



Title IX Preventing Sex and Gender Discrimination

Ms. Jess Brown
Title IX Coordinator
Eureka College

ass-grabbing forced kissing

coercion

unwanted sexual emails

stalking

unwanted groping

forced touching

unwanted sexual comments

pressured sexual activity

wolf-whistling

sexual harassment

sexual assault

cat-calling

unwanted sexual jokes

rape

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Why is Title IX a BIG Deal?

- One in five women and about six percent of men are assaulted during their college years; only 12% of cases reported; small # of offenders punished
- President Obama established a sexual assault task force and recently launched the “It’s On Us” Initiative
- NFL and other celebrities have joined the NO MORE Campaign
- OCR continues to release additional points of clarity for colleges to adapt their policies using a “Dear Colleague Letter”
- State of Illinois has recently issued a new law in regards to Preventing Sexual Violence on campus. All colleges and universities are required to compile with.



Eureka College “It’s ON US”

- <https://www.youtube.com/watch?v=Lxz3eOQOq6Q>



Why is Title IX a BIG Deal? cont'd

- List of colleges under investigation by OCR continues to grow...now there 246 ongoing investigations for mishandled sexual harassment cases.
- There are 68 additional cases for just sexual assault, these cases are from 61 different colleges and universities. There's a total of 314 total cases being investigated.
- Colleges and universities near Eureka College that are on the list include: University of Illinois Chicago, The University of Chicago, Southern Illinois University Carbondale, Monmouth College and Knox College
- Investigations may be the result of complaints filed against the college or by DOE audits

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Primary Issues (“Deliberate Indifference”)

- Lack of or insufficient/ flawed investigations
- Lack of appropriate interim measures
- Insufficient resolutions/ remedies

BE HEARD.
SEXUAL HARRASSMENT SEXUAL VIOLENCE DATING VIOLENCE STALKING
IT'S EVERYONE'S ISSUE



Presentation Covers

- What is Title IX?
- What is sexual discrimination, including sexual assault, sexual misconduct, and sexual harassment?
- Who should report a possible or known Title IX violation?
- Who do I talk to about Title IX?
- What are the processes and procedures to address a concern or complaint?

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What is Title IX?

- “Title IX of the Education Amendments of 1972 is a federal mandate that prohibits sex discrimination in educational activities and programs.”

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Title IX Language

- “No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial aid.”
 - Title IX of the Education Amendments of 1972



What does all of that mean?

- Anti-discrimination statute
 - Protects all in campus community
 - Includes any federally-funded programs abroad as well

Constantly changing by DOE and courts

- Has been broadened significantly over past decade
- (e.g., faculty are required to excuse ALL pregnancy-related absences; new updated to Clery)

Enforced as if law includes “gender”, not just sex (interpreted as such by courts and DOE)



What does this mean for Eureka College

- The College has a duty to promptly respond to possible incidents of sex discrimination in a way that prevents its reoccurrence and limits its effects
- *Obligation to investigate is absolute
- *Institutions can be and are increasingly being sued
- *Deliberate Indifference in creating a hostile environment

- **ALL** employees of the College are **required** to report any information about an alleged or known case of sexual harassment, assault, or misconduct within 24 hours of witnessing it or being notified.

The IX Commandments

Thorough	Reliable	Impartial
Prompt	Effective	Equitable
End the Discrimination	Prevent its Recurrence	Remedy the effects upon the victim & community

Investigation

Process

Remedies

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What is Sex Discrimination?

- Sex Discrimination includes all forms of misconduct, assault, and harassment, including verbal harassment and sexual violence by students, employees, and guests against students, employees and guest.
- Unequal pay based on gender, discrimination on the basis of pregnancy, unequal distribution of athletic funds, unequal admissions and financial aid are also forms of sex discrimination.

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What is Sexual Harassment?

- Sexual harassment is **unwelcome** conduct of a sexual nature that is sufficiently severe, persistent, or pervasive enough to unreasonably interfere with, deny or limit someone's ability to participate in or benefit from an activity or program.
 - Examples
 - Request for sexual favors
 - Unwelcome advances or compliments
 - Sexist comments
 - May be single episode or persistent behavior

What is Sexual Assault?

- Sexual assault is actual or attempted physical sexual acts perpetrated with out CONSENT.
 - Examples
 - Rape
 - Sexual Coercion
- **Consent is clear, unambiguous and voluntary agreement between the participants to engage in specific sexual activity.**
- *Lack of a “no” is not a “yes” (Silence does not constitute consent)



What is Sexual Misconduct?

- Sexual misconduct includes inducing incapacitation for sexual purposes, sexual exploitation, and relationship violence
 - Examples
 - Use of drugs or alcohol to affect consent (Bill Cosby Case)
 - Non-consensual voyeurism
 - Knowingly transmitting a sexually transmitted disease
 - Unwelcome physical contact with a current or former partner



Who is involved?

- Victims/Complainant Party(s) of sexual harassment, sexual assault, or sexual misconduct can be faculty, staff, students, or guest.
- Accused/Alleged Perpetrators/ Respondent Party(s) similarly can from the same groups.
- Complainant Party and Respondent Party can be male or female. Harassment can take place between members of the same sex. Witnesses and others who are or may be aware of the discrimination.
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Reporting Sex Discrimination

- Who needs to report sexual harassment, misconduct, and assault?
- Am I **required** to report?
- What should I report?
- What is the process to report?



Who needs to report?

- **ANY** College employee, students, or volunteers who witness or hear about an incident of sex discrimination is **required** to report it to the Title IX Coordinator (Ms. Brown), **within 24 hours**.
 - A member of the Title IX Investigation Board, or another College official (e.g. Supervisor) may also be informed
 - **ALL** College employees except the Chaplin/Ombudsperson are **“mandatory”** or **“responsible”** reporters.
 - Anyone who experiences sex discrimination is **urged** to report it to one of the College officials listed above.



Who Do I Report To?

- Report to the Title IX Coordinator
 - **Ms. Jess Brown:** Title IX Coordinator, Assistant to Residential Life/ Coordinator for Campus Involvement
 - 300 East College Ave, Eureka, IL 62530
 - Phone: 309.467.6865
 - Jbrown@eureka.edu
- This may include reporting to your supervisor or Division Chair.
- Report as soon as possible, but no longer than 24 hours after witnessing or being made aware of the possible violation!

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What does the Title IX Coordinator Do?

- Oversees the College's review and investigation of sexual discrimination complaints and ensures compliance with Title IX guidelines.
- Provides information about available remedies, complaints processes and procedures on and off campus, filing a police report, and victim resources on and off campus
- Answers procedural questions from the Investigation Team
- Offers reasonable interim measures
- Reports directly to President Santa Cruze Wright

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Deputy Title IX Coordinator(s) Role

- The Deputy (s) Title IX Coordinator assist the College's Title IX Coordinator with various Title IX implementation activities that include students, staff, and faculty.
- Deputy(s) Title IX Coordinator receive reports of sexual assault/sexual misconduct, sexual harassment, and sexual violence.
- The Deputy(s) Title IX Coordinator also serves as a designated Title IX Investigator, with responsibilities to lead investigations complaints of sexual assault/ sexual misconduct, sexual harassment, and sexual violence.



Eureka College Deputy(s)

- Kelly Harris : Phone: 309-467-6413 Email kharris@eureka.edu
- Pat Grisham: Phone: 309-467-6339 Email: pgrisham@eureka.edu
- Marygrace Kaiser: Phone: 309-467-6400 Email: mgkaiser@eureka.edu



What should I report?

- Any observed, experienced, believed, or known sex discrimination, including sexual harassment, sexual misconduct, or sexual assault.
- This includes incidents on campus, off campus, from yesterday, last week, or two years ago. It does not matter when the incident took place.
 - **There is no statute of limitations**



What about police?

- We are **required** to notify police when there is known or believed sexual assault of a minor.
- Involvement from law enforcement does not relieve the institution from investigating under Title IX.
- You may have a violation under Title IX without a criminal violation; the standard of proof is different.



What about confidentiality?

- The Title IX Coordinator and Investigation will never broadcast or otherwise make public reported information. **Information is shared on a need to know basis.**
- The college will protect your privacy to the extent possible under the law.
- The college is required to investigate, but that investigation will be limited by the information provided by the complainant party and respondent party and their interests in pursuing a formal and fair investigation process.



Why isn't confidentiality GUARANTEED?

- The Title IX Coordinator has to balance confidentiality with the safety of other members of the college community.
- Examples:
 - Repeat offenders
 - Respondent Party/ Accused poses an imminent threat of danger to the complainant party or the community



Who can I talk to confidentially?

- On Campus:
- Campus Chaplain/ Ombudsperson
 - **Bruce Fowlkes**
 - bfowlker@eureka.edu or 309.467.6429
- Off Campus
 - Tazwood Center for Wellness
 - 309.347.5522
 - Other Licensed counselors or licensed health-care professionals
 - Refer to Eureka College Title IX Website

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Retaliation

- Retaliation against **ANY** participant in the process-complainant party or respondent party, witness, reporting individuals-is **prohibited.**



Ten Steps

- 1. Complaint or Notice
- 2. Preliminary Investigation (initial strategy)
- 3. Gatekeeper Determination
- 4. Charge
- 5. Strategize Investigation
- 6. Formal Comprehensive Investigation
- 7. Witness Interviews
- 8. Evidence Gathering
- 9. Analysis
- 10. Finding

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In Conclusion...

- The college must attempt to:
 - Prevent sex discrimination
 - Educate the campus community
 - Promptly help the victim
 - Eliminate future harm
- Always report observed, believed, or experienced sex discrimination to the Title IX Coordinator.

Remember the IX Commandments

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Process

Remedies



Resources



Title IX Coordinator (309)467.6865

jbrown@eureka.edu

Tazwood Center for Wellness: (309)347.5522

National Sexual Assault Hotline www.rain.org

**Woodford Country Center for Prevention of Abuse:
(800)559.7233**

Eureka Police(309)339.0321

<http://www.eureka.edu/student-life/title-ix/>

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Ms. Jess Brown

- My Contact
:309.467.6865



Questions?

