

SEXUAL HARASSMENT & SEXUAL VIOLENCE

What Is Title IX?

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 assistance.

What does it prohibit?

- Discrimination on the basis of sex
- Sexual harassment
- Sexual assault and sexual violence

Sexual Harassment and Violence Are Prohibited at MMC

Martin Methodist College (MMC) is committed to maintaining an environment free of discrimination and all forms of coercion that impede the academic freedom, security, or well-being of any member of the community. Sexual harassment is inimical to such an environment and is unlawful. As part of this commitment, the college shall, on a regular basis, undertake to educate the whole community about sexual harassment.

Sexual Harassment and Violence Are Prohibited at MMC

Policy

It is the policy of MMC that no member of the college community, including faculty, students, and staff, may sexually harass another. Sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature may constitute sexual harassment:

1. When submission to such conduct is made (either explicitly or implicitly) a term or condition of an individual's education or employment;
2. When submission to or rejection of such conduct by an individual is used as a basis for academic or employment decisions affecting that individual;
- or,
3. When such conduct substantially interferes with an individual's academic or professional performance or creates a discriminatorily hostile or intimidating educational, employment, or living environment.

What Is Sexual Harassment?

Unwelcome conduct of a sexual nature including sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature.

Examples:

- Work or educational benefits in return for sexual favors;
- Suggestive or inappropriate communications, email, notes, letters, or other written materials displaying objects or pictures which are sexual in nature;
- Sexual innuendoes, comments, and remarks about a person's clothing, body, or activities;
- Humor and jokes about sex that denigrate men or women;
- Sexual propositions, invitations, or pressure for sexual activity;
- Suggestive or obscene gestures;
- Patting, pinching, and other inappropriate touching.

What Is a Hostile Environment?

- Sexual harassment of a student creates a hostile environment if the conduct is sufficiently serious that it denies or limits a student's ability to participate in or benefit from the institution's programs.
- This is usually a number of events, but a single incident of sexual harassment, such as rape, can create a hostile environment.

What Is Sexual Violence?

- Physical sexual acts perpetrated **against a person's will** or where a person is **incapable of giving consent** due to the victim's use of drugs or alcohol.
- Sexual violence can include rape, sexual assault, domestic/dating violence, and stalking.

ALL ARE PROHIBITED

What Is Sexual Assault?

Sexual Assault: Sexual contact without consent where the accused knows or has reason to know that the victim did not or could not consent.

- Includes the accused touching the victim and forced touching of the accused by the victim.

Sexual contact includes, but is not limited to:

- Intentional touching of intimate parts; or
- Intentional touching of the clothing covering the immediate area of intimate parts, if that intentional touching can be reasonably construed as being for the purpose of sexual arousal or gratification.

What Is Stalking?

A willful course of conduct involving repeated or continuing harassment of another individual that would cause a reasonable person to feel terrorized, frightened, intimidated, threatened, harassed, or molested.

- Harassment means conduct directed toward the victim that includes, but is not limited to, repeated or continuing nonconsensual contact that would cause a reasonable person to suffer emotional distress, and that actually causes the victim to suffer emotional distress.

Harassment does **not** include constitutionally protected activity or conduct that serves a legitimate purpose.

What Is Dating Violence?

Dating Violence: Violence against someone the accused is dating or has a sexual relationship with or has dated or had a sexual relationship with in the past.

- Does not include fraternization between two individuals solely in a business or non-romantic context.

Violence includes, but is not necessarily limited to:

- Intentionally inflicting, or attempting to inflict, physical injury on the victim;
- Physical restraint;
- Placing the victim in fear of physical harm to victim or victim's pets; or
- Malicious damage to the victim's personal property (including pets).

What Is Consent?

“NO” NEVER MEANS “YES”

Absence of a “NO” is not consent.

- Get a “YES” -- EVERY TIME
- Saying “YES” while intoxicated is not consent.
- Saying “YES” to kissing is not consent for oral sex.
- Saying “YES” to oral sex is not consent for sex.
- Saying “YES” to sex with one person is not consent for sex with another.

GET CONSENT AT EACH STEP

What Is Consent?

Consent is an informed decision, freely given, made through mutually understandable words or actions that indicate a willingness to participate in mutually agreed upon sexual activity. Consent cannot be given by an individual who is:

- Asleep;
- Unconscious;
- Mentally or physically incapacitated, either through the effect of drugs or alcohol or for any other reason; or
- Under duress, threat, coercion, or force.

Past consent does not imply future consent. Silence or an absence of resistance does not imply consent. Consent can be withdrawn at any time.

Role of Drugs and Alcohol

At least half of sexual assaults involve alcohol consumption by the accused, the victim, or both.

A victim who is impaired may be legally incapable of consenting to sexual activity.

Thus, any sexual activity that takes place with an impaired victim is, by definition, without consent.

Use of Drugs and Alcohol by the Accused

Commonly, the accused is also impaired.

- Liquid courage
- Lowers inhibitions
- Impairs judgment or you don't think clearly
- May cause you to do things you wouldn't do when sober or not high

Voluntary intoxication by the accused does not excuse the conduct. **The accused will be held to the same standards.**

How Do You Know You Have Consent?



Red: Signs You Should STOP!!

- Your partner is too intoxicated to give consent.
- You are too intoxicated to gauge consent.
- You don't think he/she would agree to have sex if they were sober.
- Your partner is asleep, unconscious, or for any other reason is physically or mentally unable to communicate consent.
- You are using physical force or size to have sex.
- You hope your partner will say nothing and go with the flow.
- You have had sex before but they have said they're not interested tonight.
- You have coerced your partner in any way (asking repeatedly, pressuring, physically intimidating them, etc.).
- You intend to have sex by any means necessary.

How Do You Know You Have Consent?



Yellow: Signs You Should Pause and Talk.

- You are not sure what your partner wants.
- You feel like you are getting mixed signals.
- You have not talked about what you want to do.
- You assume that you can do the same things you've done before.
- Your partner stops or is not responsive.

How Do You Know You Have Consent?



Green: Keep Communicating.

- Partners come to a mutual decision about how far to go.
- Partners clearly express their comfort with the situation.
- You feel comfortable and safe stopping at any time.
- Partners are excited!

(Adapted from American College Health Association, Shifting the Paradigm; Primary Prevention of Sexual Violence Toolkit.)

consent is...
mutual active
respecting boundaries
comfortable
retractable
checking
willingly
given
♥

This version doesn't autoplay

<https://youtu.be/NthtsyDkfUw>

This version does

Reporting Options

If you are a victim of sexual harassment/hostile environment/sexual violence or know someone who is, contact the following:

Robby Shelton

Vice President for Campus Life & Enrollment Management
Colonial Hall
931-363-9890

Laura K. McMasters

Campus Chaplin

Turner Center for Church Leadership
931-363-9825



Reporting Options

The victim always has the option of reporting to law enforcement and to pursue a criminal investigation. Law enforcement investigation can take place simultaneously with the college's investigation.

Pulaski Police

John Dickey – Chief of Police
203 South 1st St.
Pulaski, TN 38478
931-424-4404

Giles County Sheriff's Department

Kyle Helton – Sheriff
Tommy Chapman – Chief Deputy
200 Thomas Gatlin Dr.
Pulaski, TN 38478
931-363-3505

Timing of Report

Generally, the report should be filed within one year of the alleged act for an investigation.

- This can be extended if there are extraordinary circumstances.

Even without an investigation, academic, emotional, and health resources are always available to the victim.

What Resources Are Available to Help Victims?

Educational assistance – such as tutoring, housing modifications, etc.

Robby Shelton
Title IX Coordinator

Michelle Reis & Tim Brooks
Campus Counselor

Off Campus Resources:

The Shelter
800-762-4115
931-762-1115
Lawrenceburg, TN 38464

Center for Women's Health
615-771-7580
2009 Mallory Ln., Ste. 230
Franklin, TN 37067

Giles County Outreach Center
931-424-8883
Pulaski, TN 38478

Center of Hope
931-381-8580
Columbia, TN

Effects of Trauma

Victims may behave differently during and after traumatic events, such as a sexual assault.

- Absence or delay in resistance
- Delayed recognition
- Absence or delay in reporting

What Happens When a Complaint Is Received?

When a complaint has been received by the Vice President for Campus Life, an immediate investigation will take place and every effort will be made to support and protect the victim. After hearing all facts of the case, the Vice President of Campus Life will determine what actions need to be taken from this point. These actions may include:

- The student filing a complaint with the local police to initiate a criminal investigation.
- Measures to protect the safety of the victim:
 - Steps taken to immediately stop the harassment.
 - Can include no-contact orders, new dorm assignments, escorts, etc.
- Steps taken to prevent the harassment from happening again and promote accountability:
 - Can include discipline of offender (such as probation, suspension, or expulsion from MMC).
 - Can include training and additional education.

What Happens in an Investigation?

- Investigation is conducted by the Title IX Coordinator.
 - Special training on conducting Title IX investigations
- Victim, accused, and witnesses are interviewed and submit statements.
 - Victim and accused have equal rights to present evidence and witnesses and to be accompanied by an advisor.
- Investigator prepares a report which is reviewed by the Discipline Committee, which makes the final decision.
- Victim and accused will be simultaneously notified of outcome.
- Either party may pursue an appeal if they are dissatisfied with the decision.

What Are the Consequences to the Accused?

- MMC Student Honor Code...
- Similar rules apply to faculty and staff.
 - Sanctions include suspension and termination.

What Are the Consequences to the Accused?

- Criminal consequences:
 - Offenses that violate MMC policy may also be criminal and result in criminal sanctions.
 - Criminal prosecution potentially resulting in incarceration.

Retaliation

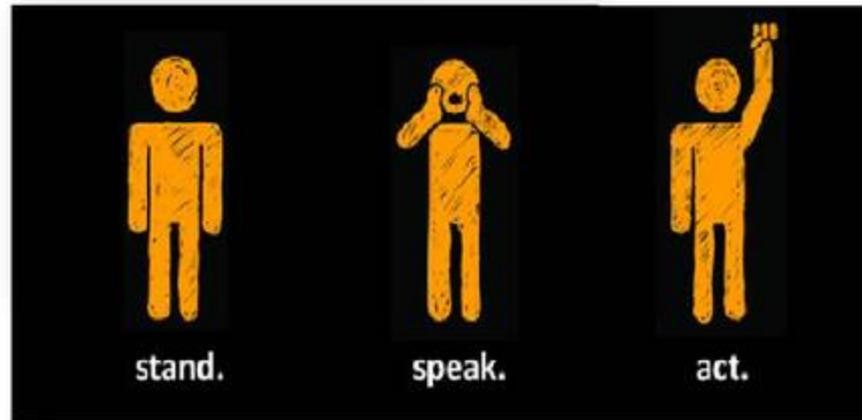
ABSOLUTELY PROHIBITED

No Exceptions

- Retaliation is anything that discourages someone from reporting or supporting a claim of harassment/hostile environment/sexual violence
- Prohibited at all stages of process
- Prohibited **by everyone**
 - Respondent, friends, family, classmates...
- Prohibited **against anyone involved in process**
 - Complainant, witnesses, reporter....

Bystander Intervention

- Notice the event.
- Interpret it as a problem.
- Assume personal responsibility.
- Know how to help.



This version doesn't autoplay

<https://youtu.be/1ycYPmzisfk>

This version does

The Bystander Effect

- The more people who are there to 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.

Specific Steps for Intervention

- Step in and ask if the person needs help.
- Don't leave.
- Have a buddy system, and let your friends know if you're worried about them.
- Ask directly, "Do you need a ride?"
- Find their friends or call 911.
- Distract the accused so there's time to intervene.

Key Takeaways...

- Interrupt the situation – distract both parties or remove them immediately.
- If your friend is incapacitated, remove them immediately from the situation.
- Be aware of comments/behaviors from others that would indicate they were intent on having intercourse even if the partner was unwilling or incapacitated.
- Don't joke about sexual assault. "Jokes" can trivialize the severity of the behavior.
- Don't allow victim blaming – "It's her fault because..."
- Although it can be awkward to confront a friend/peer, it's better to be safe than sorry.

Questions?

- Read MMC's policy: *actual name of policy*
- Contact the Title IX Coordinator – Robby Shelton
rshelton@martinmethodist.edu