

Title IX at Washington University

Faculty Senate Presentation
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Current sexual harassment policy

Any University employee who becomes aware of instances or allegations of sexual harassment by or against a person *under his or her supervisory authority* must report it to those charged with responding to such allegations and reports: the appropriate dean, director or department head or other similar administrator or to the Title IX Coordinator or Director of Student Conduct.

Definition of sexual harassment

Any unwelcome sexual advance, request for sexual favor or other unwelcome verbal or physical conduct of a sexual nature, including sexual violence, whether committed on or off campus, when:

- 1) submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment or academic advancement;
- 2) submission to or rejection of such conduct by an individual is used as the basis or threatened to be used as the basis for employment or academic decisions or assessments affecting an individual; or
- 3) such conduct has the purpose or effect of unreasonably interfering with an individual's work or educational performance or creating an intimidating or hostile environment for work or learning. Such conduct will typically be directed against a particular individual or individuals and will either be abusive or severely humiliating or will persist despite the objection of the person targeted by the speech or conduct.

Examples of possible sexual harassment

- Requests for sexual favors
- Hugging, rubbing, touching, patting, pinching or brushing another's body
- Inappropriate whistling or staring
- Veiled suggestions of sexual activities
- Requests for private meetings outside of class or business hours for other than legitimate mentoring purposes
- Use in the classroom of sexual jokes, stories or images in no way germane to the subject of the class
- Remarks about a person's body or sexual relationships, activities or experience
- Use of inappropriate body images to advertise events
- Relationship or dating violence or abuse
- Stalking
- Sexual violence (e.g., rape, sexual assault, sexual battery and sexual coercion)

Definition of sexual violence

Sexual violence is a prohibited form of sexual harassment and includes physical sexual acts perpetrated against a person's will or where it would be apparent to a reasonable observer that a person is incapable of giving consent due to the victim's use of drugs and/or alcohol or due to an intellectual or other disability.

University Student Judicial Code

Prohibits sexual contact with any member of the University community or visitor to the University without that person's consent, including, but not limited to, rape and other forms of sexual assault.

Conduct will be considered "without consent" if no clear consent, verbal or non-verbal is given; if inflicted through force, threat of force, or coercion; or if inflicted upon a person who is unconscious or who otherwise would appear to a reasonable observer to be without the mental or physical capacity to consent. For example, sexual contact with a person who would appear to a reasonable observer to be impaired in the exercise of his or her judgment by alcohol or other drugs maybe considered "without consent."

Scope of Title IX federal law

Title IX protects students, employees and third parties from sexual harassment in a school's education programs and activities, including all "academic, educational, extracurricular, athletic, and other programs of the school, whether those programs take place in a school's facilities, on a school bus, at a class or training program sponsored by the school at another location, or elsewhere."

Relationship or dating abuse

- Relationship abuse is a pattern of coercive and abusive (sometimes violent) tactics employed by one partner in a relationship to gain power and control over the other partner.
- Dating abuse is actual or threatened abuse or violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.
- Other names: domestic violence, intimate partner abuse

Warning signs of abusive behavior

- Destructive criticism and verbal attacks (direct or indirect)
- Pressure tactics or threats
- Emotional abuse or manipulation
- Minimizing, denying and blaming
- Harassment
- Economic control
- Isolation
- Intimidation
- Physical violence
- Sexual violence

Stalking

- Engaging in a course of conduct directed at a specific person that would cause a reasonable person to
 - fear for his/her safety or the safety of others; or
 - suffer substantial emotional distress
 - “Course of conduct” means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person or interferes with a person’s property.
 - “Reasonable person” means a reasonable person under similar circumstances and with similar identities to the victim.
 - “Substantial emotional distress” means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

Stalking examples

- Following, harassing, or threatening someone repeatedly
- Telephoning and text messaging constantly
- Waiting on someone outside or inside buildings, locations
- Watching someone from afar
- Sending unwanted letters or e-mails

Title IX duty of WU upon notice

- Once a school has notice of possible sexual harassment of students (whether by employees, other students or third parties), “it should take immediate and appropriate steps to **investigate** or otherwise determine what occurred **and take prompt and effective steps** reasonably calculated to end any harassment, eliminate a hostile environment if one has been created, and prevent harassment from occurring again.”
- WU has obligation to investigate *regardless* of whether a complaint is filed
- **Bottom line: Duty to stop it, prevent recurrence, and remedy effects of harassment on victim student and WU community.**
- School has notice if a “responsible employee” knew or in exercise of reasonable care, should have known, about the harassment.

What does this mean?

- “Responsible employee” is any employee:
 - with authority to take action to redress the harassment; or
 - who has the duty to report to appropriate school officials sexual harassment or other misconduct by students or employees; or
 - who a student could reasonably believe has this authority or responsibility.
- Faculty, many staff members, some students (Residential Life, TA, RA, Cornerstone mentors, etc.) are a “responsible employees” under Title IX

Confidential resources

- **Kim Webb**, Director of Relationship and Sexual Violence Prevention (RSVP) Center - **(314) 935-8761** (through SARAH or WUPD after hours)
- **Student Health Services** (in person or online):
 - Danforth Campus - **(314) 935-6666**
 - Medical School - **(314) 362-3523**
- **SHS Anonymous Report Form**
- **SARAH** (Sexual Assault and Rape Anonymous Helpline) –
(314) 935-8080
- **Uncle Joe's** Peer Counseling and Resource Center –
(314) 935-5099
- **WUPD Silent Witness Program**

Academic accommodations

- You may be contacted by Kim Webb, me or someone from the Office of Student Conduct about academic accommodations for students who are dealing with issues related to sexual harassment or sexual violence.
- These requests are confidential and should not be discussed with anyone other than the person making the request, the student involved and your dean or supervisor.
- We appreciate any accommodations you can make to allow those students to make up missed work, have extra time for an exam or assignment, take an incomplete, etc.
- You will not be given any details about the reason the student is working with Kim or me.
- Unless the student expresses a desire to share details of the situation with you, please discuss only the accommodation(s) with the student and resist the urge to make judgments or share opinions.

Reporting resources

Non-confidential

- **WUPD (314) 935-5555 or Local Police (911)**
- **Tamara King, Director of Student Conduct (314) 935-4329**
- **Jessica Kennedy, Title IX Coordinator (314) 935-3118**

While the University strongly encourages victims to report to the University and the police, we understand that some students will ask that their name not be disclosed to the alleged perpetrator or that the school not proceed with a formal investigation or disciplinary action. The University will seriously consider these requests and, except in limited circumstances, will honor the student's wishes.

Ongoing efforts

- AAU Campus Climate Survey –results to be released to campus Fall 2015
- Task Force on Sexual Assault and Relationship Violence – recommendations to be presented summer 2015
- Learn @ Work online compliance training through Human Resources – implementation begins May 2015
- Think About It online training for all incoming students – begins July 2015
- Title IX website nearing completion
- Expanded USAIB Panel training beginning Fall 2015

Questions?

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