



**Training for RAs,  
Tutors, and OHPE**

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# Overview of Policy

This training is intended to comply with requirements of:

- Title IX of the Education Amendments of 1972;
- the reauthorized Violence Against Women Act;
- the Jeanne Clery Act;
- guidance documents on Title IX issued by the *Department of Education's Office for Civil Rights*; and
- the *White House Task Force to Protect Students from Sexual Assault*

# Sexual Violence Policy Training

## Sexual Violence and Sexual Misconduct Webpage

Please refer to TJC's *Title IX* webpages:

<http://www.tjc.edu/TitleIX>

[https://www.tjc.edu/info/20017/consumer information/14/title ix/4](https://www.tjc.edu/info/20017/consumer_information/14/title_ix/4)

[https://www.tjc.edu/info/20017/consumer information/14/title ix/2](https://www.tjc.edu/info/20017/consumer_information/14/title_ix/2)

[https://www.tjc.edu/info/20017/consumer information/14/title ix/3](https://www.tjc.edu/info/20017/consumer_information/14/title_ix/3)

[https://www.tjc.edu/downloads/20017/consumer information](https://www.tjc.edu/downloads/20017/consumer_information)

For a complete description of definitions, contact information, reporting guidelines and resources for victims of sexual misconduct.

Complaints may be filed here

[file:///C:/Users/A00419909/Downloads/complaintformTIX\\_2\\_2\\_.pdf](file:///C:/Users/A00419909/Downloads/complaintformTIX_2_2_.pdf)

# 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.”

Title IX of the Higher Education Amendments of 1972  
20 U.S.C. § 1681 & 34 C.F.R. Part 106

# Title IX Prohibits



Sex Based  
Discrimination

Rape, Sexual  
Assault and  
All Forms of  
Sexual  
Violence

Sexual  
Harassment

# Title IX Applies

## TO EVERYONE

female, male and gender non-conforming students, faculty, staff, visitors, and, if there is an impact on access to educational programs or activities, third parties

## BOTH ON AND OFF CAMPUS

## TO EVERYTHING

Academics, sports, study abroad, residence life, social activities



# What Does Title IX Require?



Once a school has actual knowledge sexual violence or harassment

Reported to Title IX Coordinator or official with authority to initiate corrective measures

Must occur at location or event over which college exercises control over respondent and where the harassment occurred

## When Does the College Have Notice?

An individual files a complaint either internally or externally

An individual makes a report to the Title IX Coordinator

An individual makes a report to a responsible employee

A responsible employee witnesses sexual harassment or violence

A responsible employee receives indirect notice from news media, online postings, or another employee

# Sexual Harassment

1. A school employee conditioning an aid, benefit, or service of the institution upon a person's participation in unwelcome sexual conduct (often called quid pro quo harassment); or
2. Unwelcome conduct that a reasonable person would find to be so severe, pervasive and objectively offensive that it denies a person equal access to the school's education program or activity, or
3. Any instance of sexual assault dating violence, domestic violence, and stalking.

# Sexual Violence Policy Training

## Definitions:

### Affirmative Consent

Consent is:

- Words or actions showing clear, knowing and voluntary agreement to engage in a specific sexual activity during a sexual encounter; or
- An affirmative, unambiguous, and voluntary decision given by clear actions or words

Consent is also:

- Saying “Yes” with both your body and words;
- Given while sober; and
- Clearly communicated.

Consent May **Not** be inferred from:

- Silence, passivity, or lack of active resistance alone
- A current or previous dating or sexual relationship

Sex without consent is sexual assault. Use of force, intimidation, or coercion is a denial of a person’s right to freely give his or her consent.

Even if someone has agreed to engage sexually, that person has the right to withdraw their consent at any time.

### Incapacitation

An individual who is incapacitated by alcohol and/or drugs, both voluntarily or involuntarily consumed, may not give consent.

# Gender-Based Harassment

Gender-based harassment is verbal or physical conduct that denigrates or shows hostility or aversion toward an employee, student, or group of employees or students because of their gender and that:

- Has the purpose or effect of creating an intimidating, hostile, or offensive work or academic environment;
- Has the purpose or effect of unreasonably interfering with an individual's performance of duties or studies; or
- Otherwise adversely affects an individual's employment or academic opportunities.

Harassing conduct includes epithets, slurs, negative stereotyping; threatening, intimidating, or hostile acts that relate to gender; and written or graphic material that denigrates or shows hostility or aversion toward an individual or group because of gender that is placed on walls, bulletin boards, or elsewhere on College District premises or that is circulated in the workplace.

## Domestic and Dating Violence

Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition, dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the Clery Act definition of domestic violence.

# Stalking

Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others or suffer substantial emotional distress.

For the purposes of this definition:

1. “Course of conduct” means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.
2. “Reasonable person” means a reasonable person under similar circumstances and with similar identities to the victim.

## Sexual Violence

As defined by OCR, sexual violence “refers to physical sexual acts perpetrated against a person’s will or where a person is incapable of giving consent (e.g., due to the [person’s] age or use of drugs or alcohol, or because an intellectual or other disability prevents the [person] from having the capacity to give consent).



# **Bystander Intervention**

*Safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of harm, dating violence, domestic violence, sexual assault, or stalking. Bystander intervention includes: a.) recognizing situations of potential harm; b.) understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking actions to intervene.*

*The most basic and best action an active bystander can take is to call Campus Police or local law enforcement at 911.*

*Additional ways to be an active bystander, include:*

- *Being vigilant by watching out for your friends and fellow students or employees*
- *If you see someone who is too intoxicated to consent, enlist their friends to help them leave safely*
- *Intervening and asking if a person needs help (e.g., “Do you need a ride?” or “Do you want me to call Security or the police?”)*
- *Confronting people who seclude, hit on, and try to make out with, or have sex with people who may be incapacitated.*
- *Speaking up when someone discusses plans to take sexual advantage of another person.*
- *Believing someone who discloses sexual assault, abusive behavior, or experience with stalking.*
- *Encouraging victims to self-report;*
- *Refer people to on- or off- campus resources listed in this document for support in health, counseling, or with legal assistance.*

# ACTION

## **A. Aware**

Be aware of the event and understand that you need to help.

## **C. Create**

Create possible solutions. Evaluate alternative courses of action.

## **T. Take your time/Think it through/Tag team**

Take your time and think your response through so that you do not escalate the situation. Is the situation an emergency requiring direct intervention, or can you discuss at a later time? Take a deep breath and stay calm. Enlist help if you can by publicly stating your intention to help. More often than not, people are as worried about the situation as you are, but aren't willing to be the first one to speak up.

## **I. Intervene**

Intervene in the situation as soon as it is safe to do so. At the very least, speak up. A conversation will help determine if an ambiguous situation requires help.

## **O. Open dialogue/Observe options**

Key to creating an open dialogue is to remember your audience, the timing, location, tone and why you are having the conversation. Try to understand others' points of view.

## **N. Negotiate Solution/Negate further conflict**

Help negotiate a solution. Tell your friend what behavior is or is not acceptable, and know the appropriate next step if you feel the discussion failed to yield a desirable outcome.

# Bystander Effect

- Phenomenon in which someone is less likely to intervene in a problem situation when others are present.
- People act
  - 80% of the time when alone
  - 20% of the time when others are present

# Steps to Intervention

- Notice the event
- Consider whether the situation demands your action
- Decide if you have a responsibility to act
- Choose what form of assistance to use
- Understand how to implement the choice safely

# Types of Interventions

- Say something to a friend
- Interrupt the situation
- Comment on a Facebook status
- Distract from the situation
- Redirect
- Tell an RA
- Call the police
- Tell someone of authority

# Retaliation

- Tyler Junior College prohibits retaliation against any person for making an internal or external complaint of prohibited conduct, for assisting in making a complaint, for resisting or openly opposing such conduct, or for otherwise using or participating in the investigation process.
- Prohibited retaliation includes: threats; intimidation; reprisals; harassment or misconduct; slander and libel; and adverse actions related to employment or education.
- Retaliation can be committed by individuals or groups, including friends, relatives or other associates of the accused.
- Retaliation, even in the absence of proven prohibited conduct in an underlying complaint, is a violation that is just as serious as the main offense.

# Who are the “Responsible Employees” at the College?

- Members of the Boards of Trustees
- The President and Vice Presidents
- Assist./Assoc. Vice Presidents
- Title IX Coordinator/Deputy Coordinators
- Campus Police
- Anyone a student reasonably believes has the ability to address the situation and prevent reoccurrence
- Departmental Directors and Assist./Assoc. Directors
- Residence Life Staff (including RDs and RAs)
- Athletic Coaches, Assistant Coaches and Athletics Administrators
- Lab Managers
- Deans and Assistant/Associate Deans
- Academic Department Chairs
- Academic and Non-Academic Program Directors/Coordinators
- Faculty/Staff Leading or Chaperoning Travel or Overnight Trips
- Faculty/Staff Advisors to Student Organizations
- Tutors and student workers while performing work duties

## What is an RE's Job?

To promptly place

Incidents of sexual and gender-based harassment, sexual violence, dating and domestic violence, stalking and related retaliation

Into the hands of College personnel with the training and experience to handle them.



# What is an RE's Duty to Inform?

Before a person “reveals information that s/he may wish to keep confidential,” an RE should make every effort to ensure that the victim understands:

1. the RE's obligation to report to the T9C (names and relevant facts such as the date, time, and location)
2. the option to request that the College maintain confidentiality/make no investigation, which the College will consider; and
3. the option to report the incident confidentially by speaking to Counseling, Health Services, Clergy/Pastoral Counselors.)

4. Inform the victim that she or he is entitled to support services

5. Inform the victim that the College prohibits retaliation

## What If a Victim Requests Confidentiality or No Investigation?

- If the victim wants to tell the RE what happened, but also maintain confidentiality or ask that no investigation occur, the RE should tell the victim that the College *will consider* the request, but cannot *guarantee* that the College will be able to honor it.
- In reporting the details of the incident to the T9C, the RE must inform the Coordinator of the victim's request for confidentiality and/or no investigation.
- Once a complaint is considered formal both parties are entitled to written notice including identity of the parties, allegations, date and location, statement that they are entitled to an advisor, a statement that they can review evidence, option for an informal resolution, a copy of the grievance procedures and a statement that the respondent is presumed not responsible.

## What Must be Included in the Report?

- the RE's name, position and contact information
- the date, time and location of incident
- the date the incident was reported to the RE
- the name and contact information of the victim or other party who reported the incident
- the name and contact information of the accused (if known)
- a description of the incident (as much factual detail as possible; names of witnesses, if available)
- whether complainant has requested confidentiality
- whether other offices are involved (has the victim reported the incident to anyone else on campus, to the police, or to an outside agency?)
- how the RE left the matter with the victim

## How Should an RE Make a Report? Confidentially

- An RE is obligated to inform the Title IX Coordinator and *ONLY the Title IX Coordinator*.
- The information shared by the victim is confidential and *should not be disclosed to anyone else on campus*.
- An RE should not share information with *law enforcement* without the *victim's consent* or unless the victim has also reported the incident to law enforcement.

## A Note about Minors on Campus

When any employee has reasonable cause to believe that a child 17 or younger is suffering from sexual abuse on campus or campus owned or controlled property, the employee must contact Campus Police

An employee may also directly contact law enforcement in cases of suspected abuse or neglect

Contact Campus Police

If an employee has reasonable cause to believe that an elderly or disabled person is suffering injury from abuse on campus or campus owned or controlled property, the employee must contact Campus Police.

Campus Police, who in contact with other officials, shall contact the Department of Family and Protective Services and/or outside law enforcement.

## Diverse Student Population Guidance

- "gender identity" is an individual's internal sense of gender which may be different from the person's sex assigned at birth (sex recorded on a birth certificate)
- "transgender" is when a person's gender identity is different from their sex assigned at birth

# Compliance

- In order to comply with Title IX a school cannot treat transgender students differently than it treats other students of the same gender identity. This is true even if other students or parents raise objections or concerns. A school's failure to treat a student consistent with their gender identity may create or contribute to a hostile environment in violation of Title IX.

# **Title IX Anonymous Reporting Hotline 903-533-5599**

**Instances of sexual assault or sexual harassment may be reported confidentially.**

The following information will assist in conducting the investigation.

- Date, time and location of incident
- Date you became aware of the incident
- Name and contact info of victim (if comfortable sharing)
  - Name and contact info of the accused
  - Detailed description of the incident
  - Names of potential witnesses

**911 should be used for all emergency situations.**



# Questions?

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