


SAN FRANCISCO
STATE UNIVERSITY

TITLE IX BY THE NUMBERS

WORKSHOP SESSION FOR STUDENT PARAPROFESSIONALS

BY LUOLUO HONG, PHD, MPH, VICE PRESIDENT & TITLE IX COORDINATOR, STUDENT AFFAIRS & ENROLLMENT MANAGEMENT



SCOPE OF THE PROBLEM

- 1 in 5 women experience completed/attempted sexual assault while in college
 - 8 sexual offenses, 4 dating violence & 3 stalking reported in 2014 under Clery definitions
 - 85 sexual violence reports filed with Title IX Coordinator in AY 2014-15
 - Among SF State students, 13.3% reported experiencing some form of sexual misconduct, 6.4% stalking, 13.1% report experiencing abusive intimate relationship
- About 90% of victims know their offenders
- Less than 5% of sexual assaults are reported
- While sexual violence disproportionately affects women, more than 6% of men are sexually assaulted in college
- Regardless of victim's gender, men are disproportionate majority of perpetrators

Sources: US DOJ Reports – Findings from the National Violence Against Women Survey (2000); The Sexual Victimization of College Women (2000); ACHA National College Health Assessment (Spring 2015)

WHAT IS TITLE IX?

- Title IX of the Education Amendments of 1972 is a federal law that
 - protects people from discrimination based on sex *regardless of gender identity or orientation* in educational programs or activities receiving federal financial assistance
 - covers sexual harassment/sexual assault as forms of sex and gender discrimination
 - requires campuses to respond no matter where it happens

CSU EXECUTIVE ORDERS 1095/1096/1097: SIGNIFICANT POLICY CHANGES (6/23/15)

- A new category of prohibited behavior added: **sexual misconduct**
- Employees prohibited from entering into a consensual relationship with any student over whom they exercise direct or otherwise significant academic, administrative, supervisory, evaluative, counseling, or extracurricular authority.
- Both Complainants and Respondents now have the right to appeal
- There is no longer a time limit for when a Complainant may come forward
- Complainants may now request an Early Resolution Process when filing a complaint under EO 1096/1097
- Employees, as well as students, have access to a confidential victim-advocate through The SAFE Place if they wish to have one

STUDENT COMPLAINT TIMELINE

- Intake interview – within 10 working days after receipt of complaint
- Notice of investigation decision – within 10 working days
- Investigative report completed – within 60 working days
- Notice to both parties – within 10 working days
- Appeal of finding to be submitted to CO – within 10 working days
- Response on appeal (with extension allowed) – within 30 working days
- *Timeline may be extended by investigator/appeal officer or mutual agreement of the parties for reasonable time period not to exceed an additional 30 working days for either investigation or appeal review*
- **Possible total number of working days = 190 (approx. 9-1/2 months)**

WHAT IS SEXUAL HARASSMENT?

- Unwelcome verbal, nonverbal or physical conduct of a sexual nature that includes, but is not limited to sexual violence, sexual advances, requests for sexual favors, and indecent exposure
 - Quid pro quo
 - Hostile environment
- Also includes acts of verbal, non-verbal or physical aggression, intimidation or hostility based on gender or sex-stereotyping, even if those acts do not involve conduct of a sexual nature

WHAT IS SEXUAL MISCONDUCT?

- A form of sexual harassment
- Includes physical sexual acts; unwelcome sexual touching; sexual violence; sexual assault or battery; rape; domestic violence; dating violence; and stalking
- Sexual activity that occurs without affirmative consent or takes place with an individual incapable of giving consent
 - Affirmative consent means an informed, conscious, voluntary, and mutual agreement to engage in sexual activity.
- May include physical force, violence, threat, or intimidation; causing the victim's intoxication; or taking advantage of a victim's incapacitation
- Includes unlawful sexual intercourse with a minor (statutory rape), even if the intercourse is consensual when the victim is under 18 years old

REPORTING SEXUAL MISCONDUCT

- All allegations of discrimination, harassment or retaliation based on sex, gender or sexual orientation, made against students, faculty, staff, applicants or third parties associated with the campus, should be reported to SF State
- It is *illegal* to be retaliated against for reporting an incident or participating in an investigation.

WHAT IS DISCRIMINATION?

- Discrimination means Adverse Action taken against a student, employee or 3rd party by the CSU, or by a CSU employee or student, because of a Protected Status.
- Adverse Action means an action that has a substantial and material adverse effect on the Complainant's employment or ability to participate in a University program or activity free from discrimination, harassment or retaliation.
 - Excludes minor or trivial actions or conduct not reasonably likely to do more than anger or upset a Complainant
- Protected Status includes Age, Disability, Gender, Genetic Information, Nationality, Marital Status, Race or Ethnicity, Religion, Sexual Orientation, and Veteran or Military Status.

WHAT IS RETALIATION?

- Adverse Action taken against someone because they have or are believed to have:
 - Exercised rights under this Executive Order;
 - Reported or opposed conduct which they reasonably and in good faith believes is in violation of EO 1095/1096/1097;
 - Assisted or participated in a policy-related investigation/proceeding regardless of whether the complaint was substantiated;
 - Assisted someone in reporting or opposing a violation of EO 1095/1096/1097 or retaliation
- **Retaliation may occur whether or not there is a power or authority differential between the individuals involved.**

IS IT A TITLE IX INCIDENT?

- Executive Orders 1096/1097 are used to guide campus response to both incidents of alleged Title IX violations and incidents of alleged Discrimination, Harassment & Retaliation
- While all violations of Title IX are by definition violations of EO 1096/1097, not all violations of EO 1096/1097 are Title IX violations
- Title IX incidents refer specifically to the following:
 - Sexual harassment
 - Discrimination on the basis of sex, gender and/or gender identity
 - Sexual misconduct (sexual assault, sexual battery, rape, dating/domestic violence, and/or stalking)

LEVELS OF CONFIDENTIALITY

- LOW: Most University employees must report all details of a sexual violence incident *including the identities of both the victim and alleged perpetrator* to the Title IX Coordinator so that immediate action can be taken to protect the victim, and to correct and eliminate the cause of sexual violence.
- MODERATE: SF State Police Department officers may maintain the victim's identity as confidential, if requested by the victim, but will report the facts of the incident to the Title IX Coordinator or designee, including the identity of the perpetrator.
- HIGH: Some University employees (sexual assault and domestic violence counselors or advocates, physicians, professional mental health counselors, psychotherapists, clergy) are required by law to maintain near or complete confidentiality

IF SEXUAL ASSAULT HAPPENS TO YOU

- Get to a safe place and call 911.
- Do not shower, bathe, douche or change your clothes if you have been assaulted or raped.
- Do not disturb anything at the scene of the assault or throw away any evidence.
- Contact friends/family for help and support.
- Go to a hospital for medical care. You will be given a physical exam and options for the prevention of pregnancy, STIs and HIV/AIDS; sexual assault evidence may be collected.
- Medical professionals are required to notify the police whenever they treat a rape victim but the decision to make a formal police report is still yours.
- If you decide not to go to the police immediately, write down all the details of the assault (who, what, when, where, why and how) in case you wish to report the incident later.
- Seek crisis intervention through The SAFE Place or get support through the Counseling & Psychological Services Center. Services are free to SF State students.

FOUR CONDITIONS OF AFFIRMATIVE CONSENT

If any of these are missing, then it is ill-advised to engage in sexual activity, meaning your risk of becoming a victim or accused as a perpetrator are increased:

1. Both partners are awake and conscious.
2. Both partners have equal power and ability to act and decide, either physically, psychologically or emotionally, e.g., no coercion.
3. Both partners are not incapacitated or impaired in their judgment through the use of alcohol, drugs or other substances, or by fatigue, duress or other mental condition.
4. Both partners are of legal age to be able to given consent.

YOUR THREE BASIC HUMAN RIGHTS

1. To determine what happens to one's own body—what, when, where, how, with whom. Your hormones may be raging and you may feel led on, but that doesn't justify force.
2. To change one's mind—no matter what the reason or the cause. You can become angry or frustrated if this happens, but it doesn't give you the right to impose your will on them.
3. To be treated with respect and dignity—regardless of your past choices, your perceived reputation, or your identity, e.g., gender, race/ethnicity, age, sexual orientation, disability, etc.

IT TAKES TWO TO NEGOTIATE CONSENT

- Each partner is responsible for communicating in a clear and forthright manner about their respective desires and boundaries.
- Greater responsibility lies with the person initiating a sex act to obtain clear, enthusiastic and affirmative consent!
- Most allegations of sexual assault involve confusion about whether or not consent was understood
 - Be clear about "yes" and about "no"
 - Be sure to align verbal cues with non-verbal ones.
- Whenever you are unsure if consent has been given, you need to clarify.
- Don't make assumptions about consent; *prior* sexual activity is not consent for future activity.

CONSENT IS LIKE A CUP OF TEA



YouTube site: <https://youtu.be/oQbei5JGiT8>

LEVERAGE THE POWER OF "ONE"

- Each one of us is responsible to end sexual violence.
- The culture of a community is comprised of the everyday actions and communications of its individual members.
- Your choices either promote a campus based on gender equity or help to proliferate myths/misperceptions which contribute to a climate that supports sexual violence
- Most people are uncomfortable about and disapprove of jokes, comments, statements, etc., which make light of rape, put women down, or are homophobic, but they are afraid to speak up.
- Don't be a bystander: if you see/hear/know something that looks like a high-risk situation, SAY something.

WHO ARE YOU?



YouTube Site: <https://youtu.be/9zr1oxEbdsw>

FOR MORE INFORMATION

- Website: <http://titleix.sfsu.edu>
- Title IX/DHR Team for Students:
 - Senior Deputy Title IX Coordinator/Deputy DHR Administrator for Students: Dr. Mary Ann Begley
 - Student Services Building, Room 403 (SSB 403)
 - 415.338.2032 | begley@sfsu.edu | dos.sfsu.edu
 - Title IX Coordinator & DHR Administrator: Dr. Luoluo Hong
 - Student Services Building, Room 403 (SSB 403)
 - 415.338.7313 | vpsaem@sfsu.edu | www.sfsu.edu/~vpsa
 - Equity Programs & Compliance Manager (Title IX/DHR Office): Katon Dalton
 - Student Services Building, Room 403 (SSB 403)
 - 415.338.2032 | kdalton@sfsu.edu