

Office of Civil Rights & Title IX

Alternate Annual Training:
Sexual Harassment and Mandatory
Reporter Training

Unit
Presenter
Date | Location





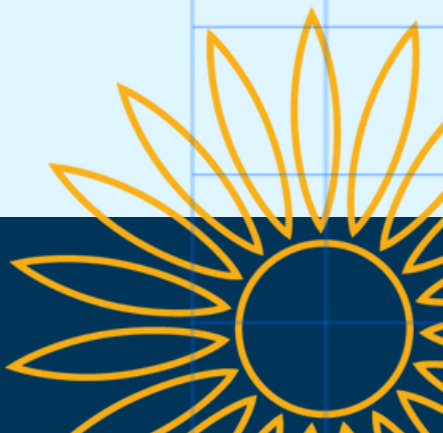
Content Warning

Some of the content of this presentation may be challenging and evoke strong emotions.

Most content involves definitions and conversations around harassment, discrimination, or sexual misconduct.

Much of the content is required to be included per federal law and KU policy.

Please feel free to take a minute if needed.





Agenda

01 Our Office★

02 Sexual Harassment★
Policies Prohibiting Various Conduct
Definitions
Evidence Preservation

03★Actions
Risk Reduction & Safety Tips
Bystander Intervention
Mandatory Reporters
Reporting Options

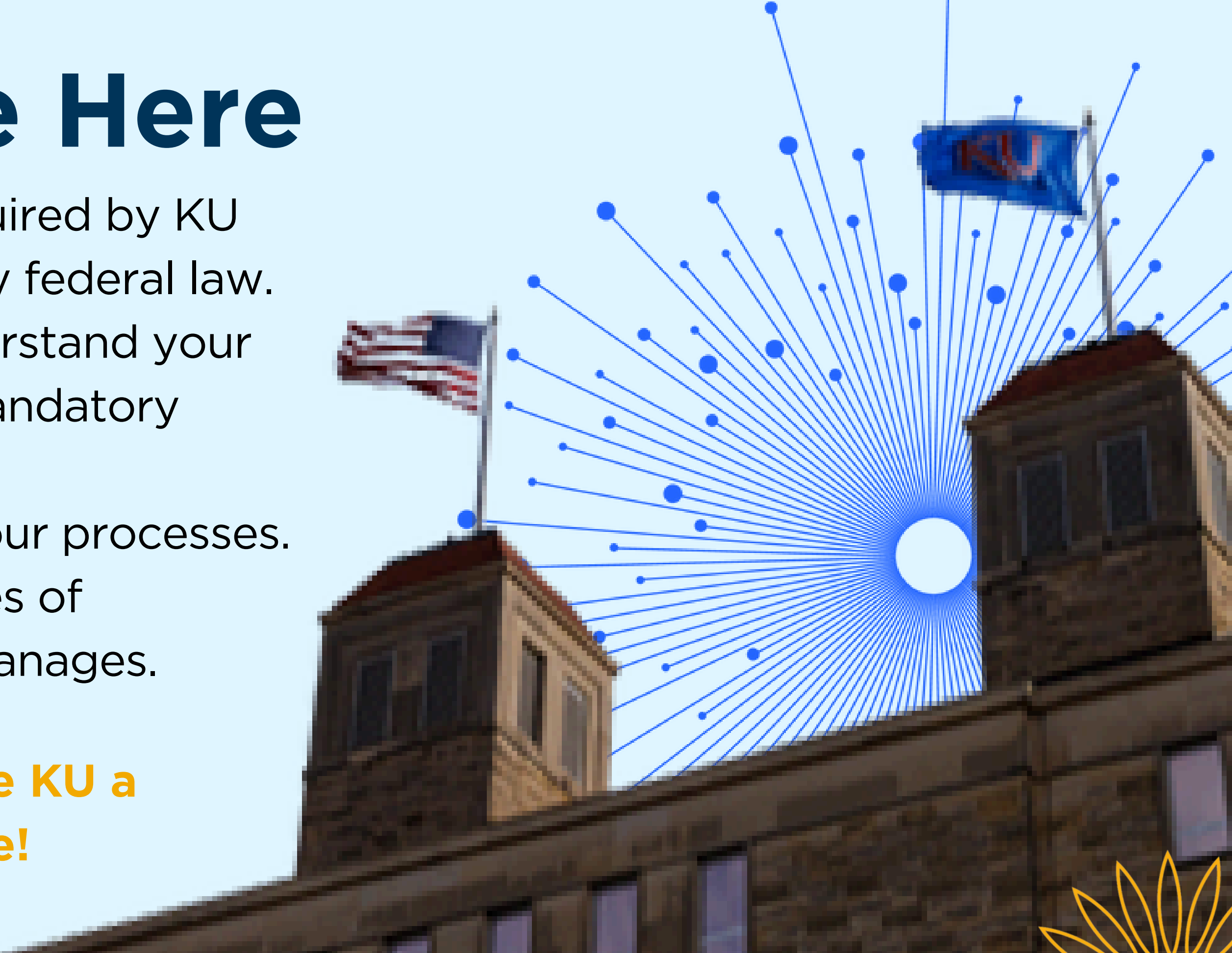
04 OCRTIX Processes★



Why We're Here

- ★ Annual Training is required by KU policy and informed by federal law.
- ★ Give you tools to understand your responsibilities as a mandatory reporter.
- ★ Help you understand our processes.
- ★ Give practical examples of situations our office manages.

Our intention is to make KU a safer place for everyone!





Sexual Harassment

Prevalence for students:
19.8% of all undergraduate students
1/5 Jayhawks
The entire student section of Allen Fieldhouse

Prevalence for employees:
Thirty eight percent of women and fourteen percent of men have reported experiencing sexual harassment at work (Kearl, Johns, & Raj, 2019).

SAPEC



National Study on Sexual Harassment and Assault

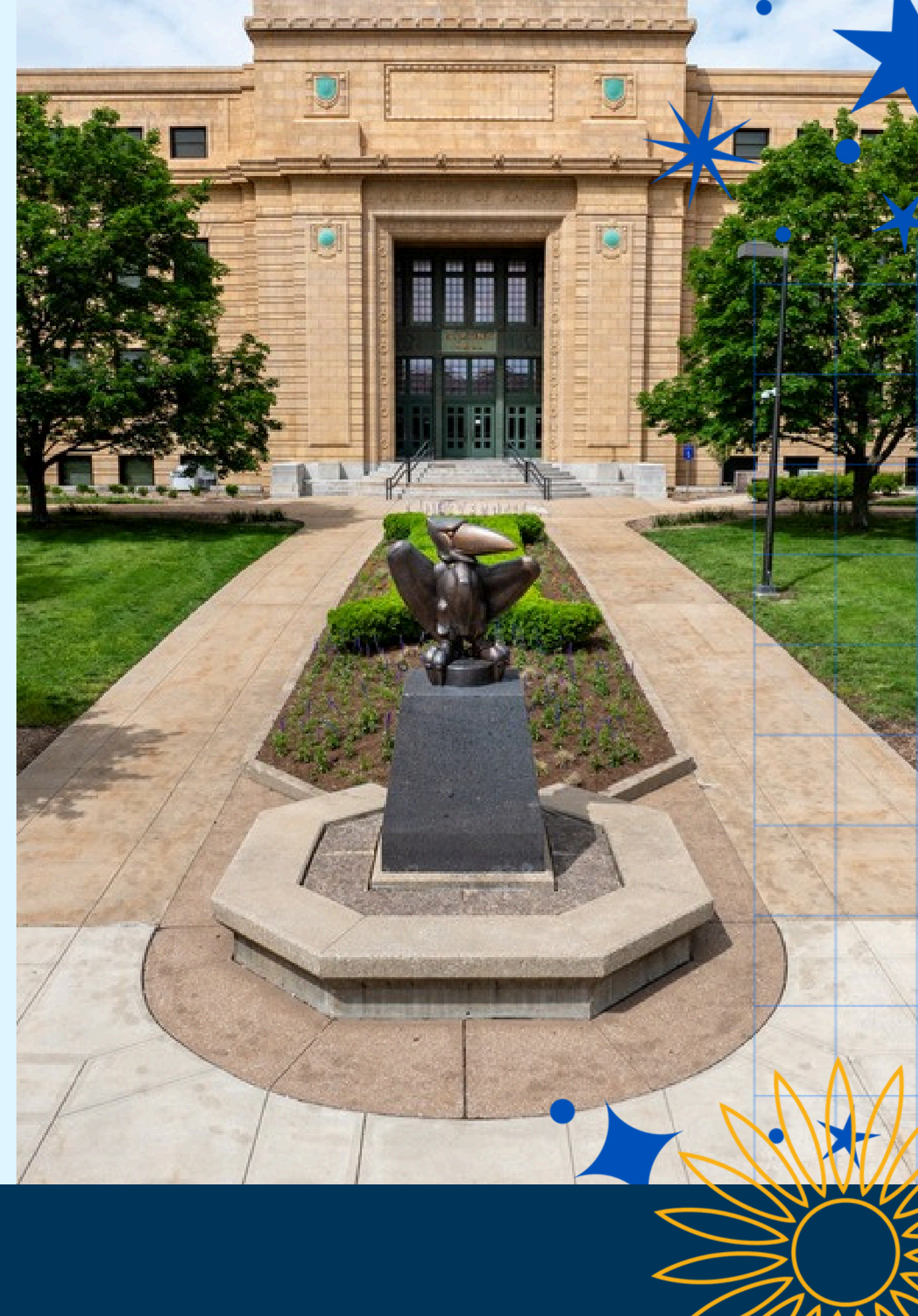


Policy

The University of Kansas prohibits sexual harassment and discrimination based on protected classes (identities). The university takes discrimination and sexual harassment seriously. Because of this, we have policies and processes in place to establish mandatory reporters, as well as in an attempt to stop, prevent, and remedy instances of discrimination and sexual harassment.

- ★ **Sexual Harassment Policy**
- ★ **Nondiscrimination, Harassment, and Equal Opportunity**

Prohibiting various conduct



★ Content Warning

We'll now be going over various definitions of sexual harassment and evidence preservation. We will not be reading the definitions in their entirety. Scan the QR code for more in-depth definitions and information from the KU Policy Library.



Definitions

Domestic Violence

Is felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner.

Dating Violence

Dating Violence is violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.

Quid Pro Quo

Is an employee of the university conditioning the provision of an aid, benefit, or service of the university on an individual's participation in unwelcome sexual contact.

Sexual Assault

- ★ Penetration or attempted penetration vaginally, anally, or orally without consent.
- ★ Touching of a private body part for the purpose of sexual gratification without consent.
- ★ Sexual contact between people who are related as prohibited by law.
- ★ Sexual contact with a person who is under the statutory age of consent.

Definitions

**Most frequent
reports**

Stalking

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.

Hostile Environment Sexual Harassment

Unwelcome conduct (including physical, visual, audible, and electronic conduct) determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person access to the University's education programs and activities.

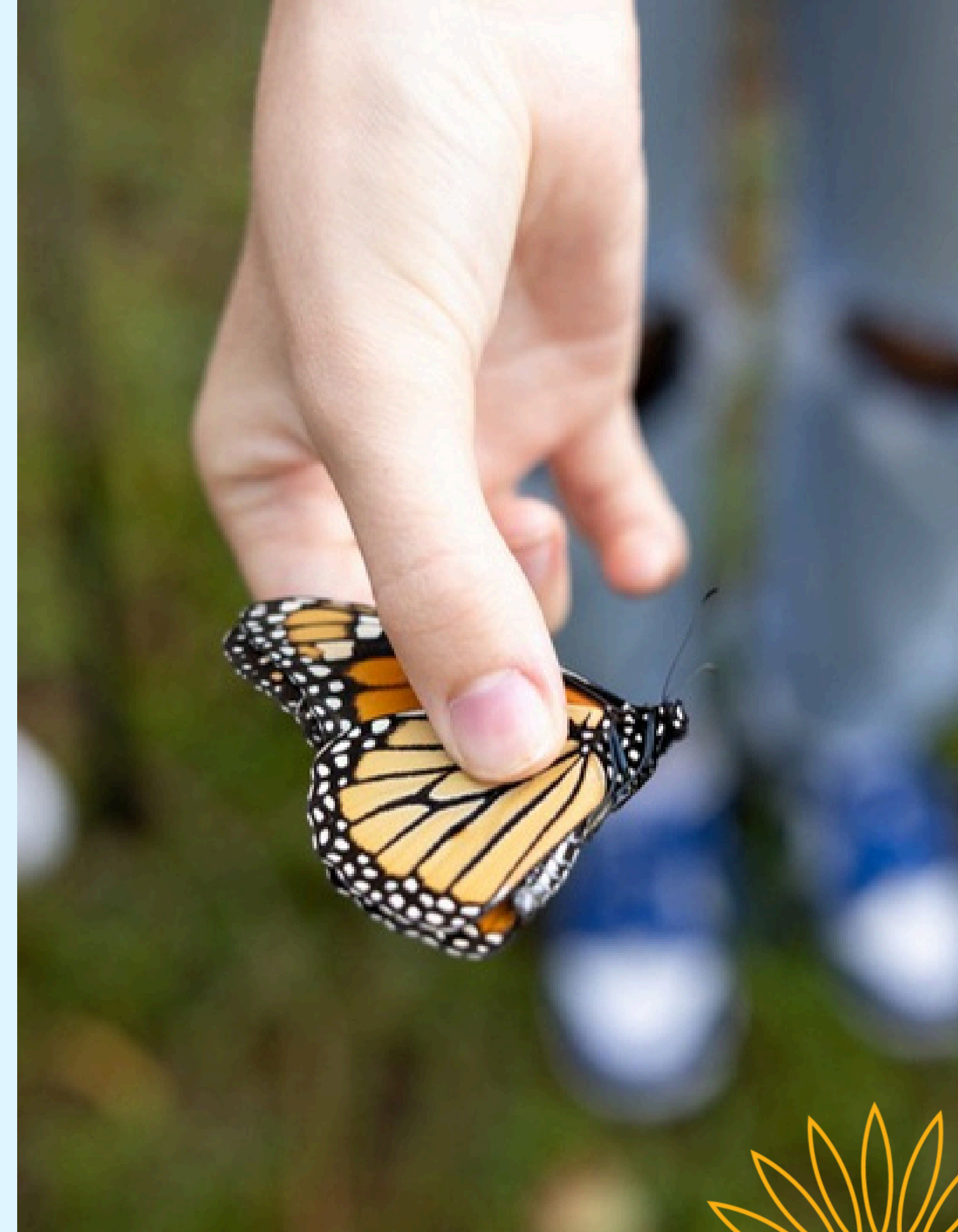
Evidence Preservation

Evidence preservation is an option to consider regardless of if someone decides to report their experience. Preserving evidence:

- ★ **Maintains future decision making options.**
- ★ **May assist with identifying the perpetrator.**
- ★ **May assist with holding perpetrator accountable.**

If someone decides they would like evidence preserved, some best practices to maintain the most evidence possible include:

- ★ Avoiding showering, laundering clothing/bedding, using the bathroom
- ★ Seeking a Sexual Assault Forensic Exam (SAFE) at a hospital within 120 hours (5 days) - Advocates are often on-call to accompany and provide support if desired.
- ★ Considering reporting to police.



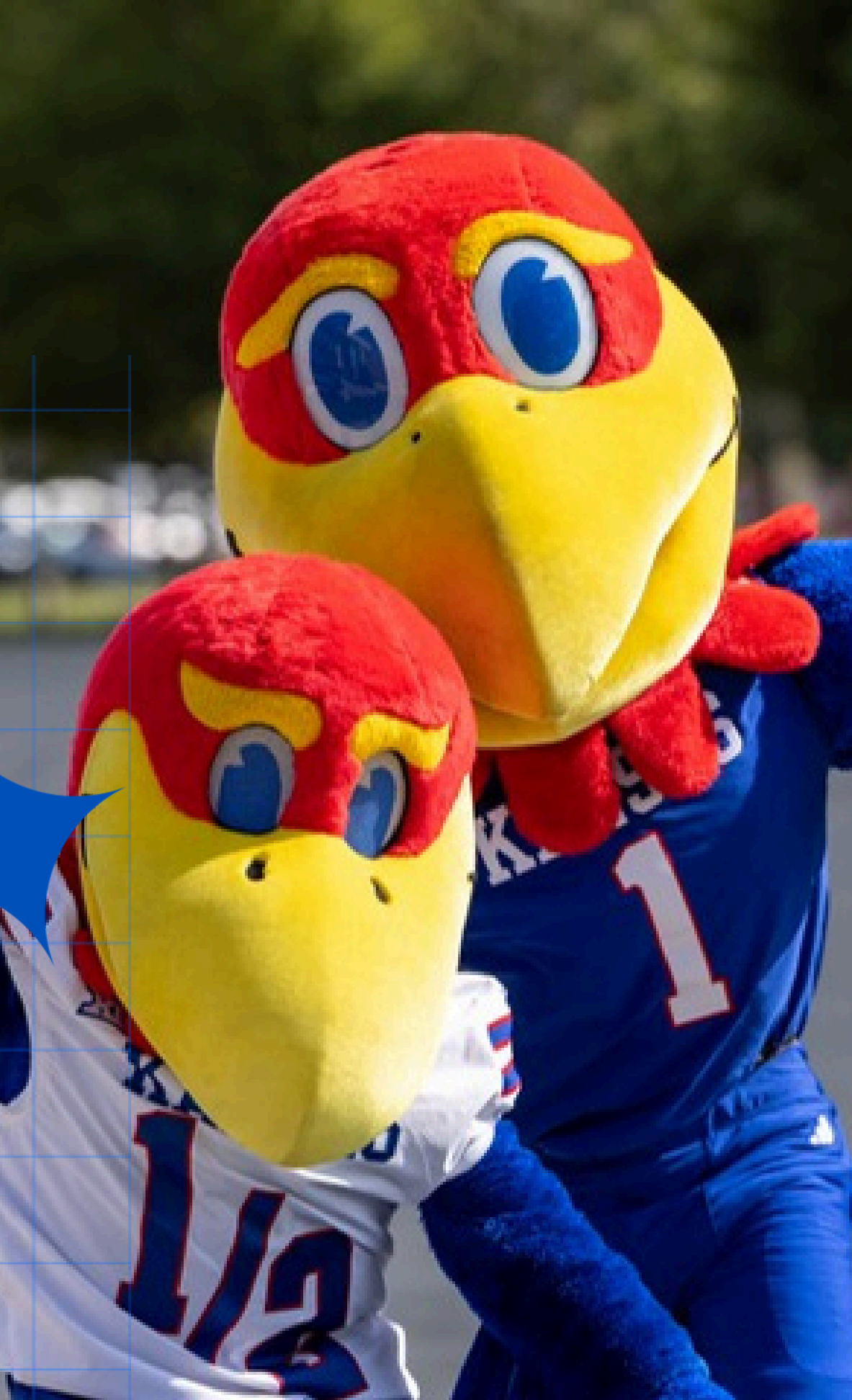


★ Actions

People taking positive actions makes campus a safer and more enjoyable place to work and learn.

Taking positive actions may:

- ★ Reduce violence and harm.
- ★ Promote safety and well-being.
- ★ Change social norms.
- ★ Empower individuals.
- ★ Support those experiencing harm.
- ★ Create supportive environments.



★ Bystander Intervention

Learn to recognize sexual misconduct, navigate barriers to intervene, and develop safe intervention strategies.

SAPEC



RAINN



**National Sexual Violence
Resource Center**





Bystander Intervention - 4Ds

- ★ Direct: Talk to someone directly, in the moment, to prevent a problematic situation from happening, or to interrupt one from continuing.
- ★ Delegate: Asking for help from another individual/s and developing a plan where some or all play a role in intervening.
- ★ Distract: Interrupting the situation without directly confronting the offender by creating a distraction.
- ★ Document: Document with the purpose of supporting the survivor or calling in the offender.





★ Risk Reduction & Safety Tips

Violence of any kind is never the victim's fault. The following strategies provide people with options to reduce the risk of perpetuating or being the subject of harassment, if they choose to engage in risk reduction strategies.

RAINN



OCRTIX



Risk Reduction & Safety Tips

Actions

- ★ Know the facts around sexual harassment (anyone can experience harassment, perpetuated by people we know, etc.).
- ★ Respect personal space of others (and your own boundaries).
- ★ Pause and reflect before sharing overly personal details, making jokes, or touching someone.
- ★ Stay aware of surroundings.

Resources

- ★ Requesting security escort through local law enforcement.
- ★ Reporting criminal behavior to law enforcement.
- ★ Reporting potential sexual harassment to Office of Civil Rights and Title IX.
- ★ Contacting on-campus confidential student support (e.g., CARE Services).
- ★ Contacting off-campus confidential support with (e.g., STA Care Center).

Consent

- ★ Communicated, ongoing, and mutual.
- ★ Cannot be gained by force, ignoring, or with incapacitation (including sleep).
- ★ Can be revoked.
- ★ Consent to one act does not imply consent to another.
- ★ Prior consent does not imply ongoing consent.



★ Mandatory Reporters

All KU employees have obligations to report instances of potential harassment or discrimination based on identity, sexual harassment, or retaliation. Confidential employees also exist and are available on and off campus.

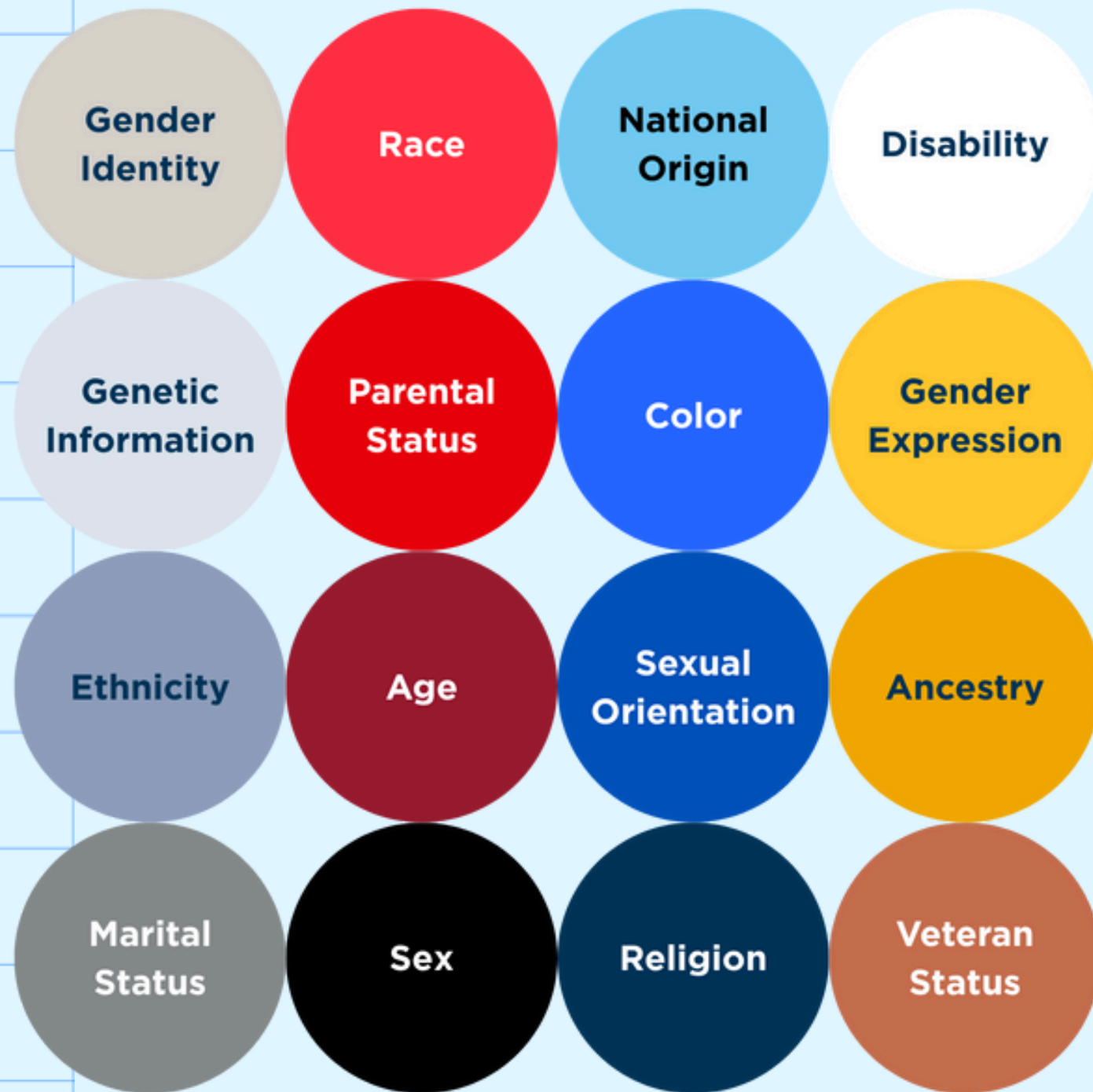
**Mandatory
Reporting
Policy**



Mandatory Reporters

If you wonder.
If it even whiffs.
If your “spidey-senses” tingle.
If your eyebrows move.

16 Protected Classes



Examples of things to report:

- A student hourly tells you they are failing a course because they were assaulted a month ago.
- A colleague is being treated differently by their supervisor compared to others and you believe it's based on a protected class.
- You witness someone touching people repeatedly in a non-consensual way.
- You overhear a staff member use derogatory language/slurs based on identities directed at someone.
- Someone believes scheduling decisions are being made based on identity.
- A colleague tells you about a violent situation at home.

Jurisdiction & Guidance

- We respond to all reports on an case-by-case basis. We don't take automatic action without permission*.
- We don't reach out to the person causing harm without permission*.
- Menu of options is different based on each situation.

How to respond when you receive a report:

“ready-made responses”

Do not inform the person reported to have caused harm that you’ve received information or will be making a report.

If someone has disclosed but tells you it needs to be confidential:

Although we want to honor someone’s request, we are also mandatory reporters. That means we’re required to report, even when the person tells us not to. Being understanding of their concerns and having an understanding of what occurs next can help.

If you sense the direction of the conversation:

“I want to pause you for a minute. Before you share, I want to let you know I’m a mandatory reporter. That means... .

If you get a disclosure without being able to share context before:

“I want to pause you for a minute. Thank you for sharing that with me. It sounds like a really challenging experience. Before we move forward, I want to let you know I’m a mandatory reporter. That means...

Common concerns

- ★ Losing trust with the person
- ★ Removing agency from the person affected
- ★ Getting someone in “trouble”
- ★ “Taking sides”
- ★ What to do next...

“I know this might be scary, and you deserve all the options available.”

Be as comfortable and knowledgeable as possible.

How to respond when you receive a report - “ready-made responses”

Be trauma informed

- ★ Think about tone. Slow down, be “soft”.
- ★ Think about lighting. Soft and low lighting can help.
- ★ Allow for emotions to be present.
- ★ Be at eye level.
- ★ Ask permission when possible (ex: door closed).
- ★ Acknowledge the challenging nature of the conversation.
- ★ Know that trauma may not allow for linear thinking.

Do not pry.

You do not need to have all the information in order to support someone well

Be thinking about options you can provide

- ★ Ask questions about safety - “Are you feeling safe now?” “Would you like me to call *resource* with you now?
Resources: local law enforcement, housing, hospital, etc.
- ★ Talk about evidence preservation - “It can be helpful to keep any potential evidence so you can continue to make decisions in the future. Would you like me to help connect you to *resource*? - Resource:
Hospital/SAFE exam
- ★ What other campus/community *resources* might be helpful? - Resource: university therapy, EAP

Reporting Options

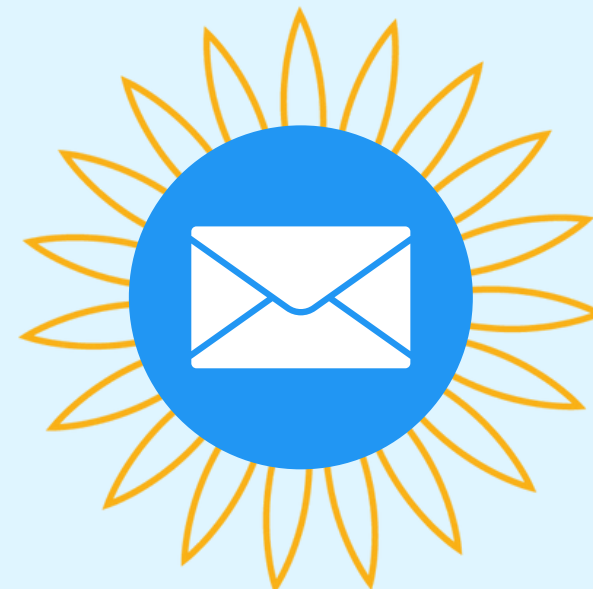
★ Office of Civil Rights and Title IX

Mandatory reporters with information of potential harassment/discrimination/sexual harassment are obligated to report directly to OCRTIX.

Report an Incident —

Whether against you or someone else, report incidents of sexual misconduct, discrimination, harassment, dating/domestic violence, stalking or retaliation.

REPORT AN INCIDENT



civilrights@ku.edu

Things to know

- ★ You have to report, even if the person asks/tells you not to.
- ★ You have to report directly to our office.
- ★ You have to report even if someone said there is already a report.
- ★ You cannot investigate or take action on cases without our office.
- ★ Do not inform the person causing harm.

Actions - Reporting Options - OCRTIX



Reporting Options

★ **Local law enforcement**

Calling 911 or the local non-emergency line will get you connected to law enforcement.

★ **KU's Institutional Hotline (Anonymous option)**



844-420-9065

REPORT AN INCIDENT
ONLINE

policyoffice.ku.edu/hotline

Hotline website





OCRTIX Processes

We follow set processes and procedures for how each case is managed. The person experiencing the potential harm informs actions. Investigations are not opened automatically. People are not notified of the report.*

**Office
Processes**



OCRTIX Processes

Outreach

- ★ Email to the person potentially experiencing harm. Invitation to meet and resources.
- ★ Follow-up in one week.
- ★ Close case if no engagement.
- ★ Schedule intake if requested.

Intake

- ★ Virtual and in-person options.
- ★ Trauma informed.
- ★ 3 parts - information about our office, person's experience, goals.
- ★ Initial discussion of support measures.

The person is welcomed to bring an advisor to assist them through the process.

We will not take action unless requested.*

We will not inform the person causing harm of the report unless requested.*

Support Measures

- ★ Informal and non-punitive ways to de-escalate or resolve a situation.

Must be determined to be reasonably appropriate. Support measures can be explored but are not guaranteed.

Two most commonly requested support measures are:

- ★ Referrals to campus and community resources &
- ★ Educational conversations -
Addresses situations by OCRTIX staff having an informative conversation with the person causing harm. Content is informed by the person experiencing the harm).

Additional options include, but are not limited to:

- ★ Mutual No Contact Agreement.
- ★ Changing work locations.
- ★ Housing relocations.



Additional Resolution Options

Informal Resolution

- ★ Restorative Circles
- ★ Shuttle Diplomacy
- ★ Mediation

The Title IX Coordinator must determine the case to be appropriate in order to attempt information resolution.

Investigation

Process to determine if there was a policy violation based upon an OCRTIX policy (harassment, discrimination, sexual harassment, related retaliation).

OCRTIX is not the decision maker in this process, just the information gatherer.



Highlights of our work

- ★ We provide a fair, prompt, and impartial process.
- ★ Staff receive specific training annually in order to facilitate processes.
- ★ Staff act as neutral third parties
- ★ Both parties are permitted to have an advisor being present.
- ★ Both parties will be informed of the outcome of any investigation, hearing, and/or appeal, as well as the options to appeal decisions.





THE UNIVERSITY OF KANSAS
Office of Civil Rights
& Title IX



Questions?

Departmental Contact and Info

civilrights@ku.edu

785-864-6414

civilrights.ku.edu



Resources & Opportunities

You can find ALL of OCRTIX's resources on our website:
civilrights.ku.edu

We're looking for ways to engage anyone on campus. If you have events for us to be present at, please let us know!

