



Building Supportive Communities: Taking Action

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Introduction

Introduction

Interactivity audio script:

Introduction.

In this course, we will take a close look at sexual harassment and gender-based violence, such as dating and domestic violence (referred to in this course as “intimate partner violence”), sexual assault, and stalking. These issues impact individuals and our communities at higher education institutions everywhere. We will:

- recall how to recognize and report the different types of sexual harassment and gender-based violence
- explore the ways our identities influence our perception of another person’s behavior
- reflect on the ways these perceptions may influence our actions; and
- practice techniques for responding in various scenarios.

Important Content Notice:

These topics can be challenging to think about and may feel especially sensitive and personal to some.

If you feel you may have difficulty completing this course, please contact your institution's representative to discuss how to proceed

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A Second Look

Interactivity audio script:

A Second Look.

You may have already experienced training on sexual and gender-based violence in higher education. In the next few pages, we'll review some core concepts you may have covered in that training.

Let's get started.

Title IX Sexual Harassment

[Interactivity audio script:](#)

Title IX Sexual Harassment.

Title IX prohibits discrimination based on sex or gender stereotyping, including the following types of sexual harassment (also referred to as “sexual misconduct”) committed by or against students or employees:

- Rape and other forms of sexual assault
- Intimate partner violence
- Stalking that is based on sex
- Unwelcome conduct on the basis of sex that is severe, pervasive, and objectively offensive, creating a “hostile environment” that effectively denies a person equal access to an education program or activity
- An institution’s employee making a grade or other educational benefit or service conditional on an individual submitting to unwelcome sexual conduct (called “quid pro quo” sexual harassment)

Federal Law

[Interactivity audio script:](#)

Federal Law.

Title IX prohibits discrimination and harassment that occurs in an educational program or activity against a person located in the United States, including discrimination based on pregnancy, childbirth, or related conditions.

Explore the links below to learn how federal law defines Title IX sexual harassment.

[Interactivity text:](#)

[Title IX Sexual Harassment](#)

[Title IX Statute](#)

[Bystander Intervention](#)

[Interactivity audio script:](#)

Bystander Intervention.

Select the arrows to learn more.

[Interactivity text:](#)

[Carousel 1]: Taking Action.

Taking Action.

We can all help make our communities safer by intervening when we witness potential sexual misconduct.

[Carousel 2]: How You Can Help.

How You Can Help.

Active bystanders help prevent sexual misconduct by

- feeling a responsibility for the well-being and safety of our higher education community;
- recognizing situations of potential harm;
- identifying safe and effective intervention options; and
- taking action to intervene.

Think about ways that you can intervene and help when you see a problematic situation or warning signs of harmful behavior.

[Carousel 3]: Risks of Victimization.

Risks of Victimization.

Remember, the context in which someone commits or experiences sexual misconduct can be complicated, often occurring between people who know each other, or are current, former, or potential romantic partners. A person may experience harm regardless of their race, gender, ethnicity, sexual orientation, or socioeconomic status, though research shows that individuals with certain identities experience sexual violence at higher rates than others.

Roles and Responsibilities

Interactivity audio script:

Roles and Responsibilities.

Select each topic to learn more.

Interactivity text:

[Tab 1]: Defining Title IX Coordinator.

Defining Title IX Coordinator.

Every federally funded school must have a Title IX coordinator who is responsible for coordinating an institution's efforts to comply with its Title IX responsibilities, including receiving and responding to reports that someone experienced sexual harassment in an education program or activity.

[Tab 2]: Title IX Coordinator Duties.

Title IX Coordinator Duties.

The Title IX Coordinator's job is to promptly contact someone who reports discrimination based on sex, including sexual harassment, and explain the supportive measures available to them, whether or not they file a formal complaint, and consider their wishes with respect to supportive measures; and how to file a formal complaint.

[Tab 3]: Defining Officials With Authority.

Defining Officials With Authority.

Title IX refers to an institution's employees who have authority to take corrective measures to address sexual harassment as "officials with authority," though schools may use different language to designate these individuals. Check with your Title IX coordinator to find out who are officials with authority for your institution and the term your school uses to designate persons in this role.

[Tab 4]: Officials With Authority Duties.

Officials With Authority Duties.

Officials With Authority (or another term your school uses to designate persons in this role) are employees who can take corrective measures to provide support for the person who experienced sexual misconduct, or take steps to prevent recurring sexual harassment.

[Tab 5]: Defining Confidential Resources.

Defining Confidential Resources.

A confidential resource is a licensed mental health counselor or another person who has a professional duty to protect their client's confidentiality, except under certain circumstances. Check with your Title IX coordinator to identify the confidential resources at your institution.

[Tab 6]: Confidential Resource Duties.

Confidential Resource Duties.

A confidential resource can provide support to someone who has experienced sexual misconduct, explain available reporting options, and provide information about counseling, medical, and academic support and services.

Making a Difference

Interactivity audio script:

Making a Difference.

Making a difference means being an informed and supportive resource and active bystander, and helping create a positive and respectful community.

Make sure that you have accurate contact information for your school's Title IX coordinator as well as readily available confidential resources, so you are prepared to help students or colleagues who may reach out to you.

Summary

Interactivity audio script:

Summary.

In this section, we highlighted information on Title IX protections against sex discrimination and sexual harassment, and reviewed safe and positive options for bystander intervention to help you be prepared to support someone who reaches out to you.

In the next section, we will be taking a closer look at how our identities shape how we perceive situations involving problematic behavior or possible sexual misconduct.

How Our Identities Affect Our Actions

How Our Identities Affect Our Actions

Interactivity audio script:

How Our Identities Affect Our Actions.

How a person identifies and defines themselves may shape their values, beliefs, and actions. Reflecting on our own identities can help us understand our perception of possible situations of harassment and assault, and aid us in developing responses to them.

In this section, we'll explore

- how an individual's identities impact their perceptions and actions
- how certain intersecting identities can increase a person's vulnerability to experiencing harm
- how our perceptions and beliefs, shaped by our identities and experiences, can influence when and how we intervene
- four bystander intervention techniques that can prevent potential harm to someone, depending on the situation, your relationship to the people involved, and other factors

Interactivity text:

[Carousel 1]: Carousel 1.

We're Multifaceted.

Even though we may have a lot in common with other people—especially our friends and colleagues—who we are as individuals is complex and multi-layered.

[Carousel 2]: Carousel 2.

Our Identities Intersect.

We all identify with many groups—some that seem to align, some that overlap, and some that may even appear contradictory. Our connection to these groups forms our identities. Some commonly recognized identities include race, gender, sexuality, ethnicity, political affiliation, or area of study.

[Carousel 3]: Carousel 3.

Our Identities Aren't Always Visible.

Our identities even extend to other parts of ourselves that may be overlooked on a census, yet form a very important part of who we are and how we connect with others.

Individual Identities & Perspectives

Interactivity audio script:

Individual Identities & Perspectives.

Select the arrows to learn more.

Interactivity text:

Identity Influences How We Intervene.

According to research, our identities and the identities of others often influence our awareness of a situation, our interpretation of others' behavior, and how we respond.

Select each topic to learn more.

[Tab 1]: External Identities.

External Identities.

Our external identities are those that others believe they can determine just by looking at us. This may include gender, race, ethnicity, and sexual orientation.

External identities may influence the way we view a situation or how we respond to an event. For instance, someone may be less likely to intervene if the person targeted is perceived to be of a different race or ethnicity—perhaps because they feel they're stepping outside of their community or because they second-guess their understanding of the situation.

[Tab 2]: Internal Beliefs & Values.

Internal Beliefs & Values.

Sometimes our implicit biases or our own experiences affect the way we react in different situations. For example, some people may feel it's not their business to intervene in a situation between intimate partners. Or someone may have difficulty recognizing sexual harassment if their implicit bias views women as partly responsible when someone takes advantage of them.

[Tab 3]: Relationships & Settings.

Relationships & Settings.

Our relationships and the level of comfort we feel in an environment also have a considerable influence on how we respond in situations that could lead to harassment or assault.

Intervening when a friend or colleague is behaving in a disrespectful or even harmful way may be challenging. It may also be difficult to intervene when we're in larger group settings, especially if we don't know the other bystanders and are not sure how our actions will be perceived. Taking action when you see someone you care about at risk for causing harm (even if unintended) is always the right choice. And, most likely, others will support you when you do.

How Identities Impact Experience

Interactivity audio script:

How Identities Impact Experience.

The complex nature of who we are as individuals with multiple identities makes each of our experiences unique. Some identities are more vulnerable to abuse than others. For an individual with intersecting identities, the risk that they will experience sexual misconduct can be even greater.

Gender Identity & Race

Research indicates that a woman is far more likely than a man to experience sexual misconduct. When that woman is Black, the likelihood is even greater. Black women embody both their gender and racial identities simultaneously—making them vulnerable to sexual misconduct as a result of both racism and sexism.

Gender Identity & Level of Ability

Students who are not cisgender are at greater risk for sexual misconduct than their peers who identify with the gender assigned at their birth. If a transgender person is also disabled, their vulnerability increases—perhaps due to the false assumption that they won't be able to report the incident, or, if they do, they won't be believed.

Race & Mental Health Conditions

Data reveals that people with mental health conditions are often targets of sexual harassment. The same is true for BIPOC individuals. When combined, these identities can make an individual particularly vulnerable.

Identity Influences How We Intervene

Interactivity audio script:

Identity Influences How We Intervene.

Select each topic to learn more.

Putting It into Practice

Interactivity audio script:

Putting It into Practice.

Up next, you'll explore a few scenarios. As you continue, reflect on what you learned regarding the impact of identity and how it influences the ways in which we take action and intervene.

"Women's Work"

Interactivity audio script:

"Women's Work".

Read the scenario, then select each card to learn more.

Interactivity text:

"Women's Work".

Hadil's family immigrated to the U.S. when she was young. She's now a university student and works in the engineering research lab, where she's been teamed up with Adam, who is the youngest of his siblings and the first to go to college. Jonnie, their lab supervisor, overhears Adam ask Hadil why she never wears her hijab. She explains she isn't Muslim.

"Whatever," Adam responds. "I hear women don't last long in this lab anyways. It's not your fault—it's just not a female-friendly industry."

Hadil brushes him off, but Jonnie senses she is uncomfortable with what Adam said. He is pretty uncomfortable, too.

How did each person's identities influence their behavior or experience in this scenario?

Select each card to learn more.

[Flip Card 1]: Adam.

Adam.

Adam may have internalized negative assumptions about a woman's ability to be an engineer. His statements also reveal possible implicit biases about people of color and/or individuals who have immigrated to the U.S.

[Flip Card 2]: Hadil.

Hadil.

Hadil's intersecting identities of being a woman, an engineer, and a person who immigrated to the U.S. may make her more vulnerable to sexual harassment. These kinds of comments over time can have a negative impact on anyone.

[Flip Card 3]: Jonnie.

Jonnie.

Jonnie, the lab supervisor, may have neglected to intervene because he felt that a personal exchange between two co-workers was none of his business.

Group Assignment

Interactivity audio script:

Group Assignment.

Read the scenario, then select each card to learn more.

Interactivity text.

Group Assignment.

Sari, Juan, Kaylee, and Mauricio are in an honors cohort for pre-med students and meet with their Anatomy professor to review notes on their latest group project. Mauricio is a transgender man and has been open with the group about some aspects of his transition.

The professor asks if the group found the portion on the endocrine system difficult. Sari says, "Mauricio, I bet you struggled. You're just a hormone cocktail these days."

The professor and Kaylee laugh along with Sari, but she notices that Juan and Mauricio are extremely uncomfortable. Even so, she stays silent. What aspects of the professor's identities may have impacted her response?

Select each card to learn more.

[Flip Card 1]: Her identity as the faculty advisor of this cohort.

Her identity as the faculty advisor of this cohort.

As the faculty advisor of the cohort, she may have been reluctant to go against the majority and alienate herself from her students.

[Flip Card 2]: Her identity as a cisgender female.

Her identity as a cisgender female.

As a cisgender female, she may have felt reluctant to intervene because she felt Mauricio's transition was none of her business.

[Flip Card 3]: Her identity as a professor.

Her identity as a professor.

As a professor, she may have felt uncomfortable using her position of authority over the group to speak up for Mauricio. Next, we'll look at options for intervening in these situations.

Ways to Take Action

Interactivity audio script:

Ways to Take Action.

Select each topic to learn more.

Interactivity text:

Ways to Take Action.

Delaying, delegating, acting directly, and distracting are four intervention techniques you can use to intervene. The situation, your relationship with the people involved, and other factors will guide which approach is best for you to take in the moment.

Select each topic to learn more.

[Tab 1]: Delay.

Delaying offers support to a target after an incident. It is a good tool for times when in-the-moment interventions are impractical or might do more harm than good. Some ways you can employ delaying are

- asking the person harmed if what just happened made them uncomfortable;
- expressing concern;
- going with the them to report; or
- offering to corroborate their version of events if you witnessed the incident.

[Tab 2]: Delegate.

Delegating allows you to reach out for support when you need it. It calls on power and safety in numbers, or for help from someone with more authority or social pull. Some ways you can employ delegation are

- asking your colleagues how they feel about the situation and for help intervening;
- seeking advice from someone you trust if you're unsure whether the concerning behavior is bad enough to report;
- reporting misconduct to human resource professionals; or
- calling security or dialing 911 if you feel a situation is unsafe.

[Tab 3]: Direct.

A direct action is a way to demonstrate strong disapproval about something. There are a number of ways to take direct action or intervene, and the best one to choose will depend on the situation. Some ways you can employ direct action include the following:

- If you feel comfortable doing so, say something to either the person who is behaving inappropriately (such as expressing disapproval) or to the person who is experiencing the bad behavior.
- It's usually best to speak for yourself, not for someone else (do say: "I'm offended by what you said to Julie" as opposed to: "Julie here is offended . . .") "Swooping in" to "save" someone who has the situation under control may instead disempower them.
- Non-participation, coupled with a clear expression of disapproval, sends a quiet but direct message. Nonverbal cues, if clearly expressed (and usually accompanied by speaking up), can send a strong message that you do not support the misconduct.

[Tab 4]: Distract.

Distracting allows you to defuse a tough situation. It can also be a helpful way to gain more time to seek help from others. Some ways you can employ distraction are

- asking the person engaging in harassment for the time, or interrupting and changing the subject to something neutral; or
- telling the person who is being harassed that they have an urgent phone call or meeting; once you're alone with them, offer your support and admit that you just needed an excuse to get them out of the situation.

Summary

Interactivity audio script:

Summary.

In this section, you learned how people's identities impact their experiences and perceptions and the importance of intervening when someone is targeted based on their identity. Here are a few takeaways to keep in mind as you move through the course:

- Individuals are complex. We have multiple identities and experience all facets of our identities simultaneously.
- Some of our identities may be associated with implicit biases which influence how we interpret a situation and the behavior of others.
- When people have marginalized, intersecting identities, it may make them more vulnerable to sexual misconduct.

Healthy Relationships Build Healthy Communities

Healthy Relationships Build Healthy Communities

Interactivity audio script:

Healthy Relationships Build Healthy Communities.

There are many ways to take action to support someone who is experiencing sexual misconduct. What you do depends on the situation. The same is true for supporting someone during or after an experience with relationship abuse or violence, or stalking.

In this section, we'll explore:

- How to intervene in scenarios involving relationship abuse or violence, or stalking;
- How intervening when you notice situations of sexual misconduct supports healthy relationships; and
- Strategies for supporting someone who is experiencing sexual misconduct.

Intimate Partner Violence

Interactivity audio script:

Intimate Partner Violence.

Intimate Partner Violence (IPV)—also known as dating violence or domestic violence—comes in many different forms, some of which are more subtle and difficult to identify than others. IPV includes academic, emotional, sexual, and physical abuse, as well as stalking and intimidation by a current or former partner. Here's what you should know about IPV:

- It occurs when a person uses violence, coercion, threats, and isolation to dominate and control another person. The violence or abuse can be physical, emotional, sexual, psychological, or financial.
- It happens among heterosexual couples and in same-sex partnerships. It occurs within all age ranges, ethnic backgrounds, and economic levels. And while women are more commonly victimized, men are also abused—especially verbally and emotionally, and sometimes physically as well.

These are different ways of exerting power and control over another person that require a multifaceted approach to intervention.

Putting It Into Practice

Interactivity audio script:

Putting It Into Practice.

Up next, you'll explore a few scenarios. As you continue, keep in mind what you've learned regarding IPV and consider how it may present in different relationships.

Darrell's Dilemma

Interactivity audio script:

Darrell's Dilemma.

Read the scenario and select a response.

Interactivity text:

Darrell's Dilemma.

You and Darrell have worked together for several years and have become pretty good friends. You've offered support to Darrell before when he's told you about his partner putting him down and criticizing him. Still, you're surprised when you're leaving work and see him crying in the parking lot. When you ask him what's wrong, he shares that when he tried to end the relationship, his partner threatened to commit suicide. He doesn't know what to do.

Select a response.

[Question-Text]:

What could you say to Darrell?

[Options]:

- That's super serious. Have you both been experiencing more relationship stress lately or do you think he's always been depressed?
- I'm so sorry to hear that. I know that you've been going through a lot lately. Look, suicide threats are really serious. It's important that he talk to a qualified person for support immediately.
- I'm so sorry to hear that and, you know, we've talked about this before—remember what we said about you being firm about leaving? I don't want you to keep going through this situation again and again.

[Answer]:

I'm so sorry to hear that. I know that you've been going through a lot lately. Look, suicide threats are really serious. It's important that he talk to a qualified person for support immediately.

[Feedback]:

[Feedback 1]

Not quite.

Suggesting that Darrell is responsible for his partner's threats is not supportive. Suicide threats are very serious and can be experienced as a form of emotional abuse if they create pressure for a person to stay in a relationship. Try again.

[Feedback 2]

Good choice.

Expressing empathy and concern for Darrell while acknowledging the severity of his partner's threat and offering resources is a really positive way to show him you support him.

[Feedback 3]

Not quite.

Implying that Darrell has not been firm enough about leaving his relationship can come off as blaming him. Suicide threats can be a form of emotional abuse, and it's not Darrell's fault that his partner's behavior is creating pressure for him to stay. Try again.

It's Academic

Interactivity audio script:

It's Academic.

Read the scenario and select a response.

Interactivity text:

It's Academic.

You're excited to be co-presenting a poster with one of your smartest colleagues in the department, Tori. But lately, she's been missing deadlines and showing up inconsistently, and she always seems exhausted. When you check in with Tori to raise your concerns, she reveals that every time she has an important deadline, her boyfriend starts a big fight with her. As a result, she's had trouble focusing and getting enough sleep.

Select a response.

[Question-Text]:

How might you respond to what Tori has just shared with you?

[Options]:

- Oh wow, I didn't know. Well, do you think you can find some time to prepare your part before the conference next week? We're running out of time to be able to submit the poster for final review.
- I know a lot of people who have stress in their relationships because of their research, so maybe that's the situation. Are you maybe saying things to him you don't mean just because you're stressed?
- I'm so sorry to hear he's been acting that way. You don't deserve that. Do you know about the local resources that you can connect with for help?

[Answer]:

I'm so sorry to hear he's been acting that way. You don't deserve that. Do you know about the local resources that you can connect with for help?

[Feedback]:

[Feedback 1]

Not quite.

Tori's boyfriend may be emotionally abusing her. Deliberately starting an argument before a deadline is one way that academic abuse occurs. It's important to recognize the implications of what Tori is sharing with you and express your support for her. Try again.

[Feedback 2]

Not quite.

This response actually blames Tori for her boyfriend's behavior. When someone discloses that they're possibly experiencing any kind of relationship abuse, the best thing you can do is express your concern and remind them that you support them. Try again.

[Feedback 3]

Good choice.

Expressing your concern for Tori shows her that you care about and support her. This response asserts that her boyfriend's behavior is wrong and that Tori, like all of us, deserves a respectful, caring partner.

A Stressful Situation

Interactivity audio script:

A Stressful Situation.

Read the scenario and select a response.

Interactivity Text:

A Stressful Situation.

Your friend David suddenly stopped logging into the online discussion board about two weeks before the end of your career development program. When you reach out, he says he's withdrawing from the course. You're surprised—this was the last requirement he needed in order to earn his certificate.

David explains that his partner wants him to move out because the career development program is preventing David from contributing to the relationship. You know David and his partner agreed that his partner would help cover living expenses and tuition while David finished the program.

Select a response.

[Question-Text]:

How would you respond to David?

[Options]:

- I'm so sorry—that doesn't seem fair. Could you talk him into letting you live there for the next few months just so you could finish the program and move out later?
- We all get caught up in work sometimes. Maybe you should apologize and see if he changes his mind. You might also want to see if you can get an additional part-time job—to show him you know what it means to work hard.
- I know you're working hard so this must be upsetting. Is there anything I can do? There are resources available through the university for these kinds of situations. Can I share those with you?

[Answer]:

I know you're working hard so this must be upsetting. Is there anything I can do? There are resources available through the university for these kinds of situations. Can I share those with you?

[Feedback]:

[Feedback 1]

Not quite.

David's partner seems to be manipulating him. Additionally, they had a financial agreement and his partner has broken that commitment. Try again.

[Feedback 2]

Not quite.

Actually, this kind of response blames David and dictates to him what you think he should do, instead of providing him with support and encouraging him to think about what he thinks is the right next step. Try again.

[Feedback 3]

Good choice.

Listening to and reinforcing him are supportive and show him that you recognize that what's happened to him is hurtful and that you want to help. You've also reminded him that there are resources on campus for additional support.

Federal and State Laws: Dating and Domestic Violence

Interactivity audio script:

Federal and State Laws: Dating and Domestic Violence.

It's important to be aware of federal and state laws defining dating and domestic violence.

Explore federal and state law definitions below.

Interactivity text:

Federal and State Laws: Dating and Domestic Violence

It's important to be aware of federal and state laws defining dating and domestic violence.

Explore federal and state law definitions below.

[Review your state's laws]

You must view your state's laws before continuing, using the dropdown below. If you are interested, you can compare it to other states by selecting another state from the dropdown menu.

[Dropdown: View your state's laws]

[Explore federal law definitions using the dropdown below.]

[Dropdown: View federal laws]

[Federal Laws and Statues popup]

Domestic Violence

Under Title IX, domestic violence is defined as felony or misdemeanor crimes of violence committed between two people who have:

- married or been intimate partners
- lived together as spouses or intimate partners
- a child in common
- protections under local domestic or family violence laws

Dating violence includes actual or threatened sexual or physical violence committed between two people who have been in a social relationship of a romantic or intimate nature, depending on the length and type of the relationship, and the frequency of their interactions.

Federal Law

Domestic Violence and Dating Violence

Code of Federal Regulations

TITLE 34—EDUCATION

SUBTITLE B—REGULATIONS OF THE OFFICES OF THE DEPARTMENT OF EDUCATION

CHAPTER I—OFFICE FOR CIVIL RIGHTS, DEPARTMENT OF EDUCATION

PART 106—NONDISCRIMINATION ON THE BASIS OF SEX IN EDUCATION PROGRAMS OR ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE

SUBPART D—DISCRIMINATION ON THE BASIS OF SEX IN EDUCATION PROGRAMS OR ACTIVITIES PROHIBITED

§ 106.30 Definitions. [Effective Aug. 14, 2020.]

(a) As used in this part:

.... [Content omitted for clarity]

Sexual harassment means conduct on the basis of sex that satisfies one or more of the following:

- (1) An employee of the recipient conditioning the provision of an aid, benefit, or service of the recipient on an individual's participation in unwelcome sexual conduct;
- (2) 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; or

(3) "Sexual assault" as defined in 20 U.S.C. 1092(f)(6)(A)(v), "dating violence" as defined in 34 U.S.C. 12291(a)(10), "domestic violence" as defined in 34 U.S.C. 12291(a)(8), or "stalking" as defined in 34 U.S.C. 12291(a)(30).

.... [Content omitted for clarity]

.... [Content omitted for clarity.]

§ 106.44 Recipient's response to sexual harassment. [Effective Aug. 14, 2020.]

(a) General response to sexual harassment. A recipient with actual knowledge of sexual harassment in an education program or activity of the recipient against a person in the United States, must respond promptly in a manner that is not deliberately indifferent. A recipient is deliberately indifferent only if its response to sexual harassment is clearly unreasonable in light of the known circumstances. For the purposes of this section, §§ 106.30, and 106.45, "education program or activity" includes locations, events, or circumstances over which the recipient exercised substantial control over both the respondent and the context in which the sexual harassment occurs, and also includes any building owned or controlled by a student organization that is officially recognized by a postsecondary institution. [content omitted for clarity]

.... [Content omitted for clarity.]

Title 34-CRIME CONTROL AND LAW ENFORCEMENT

Subtitle I—Comprehensive Acts

CHAPTER 121—VIOLENT CRIME CONTROL AND LAW ENFORCEMENT

SUBCHAPTER III—VIOLENCE AGAINST WOMEN

§ 12291. Definitions and grant provisions

(a) Definitions

In this subchapter:

.... [Content omitted for clarity]

(8) Domestic violence

The term "domestic violence" includes felony or misdemeanor crimes of violence committed 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.

(9) Dating partner

The term "dating partner" refers to a person who is or has been in a social relationship of a romantic or intimate nature with the abuser, and where the existence of such a relationship shall be determined based on a consideration of –

- (A) the length of the relationship;
 - (B) the type of relationship; and
 - (C) the frequency of interaction between the persons involved in the relationship.
- (10) Dating violence

The term "dating violence" means 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.
 - (iii) The frequency of interaction between the persons involved in the relationship.
- [Content omitted for clarity]
- [Content omitted for clarity.]

The Signs of Stalking

Interactivity audio script:

The Signs of Stalking.

Select the arrows to learn more.

Interactivity text:

The Signs of Stalking.

Anyone can be a target of stalking, but college students between the ages of 18 and 24 are at the greatest risk. Research points to factors like predictable class schedules and technology-facilitated stalking that contribute to students' vulnerability.

Select the arrows to learn more.

[Carousel 1]: Carousel 1.

Unwanted Contact.

Following or watching someone; unwanted and repeated face-to-face, phone, text, or email communication; continuing to contact someone after they have asked that it stop.

[Carousel 2]: Carousel 2.

Digital Stalking.

Tracking or following someone digitally, such as through social media; posting derogatory, defamatory, or explicit information about the person online.

[Carousel 3]: Carousel 3.

Masking Identity.

Repeatedly contacting someone over the phone using masked or “spoofed” numbers.

What Should You Do?

Interactivity audio script:

What Should You Do?

Read the scenario and select a response.

Interactivity text:

What Should You Do?

You are working as an associate professor and Elijah, a first-year graduate student in your program, is always friendly and has left a positive impression on both you and on his peers. Lately, you’ve noticed Elijah has become withdrawn and uncomfortable. When you ask if he’s OK, Elijah explains that his ex is constantly texting and calling him. His ex has continued to reach out, even when Elijah has asked him to stop.

Select a response.

[Question-Text]:

What should you do?

[Options]:

- You should insist that Elijah report his ex to campus security or the police, “for his own safety.”
- You should affirm Elijah’s concerns and provide him with a list of resources available to him on campus. Let him know his ex’s behavior is not OK and that there are support services available for him.
- Alleviate Elijah’s concerns—the situation likely isn’t that serious.

[Answer]:

You should affirm Elijah’s concerns and provide him with a list of resources available to him on campus. Let him know his ex’s behavior is not OK and that there are support services available for him.

[Feedback]:

[Feedback 1]

Not quite.

It sounds like Elijah's ex may be engaging in unwanted behavior that could lead to stalking. Rather than taking control of the situation, you should take this opportunity to inform Elijah of the options available to him and let him decide how to move forward. Try again.

[Feedback 2]

Good choice.

It sounds like Elijah's ex may be engaging in unwanted behavior that could lead to stalking, and you should let Elijah know you're concerned about his well-being. By informing Elijah of his options on how to move forward, you can empower him to choose what's best for him and support him in that decision.

[Feedback 2]

Not quite.

Elijah is concerned about this, and you noticed enough red flags to have brought it up with him. He trusts you and has confided in you. There is more you can do to support him. Try again

Federal and State Laws: Stalking

Interactivity audio script:

Federal and State Laws: Stalking.

It's important to be aware of federal and state laws defining stalking.

Explore federal and state law definitions below.

Interactivity text:

[Review your state's laws]

You must view your state's laws before continuing, using the dropdown below. If you are interested, you can compare it to other states by selecting another state from the dropdown menu.

[Dropdown: View your state's laws]

[Explore federal law definitions using the dropdown below.]

[Dropdown: View federal laws]

By the Numbers: Sexual Misconduct

Interactivity audio script:

By the Numbers: Sexual Misconduct.

Read the statement, then select the arrows to learn more.

Interactivity text:

By the Numbers: Sexual Misconduct.

The Association of American Universities' (AAU) 2019 campus climate survey found higher rates of nonconsensual sexual contact for undergraduate students than for graduate or professional students, higher rates of sexually harassing behavior against female graduate students, and other disparities in prevalence among different student categories.

Understanding the scope of the problem and where to focus resources and education is a critical step in creating a healthy environment where all students can thrive and do their best work.

Select the arrows to learn more

[Carousel 1]: Carousel 1.

Nonconsensual Sexual Contact.

The AAU survey found that the overall rate of students who reported experiencing nonconsensual sexual contact by physical force or inability to consent was 13%. Among undergraduates, the rate was 25.9% of women and 22.8% of TGQN students.

[Carousel 2]: Carousel 2

Intimate Partner Violence.

- 10.1% of all students who had been in a partnered relationship since entering college reported experiencing IPV.
- 21.5% of TGQN students with partners reported IPV.
- 14.1% of undergraduate women reported experiencing IPV.

[Carousel 3]: Carousel 3

Stalking.

- 13% of college women experience stalking. This is the highest rate compared to other groups of women.
- 42% of stalking incidents reported are committed by a boyfriend or ex-boyfriend.

[Carousel 4]: Carousel 4

Sexually Harassing Behavior.

- 65.1% of undergraduate TGQN students and 59.2% of undergraduate women reported experiencing harassing behavior.
- 41.8% of all students reported experiencing at least one sexually harassing behavior since enrollment, and graduate and professional women were most likely to be sexually harassed by a faculty member or instructor.

[button - modal trigger] Dig Deeper: Undocumented Students

[modal-header] Dig Deeper: Undocumented Students

[modal-body] Undocumented students, fearing exposure, face explicit barriers to reporting sexual abuse. Due to the tenuous nature of their status, reporting abuse that may involve campus, city, or state authorities may seem too great a risk.

Here's what you should know:

- Over 400,000 undocumented students are likely enrolled in US colleges and universities.
- Undocumented students are protected under Title IX.
- A student's immigration status cannot be used to deter them from filing a Title IX complaint; this would be considered a form of unlawful retaliation.

Here's how you can help:

- Keep accurate contact information for the Title IX coordinator and confidential resources in case a student needs assistance.
- Make Title IX information available in as many places as possible.
- Add direct links or Title IX content to your syllabus or ensure the international student services office and student clubs have ready access to Title IX information to share with its members.

[button - modal trigger] Dig Deeper: LGBTQIA+ Students

[modal-header] Dig Deeper: LGBTQIA+ Students

[modal-body] Individuals who identify as lesbian, gay, bisexual, trans/transgender, queer, intersex, or asexual experience sexual violence at higher rates than the general population.

LGBTQIA+ students may face additional obstacles when recovering or seeking help, including:

- The risk of being involuntarily outed to friends, family, or the community
- Fear of losing privacy, being rejected or isolated, or inadvertently reinforcing negative societal stereotypes
- Potential judgment, cultural incompetence, or discrimination by first responders and healthcare providers based on the survivor's identity or medical history
- Questioning their sexuality or how it is perceived by others, especially if the assault was perpetrated as a hate crime or involved the survivor's sexual orientation or gender identity

Here's how you can help:

- Establish a safe space for LGBTQIA+ students to seek help and find support.
- By understanding the behaviors and attitudes that create a safe, supportive environment for someone who has experienced sexual misconduct, you can make a difference.

Consent and Sexual Violence

Interactivity text:

Consent and Sexual Violence.

Understanding what constitutes sexual misconduct—including sexual assault—requires understanding whether valid consent was present. Consent is defined as someone saying "yes," or giving permission, or clearly agreeing, through a mutual understanding of words or actions, to a specific sexual activity.

A person's silence, passivity, or lack of resistance is not consent, which may be withdrawn at any point and should be given for each sexual act.

Generally, there is a lack of consent under the following circumstances:

- A person is mentally or physically incapacitated; for example, due to a person's use of alcohol or drugs, or a mental or physical condition, or because they are unconscious or asleep.
- A person is coerced by someone using force, intimidation, threats, manipulation, or other means of exerting power or authority over another person.

Knowledge Check

Interactivity audio script:

Knowledge Check.

Read the statement, then select each card to learn more.

Interactivity text:

Knowledge Check.

It's important to be able to identify some of the warning signs of sexual misconduct, so you can better understand when to intervene and prevent potentially harmful behavior. Explore the following scenarios—what behaviors do you think are indicated by the facts shared?

Select each card to learn more.

[Flip Card 1]: [Maya's Meals].

Maya's food delivery driver started a conversation with her at drop-off and asked if he could contact her later. Despite her clear "no," the driver followed her on social media and continues to try to contact her online in a way that makes her feel unsafe.

Stalking

This situation exhibits some warning signs of stalking behavior. Stalking often involves someone pursuing contact after being explicitly asked to stop, or other persistent actions that make someone feel unsafe.

[Flip Card 2]: [Blake's Bruises].

On and off over the season, Blake's teammates have noticed the bruises on his wrists and forearms. Lately, his partner has shown up to watch practices and Blake seems really uncomfortable with him being there.

Intimate Partner Violence

This situation raises some red flags that may indicate IPV. Unexplained or recurring bruises may indicate physical abuse, but there could also be emotional or other types of abuse involved.

[Flip Card 3]: [Emery's Studies].

Emery frequently studies in their room with their partner. When taking a break, their partner tries to get intimate, despite Emery's clear discomfort.

Sexual Assault

This situation could potentially lead to non-consensual sexual activity if Emery's partner continues without their consent. Getting Emery's clear, enthusiastic agreement is required before engaging in intimate activity.

Be a Positive Influence

Interactivity audio script:

Be a Positive Influence.

Besides intervening in problematic situations, you can help prevent potential harm before it happens by having a positive impact on the attitudes of community members toward sexual misconduct. For example:

- Be aware of cultural factors that contribute to sexual assault. Interrupt sexist jokes, avoid gender stereotypes, challenge sexist media portrayals, and choose your words carefully.
- Have conversations with family, friends, and colleagues about issues concerning sexual and relationship violence. Ensure that the people you work with receive training and education.
- If you are a faculty member, consider opportunities to educate students about these issues in class lectures or projects.
- Get involved with prevention or activism efforts on campus. For example, attend events, participate on a task force, or support research initiatives.
- Provide support to someone who has experienced harm. Listen and connect them to resources.
- Be an active bystander. Look for opportunities to notice and take action.
- Model healthy, respectful, and appropriate behaviors to students and colleagues.

State Laws: Consent

Interactivity audio script:

State Laws: Consent.

It's important to be aware of state laws defining consent.

Explore state law definitions below.

Interactivity text:

[Review your state's laws]

You must view your state's laws before continuing, using the dropdown below. If you are interested, you can compare it to other states by selecting another state from the dropdown menu.

[Dropdown: View your state's laws]

Federal and State Law: Sexual Assault

Interactivity audio script:

Federal and State Law: Sexual Assault.

It's important to be aware of federal and state laws defining sexual assault.

Explore federal and state law definitions below.

Interactivity text:

[Review your state's laws]

You must view your state's laws before continuing, using the dropdown below. If you are interested, you can compare it to other states by selecting another state from the dropdown menu.

[Dropdown: View your state's laws]

[Explore federal law definitions using the dropdown below.]

[Dropdown: View federal laws]

[Federal Law Popup]

Sexual Assault

Under Title IX, sexual assault includes:

Rape—sexual intercourse, or anal or oral sex (with even slight penetration by a body part or an object) without consent

Fondling—touching another person's private body parts for sexual gratification without consent

Statutory Rape—sexual intercourse with a person who is under the age of consent

Incest—sexual intercourse between two people who are related to a degree prohibiting marriage

Federal Law

Sexual Assault

Code of Federal Regulations

TITLE 34—EDUCATION

SUBTITLE B—REGULATIONS OF THE OFFICES OF THE DEPARTMENT OF EDUCATION

CHAPTER I—OFFICE FOR CIVIL RIGHTS, DEPARTMENT OF EDUCATION

PART 106—NONDISCRIMINATION ON THE BASIS OF SEX IN EDUCATION PROGRAMS OR ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE

SUBPART D—DISCRIMINATION ON THE BASIS OF SEX IN EDUCATION PROGRAMS OR ACTIVITIES PROHIBITED

§ 106.30 Definitions. [Effective Aug. 14, 2020.]

(a) As used in this part:

Sexual harassment means conduct on the basis of sex that satisfies one or more of the following:

- (1) An employee of the recipient conditioning the provision of an aid, benefit, or service of the recipient on an individual's participation in unwelcome sexual conduct;
- (2) 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; or
- (3) "Sexual assault" as defined in 20 U.S.C. 1092(f)(6)(A)(v), "dating violence" as defined in 34 U.S.C. 12291(a)(10), "domestic violence" as defined in 34 U.S.C. 12291(a)(8), or "stalking" as defined in 34 U.S.C. 12291(a)(30).

.... [Content omitted for clarity.]

§ 106.44 Recipient's response to sexual harassment. [Effective Aug. 14, 2020.]

(a) General response to sexual harassment. A recipient with actual knowledge of sexual harassment in an education program or activity of the recipient against a person in the United States, must respond promptly in a manner that is not deliberately indifferent. A recipient is deliberately indifferent only if its response to sexual harassment is clearly unreasonable in light of the known circumstances. For the purposes of this section, §§ 106.30, and 106.45, "education program or activity" includes locations, events, or circumstances over which the recipient exercised substantial control over both the respondent and the context in which the sexual harassment occurs, and also includes any building owned or controlled by a student organization that is officially recognized by a postsecondary institution. ... [content omitted for clarity]

.... [Content omitted for clarity.]

Title 20-EDUCATION

CHAPTER 28—HIGHER EDUCATION RESOURCES AND STUDENT ASSISTANCE

SUBCHAPTER IV—STUDENT ASSISTANCE

Part G—General Provisions Relating to Student Assistance Programs

§ 1092. Institutional and financial assistance information for students

.... [Content omitted for clarity.]

(f) Disclosure of campus security policy and campus crime statistics

(6)(A) In this subsection:

(v) The term "sexual assault" means an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.

.... [Content omitted for clarity.]

Crime Definitions From the Summary Reporting System (SRS) User Manual From the FBI's Uniform Crime Reporting (UCR) Program

Rape

The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.

Crime Definitions From the National Incident-Based Reporting System (NIBRS) User Manual from the FBI's UCR Program

Sex Offenses

Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.

A. Fondling — 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 his/her age or because of his/her temporary or permanent mental incapacity.

B. Incest — Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

C. Statutory Rape — Sexual intercourse with a person who is under the statutory age of consent

Summary

Interactivity audio script:

Summary.

In this section, you learned how to

- Recognize different types of sexual misconduct, and support those who are affected by sexual assault, stalking, and intimate partner violence
- Intervene in situations that could potentially result in harm to someone
- Be prepared to help connect someone who has experienced harm with confidential and non-confidential resources
- Have a positive impact on the attitudes of community members toward sexual misconduct

Reporting and Disclosure

Reporting and Disclosure

Interactivity audio script:

Reporting and Disclosure.

As an employee of our institution, you may find yourself in a position of responding to someone who reaches out for support because they had a harmful experience. When someone chooses to disclose to you, it's because they trust you, and the way you respond can have a significant impact on their healing process.

In this section, we'll explore:

- Potential ways to respond if someone discloses information to you about an incident involving sexual misconduct;
- A variety of reporting options; and
- Some of the potential impacts of trauma and how to support those who have experienced harm.

How to Respond

Interactivity audio script:

How to Respond.

Read the statement, then select each topic to learn more.

Interactivity text:

How to Respond.

If a student comes to you with a concern about something personal that happened to them, it means they trust you enough to share their experience. It's important to honor that trust, and your responsibility to the students, by making a decision to act. By developing a strategy for how to act, you can build a framework you can rely on if you ever feel that you don't know how to respond in the moment.

Let's explore a few ways you can do this.

Select each topic to learn more.

[Tab 1]: Affirm.

Everyone, whether required to report or not, can offer support by acknowledging the student's decision to share this information with you. Here is an example of what you can say: "Thank you for sharing this with me. I'm sorry you're going through this. I care about you, and I want to help you."

If you are required to report, in addition to affirming, you must also interrupt and inform the student of your role and reporting obligations.

[Tab 2]: Interrupt.

If you have a reporting obligation, interrupt before details of the incident are revealed. Doing so will give the student the opportunity to decide if and how they want to proceed.

[Tab 3]: Inform.

Next, inform the student if you are required to report incidents of sexual misconduct. If you have a reporting obligation:

- Explain that you are required to report because of your role at the school.
- Give them the option to stop and talk to confidential resources, like a mental health professional.

At this time, the student may decide not to report the incident to you, or to anyone. While you certainly can encourage them to report or get support, the choice is theirs and should be respected.

A Student Disclosure

Interactivity audio script:

A Student Disclosure.

Read the scenario and select a response.

Interactivity text:

A Student Disclosure.

Alesha, a sophomore, is your punctual, hard-working, and friendly student assistant. But lately, you've noticed that she seems distracted and easily irritated. She came in late a few days ago with no explanation, so you set up a time to meet with her and ask what's going on.

She says, "I know I've been a bit off lately, and I'm sorry. I don't want to put you in a weird or uncomfortable position, but something bad happened to me a couple of weeks ago after a party. A guy did something... and I really don't know what to do."

Select a response.

[Question-Text]:

What should you do?

[Options]:

- Encourage Alesha to report what happened. If she doesn't, the person who hurt her might hurt someone else!
- Affirm Alesha's experience and ask her to hold off on sharing more of her story so you can inform her about the available options of who she may want to talk to about what happened.
- Interrupt Alesha and direct her to the Title IX coordinator on campus. They're better equipped than you are to handle what may have happened.

[Answer]:

Affirm Alesha's experience and ask her to hold off on sharing more of her story so you can inform her about the available options of who she may want to talk to about what happened.

[Feedback]:

[Feedback 1]

Not quite.

While the well-being of other students is important, Alesha is looking for your help to understand what her options are. There's a better way to support her. Try again.

[Feedback 2]

That's right.

It sounds like Alesha may have been sexually assaulted, but it's not clear at this point. If you are required to report incidents of sexual misconduct, it's important to empower Alesha by informing her of reporting options and confidential resources that are available before she shares this information, so she can decide how best to move forward.

[Feedback 3]

Not quite.

While informing Alesha about the Title IX coordinator and other campus resources available is a great way to support her, it's also important to affirm what happened to her. Immediately redirecting her to someone else may make her feel dismissed and unheard. There's a better way to support her. Try again.

Required to Report

Interactivity audio script:

Required to Report.

Read the statement, then select the arrows to learn more.

Interactivity text:

Required to Report.

As shown in the previous scenario, if you're required to report, it's important to interrupt someone who may be about to disclose an incident of sexual misconduct and let them know your reporting obligations and their options to talk to someone who has a professional duty to keep information that's shared with them confidential.

Select the arrows to learn more.

[Carousel 1]: Carousel 1.

"I need to stop you..."

Interrupt them before they disclose and inform them that you may be required to report what they are about to share.

[Carousel 2]: Carousel 2.

"I care about you and want you to get the resources you need."

Let them know you care about them and want to connect them to the resources they need, but because of your obligation to report, you may be required to include details such as their name and specifics about what happened.

[Carousel 3]: Carousel 3.

"I want you to make an informed choice."

I care about you and want you to get the resources you need, but there are certain things that some employees, like myself, have to report, which would include giving your name and some of the details you share with me.

[Carousel 4]: Carousel 4.

“You may want to talk to someone who can protect your confidentiality.”

Let them know that, while you are required to report, there are other people who can support them and protect their confidentiality. If they agree, connect them with a confidential resource. Let them know you will support them no matter how they decide to move forward.

[Carousel 5]: Carousel 5.

“You could be contacted to determine if an investigation needs to occur.”

If they decide to continue and share information with you, inform them that they may be contacted by the school to determine if an investigation needs to occur.

Title IX and Reporting

Interactivity audio script:

Title IX and Reporting.

Read the statement, then select each tab to learn more.

Interactivity text:

Title IX and Reporting.

To respect the autonomy of a person who has experienced sexual harassment, Title IX regulations do not require an institution to investigate sexual harassment allegations until that person files, or the Title IX Coordinator signs, a formal complaint.

Select each tab to learn more.

[Tab 1]: Supportive Measures.

Title IX does, however, require institutions to offer supportive measures to the persons involved when the Title IX Coordinator or an "official with authority" has "actual knowledge" of sexual harassment allegations. Officials with authority are those employees who can institute corrective measures when a student or employee reports sexual harassment, and "actual knowledge" means information received either by direct knowledge or someone reporting an incident (as previously noted, check to see if your school uses different language to identify persons in this role).

[Tab 2]: Check Your School Policy.

Under Title IX, an institution's policies may also designate additional employees who "may, must, or must only with a student's consent," report information about possible incidents of sexual harassment or violence, intimate partner violence, or stalking to the Title IX coordinator or other appropriate designees. Check your school's policies for any reporting or response

procedures that you may need to follow.

Other Reporting Options

Interactivity audio script:

Other Reporting Options.

Read the statement, then select each tab to learn more.

Interactivity text:

Other Reporting Options.

Besides reporting to the Title IX coordinator, an Official with Authority, or other designated persons, there are other reporting options.

Select each tab to learn more.

[Tab 1]: Anonymous Reporting Options.

Anonymous reporting options may be made available by the school, which require reporting the type of offense, but do not need to include identifying information in the report.

[Tab 2]: Law Enforcement.

Reporting options also include the right to notify law enforcement, and the right to be assisted by school authorities in notifying law enforcement.

Even if you or someone else are undecided about reporting an incident, it's important to consider preserving evidence, which can be helpful in obtaining a protective order and ensuring that you have as much information about what happened as possible, in case you or they decide to file a report in the future.

Barriers to Reporting

Interactivity text:

Barriers to Reporting.

Let's look at some reasons why someone might have difficulty making the decision to report an incident involving a particular person, so we can understand their experience and offer our support.

A Distinguished Colleague

People renowned in their field are sometimes "given a pass" because of the value of their professional contributions.

A Friend

When a friend exhibits troubling behavior, we sometimes make justifications for their actions for fear of alienating them.

The Star Athlete

Athletes often contribute to a positive perception of their institutions, and it can be tempting to look the other way when wrongdoing occurs.

Your Best Student

When a model student steps out of line, it can be easy to make the excuse that reporting them would put their academic progress at risk.

Retaliation

Interactivity audio script:

Retaliation.

Read the statement, then select each tab to learn more.

Interactivity text:

[Tab 1]: 2019 AAU Climate Survey on Sexual Assault and Sexual Misconduct.

This survey found that 70% of respondents did not contact an institution's program or resource after experiencing sexual assault. The survey results also revealed that respondents' likelihood of not reporting because they feared retaliation varied according to their gender identity:

- TGQN students: 17.6%
- Female students: 11.4%
- Male students: 10.9%
- Students who declined to state their gender identity: 22.8%

[Tab 2]: Forms of Retaliation.

Retaliation can come in many forms. Generally, it is intimidation, threats, coercion, or discrimination against someone because they reported or complained, testified, assisted, or participated (or refused to participate) in any manner in an investigation, proceeding, or hearing involving sexual assault or other sexual misconduct.

Retaliation may also occur when a person is charged with code of conduct violations (e.g., alcohol or drug violations) that do not involve Title IX violations but arise out of the same facts or circumstances as a reported incident of sexual harassment.

[Tab 3]: Retaliation Violates Federal Laws.

It is important that everyone on our campus knows that Title IX and the Clery Act prohibit retaliation against all victims or bystanders who report or participate in an investigation or grievance proceedings that involve sexual harassment or sexual misconduct, relationship violence, or stalking.

These protections have been put in place and are enforced to protect and encourage persons who experience harm, friends, and bystanders to report or seek help when they or someone they know has experienced sexual misconduct.

Lasting Effects

Interactivity audio script:

Lasting Effects.

Individuals who experience sexual misconduct are at increased risk for:

- Depression
- Post-traumatic stress
- Eating disorders
- Feelings of self-blame, guilt, and powerlessness
- Substance abuse
- Dysfunction in relationships
- Physical and mental health issues

Students who experience sexual misconduct may perform poorly academically and/or miss classes, and are at increased risk of dropping out.

For employees, these experiences can result in poor job performance, missed work, and loss of social or employment opportunities.

Impacts of Trauma

Interactivity audio script:

Impacts of Trauma.

Select the arrows to learn more.

Interactivity text:

Impacts of Trauma.

Researchers have identified that the brain and body may undergo neurobiological effects when a person experiences trauma from witnessing violence, surviving violent or sexual crimes, experiencing social injustice, being in an accident, or having combat experience.

Select the arrows to learn more.

[Carousel 1]: Carousel 1.

Understanding Impact.

Understanding the neurobiological impact of trauma can assist people who experience sexual assault in avoiding self-blame and can help those who want to support them be more patient and understanding.

[Carousel 2]: Carousel 2.

Memory.

A person who experiences trauma may hesitate when remembering an event, or remember only details like smells, sounds, or what something felt or looked like. They may also have accurate, but fragmented, memories and not be able to recall details in a linear fashion.

[Carousel 3]: Carousel 3.

Emotions.

During a traumatic experience, the person's body may release opiates to block physical and emotional pain. These neurobiological effects can't be controlled and may contribute to unexpected emotional reactions.

[Carousel 4]: Carousel 4.

Physical Response.

A person's physical response to trauma can also be significantly impacted by neurobiological factors. Tonic immobility (or trauma-induced paralysis) is an autonomic hormonal response that causes the body to freeze in situations that provoke extreme fear. Resisting or escaping is not possible for someone experiencing this, because they do not have control over their muscle response.

Supportive Measures

Interactivity audio script:

Supportive Measures.

When someone reports an incident of sexual misconduct to the Title IX coordinator or a designated official with authority at our institution, the first step is to discuss and offer available supportive measures that the person reporting sexual harassment ("complainant") may need (e.g., changing their academic, living, transportation, and/or working situations), regardless of whether a formal complaint is filed.

Supportive measures are provided to ensure that equal access to educational programs and activities is preserved for the person who reports being sexually harassed, assaulted, abused, or stalked, as well as to provide any appropriate supportive measures for the person accused of sexual harassment.

The person making the report will also be provided information about:

- Protection against retaliation (for example, intimidation, coercion, threats, or discrimination) for reporting misconduct, or participating in an investigation or grievance process
- The school's responsibilities regarding orders of protection, including mutual and one-way no-contact orders, and restraining orders; and
- How the school will protect the complainant's and other parties' confidentiality or privacy in any publicly available record-keeping, protective measures taken, and grievance disciplinary process
- Questions regarding Title IX or prohibited sexual misconduct may be referred to our Title IX coordinator or to the Department of Education's Office for Civil Rights.

Federal and State Laws: Legal Protections

Interactivity audio script:

Federal and State Laws: Legal Protections.

It's important to be aware of federal and state laws defining legal protections.

Explore federal and state law definitions below.

Interactivity text:

[Review your state's laws]

You must view your state's laws before continuing, using the dropdown below. If you are interested, you can compare it to other states by selecting another state from the dropdown menu.

[Dropdown: View your state's laws]

[Explore federal law definitions using the dropdown below.]

[Dropdown: View federal laws]

[Federal Law Popup]

Domestic Violence

Under Title IX, domestic violence is defined as felony or misdemeanor crimes of violence committed between two people who have:

- married or been intimate partners
- lived together as spouses or intimate partners
- a child in common
- protections under local domestic or family violence laws

Dating violence includes actual or threatened sexual or physical violence committed between two people who have been in a social relationship of a romantic or intimate nature, depending on the length and type of the relationship, and the frequency of their interactions.

Federal Law

Domestic Violence and Dating Violence

Code of Federal Regulations

TITLE 34—EDUCATION

SUBTITLE B—REGULATIONS OF THE OFFICES OF THE DEPARTMENT OF EDUCATION

CHAPTER I—OFFICE FOR CIVIL RIGHTS, DEPARTMENT OF EDUCATION

PART 106—NONDISCRIMINATION ON THE BASIS OF SEX IN EDUCATION PROGRAMS OR ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE

SUBPART D—DISCRIMINATION ON THE BASIS OF SEX IN EDUCATION PROGRAMS OR ACTIVITIES PROHIBITED

§ 106.30 Definitions. [Effective Aug. 14, 2020.]

(a) As used in this part:

.... [Content omitted for clarity]

Sexual harassment means conduct on the basis of sex that satisfies one or more of the following:

- (1) An employee of the recipient conditioning the provision of an aid, benefit, or service of the recipient on an individual's participation in unwelcome sexual conduct;
- (2) 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; or
- (3) "Sexual assault" as defined in 20 U.S.C. 1092(f)(6)(A)(v), "dating violence" as defined in 34 U.S.C. 12291(a)(10), "domestic violence" as defined in 34 U.S.C. 12291(a)(8), or "stalking" as defined in 34 U.S.C. 12291(a)(30).

... [Content omitted for clarity]

... [Content omitted for clarity.]

§ 106.44 Recipient's response to sexual harassment. [Effective Aug. 14, 2020.]

(a) General response to sexual harassment. A recipient with actual knowledge of sexual harassment in an education program or activity of the recipient against a person in the United States, must respond promptly in a manner that is not deliberately indifferent. A recipient is deliberately indifferent only if its response to sexual harassment is clearly unreasonable in light of the known circumstances. For the purposes of this section, §§ 106.30, and 106.45, "education program or activity" includes locations, events, or circumstances over which the recipient exercised substantial control over both the respondent and the context in which the sexual harassment occurs, and also includes any building owned or controlled by a student organization that is officially recognized by a postsecondary institution. ... [content omitted for clarity]

... [Content omitted for clarity.]

Title 34-CRIME CONTROL AND LAW ENFORCEMENT

Subtitle I—Comprehensive Acts

CHAPTER 121—VIOLENT CRIME CONTROL AND LAW ENFORCEMENT

SUBCHAPTER III—VIOLENCE AGAINST WOMEN

§ 12291. Definitions and grant provisions

(a) Definitions

In this subchapter:

... [Content omitted for clarity]

(8) Domestic violence

The term "domestic violence" includes felony or misdemeanor crimes of violence committed 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.

(9) Dating partner

The term "dating partner" refers to a person who is or has been in a social relationship of a romantic or intimate nature with the abuser, and where the existence of such a relationship shall be determined based on a consideration of –

- (A) the length of the relationship;
- (B) the type of relationship; and
- (C) the frequency of interaction between the person involved in the relationship.

(10) Dating violence

The term "dating violence" means 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 consideration of the following factors:

- (i) The length of the relationship.
- (ii) The type of relationship.
- (iii) The frequency of interaction between the people involved in the relationship.

... [Content omitted for clarity]

... [Content omitted for clarity.]

Disciplinary Proceedings

Interactivity audio script:

Disciplinary Proceedings.

If disciplinary action is taken in cases of sexual assault, stalking, relationship violence, or other forms of violence, Title IX requires your institution to provide disciplinary proceedings that:

- Include a reasonably prompt, fair, and impartial process;
- Are conducted by unbiased officials who are trained in investigating and resolving these issues; and
- Provide both the complainant and the alleged perpetrator opportunities to be accompanied by an advocate, advisor, or a support person of their choice.

Title IX also requires your institution to provide both the complainant and respondent equal opportunities to:

- access information that will be used at formal and informal meetings or hearings, and review any evidence obtained during the investigation;
- present witnesses and other evidence;
- have an advisor or other support person present during the grievance process;
- allow advisors to cross-examine witnesses and parties, and either party to request that they be in separate rooms with technology enabling them to see and hear a witness or party answer questions.

The complainant and the alleged perpetrator should receive simultaneous notification of:

- A statement of, and rationale for, the result of the proceedings, and any sanction imposed against the respondent;
- Information on how to appeal the result;
- Any change to the result; and
- When the result becomes final.

A school's policies may have additional rules for Title IX hearings—such as limiting the introduction of evidence not produced prior to the hearing, or rules requiring respectful cross-examination of witnesses—provided that they apply equally to both parties. Refer to your school's disciplinary or grievance procedures for more information.

Summary

[Interactivity audio script:](#)

Summary.

In this section, you learned:

- Ways to support someone who has experienced sexual misconduct
- The differences between a variety of reporting options
- The impact trauma can have on someone, both physically and mentally/emotionally
- Requirements for disciplinary and grievance proceedings; and
- Federal and state laws related to legal protections.

Conclusion

[Interactivity audio script:](#)

Conclusion.

Thanks for taking the time to explore this course. Before you leave, make sure you spend time reviewing your institution's policies.

Course Summary

[Interactivity audio script:](#)

Course Summary.

Everyone has a stake in maintaining a safe and respectful work and learning environment. Preventing sexual harassment and addressing problematic behavior in our community is

essential, for employees and students to be productive and realize their full potential. You play an important role in fostering this environment. We encourage you to continue to reflect on the intersecting ways in which these issues affect us all, and use what you've learned to take effective action. Together, we can create real change.

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