

Title IX Compliance for

Study Abroad Faculty – March 22, 2017

Presented by Dr. Maggie Viverette

- Colleges and universities send more and more students each year to a myriad of different international higher education experiences.
- These experiences are a very important part of the educational experience for many students and almost all students have a positive and safe experience when they go abroad.
- A number of federal laws govern the study abroad experience for students.

The Study Abroad Experience

- Title IX prohibits unequal treatment on the basis of sex in access to educational programs (sex discrimination).
- Sexual misconduct is a form of sex discrimination.
- The applicability of Title IX in the overseas environment is primarily in the area of response to reports of sex discrimination.
- Title IX guidance requires prompt response, investigation and action to address and ameliorate unequal treatment on the basis of sex.

Title IX in the Study Abroad Program

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- Clarification of Title IX behaviors
 - Legal liability for non-compliance
 - Reporting obligations of faculty and staff
 - Reporting protocol during study abroad program
 - Referral points for students who need assistance
 - How administrators and faculty can support institutional Title IX compliance efforts

Objectives

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- Civil Rights Act of 1964
 - Amended to Add Title IX in 1972
 - Eliminates Barriers to Education and Employment Due to Sex

Gender Discrimination

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- To create a safe learning environment colleges must:
Promptly help the victim
Eliminate future harm.
 - There is no geographical limitation. Includes off campus incidents of sexual misconduct such as study abroad programs.

Spirit of Title IX



A campus sexual assault study by the U.S. Department of Justice found that around 1 in 5 women are victims of attempted or completed sexual assault as college students, compared to about 1 in 16 college men.

The Rape, Abuse and Incest National Network (RAINN) reports that college-aged women are four times more likely than any other age group to face sexual assault.

In 90 percent of the reported cases, the victim knew her or his attacker.

Current Statistics

- Less than 5 percent of rapes and attempted rapes of college students are reported to campus authorities or law enforcement. A study done by the Center for Public Integrity revealed many barriers to reporting sexual assault, including inadequate university sexual assault policies.
- The extent of the problem remains hidden on campuses nationwide. The small number of cases reported on a campus likely does not mean that sexual assault is not occurring, but rather that there are barriers to reporting.

Barriers to Reporting

- Examples of Behaviors
 - May involve
 - Male on Female
 - Female on Male
 - Same Gender
 - Student on Student
 - Faculty/Staff on Student
 - Student on Faculty/Staff

Who is Involved

- *Sexual Harassment*

- *Rape*

- *Sexual Assault*

- *Sexual Exploitation*

- *Intimate Partner Violence*

- *Stalking*

- *Bullying*

- *Sexual Coercion*

Title IX Behaviors

Exhaustive List

- Concept has changed
 - It's no longer the stranger hiding in the bushes
 - It's usually committed by someone that the victim knows
 - Many times the victim cannot remember what happened
 - Victims may not understand that assault by an acquaintance is still assault

Changing Definition of Sexual Assault

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- Who was involved?
 - When did the incident occur?
 - Where did the incident occur?
 - Who should be contacted?

Critical Questions

Who was involved?

Student, faculty or staff member

**When did the
incident occur?**

Where did the incident take place?

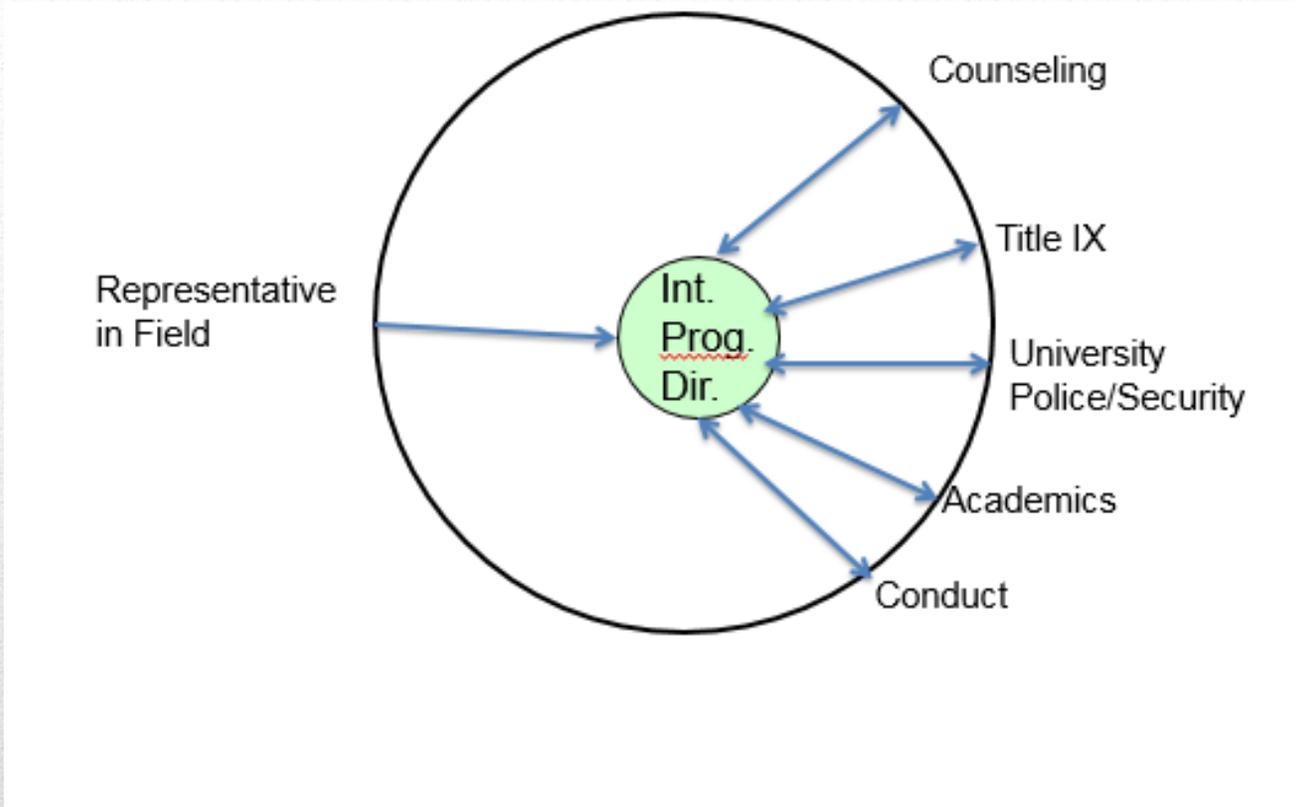
On campus

Off campus - *VSU can intervene in off campus incidents*

Institutionally sponsored programs or activities

When I am in the field who should be contacted?

International Programs Director



Title IX Response Model



Counseling Center

Dr. Tricia Hale, Counseling Center

229-333-5463

Campus Resources



Sexual Assault Support & Help for Americans Abroad
(SASHAA/AODVC): <https://sashaa.org>

External Resources



- **Institutional Liability**

- Litigation
- Loss of 2% of federal funding **per incident**
- Office of Civil Rights (OCR) Investigation/Site Visit
(*Oversight for Several Years*)
- Inclusion on list of colleges/universities on
Not Alone.Gov
- **Negative publicity—impact on recruitment and retention**

Legal Liability for Non-Compliance



- **Personal Liability**

- Litigation
- Personal connection to negative publicity for institution
- Possible loss of employment
- No such thing as reporting an incident too soon
- **However, a delay in reporting ...**

Legal Liability for Non-Compliance



Sniff Test

- If it even remotely smells like or looks like a Title IX incident:

Report it to my office

What Should be Reported



- **“Required”** Employees

- All employees are required to report Title IX incidents to the Title IX Coordinator
- Students should have a reasonable expectation that reporting an incident to you will result in intervention by the University

Reporting Obligations



When an incident is reported:

- Report **everything** – don't attempt to determine whether it's a Title IX incident or not
- Report **immediately** – very limited window of time for the University to address the incident

Reporting Obligations Continued

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- Only three professional practitioners can guarantee confidentiality:
 - Clergy (none on VSU payroll)
 - Counselors in the Counseling Center
 - Medical Professionals in the Student Health Center

Who are Confidential Resources



Reporting an incident does not automatically trigger a full blown investigation

Title IX Coordinator has the discretion to determine whether confidentiality on a need to know basis can be provided.

**What if the student
pleads for confidentiality**

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- Due to confidentiality requirements you will not be informed of outcomes regarding Title IX incidents

Reporting Outcomes



Guidance in expressing reporting obligations

“Before you continue Jane/John, thank you for allowing me the opportunity to help you with what you are going through. Please know that if the information you disclose to me involves sexual or domestic assault/harassment, I will have to report it to the proper campus officials so they can take the proper steps to ensure your safety and the safety of others on campus. I cannot promise complete confidentiality, but depending on the exact situation, it is possible that you may be able to remain anonymous.”

Script for Discussing Reporting Obligations

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- Report all Title IX incidents to Title IX Coordinator
 - (through the International Programs Director)
 - Complete all Title IX training (Online-Haven)
--Required by federal law

Supporting Institutional Compliance

- Consider having all participating students complete the online Title IX training as a requirement for participation.
- New students (first time, full time) are required to completed online Title IX Training. (*Haven* and *AlcoholEdu*)

Supporting Institutional Compliance

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- Joseph Storch, *Updated: The Clery Act and Overseas/Distance Study: New Developments and Compliance Guidance, 2016 Edition*, NACUANOTE, NATIONAL ASSOCIATION OF COLLEGE AND UNIVERSITY ATTORNEYS, VOL. 15, No. 1 (Sep. 26, 2016)

Resources



Please feel free to contact me if you have additional questions regarding Title IX response and obligations.

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Additional Questions
