

# **TITLE IX & CLERY TRAINING**

# LEARNING OBJECTIVES

- What is Title IX?
- What is sexual harassment, gender-based harassment, sexual violence, dating/intimate partner violence, and stalking?
- How can you help prevent sexual harassment and sexual violence?
- What are Stewart School's policies and procedures?
- How can I report an incident?
- What resources are available?

# TITLE IX STATES:

*“ 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 Education Amendments of 1972  
Implementing Regulations at:  
**20 U.S.C. § 1681 & 34 C.F.R. Part 106**

# 9 THINGS TO KNOW ABOUT TITLE IX



<https://youtu.be/lFAsgfegJsl>

# What does OCR Say?

The US Department of Education, Office of Civil Rights, (“OCR”) is responsible for enforcing Title IX.

OCR takes a broader view of an institution’s responsibility to respond to sexual harassment against students and to remedy gender discrimination, sexual harassment and sexual assault.

OCR guidelines state:

The college is responsible if it knew or reasonably should have known of the harassment and failed to promptly take reasonable steps to end the harassment and prevent recurrence.

# LAWS AND REGULATIONS

- Title IX (1972): Federal law that prohibits sex discrimination in educational institutions.
- The Jeanne Clery Act (1998): Required colleges and universities in the United States to disclose information regarding crime on and around campus.
- Dear Colleague Letter (2011): Provides Office of Civil Rights guidance regarding concerns that arise in sexual violence cases.

# LAWS AND REGULATIONS, (CONTINUED)

- VAWA (2013): The Violence Against Women Act, aimed at improving how colleges address sexual violence; imposes obligations to revise policies and practices.
- SAVE Act (2014): Part of VAWA amendments, made changes to the Jeanne Clery Act; requires colleges to report additional sexually violent crimes.

# STEWART SCHOOL'S COMMITMENT



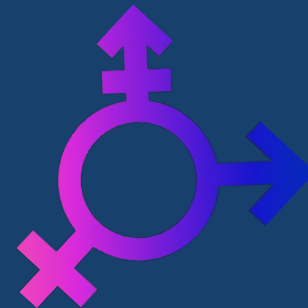
- Prohibit sexual harassment and sexual violence of any kind.
- We are committed to promoting a safe and secure academic environment for all members of our School.
- All students, faculty, staff, and visitors are expected to maintain a working and learning environment free from harassment and discrimination.
- Sexual harassment , a form of sex discrimination, is illegal under federal, and state laws and will not be tolerate.



# SCOPE OF COVERAGE

Title IX protects ALL students from sexual harassment:

- Female and Male students.
- Lesbian, Gay, Bi-Sexual, Transgender, and Queer (LGBTQ) students.
- Students WITH and WITHOUT disabilities.
- Students of Different Races and National Origins, including International students.



# SEXUAL HARASSMENT



# WHAT IS SEXUAL HARASSMENT?



Sexual harassment is *unwelcome* conduct of a sexual nature that is sufficiently serious to adversely affect your ability to participate in or benefit from an educational program. It includes *unwelcome* sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature.

# TYPES OF SEXUAL HARASSMENT

- Gender-based Harassment
- Sexual Violence
- Domestic/Intimate Partner/ Dating Violence
- Stalking

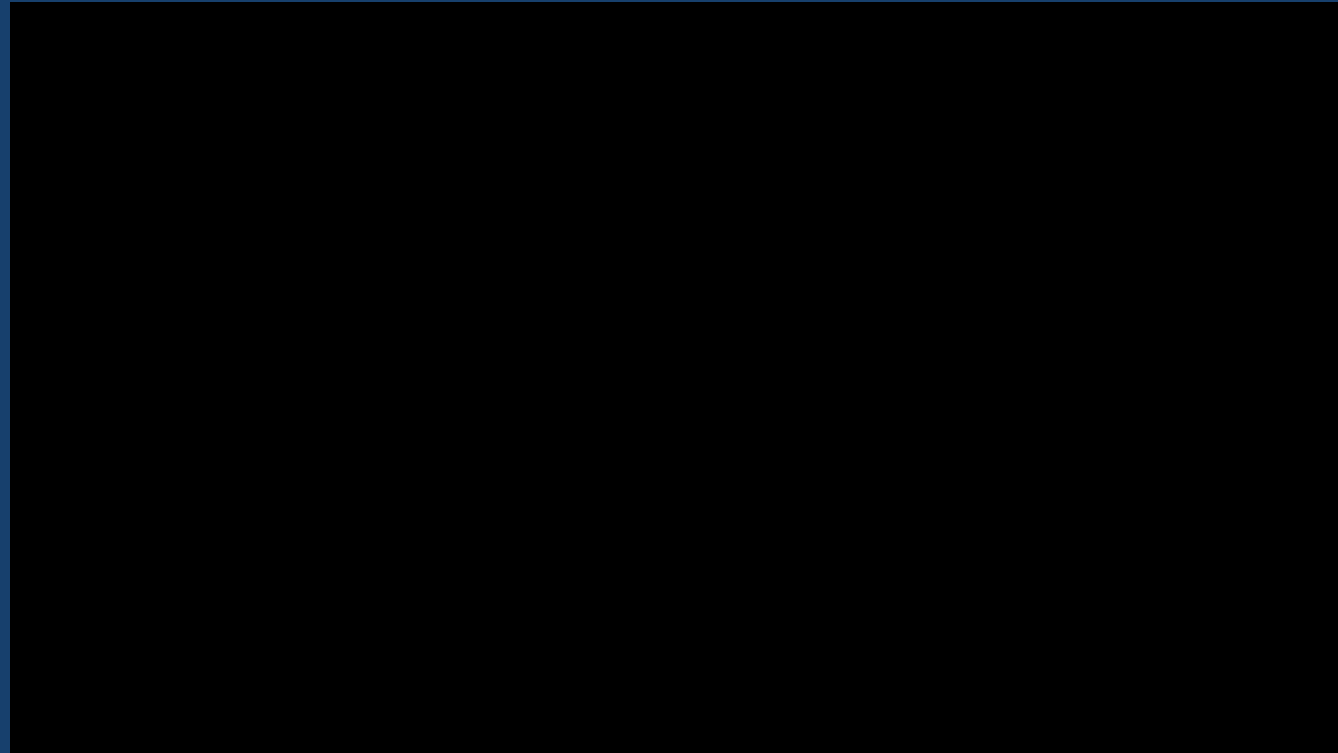
# SEXUAL VIOLENCE

- Physical sexual acts engaged in without the consent of the other person or when the other person is unable to consent to the activity. Sexual Violence includes sexual assault, rape, battery, and sexual coercion; domestic violence; dating violence; and stalking.

# DOMESTIC/INTIMATE PARTNER/DATING VIOLENCE

- Domestic Violence is force or threat that results in injury (physically and/or psychologically);
- The act is committed by a person such as a family member, spouse, or household member;
- It can include a current or former spouse;
- It can include a person which the victim is cohabitating or has cohabitated;
- It can include someone that you are dating or had been dating.

# DOMESTIC/INTIMATE PARTNER/DATING VIOLENCE



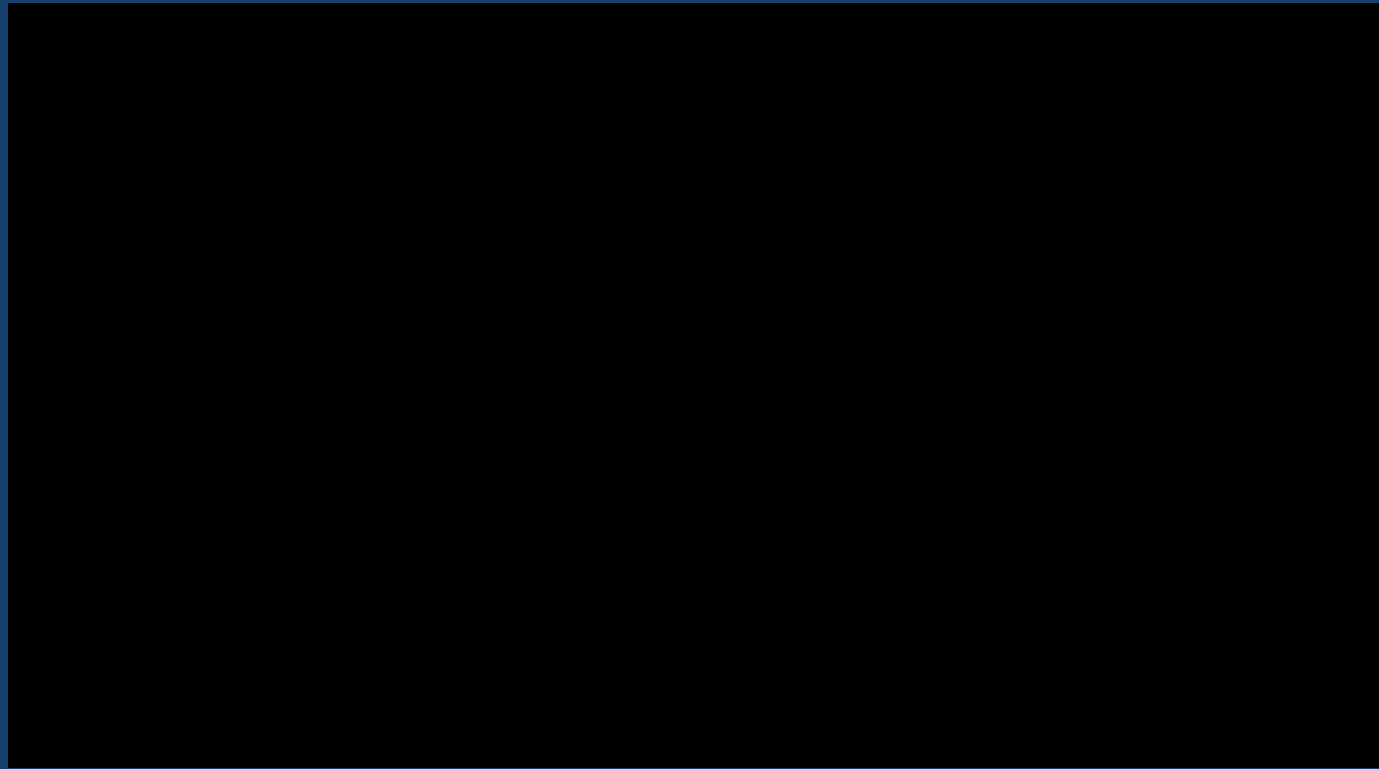
- <https://youtu.be/3B-XChZ5718>

# STALKING

- Stalking occurs when someone, *on more than one occasion*, engages in conduct directed at another person with the intent to place, or knows or reasonably should know that the conduct places that person in reasonable fear of death, assault, or bodily injury to that person.



# STALKING



<https://youtu.be/dhxSKehhWJA>

# THE ROLE OF ALCOHOL AND DRUGS IN SEXUAL VIOLENCE

- The use of alcohol under the age of 21 is against the law in most states.
- Alcohol and drug use can cloud your judgement and cause you to make decisions you would not make if you were sober.
- The use of alcohol and/or drugs can effect your ability to fend off unwelcome sexual misconduct and may not allow you to give consent.
- Being intoxicated **does not** give someone permission to do something without your consent.

# BYSTANDER INTERVENTION

Bystander Intervention is developing the awareness, skills, and courage needed to intervene in a situation when another individual needs help. Bystander intervention allows individuals to send a powerful message about what is and is not acceptable behavior in our campus community.

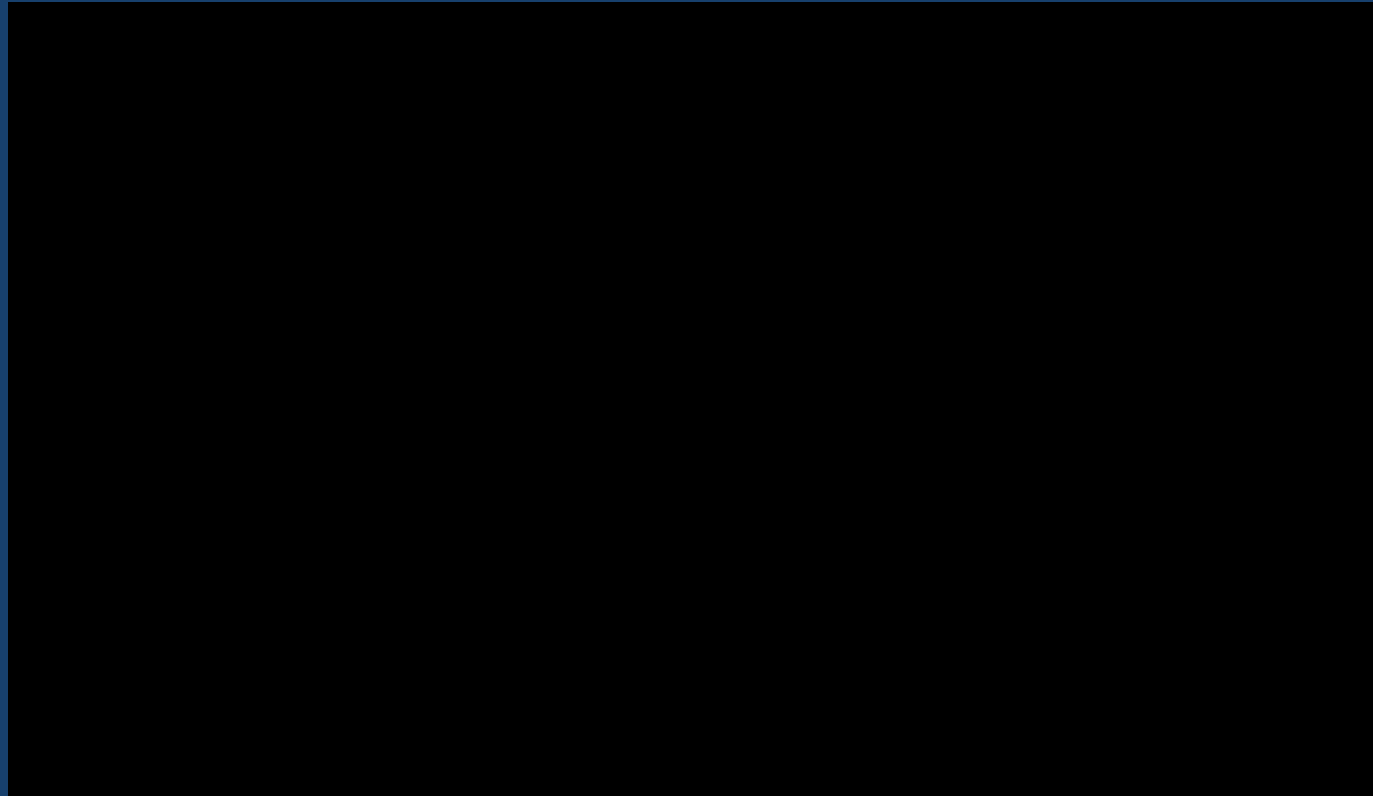
# THE THREE “D’S” TO BYSTANDER INTERVENTION

***Direct*** – Directly intervening, in the moment, to prevent a problem situation from happening.

***Delegate*** – Seek help from another individual such as police or campus official.

***Distract*** – Interrupting the situation without directly confronting the offender.

# BYSTANDER INTERVENTION: HOW YOU CAN PREVENT SEXUAL ASSAULT



<https://youtu.be/PtJ7Vgpa3po>

# CONSENT

- Consent is informed, voluntary and revocable. Consent is an affirmative, unambiguous, and conscious decision by each participant to engage in mutually agreed-upon sexual activity. It must be given without coercion, force, threats or intimidation. Consent must be ongoing throughout a sexual encounter and can be revoked at any time. Once consent is withdrawn, the sexual activity must stop immediately.

# TITLE IX REPORTING

# TITLE IX at STEWART SCHOOL

- Information about the alleged offense should be reported to the IX Coordinator as soon as possible. Time is a critical factor for evidence collection and preservation.
- It is strongly advocated that a victim of sexual violence report the incident to police in a timely manner.
- A prompt and equitable resolution through a reliable and impartial investigation of complaints, including the opportunity for both parties to present witnesses or other evidence.



# STEWART SCHOOL RESPONSIBILITIES

When an individual makes a complaint or when any Employee of the college learns of possible sexual misconduct, the college must immediately:

- INVESTIGATE,
- Take appropriate steps to end the misconduct,
- Eliminate the effects of the misconduct and,
- Prevent the harassment from recurring and.
- Faculty and staff who receive complaints of sexual harassment or sexual violence are **OBLIGATED** to report complaints to the Title IX Coordinator.



# TITLE IX REPORTING

Victims of sexual misconduct should be aware that Stewart School must issue timely warnings for incidents reported to them that pose a substantial threat of bodily harm or danger to other members of the campus community. The School will make every effort to ensure that a victim's name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the danger. The School reserves the right to notify parents/guardians of dependent students regarding any health or safety risk, or a change in student status.

# TITLE IX REPORTING



The purpose of reporting is to:

- Prevent further incidents from occurring,
- Promptly address reported issues, and
- Limit the effects of harassment on the educational environment.



# SANCTIONS & PROTECTIVE MEASURES

Sanctions that may be imposed by Stewart School include, but are not limited to:

- Written warning;
- Mandatory counseling;
- Mandatory education and training;
- Changes in academic or working arrangements;
- Revocation of certain campus privileges;
- Suspension; or
- Expulsion.

The school has flexibility in the type and range of sanctions to impose on the perpetrator depending on the severity of the incident. Stewart School has a process in place to ensure that sanctions imposed are consistent with sanctions imposed in past incidents of similar conduct and are not imposed unequally based on gender or gender identity.



# SANCTIONS & PROTECTIVE MEASURES

Protective measures that the school may utilize to protect the complainant included, but are not limited to:

- Changes to academic situations;
- Ensuring the complainant and perpetrator do not share classes or clinic together;
- Arranging for the complainant to restart with a different class with no academic or financial penalty.

When determining what protective measures to establish, Stewart School will consider a number of factors including the specific needs and requests expressed by the complainant; the severity or pervasiveness of the conduct; any continuing effects on the complainant; whether the complainant and alleged perpetrator share the same class or clinical times.

# CONFIDENTIALITY

- All employees of Stewart School have a duty to report any incident of sexual harassment to the Title IX Coordinator.
- However, the employee will limit their report to only those individuals with a 'need to know.'
- If you request that your identity remain confidential, the Title IX Coordinator will try to honor that request if possible. Remember that this may limit the effectiveness of the investigation.

# RETALIATION

**Under Title IX, it is unlawful to retaliate against an individual who has:**

- Made a complaint of sexual harassment.
- Participated in the investigation of such a complaint (i.e. testifying as a witness, providing proof, etc.); or
- Opposed conduct that is reasonably believed to violate Title IX.



# STEWART SCHOOL RESOURCES

- **Title IX Coordinator:**

Danielle Bouwman; Academic Director  
[academicdirector@stewartschool.com](mailto:academicdirector@stewartschool.com)  
605-336-2775 ext. 4

- **Title IX Investigator:**

Angela Taylor; School Director  
[angela.taylor@stewartschool.com](mailto:angela.taylor@stewartschool.com)  
605-336-2775 ext. 3

- **Title IX Decision Maker:**

Matthew Feigen  
[feigen@hotmail.com](mailto:feigen@hotmail.com)  
563-5882379 ext. 308



# NATIONAL & LOCAL RESOURCES

**US Department of Education**

**Office of Civil Rights**

800-421-3481

**Notalone.gov**

**Rainn.org**

**National Sexual Assault Hotline**

800-656-HOPE

**Knowyourix.org**

South Dakota Network Against Family Violence and Sexual Assault

<http://www.sdnafvsa.com/legalservcies.php>

South Dakota Helpline

<https://www.helplinecenter.org/>

211 Helpline

# SAY SOMETHING!



# Clery Act

# What Are CSAs?

- . “Officials who have significant responsibilities for students .”
  - . “Official” is any person who has the authority and the duty to act or respond to issues on behalf of the College.

# Stewart School's CSAs

- Angela Taylor; School Director
- Danielle Bouwman; Academic Director
- Ashley Schlieman; Admissions Director

# Campus Security Authorities (CSA) Obligations:

- If you witness, learn of, or hear about a Clery Act crime, you must, as soon as possible, contact the Sioux Falls Police and tell them what happened and where it happened. You may identify the victim or keep the victim's identity confidential.
- You do NOT need to investigate, nor convince the victim to directly contact law enforcement.

# Clery Act Reportable Crimes

- Murder/Non-negligent Manslaughter
- Negligent Manslaughter
- Forcible Sex Offenses
- Non-forcible Sex Offenses
- Robbery
- Aggravated Assault
- Burglary
- Arson
- Motor Vehicle Theft.

# Clery Act Reportable Crimes

- “Dating Violence” refers to a violent act, committed by:
  - A person who is or has been in a social relationship of a romantic or intimate nature with the victim; and
  - The existence of the relationship is determined based upon the 1) length of the relationship; 2) type of relationships; and 3) frequency of interaction between the persons in the relationship.



# Clery Act Reportable Crimes

- “Domestic Violence” refers to a violent crime, committed by:
  - Current or former spouse or intimate partner; or
  - Person sharing a child with the victim; or
  - Person living with or who has lived with the victim as a spouse or intimate partner.

# Clery Act Reportable Crimes

- “Stalking” refers to a course of conduct (two or more acts) by which the stalker directly, indirectly, or through third parties follows, monitors, observes, surveils, threatens, or communicates with a person or interferes with his or her property; and
- Is directed at a specific person; and
- Causes a reasonable person to fear for his or her safety or the safety of others or causes that person to suffer substantial emotional distress

# Clery Reporting Locations

- On Campus;
- Public areas immediately adjacent to campus;
- Campus-owned buildings and property;
- College-sponsored activities, events and/or trips on non-campus property.

# How to File a Clery Report

- Contact your CSA:
  - Angela Taylor;  
[angela.taylor@stewartschool.com](mailto:angela.taylor@stewartschool.com)
  - Danielle Bouwman;  
[academicdirector@stewartschool.com](mailto:academicdirector@stewartschool.com)
  - Ashley Schlieman;  
[dowhatyoulove@stewartschool.com](mailto:dowhatyoulove@stewartschool.com)

No personally identifiable information needs to be shared by the reporter to satisfy Clery reporting requirements.

# Other Clery Act Provisions

- Designate a college official to train CSAs on their obligations under the Clery Act.
- Publish an Annual Security Report disclosing security policies and selected crime statistics for previous 3 years ~ must be made available to all current students and employees, as well as all prospective students and employees.
- Timely Warnings: to the campus community about crimes that pose an ongoing threat to students and employees.
- Public Crime Logs.
- Sexual assault victims are assured basic rights.
- Failure to comply may result in substantial fine and/or loss of eligibility to participate in federal student aid programs.

# Sexual Offense Reporting Requirements

- If the sexual offense occurred on campus it must be reported to Sioux Falls Police for Clery Act purposes.
- If victim requests confidentiality, the basic information (date, general location, nature of offense) must still be reported, but the victim's identity need not be revealed.
- If the offense occurred off campus, there is no legal requirement to file a police report. However, the victim should be encouraged to file a report with local law enforcement.
- If the incident involves a student or employee, it must be reported to the Title IX & College Compliance Officer.

# Resources

- Title IX Policy:  
[https://stewartschool.com/files/2020/06/Title\\_IX\\_VAWA\\_Policy-June\\_30\\_2020.pdf](https://stewartschool.com/files/2020/06/Title_IX_VAWA_Policy-June_30_2020.pdf)
- Annual Security Report :  
[https://stewartschool.com/files/2019/12/Annual\\_Campus\\_Security\\_Report.pdf](https://stewartschool.com/files/2019/12/Annual_Campus_Security_Report.pdf)
- Student Catalog:
  - Code of Conduct pg. 15  
[https://stewartschool.com/files/2020/07/2020\\_Student\\_Catalog\\_June\\_2020\\_\(2\).pdf](https://stewartschool.com/files/2020/07/2020_Student_Catalog_June_2020_(2).pdf)
- Rape Abuse Incest National Network (RAINN):  
<https://www.rainn.org/>

# Resources

- Clery Center for Security on Campus:  
<http://clerycenter.org>
- US Department of Education, Title IX  
[https://www2.ed.gov/about/offices/list/ocr/docs/tix\\_dis.html](https://www2.ed.gov/about/offices/list/ocr/docs/tix_dis.html)
- US Department of Justice, Violence Against Women:  
[www.ovw.usdoj.gov](http://www.ovw.usdoj.gov)
- National Sexual Violence Resource Center:  
<https://www.nsvrc.org/>
- Department of Education, Online Clery Tutorial:  
[https://www2.ed.gov/campus-crime/HTML/cc\\_on/Contents.html](https://www2.ed.gov/campus-crime/HTML/cc_on/Contents.html)



# Title IX Responsible Employees

- All employees of the school are considered Responsible Employees.
- You must understand and know the sexual misconduct policies and procedures outlined above.
- Your duty is to report sexual misconduct. Failure to do so will result in disciplinary action and could lead to termination of employment.
- When you receive information about incidents of sexual misconduct you are required to report all relevant details (including names of the alleged perpetrator, complainant and witness) about the incident to the Title IX Coordinator.
- You are NOT required to report this to any other agency.

# Title IX Coordinators, Investigators and Adjudicators

- Review and understand how to use the Title IX Checklist and interview complainants.
- Review and Understand the following information that we reviewed above:
  - what conduct constitutes sexual misconduct
  - the requirements for consent
  - proper standard of review
  - holding those who commit misconduct accountable and possible sanctions
  - remedial actions for perpetrators, complainants, and the campus community
  - how to weigh witness credibility
  - evaluating evidence in an impartial manner
  - protecting the parties' confidentiality
  - the neurobiology of trauma, including sexual assault
  - cultural awareness training in the context of sexual misconduct