



In the Know: Title IX Response

Staff Day
Friday, August 23, 2019

Dr. Evette Castillo Clark, Dean of Students
Cynthia Cooke St. Ange, Title IX Investigator



Title IX - Definition

“No person in the United States shall, **on the basis of sex**, be excluded from participation in, be denied the benefits of, or be subject to discrimination under any educational program or activity receiving Federal financial assistance.”

Title IX of the Education Amendments of 1972.

Title IX - Scope

1. **Protects students and employees** from sexual harassment by any school employee, student, or non-employee third party
2. **Protects third parties** from sexual harassment or violence in a school's education programs and activities (e.g., high school/undergraduate students participating in recruitment programs, those visiting in residence halls, etc.).

Title IX - Notice



Under Title IX, if a school knows or reasonably should know about sexual harassment that creates a hostile environment, the school **must ELIMINATE the harassment, PREVENT its recurrence, and ADDRESS its effects.**

A school violates Title IX if it has “notice” of a sexually hostile environment and fails to take immediate and corrective action.

Title IX - Notice

Universities are deemed to have **notice** if a **responsible employee** knew, or in the exercise of reasonable care, should have known about the harassment.

A **responsible employee** includes any employee who:

- Has the **authority** to take action to redress the harassment;
- Has the **duty** to report to appropriate school officials sexual harassment or any other misconduct by students or employees; or
- A student could **reasonably believe has the authority or responsibility** to take action.

Survey of Healthy and Unhealthy Relationships (SHUR, 2019)

- Administered in **February/March 2019** (expands on the Survey of Sexual Assault and Sexual Misconduct (SSASM) administered in fall 2017).
- SSASM was sent to a **random sample** of both UG and GR students and yielded responses from 162 undergraduate women, 92 undergraduate men, and very few graduate students.
- SHUR - sent to all **2643 undergraduates**

485 women (26.1% response rate) and 205 men (21.5% response rate).

3 sections: explicit review of campus policies; a series of questions about healthy and unhealthy dating relationships; and a repeat from SSASM of the key items documenting the undergraduate experience with non-consensual sexual contact and sexual assault.

Survey of Healthy and Unhealthy Relationships (SHUR, 2019)

SECTION ONE: REVIEW OF CAMPUS POLICY

How familiar were you with campus policy on dating relationships and sexual assault before reading the policy here? FAMILIAR + VERY FAMILIAR

	WOMEN	MEN
Overall or general nature of the policy	58%	76%
Intimate Partner Violence (IPV)	51%	69%
Non-Consensual Sexual Contact	71%	87%
Sexual Assault	79%	91%
Sexual Misconduct	69%	82%
Sexual Harassment	73%	88%
Stalking	57%	74%
Consent	85%	92%

Survey of Healthy and Unhealthy Relationships (SHUR, 2019)

Awareness of Offices and Services

	WOMEN		MEN	
	2017	2019	2017	2019
CARE Hotline	66%	69%	51%	67%
Community Life	74%	74%	78%	78%
Dean of Students	80%	81%	83%	83%
Counseling & Pysch Services (CAPS)	95%	97%	92%	93%
Health and Wellness Center	100%	98%	96%	97%
Mission and Ministry Center	90%	89%	90%	86%
Public Safety	99%	98%	97%	98%
CARE Center	45%	75%	58%	73%
Title IX Coordinator	29%	72%	58%	74%
Center for Women and Gender Equity	99%	83%	90%	78%
SCAAR - Student Coalition Against Abuse and Rape	40%	63%	54%	63%

Survey of Healthy and Unhealthy Relationships (SHUR, 2019)

Of Those Aware, Percent that Would Feel Comfortable Contacting

	WOMEN		MEN	
	2017	2019	2017	2019
CARE Hotline	48%	42%	49%	41%
Community Life	28%	23%	50%	38%
Dean of Students	23%	13%	40%	31%
Counseling and Psych. Services (CAPS)	53%	60%	55%	46%
Health and Wellness Center	60%	48%	70%	56%
Mission and Ministry Center	30%	21%	32%	39%
Public Safety	50%	33%	56%	50%
CARE Center	39%	44%	36%	40%
Title IX Coordinator	28%	36%	37%	42%
Center for Women and Gender Equity	56%	46%	35%	35%
SCAAR - Student Coalition Against Abuse and Rape	45%	45%	38%	43%

Survey of Healthy and Unhealthy Relationships (SHUR, 2019)

WOMEN	2017			2019		
	Once	More than once	Total	Once	More than once	Total
Unable to provide consent, or stop what was happening, because you were passed out, drugged, drunk, incapacitated, or asleep. (You are certain.)	6%	5%	11%	10%	5%	15%
Unable to provide consent or stop what was happening because you were passed out, drugged, drunk, incapacitated, or asleep? (You think, but are not certain.)	3%	6%	9%	8%	3%	11%

Survey of Healthy and Unhealthy Relationships (SHUR, 2019)

Reported Sexual Assault...

	Women		Men	
	2017	2019	2017	2019
Non-consensual sex or sexual assault	29%	16%	9%	7%
Of these, told peer, friend, relative	71%	75%	67%	67%
Of these, told campus staff, admin., authority	12%	26%	7%	9%

Survey of Healthy and Unhealthy Relationships (SHUR, 2019)

Which staff or administrative offices or resources did you contact? WOMEN

	Number		Percent	
	2017	2019	2017	2019
Resident Advisor (RA)	1	9	3%	15%
SMC Counseling and Psychological Services (CAPS)	3	7	9%	11%
SMC Public Safety	0	5	0%	8%
Community Life	0	5	0%	8%
SMC staff member	0	4	0%	7%
Title IX Coordinator	0	4	0%	7%
Dean of Students	0	4	0%	7%
CARE Center	1	3	3%	5%
SMC faculty member	0	2	0%	3%
SMC Health & Wellness Center	0	2	0%	3%
CARE Hotline	1	2	3%	3%
Resident Director (RD)	0	1	0%	2%
Moraga Police Department	0	1	0%	2%
Mission and Ministry Center	0	1	0%	2%

Survey of Healthy and Unhealthy Relationships (SHUR, 2019)

At Saint Mary's College, if you or someone else were to notify someone about or report a sexual assault, how likely is it that: VERY LIKELY + MODERATELY LIKELY

	WOMEN		MEN	
	2017	2019	2017	2019
Saint Mary's College faculty would report it to the appropriate channels.	86%	87%	89%	86%
Saint Mary's College staff would report it to the appropriate channels.	88%	84%	90%	88%
Saint Mary's College would take the report seriously.	81%	77%	86%	81%
Saint Mary's College would take steps to protect the safety of the complainant (a person who has reported an incident) in a fair manner.	80%	73%	70%	80%
Saint Mary's College would take steps to protect the safety of the respondent (a person who is alleged to have initiated an incident) in a fair manner.	75%	76%	83%	75%
Saint Mary's College would keep knowledge of the report limited to those who needed to know in order for the College to respond properly.	80%	81%	77%	80%
Saint Mary's College would appropriately investigate a report of sexual assault.	77%	72%	89%	77%

Survey of Healthy and Unhealthy Relationships (SHUR, 2019) – Student Comments

The 3rd to last page of questions was very triggering. Glad i had the option to skip it.

I didn't know my past relationship was that unhealthy, thanks for making me think about it.

While I did not report my incident, taking this survey gave me some sort of closure about the incident and informed me that it was not my fault.

Possibly creating a seminar on healthy relationships and what they mean.

Not a bad survey, honestly. I love the waiver part, I don't have any fines but that's a hell of an incentive.

Not enough is done at Saint Mary's. I know of people who have raped individuals and were still able to graduate.

I highly doubt the responses from this survey will in any meaningful way impact the staggering amount of sexual assaults that take place on this small campus.

What do I do if I'm Approached and Need to Report?

RESPOND

- Introduce yourself.
- Ask them: *“How are you doing?”* Listen.
- Ask them: *“What would you like to tell me? Please know first that I’m not a confidential resource so if you give me a name, I have to share that information for an investigation to launch.”* Listen and take notes.
- Tell them: *“As a responsible employee of the College, I have to share this information with the DOS or HR so that they can investigate. You can be involved with the process or you don’t have to, but here are your resources so you can take care of yourself and your needs.”*
- Jot Down: names; contact info of complainant (and respondent if shared); date and location of incident, brief description of incident; who are students, staff, faculty or other.

What do I do if I'm Approached and need to Report? (cont.)

- DO NOT judge or have an opinion about the complainant.
- DO NOT judge or have an opinion about the respondent.

REFER

- Give the complainant resources: CARE Hotline, CARE Director, Ctr. for Women & Gender Equity, CAPS, P-Safe, DOS or HR, MPD.
- Close the conversation and thank them for talking with you (give them your information if they want it) or Walk them to any of the offices/resources where they feel most comfortable.

REPORT

- Contact DOS or HR with the information you now have.

Green Dot - Bystander Intervention



Who has the Duty to Report or Investigate a Sexual Assault Incident?

Individuals with a Duty to Report:

Campus Safety Authorities (Jeanne Clery Act)

Responsible Employees (Title IX)

Offices with a Duty to Investigate:

Office of Human Resources

Office of the Dean of Students

Your Reporting Options

- Public Safety
 - Phone: (925) 631-4282
- Title IX Coordinator/Deputy Coordinators
 - Phone: (925) 631-4212; (925) 631-4238
- Bias Incident Online Report (SMC Portal – Report a Bias Incident)
- LiveSafe App
- Moraga Police Department (or police department in the city the assault occurred)



Title IX Support

- Title IX Coordinator, Laurie Panian, Associate VP of HR: (925) 631-4212
- Title IX Deputy (employees), Erika Roesch, Recruitment Director in HR: (925) 631-4212
- Title IX Deputy (students), Evette Castillo Clark, Dean of Students: (925) 631-4238
- Title IX Deputy (students), Stacy Vander Velde, Director of Community Life: (925) 631-4238
- Title IX Deputy (athletics), Kami Gray, Sr. Assoc. Athletic Dir: (925) 631- 4521
- Title IX Investigator, Cynthia Cooke St. Ange: (925) 631-4212

Other Helpful Offices:/Resources

- 24/7 CARE Line: (925) 878-9207
- Center for Women and Gender Equity: (925) 631-4192
- Community Life: (925) 631-4238
- Director of Campus Assault Response & Education (CARE): (925) 631-4193 (**confidential**)
- Other additional resources in “Red Folder”



Additional Resources

- View the online ***Faculty and Staff Guide: Assisting Students in Distress*** (red folder) – at the SMCares website
- Request a **Green Dot Overview**
- Request a **Title IX Presentation/Training**
- **Sample Syllabus Statements** – link from Faculty Development (e.g. Expected Student Conduct, Title IX, Trigger Warning)





Any Questions?

Thank you!

