

# Giving Consent



# What Impacts Your Definition of Consent?

- Demographics
- Environment
- Upbringing
- Generational Gap
  - There are now 5 generations in the work force.
  - Each has its own definition of consent
- Ability to discuss the topic



# What is giving consent?

- ***Clearly*** agreeing to something or to something happening.
- Yes means Yes
- If you can't talk about it, can't agree or reply, you are not giving consent.



## What laws are in place that impact consent?

- Title IX of the Education Amendments of 1972 protects people from discrimination based on sex in education programs and activities that receive federal financial assistance.
- Each state also defines specific crimes/laws for their jurisdiction.
- Sexual misconduct and discrimination of any kind based on sex/gender (*including pregnancy and childbirth*), sexual orientation, gender identity, gender expression, nonconformity with sex stereotypes, age, national origin, disability, veteran status, or any other category protected by federal, state, or local law is prohibited.



# What policies are in place at IntelliTec?

## ***Sexual Misconduct and Discrimination Policy***

The policy outlines appropriate conduct and states that IntelliTec does not tolerate discrimination, harassment or violence of any kind and expands on the EEO policy.

## ***Equal Employment Opportunity (EEO) Policy***

This policy outlines bullying, retaliation and other related behavior expectations.

### ***Who does this policy apply to?***

- All members of the IntelliTec community, including students, faculty, and administration as well as third parties.

### ***Where can I find a copy of the policy?***

- Teclink and [www.intellitec.edu](http://www.intellitec.edu)



## What specific behaviors are prohibited?

- Domestic Violence
- Sexual Assault
- Sexual Harassment
- Sexual Discrimination
- Sexual Violence
- Stalking
- Dating Violence
- Quid Pro Quo
- Sexual Exploitation
- etc.



# Discrimination, Harassment & Violence

- **Sexual Discrimination:**

- Adverse treatment of an individual based on gender
  - Singling out an individual for different or adverse treatment
  - Failing/refusing to hire or allow participation by an individual in a College activity
  - Terminating or removing an individual from employment or an educational program
  - Verbally harassing or abusing an individual designed to impact that individual adversely

- **Sexual Harassment:**

- Any unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:
  - It is required to submit to the conduct as a condition of instruction, employment, or participation or as a basis for evaluation.
  - It creates a hostile/offensive environment at work, educational or home setting.

- **Sexual Violence:**

- Any sexual act committed against someone without that person's freely given consent.



# Stalking & Exploitation

- **Stalking**

- A course of conduct (*more than one act*) directed at a specific person
- Causes a **reasonable person** to feel fear, experience substantial emotional distress, or fear for their safety or the safety of a third person.

- **Sexual Exploitation**

- Violating the sexual privacy of another or take unjust or abusive sexual advantage of another who has not provided consent
- (*ex. Distributing sexual images or texts without consent*)





# Dating & Domestic Violence

## Dating Violence:

- Acts of violence, threat, or intimidation that harm or injure a partner in a current or former dating relationship
- The relationship is determined on:
  - (1) the length of the relationship
  - (2) the nature of the relationship
  - (3) the frequency & interactions between the persons involved

## Domestic Violence:

- Acts of violence, threat, or intimidation that harm or injure members of a family or household.
- A “household” exists when individuals who are married or have an intimate relationship share access to the same private living space or bathroom.

# Withholding Consent



# Withholding your Consent

Consent is about choosing to respect personal and emotional boundaries.

If you are uncomfortable with,

- Inappropriate comments
- Inappropriate touching
- Unwelcome attention
- Physical proximity

Embrace your Voice.

- It's okay to say no.
- Set your own boundaries.
- Tenure and rank do not play a part.



# Signs you are Withholding Consent

- Anxiety
- Pulling away
- Lack of eye contact
- Uncomfortable body language
- Wanting to say No


Don't wait for a critical moment to voice how you are feeling.



# What is Incapacitation?

The inability to give consent because the individual is mentally and/or physically helpless, either voluntarily or involuntarily, or the individual is unconscious, asleep, or otherwise unaware

If someone is incapacitated, they are incapable of giving consent.



## Role of Alcohol & Drugs

- At least 50% of sexual assaults involve alcohol consumption by the victim, perpetrator or both.
- 90% of all acquaintance rapes involve alcohol.
- Alcohol use by a potential attacker can lead to more aggressive behavior and an inability to accurately interpret a person's sexual interest.



# Role of Alcohol and Drugs

- Alcohol lowers a person's feelings of fear & anxiety that might otherwise have motivated them to leave a situation.
- The more alcohol and/or drugs in their system, the less likely a victim is to resist.
- *After trauma*, alcohol plays a significant role as well and may be used as a method for coping with trauma



# Amnesty

- Many sexual assaults and violent incidents go unreported when drugs and alcohol are involved. However, sexual assault is never the fault of survivors, regardless of the use of drugs or alcohol.
- IntelliTec offers amnesty for alcohol and drug related violations that might prevent students or staff from reporting an incident.
- IntelliTec will still refer students/staff to substance abuse programs as needed.





# Recognizing & Obtaining Consent



# Your Behavior & Evaluating

- Remember that consent is not based on what you agree to but what the other person is agreeing to –
  - Ask sincerely. You *may not* get the answer you want.
  - Respect Boundaries and again, ask. Your boundaries are not the other person's boundaries.
  - Respect privacy. Ask before sharing privileged information.



# Signs Consent is being Withheld

A clear *NO* should always be taken seriously.

However, not everyone is comfortable voicing a no.

Watch for:

- Body language
- Nervousness
- Pulling away
- Lack of eye contact

If there is any doubt, ask.



# Evaluating a Relationship

## Healthy

- Sharing and listening
- Deciding things together
- Equality
- Support
- Being respectful
- Showing affection
- Laughing together
- Pride in each other
- Trust & Honesty
- Sensitivity

## Harmful

- Controlling behavior
- Guilt trips
- Threats
- Intimidation
- Isolation
- Avoids responsibility
- Makes you feel bad
- Jealousy
- Violence



# Acquaintance Rape

- 90% of college women who were victims of attempted or completed rape knew their attacker.
- Acquaintance rape is not an accident.
- Perpetrator's often choose the target carefully and plan the assault:
  - Accidental touches and stares
  - The target dismisses their unease
  - The perpetrator separates the target from others



# Signs of Abuse or Assault

## Warning Signs

- Afraid or anxious
- Recoils from touch
- Has injuries, explained as “accidents”
- Frequently misses school or work without explanation
- Dresses in clothing designed to hide bruises (*e.g. wearing long sleeves in the summer or sunglasses indoors*)
- Low self-esteem, even if they were confident
- Major personality changes or mood swings
- Depressed or suicidal



# Assisting Yourself & Others

## What you can do to help:

- Be supportive
- Don't place shame, blame, or guilt
- Offer specific help
  - Academic Accommodations
  - Help them call police or a shelter/resource
- Encourage them to talk to someone
  - Deputy Title IX Coordinator
  - Law Enforcement
  - Counselor
- Keep in mind that you can't "rescue"

## Assistance for you:

- Plan Ahead –Safety Plan
- <http://www.loveisrespect.org/for-yourself/safety-planning/interactive-safety-plan/>
- Talk to someone:
  - Confidential: LifeWorks
  - Title IX Coordinator
  - Responsible Employee
  - Law Enforcement



# Additional Victim Resources

*Each Campus has information regarding local resources that can provide assistance.*

- 24 hour hotlines
  - Advocacy
  - Legal Assistance
  - Counseling
  - Support Groups
- 
- Rape Crisis Center of Central New Mexico (Abq)
  - TESSA (Colorado Springs)
  - Latimer House (Grand Junction)
  - Pueblo Rape Crisis Services (Pueblo)

*Additional National Resources Include:*

- Rape, Abuse & Incest National Network (RAINN) <https://rainn.org/>
- National Center for Victims of Crime <https://victimsofcrime.org/>
- The National Domestic Violence Hotline <http://www.thehotline.org/>
- 1-800-799-SAFE (7233)
- Veterans Crisis Line <https://www.veteranscrisisline.net/>





# Bystander Intervention

## What is Bystander Intervention?

Safe and positive options taken to prevent harm or intervene in situations of potential harm.

Including when there is risk of domestic violence, dating violence, sexual assault, or stalking against a person other than the individual.



# Bystander Intervention

The best model for preventing misconduct as a bystander is to:

- Notice the situation
- Identify it as an emergency or serious situation
- Take responsibility
- Decide how to help
- Act to intervene



# Providing Assistance

- Ask if the person needs help
- Don't leave
- Have a buddy system, and let your students/staff know if you're worried about them
- Ask directly, "Do you need assistance?"
- Find help or call 911; this can be management, supervisors, etc.
- Distract the perpetrator so there's time to intervene



# Bystander Effect

- The more people who witness a situation where someone needs help, the less likely it is that someone will actually intervene.
- A person's feeling of responsibility is not as strong when that responsibility is shared by others.



# Enabling Sexual Assault and Harassment

- Victim blaming
  - Places partial or complete blame for the situation in the victim
- Rape myths
  - The idea that “real rape” is only committed by a stranger who ambushes a woman unexpectedly
- Perception
  - It doesn't bother me, so why should it bother them



# Effects of Trauma

## What is trauma?

An experience that is emotionally painful, distressful or shocking, often resulting in lasting mental and physical effects including:

- Post-traumatic stress disorder (PTSD: *flashbacks, hypervigilance, jumpiness, sleeplessness, and general anxiety*)
- Depression
- Substance abuse
- Dissociation
- Personality disorders
- Additional health problems



# Secondary Victimization

- **Secondary victimization** is characterized by engagement in victim-blaming attitudes, behaviors, and practices, which result in additional trauma for sexual assault survivors. (NIJ, Rebecca Campbell)
  - Victims are blamed
  - Behavior may be deemed “suspicious”
  - Victims are forced to ***prove*** that it happened
- *Up Next:* [Neurobiology Of Sexual Assault](#)



# Employee Responsibilities





# Responsible Employee

- All faculty, academic, and campus management, and all persons in a position of *perceived authority*.
- This means all faculty and staff are required to disclose any complaints or anything they should have reasonable known about including names of those involved.
- The responsible employee must notify complainants of their responsibility to report.
- Do not commit to confidentiality.



# Responsible Employee

- What do you need to do?
  - Assist the victim and/or complainant if comfortable
  - If not, solicit help
  - Always notify the Deputy Title IX Coordinator
  - Only involve those who need to know
  - Offer assistance in calling law enforcement
  - If you feel there is immediate danger to a person(s), you may contact law enforcement
- What should you avoid?
  - Asking the victim to repeat their story multiple times
  - Insisting on a written statement
  - Requiring them to call law enforcement



# Preventing Misconduct

- If you see it, report it.
- It is everyone's responsibility to ensure conversations and topics are appropriate.
- Notify your Supervisor or a Responsible Employee
- Practice Bystander Intervention
- Seek Support & Assistance
- Work with the Deputy Title IX Coordinator to assist victims or obtain assistance



# How to Report

**Reporting to anyone on campus constituted an official complaint.**

## **To report you can:**

- Schedule an appointment or walk-in
- Call appropriate personnel to report a potential violation.
- Email or submit written complaints
- Contact the local police department for assistance in a criminal complaint and preserving physical evidence

## **Who can you talk to?**

- Any Responsible Employee
- Deputy Title IX Coordinator
- IntelliTec Title IX Coordinator



# How to Report

Who does a student or staff member report to?

- Anyone they choose.
- This may be you, may be the Title IX Coordinator or could even be someone they are close friends with.
- Reporting is not about position in the company, it's about being comfortable reporting.

# Who is your Title IX Coordinator?

<b>IntelliTec Title IX Coordinator</b>	<b>Peter Ristig</b> Phone: (719) 632-8116 ext. 1019 Email: <a href="mailto:pristig@intellitec.edu">pristig@intellitec.edu</a>
<b>Albuquerque Deputy Title IX Coordinator</b>	<b>Roxanna Billie</b> Phone: (505) 508-5225 ext. 4000 Email: <a href="mailto:rbillie@intellitec.edu">rbillie@intellitec.edu</a>
<b>Colorado Springs Deputy Title IX Coordinator</b>	<b>Katie Hager</b> Phone: (719) 632-7626 ext. 1128 Email: <a href="mailto:khager@intellitec.edu">khager@intellitec.edu</a>
<b>Grand Junction Deputy Title IX Coordinator</b>	<b>Jennifer Berrie</b> Phone: 970-245-8101 ext. 3009 Email: <a href="mailto:jberrie@intellitec.edu">jberrie@intellitec.edu</a>
<b>Pueblo Deputy Title IX Coordinator</b>	<b>Dawn Hawkins</b> Phone: (719) 542-3181 ext. 2020 Email: <a href="mailto:dhawkins@intellitec.edu">dhawkins@intellitec.edu</a>



# Title IX Coordinators

What is the Title IX Coordinators role?

- Work with staff to assist victims
- Complete Investigations
- Ensure the process is followed
- All necessary steps are completed according to policy

If assisting a victim, ensure that the situation is reported to the Deputy Title IX Coordinator as soon as possible.



# Confidentiality

**The only confidential resource available through IntelliTec is LifeWorks.**

**Gain Access to:** *LifeWorks*

- Certified counselors immediately over the phone
- Referrals to local counselors for up to three (3) free visits per incident.
- Contact 24 hours a day, 365 days a year
- Call 1-888-267-8126 or en Español at 1-888-732-9020
- Website Resources: [www.lifeworks.com](http://www.lifeworks.com)





# Confidentiality

- If you report a complaint to anyone at the college, IntelliTec will have a duty to follow-up and review the complaint.
- IntelliTec will maintain as much confidentiality as possible and only notify people who need to know.
- This means no notes in the database regarding these incidents, follow-ups in meetings, or other open forums. Once an incident is reported need-to-know is maintained.

# Investigations & Grievances



# Investigations

- **Victims are encouraged to:**

- Seek medical treatment immediately if needed
- Contact law enforcement for law violations
- Notify a responsible employee or Title IX Coordinator for help, resources, and investigations.

Campus Location	Phone Number
<b>Albuquerque Police Department</b>	(505) 242-COPS or (505) 242-2677
<b>Colorado Springs Police Department</b>	(719) 444-7000
<b>Grand Junction Police Department</b>	(970) 549-5000
<b>Pueblo Police Department</b>	(719) 553-2538



# Investigations

**IntelliTec Colleges makes a commitment to consider ALL facts and circumstances involved in an incident.**

## **What happens when an investigation is opened?**

- All parties **MUST** preserve any evidence
- Witnesses are interviewed including third party witnesses
- All evidence is reviewed including emails, texts, reports, etc.
- Interim measures or academic accommodations will be taken immediately as needed



# Accommodations

Some possible accommodations or interim measures to assist victims?

- Re-scheduling of assignments and/or testing without penalty;
- Leave of absence (LOA) process;
- Special arrangements for completion of labs or hands-on testing;
- Waiving or compensation of re-take test fees;
- Access to counseling services;
- Changes in class schedule, including the ability to transfer course sections or withdraw;
- Change in work schedule or job assignment;
- Additional tutoring or open lab time, as needed;
- Enforcement of any court, college, or law enforcement no contact or restraining order;
- Other remedies that can be used to achieve the goals of this policy and are reasonable

Work with the Campus Director and Title IX Coordinator to determine victim needs and accommodations.



# Resolutions

- Investigations are typically completed within 30 days
  - *Certain circumstances may effect this (ex. Police investigation)*
  - *Parties will be notified in writing of changes to the timeline*
- Parties will be informed of the outcome via writing and any disciplinary sanctions that are to be imposed.
  - Rulings are based on **preponderance of the evidence**
  - 51% more likely to have occurred
  - The appeal procedure is outlined in the catalog and both parties will be given the information at the time of the resolution



# Conflict of Interest

**IntelliTec wants to ensure a fair and impartial investigation.**

- If there is any conflict of interest with the Deputy Title IX Coordinator the IntelliTec Title IX Coordinator will handle the complaint.
- If the IntelliTec Title IX Coordinator cannot handle the complaint, the President of IntelliTec or a third party investigator will.



# Non-Retaliation

- Retaliation against a student, witness, etc. for filing a complaint under this policy or for assisting in a complaint investigation will not be tolerated.
- If you perceive retaliation for making a complaint or for your participation in an investigation, please follow the complaint procedure, outlined in the *Employee Handbook*.





# Grievance policy

- **Disciplinary actions:** Students and staff will be subject to disciplinary action(s) including and up to expulsion or termination depending on the investigation and determination of wrongdoing.
- **Grievances and Appeals** must be made through the Employee Relation process detailed in the Employee Handbook. Details will be outlined in the final report given to each party.



# Sanctions

- Specific sanctions for domestic and dating violence, stalking and sexual assault cases.
  - Domestic and dating violence incidents will result in a written warning for minor offenses & serious offenses involving physical harm or repeat offenses will result in expulsion or termination.
  - Stalking incidents may result in anything from a written warning to expulsion or termination depending on the severity of the offense.
  - Any protective or restraining orders will be enforced.
  - Sexual Assault incidents will result in termination or expulsion.



# Summary

- Giving Consent
- Withholding Consent
- Recognizing and Obtaining Consent
- Your Responsibilities as an Employee