

# Title IX & Sexual Harassment Training Module

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Valparaiso University

August 2024

VALPARAISO UNIVERSITY

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### Title IX Coordinator- Claims of Sexual Harassment and Sexual Misconduct

The Title IX Coordinator is appointed by the President and is responsible for monitoring, advising, and overseeing all complaints involving discrimination, harassment, and sexual misconduct such as sexual harassment, sexual violence, dating violence, domestic violence, and stalking, as well as identifying and addressing any patterns or systemic problems that arise during the review or administration of any aforementioned complaints. The Title IX Coordinator is also responsible for assessing the campus climate, coordinating any remedial or interim measures, and providing

# Title IX Website

[www.valpo.edu/titleix](http://www.valpo.edu/titleix)

# Title IX Contact Information

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Tressa Jones, Title IX Coordinator & Assistant Director, OMP

Email: [title9@valpo.edu](mailto:title9@valpo.edu)

Phone: 219.464.6370

# Emergencies

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- University Police Department -219.464.5430
- Porter Hospital emergency room
- Prevention and Wellness at 219.464.6833
- Counseling Center at 219.464.5002
- For more information look at our [Harassment, and Sexual Misconduct Policy](#) (PDF) or contact a [Discrimination Complaint Adviser](#) (PDF).

# Confidential Support Resources

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- Contact the Prevention and Wellness Office at 219.464.6833. The advocate provides confidential support services to victims of sexual misconduct such as sexual harassment, sexual violence, dating violence, domestic violence, and stalking. Other confidential support services include:
- Counseling Center (students) – 219.465.5002 or [counseling.center@valpo.edu](mailto:counseling.center@valpo.edu)
- University Pastors (students and staff) – 219.464.5093
- Student Health Center (students) – 219.464.5060
- National Sexual Assault Hotline – 800.656.HOPE

# Non-Confidential Resources

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- Title IX Coordinator
- Valparaiso University Police
- Office of Residential Life
- Office of Student Life
- Faculty
- Instructors
- Resident Assistants
- Administrative Staff

If you report an incident of discrimination, harassment, or misconduct to a non-confidential party, the non-confidential party will protect your privacy by limiting the people with whom he or she shares what you tell them. However, non-confidential resources cannot guarantee **complete confidentiality**, as they **must promptly** notify the University's Title IX Coordinator about the basic facts of discrimination, harassment, or sexual misconduct incidents. University employees may notify the Title IX Coordinator of such incidents by completing the [Title IX Formal Complaint Form](#).

# What is consent?

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- **Freely Given:** Saying yes without pressure, force, or man.
- **Reversible:** Anyone being able to change their mind at ANY point, even if they have already said yes or done it before.
- **Informed:** Not deceiving, lying or with to get a yes. True consent happens when you know everything you are consenting to.
- **Enthusiastic:** Wanting to do something and not feeling like you have to or should. You should only do things you WANT to do, not things you feels expected to do.
- **Specific:** Saying yes to one thing doesn't mean yes to other things.

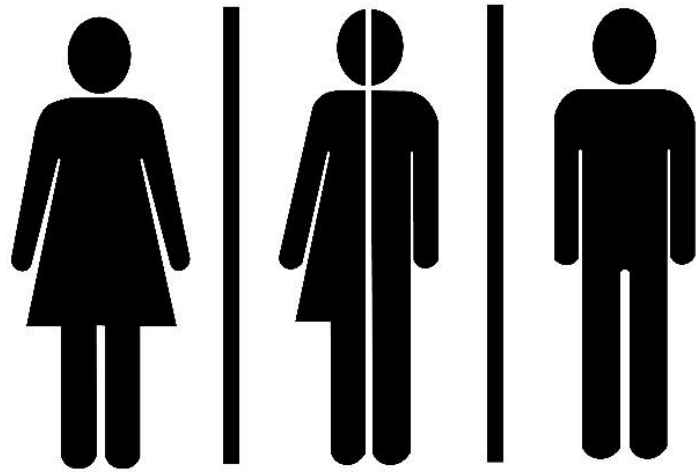
# Title IX & Sexual Harassment

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# What is Title IX?

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“[N]o 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.”

32 C.F.R. § 106.31

# Harassment and Sexual Misconduct Policy

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- Valparaiso prohibits sexual harassment that occurs within its education programs and activities consistent with the U.S. Department of Education's implementing regulations for Title IX of the Education Amendments of 1972, 34 C.F.R. § 106 et seq.
- The University will provide persons who have experienced sexual harassment ongoing remedies as reasonably necessary to restore or preserve access to the University's education programs and activities.
- The University does not condone and will not tolerate sexual harassment and is committed to providing programs, activities, and an educational environment free from sexual harassment.
- The University will promptly and thoroughly investigate all reports of sexual harassment in accordance with the procedures specified in this policy.

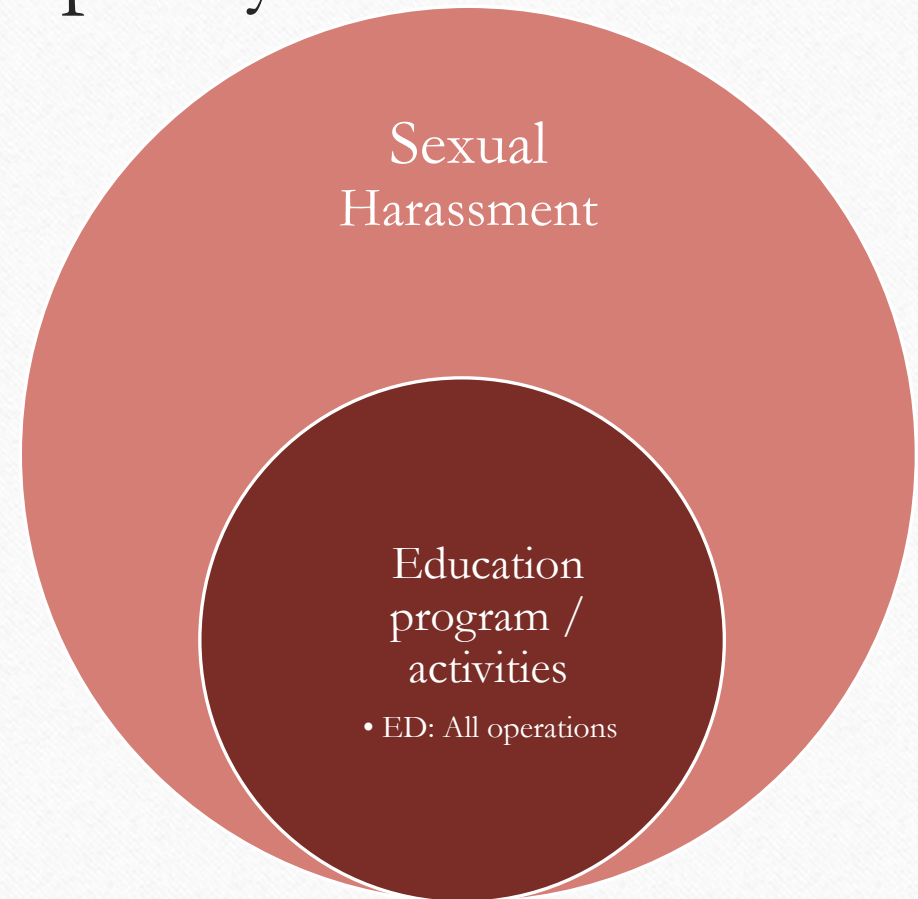
# Sexual Misconduct Prohibited Under Valpo Policies

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- **Dating/Domestic Violence:** violence within dating/former dating relationships
- **Sexual Assault:** unwanted touching of private areas
- **Sexual Harassment:** unwanted gender-based comments/behavior
- **Sexual Violence:** violent behavior that is sexually motivated
- **Stalking:** continual unwanted contact

# What sexual harassment does Title IX apply to and fall under the sexual harassment policy?

- Applies to sexual harassment in the “education program or activity” of the University and that is committed by a member of the University Community in the United States
  - Title IX defines “education program or activity” to include the “operations” of educational institutions
- Title IX does not apply to private conduct occurring in private location that is not part of education program/activity



# What are examples of education programs and activities?

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Admissions

Hiring

Workplace

Academic instruction

Residence life

Amenities on campus

Sports teams

Work-study

Games, concerts,  
and speeches  
on-campus

Off-campus trips or  
experiences  
organized by the  
institution

Sponsored  
organization  
activities

Anything else  
that happens  
on-campus

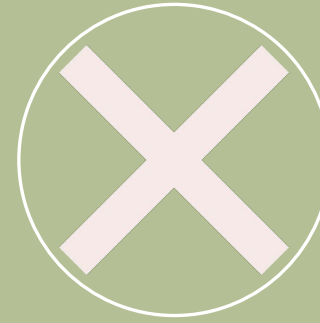
# Does Title IX apply to off-campus sexual harassment?



Yes, if the conduct at issue occurs in the context of an education program or activity



Yes, if the conduct at issue occurs in a house owned or controlled by a student organization



No, if it occurs in a private location and is not part of an institution's education program or activity

# Does Valparaiso have other policies that might apply?

- YES!
- Sexual harassment that does not fall under the scope of the Harassment and Sexual Misconduct Policy may be prohibited by and investigated in accordance with:
  - Student Handbook if committed by a student,
  - Faculty Handbook if committed by a faculty member, or
  - Staff Employee Handbook if committed by an employee

What is sexual harassment under the policy?

Conduct on the basis of sex that is:

Quid pro  
quo  
harassment

Hostile  
environment  
harassment

Sexual assault

Dating  
violence

Domestic  
violence

Stalking



# What is sexual assault?

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Title IX regulations define “sexual assault” as incorporating the following classes of conduct:

Rape

Sodomy

Sexual assault  
with an object

Fondling

Incest

# What is consent?

- Refers to words or affirmative actions that a reasonable person in the perspective of the Respondent would understand as agreement to engage in the sexual conduct at issue.
- A person who is incapacitated is not capable of giving consent
- Consent must be given voluntarily
  - It cannot be procured through physical violence, threats, blackmail, or other unreasonable pressure for sexual activity.
- Consent to some form of sexual activity cannot be automatically taken as consent to any other form of sexual activity. Previous relationships or prior consent do not imply consent to future sexual acts.
- In order to give effective consent, a person must be of legal age.

# What is incapacity?

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Incapacity refers to a state where a person does not appreciate the nature or fact of sexual activity due to the effect of drugs or alcohol consumption, medical condition or disability, or due to a state of unconsciousness or sleep.



# What is stalking?

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- Engaging in a course of conduct directed at a specific person that would cause a reasonable person to:
  - Fear for their safety or the safety of others; or
  - Suffer substantial emotional distress.



Does the  
Harassment  
and Sexual  
Misconduct  
Policy and  
Title IX  
prohibit  
retaliation?

- YES!
- Valparaiso's Harassment and Sexual Misconduct Policy and Title IX prohibit intimidation, threats, coercion, or discrimination against any individual for the purpose of interfering with any right or privilege secured by Title IX and its implementing regulations or because an individual has made a report or complaint, testified, assisted, participated in or refused to participate in any manner in an investigation, proceeding, or hearing under Valparaiso's policy.

# Reporting Options

## Reporting Options

### REPORT OR FILE A COMPLAINT WITH

- Title IX Coordinator
- Dean of Students
- Valparaiso University Police

File a criminal complaint with Valparaiso University Police.

File a University complaint with the Dean of Students.



*A criminal complaint and investigation does not relieve the University of its obligation to respond to an incident of sexual misconduct. You may choose to file a University complaint, a criminal complaint, both, or neither. If you choose to file a criminal complaint through the Valparaiso City Police, Valparaiso University Police will provide you with support throughout the process.*

What can  
you do to  
help?

## Here's how you can help: **BYSTANDER INTERVENTION**

**FIRST**, Notice the Event  
(*At what point could you notice?*)

**SECOND**, Interpret the Event as an  
Emergency Problem (*What are the red flags?*)

**THIRD**, Assume Personal Responsibility  
(*What could you do?*)

**FOURTH**, Have the Skills to Intervene S.E.E. —  
Make the intervention Safe, Early, and Effective.

**Safe Responding:** Decide a course of  
action that best ensures the safety of  
those involved.

**Early Intervention:** Intervene **BEFORE** it  
becomes a problem, crisis, or disaster.

**Effective Helping:** Develop specific direct  
or indirect helping skills for emergencies  
and non-emergencies.

**FIFTH**, Implement the Help — **STEP UP!**

# Institutional Response to Sexual Harassment

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# What are supportive measures?


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- Non-disciplinary, non-punitive supports and accommodations designed to preserve access to education programs and activities
- Reasonably available without fee or charge
- Without unreasonably burdening the other party



# Examples of supportive measures


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 Counseling


 Academic accommodations

 Housing accommodations

 Security escorts

 Leave of absence

 Increased security or monitoring

 Modified work schedules

 Mutual no-contact order where implicated by facts

# What is the grievance process?

Investigation to collect relevant inculpatory and exculpatory evidence



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graph TD; A[Investigation to collect relevant inculpatory and exculpatory evidence] --> B[Live hearing before a decision-maker who finds facts under an evidentiary standard and determines the existence (or not) of a policy violation and any resulting sanctions/remediation]; B --> C[Appeal];
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Live hearing before a decision-maker who finds facts under an evidentiary standard and determines the existence (or not) of a policy violation and any resulting sanctions/remediation

Appeal

# What general principles govern the grievance process?

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Equitable treatment of complainants and respondents

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No stereotypes based on a party's status as complainant or respondent

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Presumption respondent did not violate policy unless and until a determination is made after hearing

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Conflict and bias-free institutional participants



## How long does a grievance process take?

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- There is no firm deadline, and the length of the grievance process varies depending on a variety of factors

# Informal Resolution

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# What is informal resolution?

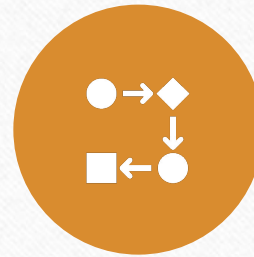
A voluntary process to resolve formal complaints of sexual harassment through a mechanism other than the default investigation and hearing.

# What are the key concepts of informal resolution?

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A Formal Complaint must first have been filed and written notice given to the parties



The parties must be apprised in writing of how the informal resolution process will work and the consequences of participating in it



The parties must voluntarily agree to participate in writing



The parties must be allowed to withdraw from informal resolution up until the point it is final



# How long can an informal resolution take?

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Informal resolution should be reasonably prompt

Typically has the effect of suspending any default investigation and hearing process

If informal resolution fails or appears futile, institution should promptly resume default investigation and hearing process

# 5 POINTS TO REMEMBER ABOUT CONSENT



1.  
Ask directly!  
Words are  
best!

2.  
Make space for a  
"No".  
A "Yes" given  
under pressure,  
threat, guilt, etc. is  
not a "Yes".

3.  
Listen! If it's  
not an  
enthusiastic yes,  
**stop!**



4.  
A "yes" yesterday  
does **not** mean a  
"yes" today!



5.  
A "Yes" can turn  
into a "No" at any  
point!

Thank you!