Sexual Harassment/Misconduct

What you need to know about Title IX and Title VII

It’s about respect!
Laws, System Policies, and Procedures

- Title VII of the Civil Rights Act of 1964 & Title IX of the Education Amendments 1972
- TAMUS - Civil Rights Compliance 08.01
- TAMUCC – Policies/Procedures
**Title VII & Title IX: What are they?**

**Title VII:** prohibits discrimination in employment on the basis of race, color, religion, sex (including pregnancy), national origin, age (40 or older), disability or genetic information.

While Title VII does not explicitly include sexual orientation or gender identity in its list of protected bases, the EEOC, consistent with case law from the Supreme Court and other courts, interprets the statute's sex discrimination provision as prohibiting discrimination against employees on the basis of sexual orientation and gender identity.
Title VII & Title IX: What are they?

**Title IX**: forbids sex discrimination in all university student services and academic programs.

* forbids discrimination because of sex in employment and recruitment consideration or selection.

* Provides that no person shall be excluded from participation in, denied benefits of, or be subjected to discrimination under any education program/activity receiving Federal financial assistance.

* continued
“Harassment creates a hostile environment when the conduct is sufficiently severe, pervasive, or persistent so as to interfere with or limit a student’s ability to participate in or benefit from the services, activities, or opportunities offered by a school. When such harassment is based on race, color, national origin, sex, or disability, it violates the civil rights laws that OCR enforces.”

– “Schools are responsible for addressing harassment incidents that it knows or reasonably should have known.”

– “A school has notice of harassment if a reasonable employee knew, or in the exercise of reasonable care should have known, about the harassment.”
SaVE ACT
Campus Sexual Violence Elimination Act

Requires incidents of domestic violence, dating violence, sexual assault, and stalking be disclosed in annual campus crime statistic reports.

Students or employees reporting victimization will be provided with their written rights to:

+ Be assisted by campus authorities if reporting a crime to law enforcement;
+ Change academic, living, transportation, or working situations to avoid a hostile environment;
+ Obtain or enforce a no contact directive or restraining order;
+ Have a clear description of TAMUCC’s disciplinary process and know the range of possible sanctions; and
+ Receive contact information about existing counseling, health, mental health, victim advocacy, legal assistance, and other services available both on-campus and in the community.
Title IX and Sexual Misconduct

+ Sexual violence is a form of sexual harassment

+ A single incident may constitute harassment

+ TAMUCC violates Title IX if it:
  - “has notice” of a sexually hostile environment; and,
  - fails to take immediate and corrective action
What is Covered By Title IX?

+ Protects students and employees (staff/faculty/student workers) in connection with all the academic, educational, extracurricular, athletic and other programs that occur:
  - On-campus
  - Off-campus activities that are school-related (TAMUCC bus/vehicle, class at another location, field trip)
  - On campus retaliation following an off-campus, non-school event

+ Protects students/employees from sexual harassment by a school employee, student or third party.
Who Can File a Title IX Complaint?

- A student or university employee (staff, faculty, student worker)
- The student’s parent or guardian
- A third party
- Anyone
When Must TAMUCC Respond?

- If TAMUCC knows or reasonably should know about student or employee harassment that creates a hostile environment,
- TAMUCC must:
  - Eliminate the harassment
  - Prevent its recurrence
  - Address its effects
- Response must be prompt and equitable
Sexual Misconduct

- Sexual misconduct is defined as *any* physical act of a sexual nature perpetrated against an individual without consent or when an individual is unable to freely give consent.

- Sexual misconduct also includes sexual exploitation (defined as taking non-consensual, unjust sexual advantage of another for one’s benefit or the benefit of another party), gender-based relationship violence, and gender-based stalking.

- These acts may or may not be accompanied by the use of coercion, intimidation, or through advantage gained by the use of alcohol or other drugs.
Examples of Sexual Misconduct

● An instructor asks a student to meet after class. During this meeting the instructor touches the student on the buttocks area.

● One student worker approaches another and begins rubbing their neck.

● A student repeatedly texts or sexting videos of sexual activity to another student.

● A male plays around tossing coins/popcorn/candy down a female’s blouse or cleavage.
Sexual harassment and sexual violence are forms of sex discrimination and are violations of Title IX.

Types of Harassment under Title IX:

- **Quid Pro Quo** – Sexual conduct in exchange “this for that”; submission/rejection affects decision impacting individual’s education/participation in school related activity.

- **Hostile Environment** – Sexual advances, requests for favors, & other severe & pervasive conduct altering someone’s education/work environment.

- **Retaliatory Harassment** – Unfavorable treatment toward someone who opposed conduct believed to be a potential violation; or who participated in a complaint/investigation.
Examples of Sexual Harassment

- Each day as a student employee arrives to work, the office supervisor makes an unwelcome comment about the fit of the student’s clothing and the way their body looks.
- Professor probes into student’s past sexual behaviors even though it is not directly related to any class topic. The instructor continues to demand answers from the student, even when they are visually uncomfortable and unwilling to respond.
- One student continually hugs another group member in such a way that their two bodies are touching and the hug lingers longer that what is normally socially acceptable and makes the student feel uncomfortable.
- One student sends multiple unwelcome texts each day to their ex-partner’s current significant other explicitly describing alleged current sexual activity between the two.
Types of Misconduct Offenses

- Non-Consensual Sexual Contact, however slight, without consent or by force
- Hazing
- Bullying
- Violence between those in an intimate relationship to each other (including Dating Violence)
- Sexual Bullying
- Cyber bullying
- Stalking
Examples of Physical Harassment

- Massaging a person’s neck, shoulders
- Touching the person’s clothing, hair
- Hugging, kissing, patting or stroking
- Brushing up against a person
- Patting, goosing, or fondling
- Making gestures
- Exposing oneself
Examples of Verbal Harassment

- Calling a person baby, hunk, girl, honey, etc.
- Whistling at someone
- Turning work discussions into sexual topics
- Making kissing sounds, howling, etc.
- Sending sexual or sex-based text, e-mail, tweet or other electronic posts or messages
- Being sent unwelcome sexual comments, jokes, or pictures or having someone post them about or of you
- Having someone spread unwelcome sexual rumors or lies about you
- Name-calling based on sex/gender; Being called gay or lesbian in a negative way
Examples of Non-Verbal Harassment

- Looking a person up and down (elevator eyes)
- Staring at someone or a part of their body
- Blocking a person's path
- Following a person
- Displaying sexually suggestive visuals, artifacts
- Displaying sexual/derogative comments about men/women on t-shirts, mugs, etc.
Title IX Reporting

Faculty and staff who receive complaints, or aware of, sexual harassment or sexual violence are obligated to report complaints to their department head or the Title IX Coordinator as follows:

- If the accused individual is a student, the complaint must be reported to either Mr. Samuel Ramirez, Title IX Coordinator or Ms. Rosie Ruiz, Title IX Deputy Coordinator, 361–825–5826, complaint.resolution@tamucc.edu
- University Police Department at 825–4444
- Corpus Christi Police Department at 886–2600

The ultimate purpose is to prevent sexual harassment and/or sexual misconduct on campus, promptly address reported issues, and limit the effects of harassment on the educational environment.
Your, Mine, Our Responsibilities:

- Monitor your personal behaviors.
- Treat all complaints seriously.
- Report incidents of sexual misconduct or sexual harassment.
- Keep yourself informed of the University’s Policy’s and Rules, & Procedures.
- [Link](http://academicaffairs.tamucc.edu/Rules_Procedures)
Where Can I Report An Incident as a student:

- Professor or other University Employee
- Office of Employee Development and Compliance Services (361) 825-5826
- Office of Judicial Affairs (361) 825-5826
- Student Engagement and Success (361) 825-5826
- University Police Department (UPD) (361) 825-4444
- University Counseling Center (a resource and confidential) (361) 825-2703
- University Health Center (a resource and confidential) (361) 825-2601
- Local Corpus Christi Police Department (361) 886-2600
Online Reporting Options:

Complaint Resolution
http://www.tamucc.edu/marcom/complaints/

Incident Reporting Form
https://publicdocsdocs.maxient.com/incidentreport.php?TexasAMUnivCC
Resources

+ Juducal Affairs
+ Title IX Coordinator - Employee Development & Compliance Services
+ University Police Department Crime Victims
+ Clery Report and Clery Timily Warning
+ Counseling Center
+ Health Center
+ Student Engagement & Success (SES)
+ ICARE
+ Islander Pledge
+ Islander's Step Up
+ In case of an emergency - Dial 9-1-1
Thank you for attending today’s Awareness Training

For more information or assistance, please contact:

EDCS Office
CCH#130
(361) 825-5826