to provide any identifiable information to any other parties including Campus Safety.
 - The reporting party may request that the report be kept anonymously by the Title IX Coordinator; however this may limit the College's ability to provide to supportive measures.

ANONYMITY/PRIVACY

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If the complaining party decides to file a formal complaint then the identifiable details are shared on a “need to know” basis with the Campus Safety Title IX Investigator for investigation purposes.

CONFIDENTIALITY

What does Confidential Mean?

- The state of keeping or being kept secret or private

Who can you go to and maintain confidentiality?

- Crisis Center of Central NH

What about NHTI Counselors?

- NHTI Counselors are able to provide services, however they are subject to subpoena.

Title IX Formal Complaint

FORMAL COMPLAINT

Individuals are **not required** to move forward with a Formal Complaint.

Individuals also have the option to also report to legal authorities but are not required to.

The College's process is not contingent on the findings of a criminal investigation.

We can move forward without the criminal investigation being completed, as we use a Preponderance of the Evidence standard (more likely than not).

NHTI's RESPONSIBILITIES (FORMAL COMPLAINT)

When an individual makes a formal complaint with NHTI, the College must:

- Provide notification of a formal complaint and resources to both parties
- Thoroughly investigate the allegations and evidence, including interviewing witnesses
- Allow both parties the ability to select an adviser of choice or have one appointed
- Allow both parties the ability to have access to all investigation materials
- Notify both parties of the outcome of the process
- Allow either party to appeal the decision
- And most importantly provide a timely, fair, and impartial process throughout for both parties.

ASSUMPTION OF NOT RESPONSIBLE

NHTI is required to apply an assumption of
not responsible
until it is determined otherwise through a hearing.

ADVISER OF CHOICE

Both parties are allowed to have an Adviser of Choice support them through the investigation process.

An Adviser **MUST** be present during the Hearing process.

If a party does not have an Adviser of Choice, the College **MUST** appoint one to support the individual during the hearing.

LIVE CROSS EXAMINATION

New Title IX Regulations now require that both the Complainant and Respondent participate in live cross examination.

Live Cross Examination is conducted by the Adviser of Choice on behalf of the Complainant/Respondent.

Testimony and statements made by any party (Complainant, Respondent, Witnesses) **cannot** be taken into consideration if the party does not participate in the Live Cross Examination.

RETALIATION

Under Title IX, it is unlawful to retaliate against an individual who has:

- Made a complaint of sexual harassment.
- Who has been accused of a violation
- Participated in the investigation of such a complaint (i.e. testifying as a witness, providing proof, etc.); or
- Against anyone involved in the decision regarding corrective and/or disciplinary action is prohibited



Resources

ON AND OFF CAMPUS

**NHTI Counseling Services
603-230-4043**

**NH Coalition Against Domestic &
Sexual Violence
603-224-8893
<https://www.nhcadsv.org>**

**Crisis Center of Central NH
85 S State St
Concord, NH 03301
603-715-9893**

**Campus Safety Department
1 Institute Drive
Concord, NH 03301
603-230-4042 and 603-230-3287**

**New Hampshire State Police
Troop D
139 Iron Works Road
Concord, NH 03301
603-271-1162**

NATIONAL RESOURCES

**US Department of Education
Office of Civil Rights
800-421-3481**

Notalone.gov

Knowyourix.org

Rainn.org

**National Sexual Assault Hotline
800-656-HOPE**

USafeUS

**Downloadable App Iphone and
Android**

SO WHAT SHOULD YOU DO IF.....

- Stop the individual and make sure they understand that you are **REQUIRED** to report any information they share with the Title IX Coordinator
- Assure them that anything they say will be kept private (not confidential)
- Listen, but do not provide them with promises that you are unable to keep or information that you do not feel confident in sharing
- Provide them with resources – Title IX Coordinator, Campus Safety, NHTI Counseling or EPA, Crisis Center of Central New Hampshire
- Let them know that the Title IX Coordinator will be reaching out to them to provide information on supportive measures and options.

SO WHAT SHOULD YOU DO IF.....

- Contact the Title IX Coordinator
 - Phone or a brief email
 - Do not include any details in the email – The Title IX Coordinator will schedule a meeting to get more information
- Follow up with the individual to see how they are doing and if you can help them get connected with resources if they haven't already done so

Do NOT.....

- Ignore the report
- Make promises of confidentiality
- Investigate
- Pass judgement on either party

HELP IS NEEDED

- Conduct Hearing Panels
- Serve as an Adviser
- Schedule a Title IX Training for your class

Questions

<https://www.surveymonkey.com/r/FSTIXTrainingFall20>

THANK YOU!

