UNDERSTANDING TITLE IX

FACULTY SENATE: FALL 2016
“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.”
APPLICATION OF TITLE IX

- Recruitment, Admissions, Counseling
- Financial Assistance
- Athletics
  - Student Interests and Abilities
  - Athletic Benefits and Opportunities
  - Athletic Financial Assistance
- Sex-Based Harassment
  - Pregnant and Parenting Students
- Discipline
- Single-Sex Education
  - Schools
  - Classes and Extracurricular Activities
- Employment
- Retaliation
CLERY ACT
20 U.S.C. 1092(F)

Requires disclosure of campus security policy and campus crime statistics.
POLICY ON SEXUAL AND GENDER-BASED HARASSMENT, DISCRIMINATION, AND OTHER FORMS OF INTERPERSONAL VIOLENCE

WHERE THE RESPONDING PARTY IS A STUDENT
WHERE THE RESPONDING PARTY IS A FACULTY MEMBER
DEPUTY TITLE IX COORDINATORS

FACULTY

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SEXUAL OR GENDER-BASED HARASSMENT

• **Sexual Harassment:** Any unwelcome sexual advance, request for sexual favor, or other unwanted conduct of a sexual nature.

• **Gender-Based Harassment:** Acts of aggression, intimidation, or hostility based on gender, sexual orientation, or gender expression even if the acts do not involve conduct of a sexual nature.
2 TYPES OF SEXUAL HARASSMENT

HOSTILE ENVIRONMENT
UNREASONABLY INTERFERES WITH, LIMITS, OR DEPRIVES INDIVIDUAL FROM PARTICIPATING IN OR BENEFITING FROM UNIVERSITY’S EDUCATION OR PROGRAMS

QUID QUO PRO
SUBMISSION TO/REJECTION OF CONDUCT IS A TERM OF EMPLOYMENT, ACADEMIC STANDING, OR PARTICIPATION IN UNIVERSITY EVENT/PROGRAM
HOSTILE ENVIRONMENT: ADDITIONAL FACTORS

• Severe, persistent, or pervasive from both a subjective and an objective perspective, determined by
  • Frequency, nature, and severity
  • Presence of physical threat
  • Impact on mental or emotional state
  • Number of people impacted
  • Presence of other discriminatory conduct
  • Unreasonable interference with education or work
  • Concerns about academic freedom or freedom of speech
a person engages in a *course of conduct* directed at a specific person under circumstances that would cause a reasonable person to fear bodily injury or to experience substantial emotional distress.

Rejected, Resentful, Intimacy Seeking, Incompetent Suitor, Predatory

Stalking can exhibit a spectrum of behaviors
**SEXUAL ASSAULT**

- **Sexual Intercourse:** Any penetration, however slight, with any object or body part that is performed by a person upon another person.

- **Sexual Contact:** Any intentional sexual touching, however slight, with any object or body part that is performed by a person upon another person.
  - intentional touching of the breasts, buttocks, groin or genitals (clothed or unclothed)
  - intentionally touching another person with any of these body parts
  - making another touch you or themselves with or on any of these body parts
**EMPLOYEE OBLIGATIONS**

<table>
<thead>
<tr>
<th>Responsible Employee</th>
<th>Confidential Employee</th>
<th>Employee</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Has the authority to take action.</td>
<td>• Licensed medical, clinical, or mental-health professional, when acting in that role.</td>
<td>• All employees who are not labeled Responsible or Confidential.</td>
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<td>• Given the duty of reporting.</td>
<td>• Employee explicitly designated as Confidential by the University.</td>
<td>• Encouraged to report all incidents.</td>
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<td>• Whom a student could reasonably believe has duty.</td>
<td>• Student health, counseling, campus victim advocate</td>
<td>• Faculty who do not formally advise a student group or serve in an administrative role; SHRA staff who do not have supervisory roles.</td>
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<td>• Administrators, department heads/chairs, faculty who formally advise student groups, professional advising staff, police</td>
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TITLE IX INVOLVEMENT

- Report of violation of policy to:
  - Faculty
  - Police
  - Residential Advisor
  - Dean of Students Office
- Investigation
  - Dual Investigator Model
- Response
- No Contact Orders
- Academic Accommodations
- Recommendation
- Referral
  - Office of the Provost
  - Human Resources
  - Dean of Students (Hearing/ Plead)
The University will not pursue disciplinary action against Reporting Parties or witnesses for disclosure of illegal personal consumption of drugs or alcohol where such disclosures are made in connection with a good faith report or investigation of Prohibited Conduct.
Retaliation is a violation of policy. It can be present even if there is a finding of “no responsibility” for the alleged violations. The safety of reporting parties is a primary concern, as is maintaining the confidentiality of all involved parties to the extent possible without compromising safety.