

Employee  
Title IX  
&  
Sexual Misconduct Training

# 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)

Employee Handbook

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 or in an educational 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.

# 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.

# **Employee Responsibilities**



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

# 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
- 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
- Requiring them to call law enforcement

# Confidentiality

- If a student reports 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.

# Preventing Misconduct

- If you see it, report it.
- It is everyone's responsibility to ensure conversations and topics are appropriate.
- If you are an instructor practice classroom management and shut down any inappropriate topics.
- Notify your Supervisor or Deputy Title IX Coordinator
- Practice Bystander Intervention
- Seek Support & Assistance
- Work with the Deputy Title IX Coordinator to assist victims, act as a witness, or obtain assistance for a student.

# Bystander Intervention

## **What is Bystander Intervention?**

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

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

# Bystander Effect

## **What is Bystander Effect?**

Many studies have shown that individuals are less likely to help or intervene in an emergency if other bystanders are there than if they are not. This phenomenon is called the bystander effect.

For example, maybe you are working on a group project for a class, and one of the group members says something sexist to the only woman in the group. Several men disagree with what was said and look around, hoping someone will speak up. However, no one intervened because everyone was waiting for someone else to take that responsibility.

# Who is your Title IX Coordinator?

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# **Investigations, Hearings, & Grievances**



# What happens when a complaint is received?

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**All formal and informal complaints are reviewed on a case-by-case basis.**

- A review occurs to determine if the complaint qualifies as a Title IX incident.
- If the complaint is eligible for a resolution.

Resolution is not an option if:

- The complaint involves an employee.
- The incident alleged is severe.

# Investigations

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**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
- All Employees are expected to assist as needed

# Accommodations

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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;
- Access to counseling services;
- Changes in class schedule;
- 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

# Hearings & Resolutions

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If incidents are unable to be resolved a hearing will be required after the investigation process is completed.

## **The Hearing:**

- A neutral hearing officer(s) will conduct a hearing that reviews the evidence gathered during the investigation. The hearing officer will use this information to decide whether the accused party acted against the institution's code of conduct.
- Both parties are allowed to indirectly cross-examine witnesses and the opposing party through their advisor.

## **Resolutions:**

- Parties will be informed of the outcome of the hearing 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 sexual misconduct policy and both parties will be given the information at the time of the resolution

# Sanctions

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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.

# Key Take Aways!

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- You must always report Title IX related incidents as all employees are 'Responsible Employees'
- Practice proactive classroom management and shut down inappropriate topics
- Lead by example

## Part 2

# Sexual Misconduct in the Workplace

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# Impacts on the Workplace

Sexual harassment, misconduct, and discrimination have long lasting and wide-ranging impact on the workplace:

- Impact employee engagement and satisfaction
- Impact on safety
- Impact on productivity
- Impact on regulatory compliance



**All employees are expected to always conduct themselves in a professional and businesslike manner.**

- Conduct which may violate this policy includes, but is not limited to, sexually implicit or explicit communications whether in:
  - Written form, such as cartoons, posters, calendars, notes, letters, e-mails.
  - Verbal form, such as comments, jokes, foul or obscene language of a sexual nature, gossiping or questions about another's sex life, or repeated unwanted requests for dates.
  - Physical gestures and other nonverbal behavior, such as unwelcome touching, grabbing, fondling, leering, kissing, massaging, and brushing up against another's body.

# Perspective Matters

- The inappropriateness of a behavior or action is judged by the person viewing it, not by the person doing it.
- While a reasonable person's standard is applied, the viewpoint of the person observing ways very heavily when determining right or wrong.
- As a reminder –even people not directly involved with a conversation can have their rights violated by the action of others.


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# Forms of Sexual Harassment

## 1. Quid Pro Quo

(Latin for “this for that” or “something for something”)

## 2. Hostile Work Environment

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# Quid Pro Quo

Involves making submission to requests for sexual favors a requirement for maintaining a job, being eligible for a promotion, or some other tangible employment action against the victim.

Tangible employment actions often involves monetary loss or change in job.

***Example:*** Mary Smith receives smaller pay increase based on performance than other employees with similar performance because she refused to go out with her supervisor, John Doe.

Failure to submit to quid pro quo harassment often can lead to a hostile work environment.

# Hostile Work Environment

Speech or conduct that is severe and/or pervasive enough to create an abusive or hostile work environment violating an employee's rights under Title VII & Title IX of the Civil Rights act of 1964.

**Example:** Mike Maloney is leering (elevator eyes) at and intentionally brushing against Sally Davis.

In addition to speech and/or conduct, it covers explicit or suggestive items displayed in the workplace that interfere with job performance or that create an abusive or hostile work environment.

**Example:** Jill Jones has a 9" x 12" calendar of nude males on her cubicle wall visible to passersby.

# Relationships

- Certain relationships in the workplace by their very nature, can create a conflict or potential conflict of interest for the employee.
- Any close, personal relationship of an amorous, dating, sexual, familial (spouse, domestic, or civil union partners) or similar nature that involve either employees and/or students must be disclosed immediately when they develop or preexist.
- These relationships often lead to sexual harassment complaints in the workplace.

# Relationships

Workplace relations pose several distinct risks:

- **Sexual Harassment** –Imbalance of power
- **Domestic/Dating Violence** –During dating and after a breakup
- **Conflict of Interest** –Compromised decision making

# Relationships

- Consensual romantic and/or sexual relationships between students and faculty or staff are strongly discouraged.
- No person involved in a romantic or sexual relationship with a student shall have responsibility for evaluating the student's academic performance or for making decisions regarding the student's rights or benefits because of the inherent conflict of interest.
- All employees with supervisory or evaluative responsibility over other employees must preserve the ethical, legal, behavioral and professional boundaries consistent with accepted social and professional norms. The College therefore strongly discourages these consensual relationships as well.
- Personal relationships must be disclosed for review of a potential conflict of interest.



# Relationships – Examples –

**Example #1: A Program Supervisor begins dating one of their program's instructors.**

- This is a conflict of interest as the Program Supervisor has direct authority over the instructor by directing daily activities and heavily influencing significant employment decisions.

**Example # 2: An instructor is married to a student in a different program than they instruct. This relationship existed before the student attended the College and the Instructor disclosed this before the student started attending.**

- This is not a conflict of interest as the instructor has no impact or influence over the student's grades, coursework, or other academic activities. However, there could be a potential conflict of interest if the instructor were to attempt or actually influence the academic outcomes for the student.

**Example #3: A financial services representative begins dating another financial services representative at the same campus.**

- This is not a conflict of interest as the coworkers do not have direct authority over each other nor do they direct daily activities or influence significant employment decisions for each other.
- However, a potential conflict could exist if one of the coworkers was promoted and as a result would have supervisory authority over the other coworker or if the relationship impacted the ability of either coworker to successfully complete their job. In addition, overt and excessive displays of affection could also create a conflict of interest.

**Example #4: An instructor develops a sexual relationship with a student while they are attending their class.**

- This is a conflict of interest due to the direct impact the instructor has on the student's grades. This also can potentially lead to sexual harassment due to the imbalance of power.

# Grievance Procedure

What do you do if you feel you are the victim of, have witnessed, or have been notified of sexual harassment?

If you believe there has been any violation of these policies, you must report the possible violation(s) using the following complaint procedure:

Report the incident to any of the following:

- Your supervisor
- Campus Director
- Any member of management
- Human Resources
- Report the incident as soon as possible.

# Investigations

- IntelliTec conducts investigations when there is a report of sexual harassment or sexual misconduct.
- Employees are required to participate in the investigation and are protected from retaliation for their participation in the investigation process.
- **No Hearings are required** like they would be in a student Title IX complaint.
- The results are delivered in person and in writing, if wrongdoing is found disciplinary measures depend on severity of the incident and could vary between a documented coaching up to termination.

# Retaliation

- Retaliation is any attempt to seek retribution against an individual or group of individuals involved in filing a complaint or report under this policy, filing an external complaint, participating in a disciplinary process, or opposing in a reasonable manner an action believed to constitute a violation of this policy.
- Retaliation can take many forms, including, but not limited to, adverse action or violence, threats, and intimidation.
- These actions in response to a good faith report under this policy are considered retaliatory if they have a materially adverse effect on the working, academic, or College-controlled environment of an individual or if they hinder or prevent the individual from effectively carrying out his/her College responsibilities.

# Summary

- Sexual harassment has wide and long-lasting impacts on the workplace.
- It is the responsibility of all employees to help create an environment which is free of sexual harassment, discrimination, and misconduct of any kind.
- Employees must report harassment and assist in investigations.