Title IX – Sexual Harassment

Equity & Title IX Annual Volunteer Training
August 2023

Title IX

*Title IX of the Education Amendments of 1972*

“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 Sexual Harassment

*Categories of Prohibited Conduct on the Basis of Sex:*

- Quid Pro Quo
- Hostile Environment
- Sexual Assault
- Dating Violence
- Domestic Violence
- Stalking

*Based on current Federal regulations (as of August 2023)*
Title IX Sexual Harassment

Quid Pro Quo

Employee of the University conditioning the provision of an aid, benefit, or service of the University on an individual's participation in an unwelcome sexual conduct.

Example:
Faculty member conditions a student's grade on whether or not the student will engage in sexual intercourse, despite the student's previous rejection of this idea.

Title IX Sexual Harassment

Hostile Environment

Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the University's education program or activity.

Title IX Sexual Harassment

Sexual Assault

Rape is the slightest penetration of the vagina or penis by the sex organ of the other person, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity.

- Attempted Rape is included.
**Title IX Sexual Harassment**

**Sexual Assault**

**Sodomy** is oral or anal sexual intercourse with another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity.

**Sexual Assault with an Object** is using an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity.

- An "object" or "instrument" is anything used by the offender other than the offender’s genitalia.

**Fondling** is the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity.
Incest is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by Missouri law.

Statutory Rape is sexual intercourse with a person who is under the statutory age of consent as defined by Missouri law.

Violence committed by a person –

(A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and

(B) where the existence of such a relationship shall be determined based on a consideration of the following factors:

(i) The length of the relationship,

(ii) The type of relationship, and

(iii) The frequency of interaction between the persons involved in the relationship.
**Title IX Sexual Harassment**

**Domestic Violence**
Includes felony or misdemeanor crimes of violence committed by:
- a current or former spouse or intimate partner of the victim,
- a person with whom the victim shares a child in common,
- by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner,
- by a person similarly situated to a spouse of the victim under the domestic or family violence laws of Missouri, or
- by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of Missouri.

**Title IX Sexual Harassment**

**Stalking**
Engaging in a course of conduct directed at a specific person that knowingly or recklessly would cause a reasonable person to fear for their safety or the safety of others; or suffer substantial emotional distress.

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**KNOWLEDGE CHECK**

**Mock Hearing Allegations**
- Hailey Taylor was awakened by Carter Robinson's fingers rubbing her genitals (clitoris).
- Taylor reported rolling away, shaking her head side-to-side and audibly grunting in an attempt to signal "no."
- Taylor reported that Robinson waited several more seconds before removing his hands from her pants and then slid his hand up her body and "squeezed" her breast twice before getting up from the futon.
- Taylor reports that she was asleep when Robinson initiated the above-described conduct.
- What category of prohibited conduct might this be considered?
Title IX Sexual Harassment

Sexual Assault

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Title IX Sexual Harassment

Jurisdiction

Power / authority for the University to act concerning prohibited conduct

• Occurs against a person in the US

• Occurs in an education program or activity
  • Locations, events, or circumstances over which University exercised substantial control over both Respondent and context in which conduct occurs
  • Any building owned or controlled by a student organization that is officially recognized by University

KNOWLEDGE CHECK

Jurisdiction - Scope

• How are parties involved affiliated with incident?

• Where did incident occur?

Mock Hearing Scenario
KNOWLEDGE CHECK

M O C K H E A R I N G  S C E N A R I O

• Where did incident occur?
  – Campus residence hall (on-campus)
• How are parties involved affiliated with incident?
  – Students
  – Staff members at campus library

Within Scope of Title IX

S C E N A R I O  A

• Student filed a Formal Complaint against a Faculty member for sexual harassment. During the investigation, it is discovered that the conduct allegedly occurred in Germany while the student and faculty member were participating in a study abroad program.

• Does the University have jurisdiction under Title IX?

NOT within scope of Title IX
Process and Procedure

Report & Intake

Any person can make a report to the Equity / Title IX offices.

Reports can be made:
- In person
- By mail
- By telephone
- By email
- On-line

University employees (unless exempted) are mandated reporters — required to report any form of discrimination or harassment of which they are aware to the Equity / Title IX office.

Supportive Measures

- Upon receipt of a report, the Equity / Title IX office will reach out to the Complainant, if known, to offer supportive measures.
- Offered to either Party at no cost.
- Non-disciplinary & non-punitive.

Examples:
- mutual contact restrictions
- counseling/support services
- adjusting course assignment
- adjusting exam schedules
- altering on-campus housing assignment

Balancing act:
- Restore or preserve equal access to the University programs or activities the Party was previously enjoying prior to the alleged incident
- Not unreasonably burdensome to the other Party
- Protect safety of all Parties
- Deter future occurrences of discrimination or harassment
Process and Procedure

Investigation

Who's Who?

- **Reporter**: Individual who provides notice to the University of a potential violation, may be a mandatory reporter or the complainant or a member of the larger community.

- **Complainant**: Individual alleged to have been subjected to conduct that may constitute discrimination or harassment.
  - Can be any person impacted including a visitor
  - Can be the University

- **Respondent**: Entity who has been reported to be the perpetrator of conduct that could constitute discrimination or harassment.
  - Individual (Student, Faculty, or Staff)
  - Student Organization
  - Institutional Unit

KNOWLEDGE CHECK

**Mock Hearing Scenario**

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  ➔ **CARTER ROBINSON**
Who’s Who?

• **Support Person**: Individual selected by a Party to provide support and guidance throughout the Title IX or Equity Process.

• **Advisor**: Individual who will conduct cross-examination and other question on behalf of a Party at a Title IX hearing.

• **Hearing Officer**: Individual who will preside over and rule on objections and the relevancy of questions and evidence during a Title IX hearing.

• **Hearing Panel Chair**: Individual who will preside over an Equity hearing.

• **Equity Resolution Appellate Officer**: Individual appointed to review a prior decision of a decision-maker(s).

Investigation Process

1. Report is made
2. Intake completed by Equity & Title IX office
3. Filing of (Formal) Complaint
4. Notice of Allegations provided to known Parties & Investigation plan developed
5. Fact Gathering
   - Parties interviewed
   - Witnesses interviewed
   - Evidence collected
   - Dismissal / Summary Determination
   - Case Resolution/Adjudication

KNOWLEDGE CHECK

**Mock Hearing Scenario**

**ULS of the Case**

On February 7, 2023, Complaintant Taylor submitted a report to the Office of Institutional Equity (OIE), describing alleged behavior toward her in violation of University policy. Taylor informed OIE of her rights and options. On February 8, OIE approved a formal Investigation into the allegations.

On February 9, Taylor submitted a formal Complaint to OIE. On February 12, OIE met with Taylor and Robinson to discuss their allegations in greater detail, along with the steps of the Investigation process.

On February 13, OIE met with羽毛 and Robinson to discuss the Title IX Resolution Process and to obtain his written statement in response to the allegations.

In March, OIE reviewed all evidence, including statements of the parties and all information gathered during the Investigation. All evidence is contained in this Investigation Report.
KNOWLEDGE CHECK

Mock Hearing Scenario

History of the Case

On February 7, 2013, Complainant (Sales Taylor) submitted a report to the Office of Institutional Equity (OIE), describing alleged behavior toward her on February 5 by Respondent (Lerron Robinson), that may constitute Sexual Assault (kneeling) in violation of University policy. Shortly after meeting with Sales Taylor on February 7, OIE proceeded to conduct an initial interview and investigation.

On February 9, Taylor submitted a formal Complaint to OIE. Shortly after meeting with her again on February 13 to discuss the allegations in greater detail, as well as the steps of the investigation process.

On February 15, I met with Respondent (Lerron Robinson) and initiated this investigation.

On February 16, I met with Robinson to discuss the Title IX Resolution Process and to obtain his statement in response to the allegations.

In March 1, I interviewed witnesses and obtained relevant documentary evidence. Summaries of my interviews and all information gathered during the investigation are contained in this investigative report.
KNOWLEDGE CHECK

MOCK HEARING SCENARIO

HISTORY OF THE CASE
On February 7, 2019, Complainant submitted a report to the Office of Institutional Equity (OIE), describing alleged behavior misconduct on February 7 of Defendant Carter Robinson, that may constitute sexual assault (barring) in violation of University policy. Defendant met with Complainant on February 9 to discuss her rights and options. At that meeting, she expressed an interest in proceeding with a formal complaint and investigation.

On February 12, formal complaint was received by OIE. The Dean of Students and OIE worked together to schedule a meeting with the complainant and defendant on February 21.

On February 21, the Dean of Students and OIE met with the complainant and defendant to discuss the allegations. The Dean of Students and OIE also informed the complainant that she has the right to be represented by an advisor of her choice.

On February 22, the Dean of Students sent a letter to the defendant, notifying her of the formal complaint and investigation.

In March, the Dean of Students interviewed witnesses and obtained relevant documentary evidence. Summaries of witness interviews and all information gathered during the investigation are contained in this investigative report.