

TITLE IX

Addressing Sexual Harassment/Sexual Violence



Mount Wachusett Community College

Understanding Title IX

Many of us know about Title IX as “the law that made school sports more equitable for girls and women.” Yet, there’s also a lot more to it.

Sexual harassment, which includes acts of sexual violence such as rape, sexual battery and sexual coercion, is a form of gender-based discrimination prohibited by Title IX. It creates a hostile environment that has no place on our campus. And it’s something we take *very* seriously as we work to keep you safe and to respond effectively and immediately when you’re in trouble.

Our Title IX Coordinator

Our campus Title IX Coordinator is available to you and responsible for...

- Overseeing all Title IX complaints and investigations to provide prompt, fair and equitable resolutions
- Identifying and addressing any patterns or systemic problems that arise
- Being available to meet with students, provide support and answer questions
- Working with other college or university officials
- Coordinating training, education and communication pertaining to Title IX
- Not having other job responsibilities that may create a conflict of interest
- Being available to assist school law enforcement employees regarding how to respond appropriately to reports of sexual violence
- Ensuring that our institution carries out its Title IX responsibilities

“No person in the United States shall, on the basis of sex, be excluded from participation in, be denied benefit of, or be subjected to discrimination under any education program or activity receiving federal financial assistance.”

~ Title IX of the Education Amendments of 1972

You can talk with any of us here on campus if you or someone you know is experiencing sexual harassment/sexual violence. We’ll provide support and put you in touch with the Title IX coordinator and other resources right away!

We’re all here to deter gender-based discrimination and make our campus a safer, more welcoming place to be.

Sexual harassment, which includes acts of sexual violence such as rape, sexual battery and sexual coercion, is a form of gender-based discrimination prohibited by Title IX.

Source: U.S. Department of Education, Office for Civil Rights, *Dear Colleague Letter*, Washington, D.C., 4/4/11

Notice of Non-Discrimination

We don't tolerate discrimination and here's what it means regarding Title IX...

- Our institution doesn't discriminate on the basis of sex within educational programs and activities, in accordance with Title IX requirements
- Inquiries about the application of Title IX may be referred to our Title IX Coordinator or to the Department of Education's Office for Civil Rights at ocr@ed.gov or (800) 421-3481
- Prohibited sex discrimination covers sexual harassment, including sexual violence (see the next four pages to discover what types of conduct constitute sexual harassment/sexual violence)

Source: U.S. Department of Education, Office for Civil Rights, *Dear Colleague Letter*, Washington, D.C., 4/4/11

Policies & Disciplinary Procedures: Our Promise to You

- We'll investigate Title IX complaints in a prompt, fair and impartial manner
- We'll take steps to prevent the recurrence of any harassment and to correct its discriminatory effects on the complainant and others, if appropriate
- Both parties can present witnesses and other evidence
- Mediation will not be used to resolve sexual assault complaints
- The time frame for a grievance investigation will typically take up to 60 days, unless it's particularly complicated
- Both parties will be notified of the outcome of the complaint

Title IX Complaints & Criminal Investigations

If a case of alleged sexual harassment or sexual violence occurs, our school will promptly and equitably investigate under Title IX to determine what occurred. We'll also take appropriate steps to resolve the situation.

A campus Title IX investigation is different from any law enforcement investigation.

You can tell someone on campus about a Title IX complaint and use the campus grievance process. Plus, if you choose, you can file a police report. It's completely up to you.

Our Title IX Coordinator and other supporters can help you decide the best course of action for you by describing our grievance procedures. Please ask!

Sexual Harassment

Sexual harassment of a student can deny or limit, on the basis of sex, the student's ability to participate in or to receive benefits, services or opportunities from the institution's programs. Therefore, it's a form of gender-based discrimination prohibited by Title IX.

What constitutes sexual harassment? According to the Department of Education's Office for Civil Rights, it is conduct that:

- Is unwelcome
- Is based on sex or gender
- Is severe or pervasive enough to interfere with an individual's campus employment, academic performance or participation in college programs and activities
- Creates an intimidating, hostile or offensive working, learning or activity environment

Here are some other key points:

- Sexual harassment can take different forms depending on the harasser and the nature of the harassment.
- College or university employees, other students and non-employee third parties, such as a visiting speaker, may carry out this conduct.
- The conduct can be verbal, nonverbal or physical.
- People of all genders can be victims of sexual harassment, and the harasser and the victim may be of the same or different sexes.
- Sexual harassment can occur in any school program or activity and can take place in institutional facilities or at off-campus locations, such as a school-sponsored retreat or training program at another location.

Sexual Misconduct

Examples of sexual misconduct include:

- Making sexual propositions or pressuring individuals for sexual favors
- Unwelcome sexual advances
- Writing graffiti of a sexual nature
- Displaying or distributing sexually explicit drawings, pictures or written materials
- Performing sexual gestures or touching oneself sexually in front of others
- Telling sexual or dirty jokes
- Spreading sexual rumors or rating other students as to sexual activity or performance
- Circulating or showing emails or websites of a sexual nature

Instances of Sexual Harassment

Some examples of sexual harassment on campus include...

- A faculty member conditions an intern's evaluation on submission to his sexual advances and then gives her a poor evaluation for rejecting the advances
- A drama director does not give a student a part in a play because he has not responded to sexual overtures from the director
- A professor who supervises the college newspaper continually and inappropriately touches a student editor in a sexual manner, causing the student to resign from the newspaper staff
- A faculty member withdraws approval of research funds for her assistant because he has rebuffed her advances
- A graduate teaching assistant repeatedly asks a student to stay after class and attempts to engage her in discussions about sex and her personal experiences while they are alone in the classroom, causing the student to stop coming to class

Sources: U.S. Department of Education, Office for Civil Rights, *Sexual Harassment: It's Not Academic*, Washington, D.C., 2008, "Revised Sexual Harassment Guidance, 1/19/01 and "Frequently Asked Questions About Sexual Harassment," updated 4/3/11

Two Forms of Sexual Harassment

Quid Pro Quo Harassment. Occurs when a campus employee causes a student to believe he/she must submit to unwelcome sexual conduct in order to participate in a school program or activity, or causes a student to believe that the employee will make an educational decision based on whether or not the student submits to unwelcome sexual conduct. It doesn't matter whether the student resists and suffers the threatened harm or submits to and avoids the threatened harm for it to be considered harassment.

For example: A faculty member threatens to fail a student unless the student agrees to date him/her.

Hostile Environment Harassment. Occurs when unwelcome conduct of a sexual nature is so severe, persistent or pervasive that it affects a student's ability to participate in or benefit from an education program or activity, or creates an intimidating, threatening or abusive educational environment.

For example: Someone repeatedly makes sexually suggestive comments or sexually assaults a student.

Sexual Violence

Sexual violence is a form of sexual harassment, prohibited by Title IX, which includes conduct that is criminal in nature.

There are many types of sexual violence, not all of which include physical contact between the victim and the perpetrator. They include sexual harassment, threats and peeping.

Examples of sexual violence that include physical contact are:

- Rape
- Sexual assault
- Sexual battery
- Sexual coercion (see box on next page)
- Unwanted touching
- Dating violence
- Stalking

Sexual violence refers to sexual acts perpetrated against a person's will where consent is not obtained or where a person is incapable of giving consent due to his/her use of alcohol or other drugs.

Anyone can experience sexual violence, no matter their gender. The alleged perpetrator and the potential victim may be of the same or different genders.

The person responsible for the violence is typically someone known to the victim, like a friend, neighbor, co-worker, family member, acquaintance or significant other.

There is help available to you if you're the victim of sexual violence and there's no reason to be embarrassed, ashamed or to think you won't be believed. Let a trusted other know so you can get the assistance you need.

Sources: "Understanding Sexual Violence" Fact Sheet, CDC; Basile, KC, Chen, J, Lynberg, MC & Saltzman, LE. Prevalence and characteristics of sexual violence victimization. *Violence and Victims*, 2007; "Sexual Violence: Consequences," CDC

Consent

Consent is clearly communicating "Yes" about sexual activity on your own terms. It can be limited to certain acts and revoked at any time.

The Role Alcohol Plays

Many campus sexual assaults involve alcohol.

- Can impair a perpetrator's judgment so he/she disregards indications that a person doesn't want to engage in sexual activity
- Can impair a victim's judgment so he or she is less likely to take heed of risk cues
- Can increase the expectancies of what will happen when we drink
- Perpetrators may use alcohol as an excuse for their actions

Keep all of these things in mind when making choices about alcohol.

Important Steps

Professionals at various universities suggest that students who have been sexually assaulted...

- Get to a place where you feel safe
- Seek a friend you can trust
- Don't shower, bathe any part of your body, douche, urinate, defecate, use medications or brush your teeth, if possible
- Stay in the clothes you are wearing or, if you've already changed, bring clothes, sheets and anything that was in contact with you during the assault in a paper bag (not plastic!) or wrapped in a clean sheet — don't clean or straighten the area
- Don't touch anything the accused may have touched or left behind — this physical evidence can help if a criminal charge is pursued
- Get medical help to check for internal injuries you might not be aware of, treat external injuries, be treated for certain STDs, and get information about HIV/AIDS and pregnancy prevention
- Consider having a rape kit done at the hospital — even if you don't think you want to press charges, having a rape kit allows you to have evidence collected should you change your mind later
- Seek counseling support
- Consider your legal options and ask questions for clarification

Sources: Wake Forest University, Sexual Assault Support, <http://services.studentlife.wfu.edu/support/sexual-assault/>; Southwestern University, Medical Issues and Immediate Safety, www.southwestern.edu/titleix/medicalissues.php; UCSC Title IX/Sexual Harassment Office, www2.ucsc.edu/title9-sh/sopolicy/assault.htm

Sexual Coercion

Using pressure, force, alcohol or other drugs to have sexual contact with someone against his/her will is considered sexual coercion.

You may be experiencing it if...

- You feel pressure from your date, partner or friend (“Sex is how you can prove you love me — everyone is doing it”)
- Someone buys you gifts or spends money on you to make you feel like you “owe” him sex

- There are times you don't want to have sex but feel like you can't say “no” (“We've had sex before, so you can't say no now”)
- You had sex without using a condom because your partner didn't want to use one

Sexual coercion is *not* okay and is considered sexual violence.

Source: “Sexual Coercion Awareness and Prevention” by Kelsey McCoy, M.S. and James Oelschlager, Psy.D, Florida Institute of Technology's Counseling and Psychological Services, www.fit.edu/caps

Complainant Rights

You or a friend are called a “complainant” when you come forward to let us know of a personal instance of sexual harassment/sexual violence.

In order to eliminate a hostile environment, prevent the recurrence of a sexual harassment/violence incident and address its effects, you as a complainant are entitled to remedies that include, but are not limited to, the following...

- The assurance that you and the alleged perpetrator will not attend the same classes
- The availability of counseling services
- Access to sexual assault response team advocates
- The availability of medical services
- Academic support services, such as tutoring
- Arranging for you to re-take a course or withdraw from a class without penalty, including ensuring that any changes don't adversely affect your academic record
- The review of any disciplinary action taken against you (such as if you skipped a class because the alleged perpetrator was enrolled and you wanted to avoid contact) to see if there is a connection between the harassment and the misconduct that may have resulted in you being disciplined
- The knowledge that you can file a complaint with local law enforcement at any time and that you have the option to be assisted by campus personnel in notifying such authorities

You also have the right...

- To present your case, which includes the right to adequate, reliable and impartial investigation of complaints; the right to have an equal opportunity to present witnesses and other evidence; and the right to the same appeal process, for both parties
- To be notified of the time frame within which your school will conduct a full investigation of the complaint, the parties will be notified of the outcome of the complaint and the parties may file an appeal, if applicable
- To have your complaint decided using a preponderance of the evidence standard (i.e. it's more likely than not that sexual harassment or violence occurred)
- To be notified in writing of the outcome of the complaint
 - You're entitled to information about the sanction imposed on the perpetrator when the sanction directly relates to you
 - The school can't require you to abide by a non-disclosure agreement, in writing or otherwise, because the Clery Act requires that both parties be informed of the outcome, including sanction information, of any institutional proceeding alleging a sex offense
- To know that you can end the informal process at any time and begin the formal stage of the complaint process

If you want to learn more about your rights or federal law related to Title IX, you can contact the U.S. Department of Education, Office for Civil Rights, at ocr@ed.gov or (800) 421-3481. You can also fill out a complaint form online through the Department of Education www2.ed.gov/about/offices/list/ocr/complaintintro.html.

Sources: U.S. Department of Education, Office for Civil Rights, *Dear Colleague Letter*, Washington, D.C., 4/4/11 and “Know Your Rights: Title IX Prohibits Sexual Harassment and Sexual Violence Where You Go to School” fact sheet; The University of Oklahoma, Remedial Measures, www.ou.edu/content/eoo/remedial-measures.html

Confidentiality Concerns

When it comes to confidentiality, we'll be up front with you.

- We'll take all reasonable steps to investigate and respond in a manner consistent with a student's confidentiality request. And we'll let you know if we can't ensure confidentiality due to overall community safety concerns.
- If a student requests confidentiality and decides not to press charges in a sexual violence case, a report of the incident must still be made in order to comply with the Clery Act (campus crime reporting law). The law allows us to protect you from retaliation.
- On-campus counselors and advocates — like those working or volunteering in sexual assault response centers, victim's advocacy offices, women's and health centers, as well as licensed and pastoral counselors — can talk with a survivor in confidence, unless a potential risk to health and safety becomes apparent.
- If the safety of others in the community could be at risk, the good of the whole may need to outweigh one student's confidentiality request.

Source: “Not Alone” Report of the White House Task Force to Protect Students from Sexual Assault, April 2014

Protective interim steps may be taken to protect the complainant *before* the final outcome of the investigation is reached.

You don't have to wait!

You have the option to avoid contact with the alleged perpetrator. We'll talk with you about this right away.

What to Expect from Student Advocates

If you are a victim of sexual harassment or sexual violence, you can fully expect our support to meet your varied needs. Here are some of the ways that student advocates — from coaches to counseling, student life and other staff — can help you...

- Provide information about campus and community services
- Make referrals, as desired
- Go to the hospital and/or law enforcement office with you
- Help with filing a report
- Assist you in getting a protective order or other remedies such as class schedule changes
- Provide an empathic listening ear
- Help with academic concerns
- Assist you in preparing for judicial meetings — and accompanying you, if requested
- Meet with you on a regular basis to follow up
- Keep track of the details
- Assure you that the assault was not your fault

Responding to Retaliation

Title IX protects all college students from retaliation if they report sexual harassment or violence. If the alleged perpetrator or his/her friends taunt you, call you names or harass you in any way, report this immediately!

Our Title IX Coordinator and others are there as resources to take strong, responsive action if any retaliation or new incidents of harassment occur.

And we'll be sure to keep letting you know that you're *never* alone. We can connect you with resources that you need — they are plentiful here within our campus community.

Sources: Student Advocates Office, Indiana University Bloomington, <http://studentaffairs.iub.edu/advocates/assault-cases/>; Loyola University's (LA) Sexual Assault Response Advocacy Initiative, <http://studentaffairs.loyno.edu>; Sexual Assault Resources & Education, College of William & Mary, <http://web.wm.edu/sexualassault>



Helping a Friend

Do you have a friend who has experienced sexual harassment or sexual violence? In order to help him/her in the best ways possible, you can...

- Listen with compassion
- Direct him/her to available resources
- Not take everything on your shoulders

Getting the appropriate, trained professionals involved is the best thing you can do to help a friend get the real help he or she may need.

How Bystanders Can Intervene

Every campus has a population of bystanders who support sexual violence. They may not mean to do so, yet by not intervening when they see something happening, not reporting actions or dismissing certain behaviors, they are essentially sending a message to perpetrators that their actions are okay.

Proactive Bystander Strategies

In order to be a proactive bystander who helps prevent cases of sexual harassment or sexual violence, you can...

- Work to create an environment where sexual violence is unacceptable
- Treat people with respect
- Speak up when you hear people making statements that blame victims
- Talk openly with friends about the issues and how to confront them
- Encourage friends to trust their instincts in order to stay safe
- Be a knowledgeable resource for survivors
- Don't laugh at sexist jokes or comments
- Look out for friends at parties and bars
- Educate yourself and your friends
- Use campus resources
- Attend an awareness event
- Empower survivors to tell their stories

Reactive Bystander Strategies

In order to be a reactive bystander who positively intervenes in instances of sexual harassment or sexual violence, you can...

- Get campus police or other authorities involved
- Create a distraction
- Get help
- Ask someone in a potentially dangerous situation if he/she is okay and/or wants to leave
- Make sure he/she gets home safely
- Intervene if you hear someone "targeting" another person
- Separate someone too intoxicated to consent from a potential perpetrator
- Say or do *something*

Sources: "What Can I Do?" Prevention Innovations, UNH, www.unh.edu/preventioninnovations; The Transformation Project/Green Dot, The University of Tennessee Chattanooga, www.utc.edu/Outreach/TransformationProject/greendot.php

Title IX & Mount Wachusett Community College

How to Report:

Faculty, staff and student employees who receive complaints of sexual harassment or sexual misconduct are obligated to report complaints to the Title IX Coordinator and/or their supervisor or department head.

Why is it so important to report to the Title IX Coordinator?

The College has a duty to promptly respond to all complaints of sexual harassment and sexual misconduct; whether on or off campus incidents. The purpose is to prevent sex discrimination on campus, promptly address reported incidents, limit the effects of harassment on the educational environment, and prevent its recurrence.

Confidential Resources

MWCC Student Support Services
978-630-9178
Arthur F. Haley Academic Center
First Floor, Room 140

Policies:

In addition to Title IX, MWCC's policies regarding non-discrimination and harassment, along with the conduct code outlined in the guide to Student Rights and Responsibilities, prohibit sex discrimination, sexual harassment, and sexual misconduct of any kind. Retaliation against anyone who makes a complaint or who participates in any complaint-related process is not tolerated.

- Student Catalogue Policies and Procedures
mwcc.edu/catalog/policies/
- Affirmative Action Policy
mwcc.edu/hr/files/2013/11/2014-AFFIRMATIVE-ACTION-PLAN-Sept-2014.pdf
- Affirmative Action Policy Against Sexual Harassment
mwcc.edu/hr/files/2014/09/Affirmative-Action-Policy-Against-Sexual-Harassment.pdf
- Affirmative Action Policy Against Sexual Violence
mwcc.edu/hr/files/2014/09/Affirmative-Action-Policy-Against-Sexual-Violence.pdf

Reporting Options:

MWCC Campus Police

- Gardner Campus
978-630-9150
(24 hours – 7 days a week)
- Leominster Campus (Limited Availability)
978-630-9810
- Devens Campus (Limited Availability)
978-630-9573

Title IX Coordinator

- Diane Ruksnaitis
978-630-9160
Arthur F. Haley Academic Center
First Floor, Room 109

In the absence of the Title IX Coordinator, complaints can be directed to:

- Heather Mulry, Deputy Title IX Coordinator
978-630-9374
Arthur F. Haley Academic Center
First Floor, Room 111
- Maria Garipey
978-630-9191
Arthur F. Haley Academic Center
First Floor, Room 112
- Jason Zelesky
978-630-9139
Arthur F. Haley Academic Center
First Floor, Room 141A
- Gregory Clement
978-630-9252
Arthur F. Haley Academic Center
First Floor, Room 141B