



**WESTCLIFF**  
**UNIVERSITY**  
*Educate. Inspire. Empower.*

# Title IX

Sexual Harassment, Violence and Discrimination  
Prevention for Students

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# What is

T I T L E I X





# Disclaimer

Please be advised that this presentation includes content regarding discrimination, sexual harassment, and sexual violence.

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# 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.*

[WU Title IX Website](#)



# Title IX

- Prohibits **sex-based discrimination** in colleges that receive any kind of **federal funding**, including Westcliff University
- **Forms of sex discrimination**
  - Sexual harassment
  - Sexual violence
- Includes **harassment** based on **gender stereotyping**.
- It also extends to **employees** of the school.
- Includes **online and phone-based behavior** (i.e. sexually suggestive text messages, online messaging, etc.)



Westcliff University (the “University”) does not discriminate in its employment practices or in its educational programs or activities on the basis of sex.

Westcliff University also prohibits retaliation against any person opposing discrimination or participating in any discrimination investigation or complaint process internally or externally.



# Why is Title IX important to know?





# Importance of Understanding Title IX

- Discrimination on the basis of gender, including sexual harassment and sexual violence is prohibited.
- We want to ensure that you know :
  - ✓ The policy
  - ✓ How it is enforced
  - ✓ How to report violations.



# What is Sexual Harassment?





# Sexual Harassment

Conduct that includes one or more of the following:

1. Quid Pro Quo
2. Hostile Environment
3. Sexual Violence



# 1. Quid Pro Quo

'This' for 'That'

- An employee of the school conditioning the provision of an aid, benefit, or service of the school on an individual's participation in unwelcome sexual conduct.



## 2. 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 recipient's education program or activity.



# 3. Sexual Violence

- Sexual Assault
- Dating Violence
- Domestic Violence
- Stalking



# Sexual Assault

*An offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation [20 U.S.C. 1092(f)(6)(A)(v)].*

- Without consent - Ignoring the objections - “No” means “No”
- Physical force, violence, threat, or intimidation
- Causing the other person’s intoxication/incapacitation or taking advantage of the other person’s incapacitation
- Forced sexual intercourse, sodomy, molestation, incest, fondling, and attempted rape
- Sexual acts against people who are unable to consent either due to age or lack of capacity



# Dating Violence

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:
  - the length of the relationship;
  - the type of relationship; and,
  - the frequency of interaction between the persons involved in the relationship

[34 U.S.C. 12291(a)(10)]



# What is Intimate Partner Violence?

An intimate partner is a person with whom one has a close personal relationship that can be characterized by any of the following:

- a. Emotional connectedness
- b. Regular contact
- c. Ongoing physical contact and/or sexual behavior
- d. Identity as a couple
- e. Familiarity and knowledge about each other's lives

Intimate Partner Violence includes any of the following actions by a current or former intimate partner:

- a. Physical violence
- b. Sexual violence
- c. Stalking
- d. Psychological aggression (including coercive acts)

# Dating Violence Summary

- Violence and abuse **committed** by a person to **exert power and control** over a current or former dating partner
- Often involves a **pattern of escalating violence** and **abuse** over a period of time
- Covers a variety of actions and can include **physical abuse, physiological and emotional abuse, and sexual abuse**
- Also include “**digital abuse**”, the use of technology, such as smartphones, the internet, or social media, to intimate, harass, threaten, or isolate a victim

Dating violence includes, but is not limited to, **sexual or physical abuse** or the **threat** of such abuse.

Dating violence does not include acts covered under the definition of domestic violence.





# Domestic Violence

- by a **current or former spouse** or **intimate partner** of the victim,
- by 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 the jurisdiction receiving grant monies, 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 the jurisdiction

Includes felony or misdemeanor crimes of violence committed

[34 U.S.C. 12291(a)(8)]



# Stalking

Engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

- A. Fear for his or her safety or the safety of others; or
- B. Suffer substantial emotional distress

[34 U.S.C. 12291(a)(30)]



# Sexual Violence and Clery/VAWA

- Violence Against Women Reauthorization Act of 2013 (“VAWA”) requires inclusion of state definitions for Sexual Assault, Dating Violence, Domestic Violence, Stalking and Consent are **contained in the Annual Safety and Security Report (“ASR”)**
- Clery (Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act) Crime Statistics are **reported based on federal definitions**



# Sexual Harassment Myths

- Only women can be sexually harassed
- There is no such thing as same sex harassment
- A person has to be the direct object of the harassment to be a victim
- Teachers can't be harassed by students
- The harasser must have a sexual interest in the victim
- It's just a text, that doesn't count

# Title IX Applies to Students and Employees

- Title IX applies to students and employees of the school.
- It protects both men and women; it applies regardless of sexual orientation.
- Sexual harassment between people of the same gender is prohibited, just as harassment between individuals of opposite gender is prohibited.



# On & Off Campus Conduct

- Title IX prohibits sexual harassment both on and off campus.
- Title IX applies to school activities that occur off campus.
- Title IX may also apply anytime a hostile environment is present at school.





# Third Party Harassment

Students/staff are protected from harassment by persons who are neither students nor employees of the school, if such conduct occurs at the school or at a school related activity.



# Reporting & Investigation of Complaints



# Reporting Sexual Misconduct

Please report Sexual Misconduct to the Title IX Coordinator and/or Title IX Deputy Coordinator immediately at:

**Title IX Coordinator:**

April Vuong, Ed.D.

Email: [titleixcoordinator@westcliff.edu](mailto:titleixcoordinator@westcliff.edu)

Phone: (949) 825-5999

**Title IX Deputy Coordinator:**

Josh Schoonover, M.Ed.

Email: [titleixdeputy@westcliff.edu](mailto:titleixdeputy@westcliff.edu)

Phone: (949) 825-5999



# Complainant

An individual who is alleged to be the victim of conduct that could constitute Sexual Harassment, *regardless* of whether a Formal Complaint has been filed. A Complainant must be the alleged victim unless a parent or legal guardian has a legal right to act on the alleged victim's behalf.

*Please note that any person may report sex discrimination, including sexual harassment to the Title IX Coordinator. The person reporting does not have to be the victim of conduct that could constitute sex discrimination or sexual harassment.*

# Respondent

An individual who has been reported to be the perpetrator of conduct that could constitute Sexual Harassment.



# Standard of Evidence

For all Formal Complaints of Sexual Harassment, the University utilizes the preponderance of evidence standard, which means “more likely than not.”



# Title IX Complaint Process Overview





# 1. Formal Complaint

- A formal complaint must be filed to the Title IX Coordinator
- Must be alleged victim unless parent or legal guardian has a legal right to act on behalf

# 2. Optional Informal Resolution (IR) Process

- Discretionary—can be used so long as both parties give voluntary, informed, written consent to attempt informal resolution
- Parties can withdraw



# Interim Actions

Interim measures are individualized services offered, as appropriate, to either or both the reporting and responding parties involved in an alleged incident of Sexual Misconduct (i.e., counseling, campus escort, class adjustments, etc.)

## ***Retaliation is Prohibited***

Retaliation against an individual for raising an allegation or for cooperating in an investigation of Sexual Misconduct is *prohibited*.

If you believe you have been retaliated against, you should promptly notify the Title IX Coordinator.

### 3. Investigation

- The investigator will conduct interviews and gather evidence
- Both parties will receive equal opportunity to provide information, witness statements, evidence, and other relevant information.

### 4. Live Hearing

- If a formal complaint cannot be resolved through informal resolution, the University will conduct a Live Hearing
- Opportunity for parties' advisors to examine and cross-examine witnesses, including challenging the credibility of witnesses





## 5. Decisions and Remedial Measures

- Decisions, disciplinary actions and/remedial measures will be made based on an impartial review of the evidence
- Disciplinary action for student-related claims may include, but are not limited to, additional training, a restriction on contact, warning, suspension, or termination

## 6. Appeals

- Appeal policy applies to both parties
- The bases for an appeal must include:
  - Procedural irregularity affected the outcome of the matter
  - Newly discovered evidence that could affect the outcome of the matter

# Recap: Title IX Complaint Process





# Prevention & Outreach



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# Prevention

## Attitude Awareness

- 'Don't take no for an answer' vs. *'No really means No'*
- Avoid promoting a culture of violence

## Bystander intervention

- Direct and indirect
- Intervene against attitudes that degrade others

## Risk reduction

- Be responsible for your safety
- Use buddy system in unmonitored areas (Westcliff security also does random sweeps)

## Understanding consent



# Consent- “Yes” Means “Yes”

California law goes above ‘no means no’

- Affirmative consent standard
- Age of consent in CA is 18
  - No ‘Romeo & Juliet’ provision

**Affirmative, Conscious, & Voluntary**

Consent is not a one-time thing

- Continuous, may be revoked

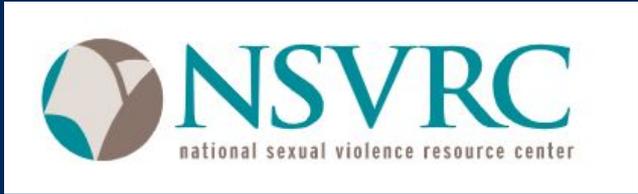
**YES MEANS YES**

# Prevention Resources



**RAINN** Sexual Violence Safety & Prevention Get Involved Public Policy Media & Resources Consulting & Training

<https://www.rainn.org/>



<https://www.nsvrc.org/>



<https://www.cdc.gov/injury/features/sexual-violence/>



# Off-campus Resources & Community Engagement

- Westcliff University is committed to promoting a safe, welcoming environment for all students and staff
- Resources are available on the Title IX Webpage, Student Resource Booklet, and Mental Health Resource Handout.

## Local and National Resources & Hotlines

- Sexual Assault - Waymakers (Orange County) - (714) 957-2737 or (949) 831-9110
- Domestic Violence - Laura's House - (866-498-1511)
- RAINN - (800) 656-HOPE (4673)
- National Domestic Violence Hotline - (800) 799-7233
- Crisis Text Line - Text HOME to 741741 from anywhere in the U.S.



# Title IX Contact Information

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Email: [titleixcoordinator@westcliff.edu](mailto:titleixcoordinator@westcliff.edu)

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# Sources

Anderson, G. (2020). U.S. publishes new regulations on campus sexual assault. Retrieved from <https://www.insidehighered.com/news/2020/05/07/education-department-releases-final-title-ix-regulations>

Cramp, E. & High, J. (2020, Sep.) Implementing the new Title IX training. Virtual training hosted by Duane Morris LLP.

U.S. Department of Education (n.d.) Sex discrimination. Retrieved from <https://www2.ed.gov/policy/rights/guid/ocr/sex.html>



# Sexual harassment, which includes conduct involving one or more of the following:

- A. Quid Pro Quo
- B. Hostile Environment
- C. Sexual Violence
- D. All of the above



# If you have a Title IX complaint, who should you report to?

- A. My coach
- B. My professor
- C. My student advisor
- D. Title IX Coordinator/ Deputy Coordinator
- E. All of the above



# Which of the following constitutes consent for a sexual encounter?

- A. The absence of a 'no'
- B. An affirmative, conscious, and voluntary agreement
- C. The other person seems to be having fun
- D. Consent from a previous encounter that carries over



## True or False?

*The harasser must have a sexual interest in the victim*

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## True or False?

*Situations between WU students and/or staff that occur off-campus can be investigated under Title IX complaint.*



**Questions?**

