

# Title IX and Sexual Misconduct Policy Updates



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Presented by:

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# Introductions and Goals of Session

- What is Title IX?
- Employee role and responsibility
- Resources

# Title IX

**Title IX** of the Educational Amendments of 1972 prohibits discrimination on the basis of sex in education programs or activities operated by those institutions receiving federal financial assistance in the U.S.



# Why is this an issue for colleges and universities?

- More than 1 in 3 women and 1 in 4 men experience sexual violence involving physical contact during their lifetimes.
- Over half of campus sexual assaults occur when individuals are incapacitated, primarily by alcohol.
- Statistics underestimate the extent of the problem because many cases are not reported.

*Source: CDC's National Center for Injury Prevention and Control, Division of Violence Prevention, 2018.*

- Sexual violence can occur between persons of same or different genders



# Some Common Effects of Sexual Violence

- Depression
- Change in sleep pattern
- Inability to concentrate
- Fear / worry / anxiety
- Loss of energy / persistent fatigue
- Flashbacks
- Anger / irritability / agitation
- Rape Trauma / PTSD
- Pregnancy / STI
- Suicidal thoughts
- Feelings of worthlessness, hopelessness, guilt
- Fear of not being believed
- Social withdrawal



# What is considered Sexual Harassment under Title IX?

- 1) **Quid pro quo:** Requiring someone to engage in sexual activity for something in return (“this for that”).
- 2) **Sexual Assault:**
  - Rape
  - Incest
  - Rape
  - Dating Violence
  - Stalking
  - Fondling
  - Statutory
  - Domestic Violence
- 3) **Unwelcome conduct** that is severe, pervasive, and objectively offensive.



# Other Sexual Misconduct, not covered under Title IX

- **Sexual harassment** not covered under Title IX
- May include, but not limited to, a severe, persistent OR pervasive pattern of unwelcome conduct

## *Some Examples:*

- Verbal harassment; unwanted sexual flirtations, advances, propositions
- Verbal abuse of sexual nature; unwanted verbal comments about person's body
- Graphic visual displays that are sexually suggestive
- Unwelcome physical contact
- Can be single, isolated incident of sexual harassment or multiple incidents

# Sexual Misconduct not covered under Title IX

- **Sexual exploitation** – taking sexual advantage of another person without effective consent (example: taking a video of someone performing a sexual act and streaming or distributing this)
- **Coercion** – use of unreasonable and persistent pressure or threat to initiate or continue sexual activity against an individual's will
- **Complicity**- an act that knowingly aids, abets, or encourages the following through of sexual misconduct by another person



# What is Consent?

## “Yes Means Yes”

- Clear words or actions - affirmatively demonstrate a knowing and voluntary willingness to engage in mutually-agreed-upon sexual activity
- Informed, freely given and mutual
- Cannot be gained by force, intimidation, duress, deception or by ignoring objections
- Cannot be inferred from silence/lack of active resistance
- Prior consent does not imply future consent
- Minors and persons incapacitated by alcohol or drugs cannot give consent.
- Not implied by attire or money spent.

*Sexual violence may occur between persons of the same or different gender.*



# Sexual Misconduct at MC

- Meredith takes sexual misconduct seriously.
- MC will address sexual misconduct through the Title IX and Other Sexual Misconduct Policy.
- The Policy provides for support and resource options to both parties.

# Resources at MC

Title IX website: [www.meredith.edu/title-ix](http://www.meredith.edu/title-ix)

## Resources Listed Include:

### Title IX Coordinators:

- Pamela Davis Galloway
- Ann Gleason

### Other On Campus:

- Campus Police

### Confidential Resources:

- Counseling Center
- Health Center
- Chaplain

### Off Campus Options:

- Interact
- Employee Assistance Program



# Your Role as an Employee:

- Be familiar with College policies and follow them
- Be approachable and provide support and assistance
- Follow up with Title IX Coordinator(s) with info and reports (even if the individual only wants to see confidential resource)
- Do not investigate a complaint or serve as the counselor/medical provider
- Refer to appropriate resources
- Maintain privacy
- Be an effective bystander



# What do I say?

**Offer Support** – be compassionate and non-judgmental:

- “Thank you for sharing this with me. I imagine it must not be easy, so I am honored you chose to reach out to me.”
- “You are not alone and there are resources to help you. How can I help you connect with what you need?” Show the Title IX info page, resources and reporting info. <http://www.meredith.edu/title-ix>
- “Would you like for me to connect you with resources that are available to you?”

*If the individual needs immediate medical attention:*

- “In addition to being concerned about your safety and well-being, I am also concerned about your health – would you like medical attention?”
  - Interact’s Solace Center: 919-828-3067 (off campus)
  - MC Health Services: 919-760-8535 (on campus)



# What if they want to **report**?

- “I support your decision.....would you like for me to assist you in speaking with a Title IX Coordinator?”
- If person wants to report on his/her own:  
After you contact the Title IX Coordinator, she will give you information about resources and next steps. “Is it OK for me to follow up with you to see how you are doing?”

If a complaint is received, Title IX Coordinator decides to consider or dismiss under Title IX; may consider under other College policies/procedures



# What if they don't want to report?

- “Your safety and the safety of other community members are important to me. I will need to share this information with a Meredith Title IX Coordinator so that she can take the necessary steps and provide you with information. I want you to know that you are not alone and there are resources to help you.”
- Offer to go with the individual to report or bridge to resources
- In some cases, the College may determine further review is needed whether the reporting individual wishes to pursue a complaint or not.



# What if they don't want to report, continued.....

- *If person ask you not to report:*
  - Share that you have an obligation to report what has been disclosed to you, but information will only be shared on a need to know basis to maintain privacy to the full extent possible.
  - Share any information you've been given with a Title IX coordinator (the College may still need to review the situation with the information that is provided).
  - Tell the individual that they will probably be contacted by someone who works with these types of complaints to explain resources and options available to them.



## What if the person discloses a past situation?

Student discloses past experience of off-campus sexual violence not involving another MC community member in paper, assignment, internship placement application, etc. – meet with student to offer support and resources:

### *Follow up with student:*

“I am glad that you felt comfortable in sharing this with me. Is there anything you need? There are many campus resources available to you if you need any support or assistance (*list a few, such as counseling center, chaplain*).” Offer to go to the Title IX web site if individual wants more info.

*Follow up with Title IX Coordinator* with basic info - student name may not need to be disclosed



# Shouldn't I just direct them to the local police?

- May contact law enforcement at any time
- The College can take interim actions at any time
- The College grievance process is not a substitute for criminal proceedings.
  - Different standards of decision making are applied: burden of proof vs. preponderance of the evidence
  - Processes are different - lead to different outcomes



# Important to remember.....

- Meredith College understands that an individual may not be ready to make a decision about next steps but the College will provide resources and support, to the extent possible, as requested.
- A report to a Title IX Coordinator does not necessarily result in a Formal Complaint or grievance process. Additional assistance may be appropriate.
- The reporting individual is able to determine their comfort level in participating (or not) in any further review if the College determines that further evaluation is necessary.



# What if I do nothing?

- Consider the potential harm to individual
- Consider the potential harm to others
- The College can be liable if we do not take action to prevent harm.



# An Ounce of Prevention...

- Model appropriate behavior; as an employee, you are often viewed as being in a position of power
- Empower students and coworkers by letting them know:
  - It's okay to tell someone that their attention or conduct is offensive or unwelcome; and
  - It's okay to ask a person to stop.
- Be careful when using social media
- Remember your role when attending or inviting students to social functions, informal gatherings, etc.
- Think about how your actions may be perceived by others
  - will they understand your intent?



# Take Aways:

- Unless you are a confidential resource, **you are a responsible employee** and must report sexual misconduct.
- Who do I report information to? Title IX coordinators, Pamela Galloway or Ann Gleason.
- Consult with a Title IX coordinator (with or without names) if you are unsure about what sexual misconduct is and if it should be reported.
- Where can I find resource information? MC website or <http://www.meredith.edu/title-ix>
- Who can provide immediate assistance? A Title IX coordinator or a confidential resource. In addition, the individual may want to speak with local law enforcement, InterAct or other resources.



# Questions and Answers



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