



Informational session #1

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Fall 2023

CAL STATE
EAST BAY

Overview

1. What is Title IX

- Title IX at CSU East Bay

- The Title IX team

2. What is Prohibited conduct under the policy

3. Reporting Options at Eastbay

- Where to Report Discrimination and Harassment

- Supportive Measures

- Confidential and Non-Confidential Resources

4. Scenarios

What is Title IX?

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

Scope of Title IX

Title IX applies to the following:

- Any person registered, accepted or enrolled in any course or program offered by East Bay, as well as faculty, staff and 3rd party providers
- To all of a East Bay's programs and activities, events
- Over which the college exercised substantial control over the respondent
- Including all locations within the United States,
- Occurring on-campus or off-campus.

What conduct is prohibited under the
CSU Nondiscrimination Policy

Discrimination

Harassment

Sexual Misconduct, Sexual Harassment, Sexual
Exploitation, Dating and Domestic Violence
Stalking, Prohibited Consensual Relationships,

Retaliation

Trigger Warning

Content that we will go over:

- Definitions of-
 - Sexual Violence
 - Domestic Violence
 - Stalking
- Scenarios

Ways to take care of yourself:

- Leave the room
- Take a bathroom break
- Go get a drink of water

Prohibited Consensual Relationship

is a consensual sexual or romantic relationship between an Employee and any Student or Employee over whom they exercise direct or otherwise significant academic, administrative, supervisory, evaluative, counseling, or extracurricular authority.

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

Sexual Assault

Sexual Assault includes the following:

- **Rape** is the penetration, or attempted penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the Affirmative Consent of the Complainant. Rape also includes the attempted penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the Affirmative Consent of the Complainant, with the present ability and the intent to commit Rape.
- **Fondling** is the touching of the private body parts of another person for the purpose of sexual gratification, without the Affirmative Consent of the victim, including instances where the Complainant is incapable of giving Affirmative Consent because of their age or because of their temporary or permanent mental incapacity.
- **Incest** is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- **Statutory Rape** is sexual intercourse with a person who is under the age of 18 years, the California statutory age of consent.

Dating Violence

means physical violence or threat of physical violence committed by a person—

- a. who is or has been in a social relationship of a romantic or intimate nature with the Complainant; and
- b. where the existence of such a relationship shall be determined based on a consideration of the following factors:

The length of the relationship.

The type of relationship.

The frequency of interaction between the persons involved in the relationship.

Domestic Violence

means physical violence or threat of physical violence committed by a current or former spouse or intimate partner of the Complainant, by a person with whom the Complainant shares a child in common, by a person who is cohabitating with or has cohabitated with the Complainant as a spouse or intimate partner, or by a person similarly situated to a spouse of the Complainant.

Stalking

means engaging in a Course of Conduct directed at a specific person that would cause a reasonable person to fear for the safety of self or others' safety or to suffer Substantial Emotional Distress. For purposes of this definition:

- Course of Conduct means two or more acts, including but not limited to, acts in which one party directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about the other party, or interferes with the other party's property.
- Substantial Emotional Distress means significant mental suffering or anguish that may but does not necessarily require medical or other professional treatment or counseling.

Sexual Exploitation

means a person taking sexual advantage of another person for the benefit of anyone other than that person without that person's consent, including, but not limited to, any of the following acts:

- a. The prostituting of another person.
- b. The trafficking of another person, defined as the inducement of a person to perform a commercial sex act, or labor of services, through force, fraud, or coercion.
- c. The recording of images, including video or photograph, or audio of another person's sexual activity or intimate parts, without that person's consent.
- d. The distribution of images, including video or photographs, or audio of another person's sexual activity or intimate parts, if the individual distributing the images or audio knows or should have known that the person depicted in the images or audio did not consent to the disclosure.
- e. The viewing of another person's sexual activity or intimate parts, in a place where that other person would have a reasonable expectation of privacy, without that person's consent, for the purpose of arousing or gratifying sexual desire.

Scenario 1

John Smith is a student employee working in a campus office. His supervisor is Joe Brown. Mr. Brown has worked in a staff position at the university for about ten years. Mr. Brown has the reputation of being very friendly. John has been on the job for about three weeks, when he begins receiving text messages from Mr. Brown. John assumes that his supervisor got his cell phone number from the office records and he responds. At first, the text messages seemed friendly, but, with time he was getting twenty or more messages on a daily basis. One message was disturbing to John in that Mr. Brown texted that he had driven by John's house but did not see his blue car in the driveway. There were three to five instances when John noticed a truck parked across the street and he recognized the driver as Mr. Brown. One day, John receives four text messages with threatening and graphic sexual comments regarding John. John becomes alarmed and does not respond to any of the texts and he tries to avoid his supervisor at work. John notices that his supervisor is irritated that John is not being responsive. John fears for his safety and he reports his concerns to the associate dean in his college.

Scenario # 2

Mary Smith is a student in Dr. John Brown's class. Mary has a very pleasant personality and she has many friends. Mary struggles with the class material and has received D's on her quizzes. Dr. Brown takes a special interest in Mary. He focuses attention on her during class. Some of her classmates comment to her that she is his favorite student. As mid-semester approaches, Dr. Brown invites Mary to his office for some one-on-one assistance. The office meetings go well and she thanks Dr. Brown for his assistance. However, at the close of the fourth meeting, Dr. Brown surprises Mary with a hug. He tells her everything is going to be fine. That evening Mary receives an e-mail from Dr. Brown telling her that he finds her attractive and he really wants to be her friend. Mary does not respond to what she considers a "creepy" e-mail. At the fifth meeting in the office, Dr. Brown tells her that she could get a very good grade in the class if she went to dinner with him. Mary excuses herself from Dr. Brown's office and does not return. The next day she has a scheduled meeting with her academic advisor and she shares her concerns.

Scenario #3

Betty and Joe are students in Dr. Garcia's class. At the beginning of the semester Betty and Joe worked on a group project with other students. Members of the group exchanged cell phone numbers in order to communicate on the group project. Shortly after the completion of the project, Betty began to receive text messages from Joe. The first three texts were just friendly and Betty responded in kind. However, the next four texts contained graphic sexual language and also a proposition to engage in sexual activity. One even contained a picture of Joe exposing himself. Betty ignored all those texts. The texts made her very uncomfortable and she stressed at having to see Joe in class. Betty made an appointment with Dr. Garcia and showed him the texts and also expressed her discomfort at being in the same class as Joe. Dr. Garcia was very sympathetic, but he told Betty that the semester would be ending in four weeks and that she should just continue ignoring Joe's texts and avoid sitting near him in class.