



Informational Session for Faculty

April 25, 2023

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.

Additionally, defines Sexual Violence as part as Sexual Harassment.

How Title IX is executed in the CSU system

- Notice of Nondiscrimination on the Basis of Sex
- CSU Policy Prohibiting Discrimination, Harassment, Sexual Misconduct, Sexual Exploitation, Dating Violence, Domestic Violence, Stalking, and Retaliation (Nondiscrimination Policy)

Prohibited conduct under CSU Nondiscrimination Policy

DHR

- Discrimination
(based on a protected status)
- Harassment
(based on a protected status)
- Retaliation

Title IX “basis of sex”

- Sex discrimination
- Sexual Harassment
 - Sexual Misconduct
 - Sexual Exploitation
 - Dating and Domestic Violence
 - Stalking
- Consensual Relationship

Understanding your role as a Responsible Employee

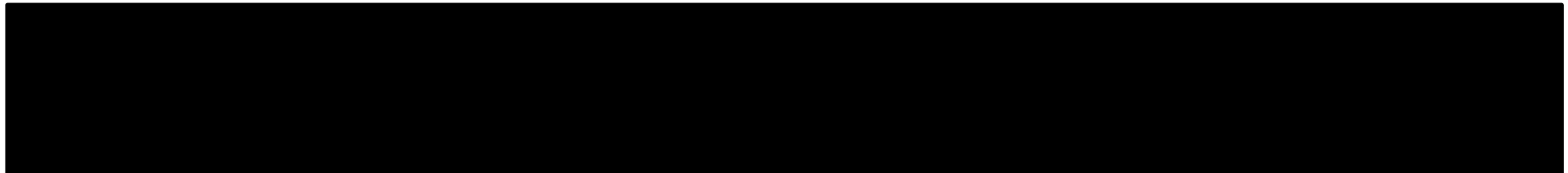
The expectation of Responsible Employees:

You are required to report any information you are aware of, whether from a student or employee sharing or you become aware of a story through third person.

Responsible employees must report **gender-based discrimination or harassment, sexual harassment, sexual misconduct**, dating violence, domestic violence, stalking, or retaliation to the **Title IX Coordinator**.

Reporting Responsibilities

- What are some reasons why Sexual Misconduct is not Reported?
- You **MUST** report instances of known or suspected sexual violence to Title IX Coordinator.
- You **CANNOT** promise confidentiality





Reminder for Staff and Faculty

- If you sense a disclosure make sure to **PAUSE** and slow down the conversation to inform the student/ staff about your responsibilities as a **RESPONSIBLE EMPLOYEE** (mandated reporter).
 - Inform them and suggest that they may want to speak in **HYPOTHETICALS** unless they are wanting to report.

Refer the student/ staff to the Confidential Advocate on campus (whether or not they want to report)

The Confidential Advocate is a great resource for students and staff who are not sure about reporting. Confidential Advocate is not a responsible employee, therefore does not have to make any report.

*Feel free to call Confidential Advocate if you have any questions or to do a warm hand off with student/staff.

What is a Confidential Advocate?

- Confidential Source: the advocate has no obligation to make any kind of reports regarding disclosures of students, staff, or faculty
- **Separate** from Title IX and all Academic Admin
- Makes a safe space for victim/survivors and their loved ones to make disclosure
 - Without having to report to the University or Police Department
 - In an effort to empower the victim/survivor to make the best decision that will work for them
- Victim/Survivor Centered Approach
- Trauma Informed

Your Duty Under Title IX

- **Trust** of students is important, so explain that you may have to report what they tell you to the Title IX coordinator
- Students maintain their right to privacy, but you cannot guarantee confidentiality.
- Title IX applies to employee-employee and student-employee incidents equally
- Any concerns should be directed to your administrator/supervisor and the Title IX Coordinator
- Training & reporting are of vital importance!

Who to Report an incident to at East Bay?

Title IX Coordinator

Terri La Beaux

title9@csueastbay.edu

Confidential Advocate Services

Michelle Luqueno-Diaz

advocate@csueastbay.edu

Student Administration (SA) Room

1108

510-885-4918

Student Health Center

510-885-3700

Partners in the work but independent of each other

University Police

Criminal prosecution

Enforcing laws

Beyond a reasonable doubt

All persons

Community safety and retribution

First responder

Title IX

Administrative adjudication

Enforcing policies

Preponderance of evidence

Students, faculty, staff, affiliated parties

Community safety, remedy and reduce impact, accountability

Not first responder

Confidential Advocate

Individual advocacy

Providing support

No standard

Students, staff and employees

Resiliency, empowerment, personal well-being

Not first responder, but resources available 24/7

How to support a person reporting

**THIS IS NOT THE TIME FOR AN
EDUCATIONAL CONVERSATION!**

Ways you can Respond to a Disclosure

- **Validate emotions**

- Phrases like:

- “That must have been really difficult.”
- “You do not deserve to be treated in that way.”
- “You have a right to be upset/ scared/ angry/ sad.”

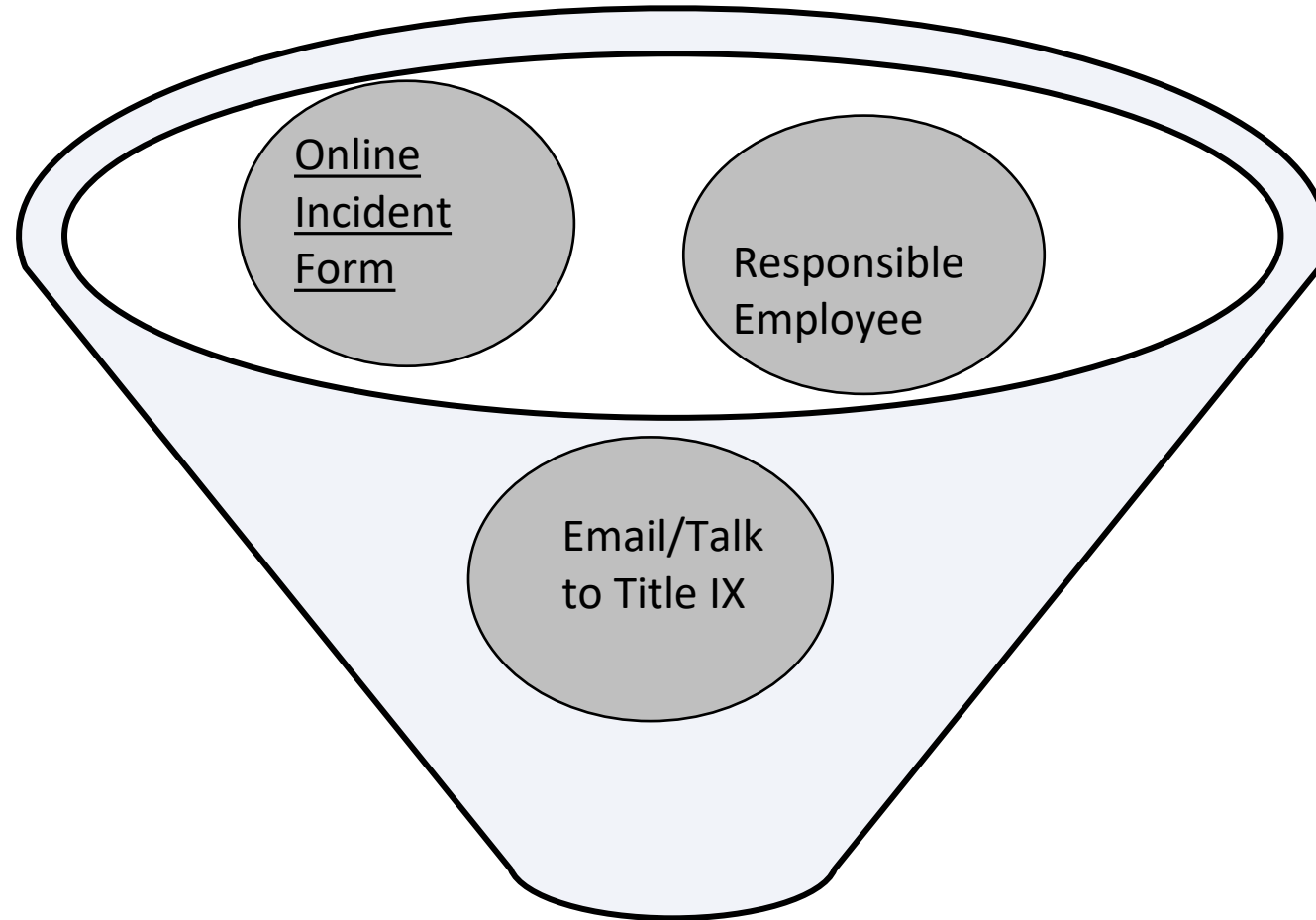
- **Use Language that the Victim/ Survivor is using**

- Victim/ Survivor might not look at the experience as abuse/assault (yet) and may not ready to hear those terms put on their experience - can be harmful

- **Actively listen**

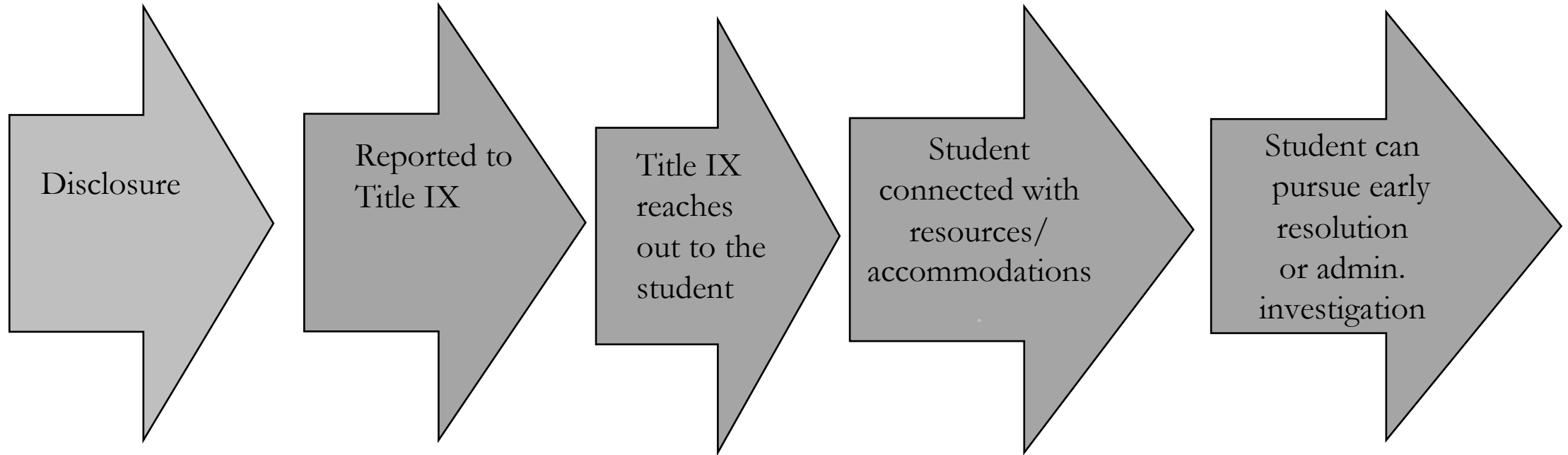
- Summarize what you are hearing (if appropriate)
 - Gives you an opportunity to process the information you are receiving (it can be heavy stuff)

How to Report



INCIDENT REPORTED

Lifecycle of a Report



What is Sex-Based Discrimination?

Sex-based discrimination includes any harassment or other discrimination based, in any way, on a person's sex/gender.

This includes discrimination based on a person's pregnancy/parenting status and gender identity.

What is Sexual Harassment?

Includes three types of misconduct on **the basis of sex**:

1. Any instance of quid pro quo harassment by a school employee;
2. Any unwelcome conduct that a reasonable person would find severe, pervasive and objectively offensive such that it effectively denies equal educational access;
3. Any instance of sexual assault, dating violence, domestic violence, or stalking.

Sexual Assault Scenario – Student

A student, who is usually very engaged in class, seems very distracted and has missing assignments. You ask the student what is going on and she tells you that 4 weeks ago she was studying at the library one night and while walking to her car was approached by a stranger in a car asking for directions. When she leaned over to give directions, she was pulled into the car and assaulted. The student didn't say everything earlier because she can't remember what the stranger looks like and is afraid no one would believe her. She is also afraid that if she went to public safety, rumors would spread around campus.

Sexual Harassment Scenario: Colleague

A fellow faculty member tells you they are uncomfortable around one of your mutual colleagues. Your colleague shares that the other faculty member is continually making them feel uncomfortable by commenting on their dress, their “sexy voice,” by asking a lot of personal questions about dating and continually making sexual inferences. Your colleague has asked the other faculty member to stop these behaviors, but they continue. What do you do? What is your role?