

TITLE IX TRAINING MATERIALS

In accordance with the US Department of Education Title IX Regulations, colleges must make training materials publicly available on websites. This is to ensure that the Title IX Officers responsible for responding to allegations of Title IX discrimination and harassment understand their important roles in the process, and are free of biases and conflicts of interest. The training materials posted here are used to train Title IX Officers at the College.

Title IX Officer Training



TITLE IX

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.

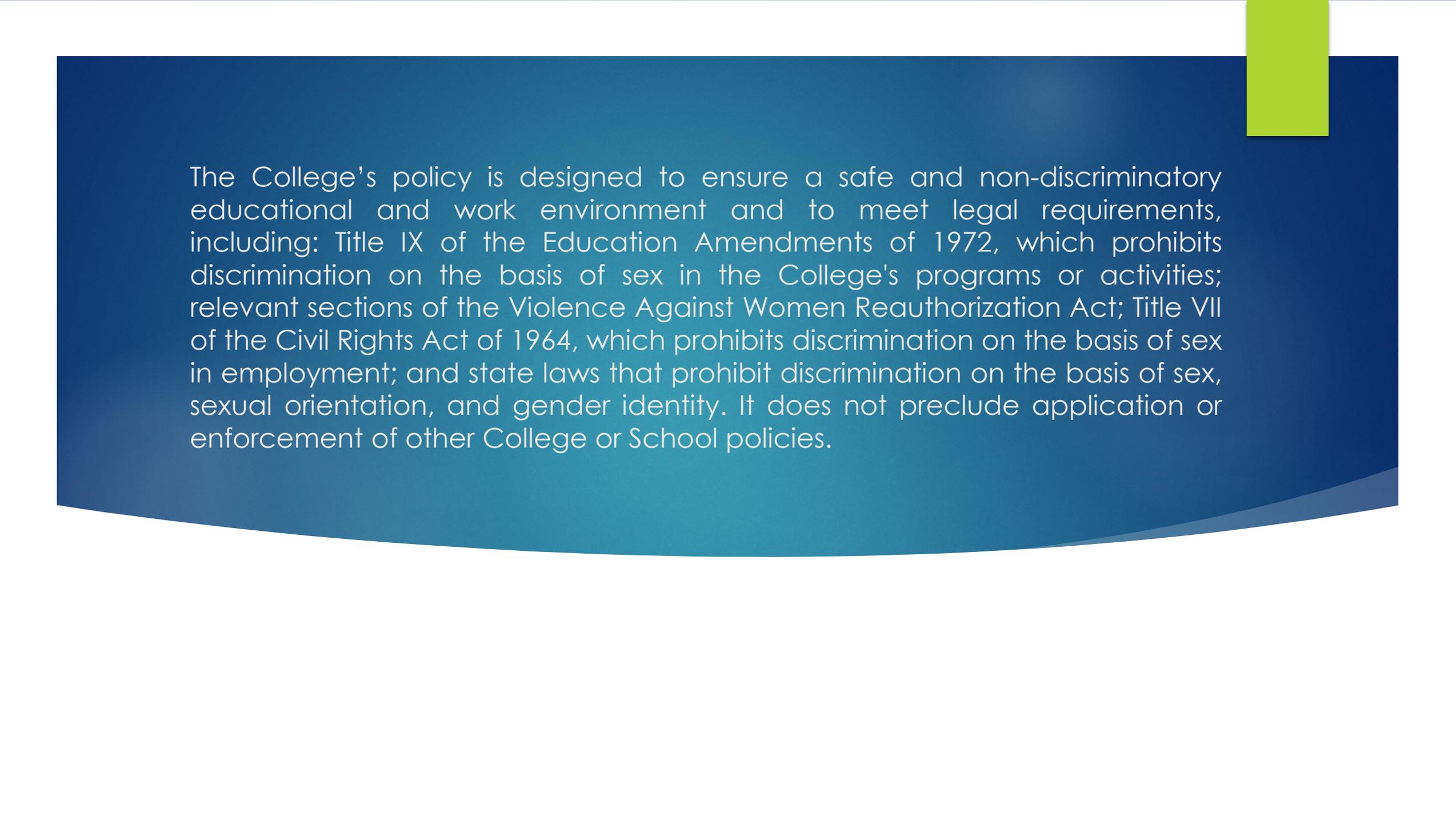
Title IX: The Purpose

Prohibits:

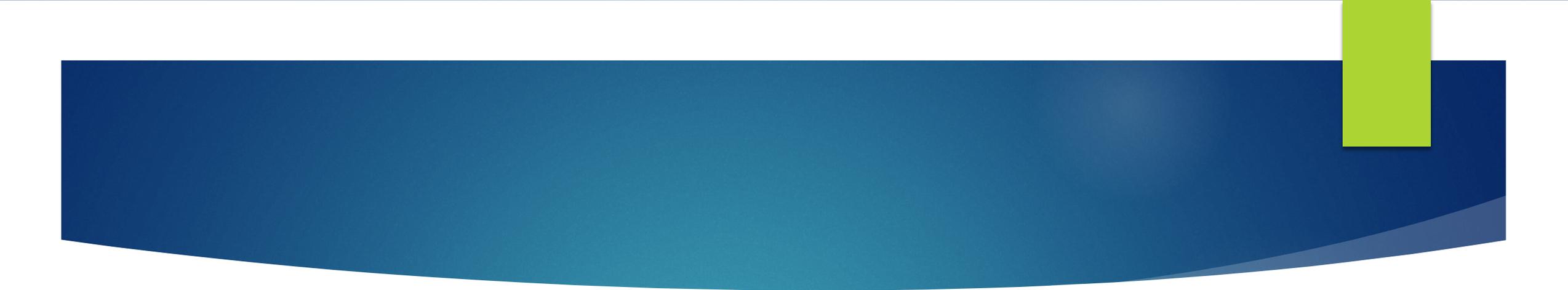
- Gender Discrimination
- Pregnancy Discrimination
- Sexual Orientation Discrimination
- Sexual Harassment
 - Sexual Assault
 - Stalking
 - Domestic/Dating Violence
 - Verbal/expressive



The College committed to maintaining a safe and healthy educational and work environment in which no member of the College community is, on the basis of sex, sexual orientation, or gender identity, excluded from participation in, denied the benefits of, or subjected to discrimination in any College program or activity. Gender based and sexual harassment, including sexual violence, are forms of sex discrimination in that they deny or limit an individual's ability to participate in or benefit from College programs or activities.



The College's policy is designed to ensure a safe and non-discriminatory educational and work environment and to meet legal requirements, including: Title IX of the Education Amendments of 1972, which prohibits discrimination on the basis of sex in the College's programs or activities; relevant sections of the Violence Against Women Reauthorization Act; Title VII of the Civil Rights Act of 1964, which prohibits discrimination on the basis of sex in employment; and state laws that prohibit discrimination on the basis of sex, sexual orientation, and gender identity. It does not preclude application or enforcement of other College or School policies.

A decorative header graphic consisting of a dark blue rectangular area on the left and a light blue area on the right, with a green vertical bar on the far right edge.

It is the policy of the College to provide educational, preventative and training programs regarding sexual or gender-based harassment; to encourage reporting of incidents; to prevent incidents of sexual and gender-based harassment from denying or limiting an individual's ability to participate in or benefit from the College's programs; to make available timely services for those who have been affected by discrimination; and to provide prompt and equitable methods of investigation and resolution to stop discrimination, remedy any harm, and prevent its recurrence. Violations of this Policy may result in the imposition of sanctions up to, and including, termination, dismissal, or expulsion, as determined by the appropriate officials at the College.

Retaliation against an individual for raising an allegation of sexual or gender-based harassment, for cooperating in an investigation of such a complaint, or for opposing discriminatory practices is prohibited. Submitting a complaint that is not in good faith or providing false or misleading information in any investigation of complaints is also prohibited.

Kinds of Cases:

- Title IX sexual harassment, Title IX sexual assault, Title IX stalking, or Title IX interpersonal violence
- Involving students, employees, or a combination
- Quid Pro Quo harassment by employees



1972

Discrimination based on sex should be prohibited in education

1997

Sexual Harassment is a form of prohibited sex discrimination

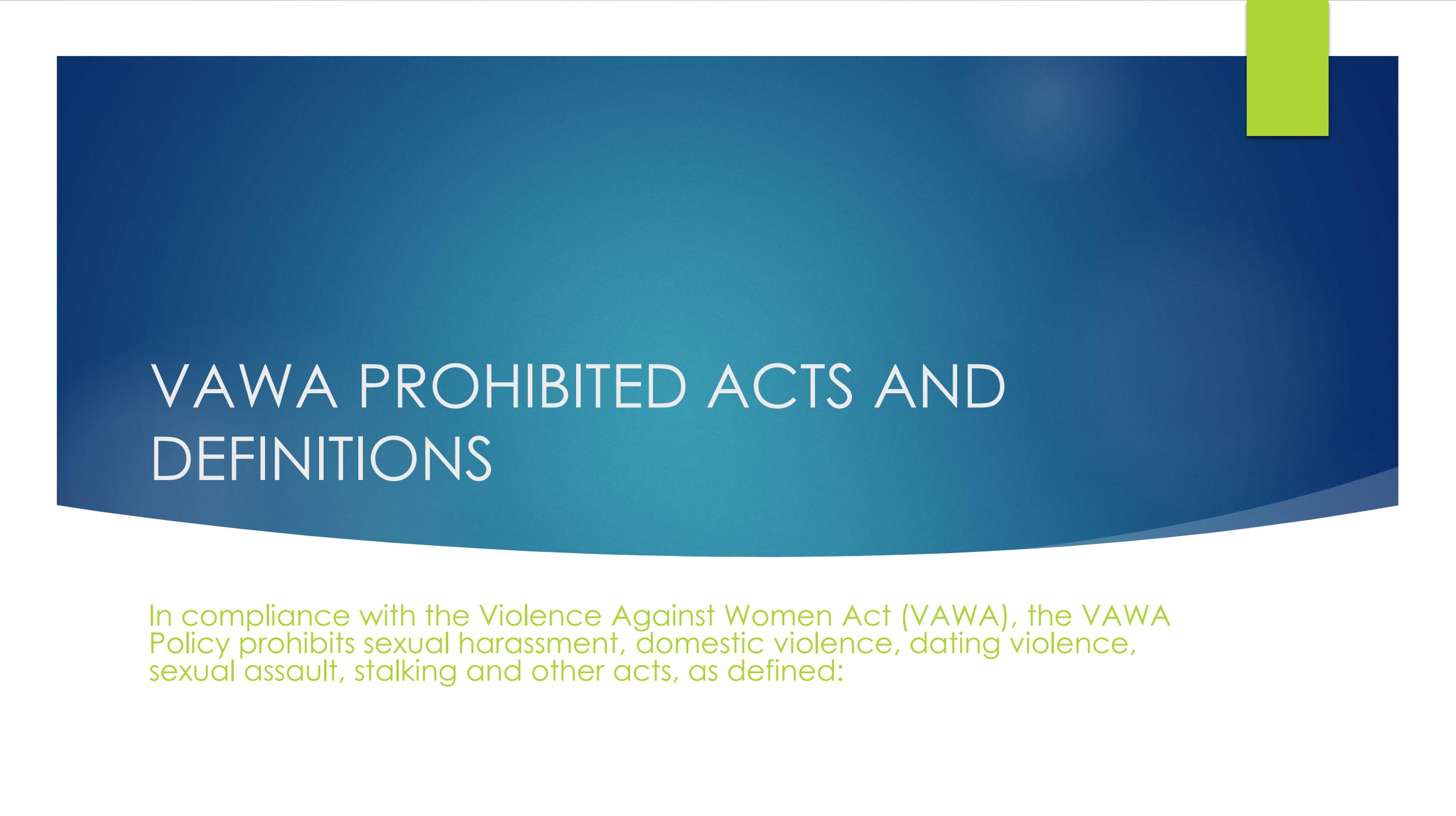
2011

Dear Colleague Letter:
Reminder to address sexual assault and provide guidance

2020

Narrowed the definition of "hostile environment sexual harassment" and required schools to focus on their Title IX on-campus policies and procedures

Important Dates in the Evolution of Title IX



VAWA PROHIBITED ACTS AND DEFINITIONS

In compliance with the Violence Against Women Act (VAWA), the VAWA Policy prohibits sexual harassment, domestic violence, dating violence, sexual assault, stalking and other acts, as defined:

- *SEXUAL HARASSMENT* IS DEFINED AS UNWELCOME SEXUAL ADVANCES, REQUESTS FOR SEXUAL FAVORS, AND OTHER VERBAL, NONVERBAL, OR PHYSICAL CONDUCT OF A SEXUAL NATURE. SEXUAL HARASSMENT IS CONDUCT THAT EXPLICITLY OR IMPLICITLY AFFECTS A PERSON'S EMPLOYMENT OR EDUCATION OR INTERFERES WITH A PERSON'S WORK OR EDUCATIONAL PERFORMANCE OR CREATES AN ENVIRONMENT SUCH THAT A REASONABLE PERSON WOULD FIND THE CONDUCT INTIMIDATING, HOSTILE, OR OFFENSIVE. SEXUAL HARASSMENT INCLUDES SEXUAL VIOLENCE (SEE DEFINITION BELOW). STC WILL RESPOND TO REPORTS OF ANY SUCH CONDUCT IN ACCORDANCE WITH THE VAWA, OR OTHER APPLICABLE, POLICY. SEXUAL HARASSMENT MAY INCLUDE INCIDENTS BETWEEN ANY MEMBERS OF THE STC COMMUNITY, INCLUDING FACULTY, STAFF OR OTHER EMPLOYEES, STUDENTS OR THIRD PARTIES SUCH AS, BUT NOT LIMITED TO: VENDORS, CONTRACTORS, AND VISITORS. SEXUAL HARASSMENT MAY OCCUR IN HIERARCHICAL RELATIONSHIPS, BETWEEN PEERS, OR BETWEEN INDIVIDUALS OF THE SAME SEX OR OPPOSITE SEX. TO DETERMINE WHETHER THE REPORTED CONDUCT CONSTITUTES SEXUAL HARASSMENT, CONSIDERATION SHALL BE GIVEN TO THE RECORD OF THE CONDUCT AS A WHOLE AND TO THE TOTALITY OF THE CIRCUMSTANCES, INCLUDING THE CONTEXT IN WHICH THE CONDUCT OCCURRED.

- *SEXUAL VIOLENCE* IS DEFINED AS PHYSICAL SEXUAL ACTS ENGAGED WITHOUT THE CONSENT OF THE OTHER PERSON OR WHEN THE OTHER PERSON IS UNABLE TO CONSENT TO THE ACTIVITY. SEXUAL VIOLENCE INCLUDES SEXUAL ASSAULT, RAPE, BATTERY, AND SEXUAL COERCION; DOMESTIC VIOLENCE; DATING VIOLENCE; AND STALKING.
- *DOMESTIC VIOLENCE* IS DEFINED AS ANY FELONY OR MISDEMEANOR CRIME COMMITTED BY A CURRENT OR FORMER SPOUSE OF THE VICTIM; PERSON THE VICTIM HAS A CHILD WITH; AN INDIVIDUAL WHO LIVES, OR HAS LIVED, WITH THE VICTIM AS A SPOUSE, OR A PERSON SIMILARLY SITUATED TO A SPOUSE; AND ANY OTHER PERSON COMMITTING AN ACT "AGAINST AN ADULT OR YOUTH VICTIM WHO IS PROTECTED FROM THAT PERSON'S ACTS UNDER THE DOMESTIC OR FAMILY VIOLENCE LAWS OF THE JURISDICTION.
- *DATING VIOLENCE* IS DEFINED AS ABUSE COMMITTED BY A PERSON WHO IS OR HAS BEEN IN A SOCIAL RELATIONSHIP OF A ROMANTIC OR INTIMATE NATURE WITH THE VICTIM.

- *SEXUAL ASSAULT* OCCURS WHEN PHYSICAL SEXUAL ACTIVITY IS ENGAGED WITHOUT THE CONSENT OF THE OTHER PERSON OR WHEN THE OTHER PERSON IS UNABLE TO CONSENT TO THE ACTIVITY. THE ACTIVITY OR CONDUCT MAY INCLUDE PHYSICAL FORCE, VIOLENCE, THREAT, OR INTIMIDATION, IGNORING THE OBJECTIONS OF THE OTHER PERSON, CAUSING THE OTHER PERSON'S INTOXICATION OR INCAPACITATION THROUGH THE USE OF DRUGS OR ALCOHOL, OR TAKING ADVANTAGE OF THE OTHER PERSON'S INCAPACITATION (INCLUDING VOLUNTARY INTOXICATION).
- *FORCIBLE SEXUAL OFFENSE* IS DEFINED AS 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.
- *NON-FORCIBLE SEXUAL OFFENSE* IS DEFINED AS UNLAWFUL, NON-FORCIBLE SEXUAL INTERCOURSE. THERE ARE TWO TYPES OF NON-FORCIBLE SEX OFFENSES:
 - Incest is non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
 - Statutory Rape is non-forcible sexual intercourse with a person who is under the statutory age of consent.



CONSENT IS **INFORMED**. CONSENT IS AN AFFIRMATIVE, UNAMBIGUOUS, AND CONSCIOUS DECISION BY EACH PARTICIPANT TO ENGAGE IN MUTUALLY AGREED-UPON SEXUAL ACTIVITY. CONSENT IS VOLUNTARY. IT MUST BE GIVEN WITHOUT COERCION, FORCE, THREATS, OR INTIMIDATION. CONSENT MEANS POSITIVE COOPERATION IN THE ACT OR EXPRESSION OF INTENT TO ENGAGE IN THE ACT PURSUANT TO AN EXERCISE OF FREEWILL. CONSENT IS REVOCABLE. CONSENT TO SOME FORM OF SEXUAL ACTIVITY DOES NOT IMPLY CONSENT TO OTHER FORMS OF SEXUAL ACTIVITY. CONSENT TO SEXUAL ACTIVITY ON ONE OCCASION IS NOT CONSENT TO ENGAGE IN SEXUAL ACTIVITY ON ANOTHER OCCASION. A CURRENT OR PREVIOUS DATING OR SEXUAL RELATIONSHIP, BY ITSELF, IS NOT SUFFICIENT TO CONSTITUTE CONSENT. EVEN IN THE CONTEXT OF A RELATIONSHIP, THERE MUST BE MUTUAL CONSENT TO ENGAGE IN SEXUAL ACTIVITY. CONSENT MUST BE ONGOING THROUGHOUT A SEXUAL ENCOUNTER AND CAN BE REVOKED AT ANY TIME. ONCE CONSENT IS WITHDRAWN, THE SEXUAL ACTIVITY MUST STOP IMMEDIATELY. CONSENT CANNOT BE GIVEN WHEN A PERSON IS INCAPACITATED. A PERSON CANNOT CONSENT IF S/HE IS UNCONSCIOUS OR COMING IN AND OUT OF CONSCIOUSNESS. A PERSON CANNOT CONSENT IF S/HE IS UNDER THE THREAT OF VIOLENCE, BODILY INJURY OR OTHER FORMS OF COERCION. A PERSON CANNOT CONSENT IF HIS/HER UNDERSTANDING OF THE ACT IS AFFECTED BY A PHYSICAL OR MENTAL IMPAIRMENT. FOR PURPOSES OF THIS POLICY, THE AGE OF CONSENT IS THE AGE CONSISTENT WITH FLORIDA LAW.

- *INCAPACITATION* IS DEFINED AS THE PHYSICAL AND/OR MENTAL INABILITY TO MAKE INFORMED, RATIONAL JUDGMENTS. STATES OF INCAPACITATION INCLUDE, BUT ARE NOT LIMITED TO, UNCONSCIOUSNESS, SLEEP, AND BLACKOUTS. WHERE ALCOHOL OR DRUGS ARE INVOLVED, INCAPACITATION IS DEFINED WITH RESPECT TO HOW THE ALCOHOL OR OTHER DRUGS CONSUMED AFFECTS A PERSON'S DECISION-MAKING CAPACITY, AWARENESS OF CONSEQUENCES, AND ABILITY TO MAKE FULLY INFORMED JUDGMENTS. BEING INTOXICATED BY DRUGS OR ALCOHOL DOES NOT DIMINISH ONE'S RESPONSIBILITY TO OBTAIN CONSENT. THE FACTORS TO BE CONSIDERED WHEN DETERMINING WHETHER CONSENT WAS GIVEN INCLUDE WHETHER THE ACCUSED KNEW, OR WHETHER A REASONABLE PERSON SHOULD HAVE KNOWN, THAT THE COMPLAINANT WAS INCAPACITATED.
- *STALKING* IS BEHAVIOR IN WHICH A PERSON REPEATEDLY ENGAGES IN CONDUCT DIRECTED AT A SPECIFIC PERSON THAT PLACES THAT PERSON IN REASONABLE FEAR OF HIS OR HER SAFETY OR THE SAFETY OF OTHERS.



FORMS OF HARASSMENT

Forms of harassment may include but are not limited to:

- Verbal: sexual innuendoes, racial or sexual epithets, derogatory slurs, off-color jokes, propositions, threats or suggestive or insulting sounds;
- Visual/Non-Verbal: derogatory posters, cartoons, or drawings; suggestive objects or pictures; graphic commentaries; leering or obscene gestures;
- Physical: unwanted physical contact including touching, interference with an individual work movement, or assault; and
- Other: making or threatening reprisals as a result of negative response to harassment.

DISCRIMINATION AND ANTI-HARASSMENT POLICY AND PROCEDURES

The College is committed to providing prompt and effective resolution of allegations of discrimination and harassment. The College's grievance procedures are to be used for complaints of discrimination on the basis of sex as required by Title IX of the Education Amendments of 1972 (34 C.F.R. §106.8(b)). These grievance procedures are also to be used for complaints of discrimination on the basis of disability filed under Section 504 of the Rehabilitation Act of 1973 (34 C.F.R. §104.7(b)), and on the basis of age filed under the Age Discrimination Act of 1975 (34 C.F.R. §110.25(b)).

To file a complaint please refer to the grievance procedures provided in the student and employee handbooks.

As a student and employee of the College you have the right to file complaints of discrimination and harassment. Complaint investigations will be conducted in a fair, respectful, and consistent manner.

DISCRIMINATION AND ANTI-HARASSMENT POLICY AND PROCEDURES

- Employees should notify their immediate supervisor and/or the Title IX Coordinator.
- Students should notify the Campus management immediately. College personnel will then notify the designated Title IX Officers.
- ▶ This will initiate Investigation and Response/Decision procedures as outlined by the College in the Safety Policies and Procedures Handbook.
- ▶ ADDITIONAL ENFORCEMENT INFORMATION
 - ▶ The Federal Equal Employment Opportunity Commission (EEOC) investigates complaints of unlawful harassment, including sexual violence, in employment. The U.S. Department of Education Office for Civil Rights (OCR) investigates complaints of unlawful harassment and sexual violence by students in educational programs or activities. These agencies may serve as neutral fact finders and attempt to facilitate the voluntary resolution of disputes with the parties. For more information, contact the nearest office of the EEOC or OCR.



Harassment of any type will not be tolerated by the College. If an employee or student becomes aware of any behavior that may constitute harassment, it is the responsibility of that person to report such conduct.



Additional Required Title IX Training Materials

U.S. Department of Education Training Materials

OCR Webinar: Title IX Regulations Addressing Sexual Harassment
<https://www.youtube.com/watch?v=TdfT5R8ibm4>

OCR Webinar on New Title IX Protections Against Sexual Assault
<https://www.youtube.com/watch?v=i-BCnhUsJ4s>

OCR Webinar on Due Process Protections under the New Title IX Regulations
<https://www.youtube.com/watch?v=48UwobtiKDI>

Conducting and Adjudicating Title IX Hearings: An OCR Training Webinar
https://www.youtube.com/watch?v=yQ4-S5_Jahw

OCR Short Webinar on How to Report Sexual Harassment under Title IX
The First Amendment and Title IX: An OCR Short Webinar
https://www.youtube.com/watch?v=YA5S2_A3UAY

The First Amendment and Title IX: An OCR Short Webinar
<https://www.youtube.com/watch?v=XzSJ4uNspq8>

Go To Knowledge Training Materials

- **Effective Questioning Techniques For Title IX Hearings**
- **How To Prepare & Hold Title IX Pre-Hearing Conferences**
- **Navigating Title IX & Transgender Students in Athletics: Guidelines, Complexities & Compliance**
- **The Proposed Title IX Regulations: An Overview Of Key Changes**
- **The Title IX Hearing Process: Policy Development, Legal Requirements & Case Law**
- **Title IX Investigations: How To Write A Report That Complies With The New Federal Regulation**
- **Title IX: Ensuring Compliance For Pregnant & Parenting Students & Employees**
- **Title IX & Transgender Student Rights: What to Expect Following the Biden Administration's New Rule**
- **Fostering Sexual Agency & Consent Culture Among College Students**
- **The New Title IX Final Regulations: What You Need To Know To Stay In Compliance**
- **The New Title IX Regulations: Understanding The Changes & Requirements For Compliance**
- **Title IX, Clery & FERPA: Policy Development, Compliance & Ethical Considerations**
- **Creating & Sustaining An Inclusive Campus Culture: Addressing Microaggressions, Implicit Bias & Other Exclusionary Events**
- **Strategies To Foster LGBTQ+ Inclusion In The College Classroom**