

SEXUAL MISCONDUCT AND TITLE IX FOR FACULTY AND STAFF

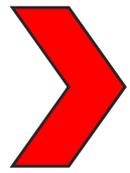
UNIVERSITY OF NORTH CAROLINA

**SCHOOL
OF THE
ARTS**

OVERVIEW OF TRAINING

This training will cover the following:

- **Student Sexual Misconduct Policy**
- **What you should do if you learn information that may involve a violation of the Student Sexual Misconduct Policy**
- **University Resources**



STUDENT SEXUAL MISCONDUCT POLICY

UNIVERSITY OF NORTH CAROLINA

SCHOOL
OF THE
ARTS

STUDENT SEXUAL MISCONDUCT POLICY

- UNC School of the Arts expects all members of its community to act in respectful and responsible ways towards each other.
- UNC School of the Arts is committed to providing programs, activities and an educational environment free from sex discrimination.
- This Student Sexual Misconduct Policy sets forth resources available to students, describes prohibited conduct, and establishes procedures for responding to reports of sexual misconduct (including sexual assault, sexual harassment, and other unwelcome sexual behavior).

UNCSA STUDENT SEXUAL MISCONDUCT POLICY SPECIFICALLY COVERS

- Sexual Misconduct
- Sexual Harassment
- Sexual Intimidation
 - Effective Consent
 - Reporting Options
 - Limited Immunity
- Campus Judicial Hearing Procedures

SEXUAL MISCONDUCT DEFINED

- Any act of a sexual nature perpetrated against an individual without effective consent or when an individual is unable to freely give consent.
- Sexual misconduct includes, but is not limited to:
 - **Attempted or complete intercourse or penetration (anal, oral, or vaginal)**
 - **Sexual touching (including disrobing or exposure)**
 - **Sexual exploitation (examples follow on the next slide)**

EXAMPLES OF SEXUAL EXPLOITATION

- Sexual exploitation encompasses a wide range of behaviors which may include, but are not limited to:
 - *Inducing incapacitation with the intent to rape or sexually assault another student*
 - *Non-consensual video or audio-recording of sexual activity*
 - *allowing others to observe a personal act of consensual sex without knowledge or consent of the partner*
 - *Engaging in Peeping Tommery (voyeurism)*
 - *Knowingly transmitting a sexually transmitted disease, including HIV, to another student*
 - *Prostituting another student (i.e. – personally gaining money, privilege, or power from the sexual activities of another student)*

➤ SEXUAL HARASSMENT

Sexual harassment is a form of discrimination that includes verbal, written, or physical behavior of a sexual nature, directed at someone (of the same or opposite sex), or against a particular group, because of that person's or group's sex, or based on gender stereotypes, when that behavior is unwelcome and creates a quid pro quo situation and/or a hostile environment.

QUID PRO QUO MEANS:

Submission or consent to the behavior is reasonably believed to carry consequences for the student's education, employment, on-campus living environment, or participation in a University activity.

Pressuring a student or employee to engage in sexual behavior for some educational or employment benefit,

or

Making a real or perceived threat that rejecting sexual behavior will carry a negative consequence for the student.

HOSTILE ENVIRONMENT MEANS

- The behavior has the purpose or effect of substantially interfering with the student's work or educational performance by creating an intimidating, hostile, or demeaning environment for employment, education, on-campus living, or participation in a University activity.
- **Examples of this type of sexual harassment can include:**
 - Persistent unwelcome efforts to develop a romantic or sexual relationship
 - Unwelcome sexual advances or requests for sexual favors
 - Unwelcome commentary about an individual's body or sexual activities
 - Repeated and unwelcome sexually-oriented teasing, joking, or flirting

SEXUAL INTIMIDATION

- **Sexual intimidation involves:**
 - *Persistent unwelcome efforts to develop a romantic or sexual relationship*
 - *Unwelcome sexual advances or requests for sexual favors*
 - *Unwelcome commentary about an individual's body or sexual activities*
 - *Repeated and unwelcome sexually-oriented teasing, joking, or flirting*

EFFECTIVE CONSENT

It is the student's responsibility to make sure that he/she has consent from their partner before engaging in sexual activity.

Effective Consent is:

- **Informed**
- **Freely and actively given**
- **Based on mutually understandable words or actions**

Being intoxicated or high does not diminish one's responsibility to obtain consent and is never a defense for sexual misconduct.



WHAT SHOULD YOU DO?

UNIVERSITY OF NORTH CAROLINA

SCHOOL
OF THE
ARTS

OBLIGATIONS FOR FACULTY & STAFF

Faculty and staff who become aware of possible sexual misconduct or harassment involving a student are **obligated** to refer the information to the Title IX Coordinator or Deputy Coordinator even if an individual requests confidentiality.

- The conversation with the individual will be considered private and only those with a need to know will be involved to ensure an appropriate and thorough investigation is conducted.
- You are responsible for referring information you receive, but not for investigating what is reported to you.
- Faculty and staff can also refer the student to Campus Police and Counseling Services.

WHY YOU MUST REFER INFORMATION?

- **Referring information to the Title IX Coordinator , Deputy Coordinator:**
 - Helps protect the safety of the student(s) involved and the entire campus community;
 - The Title IX Coordinator may have information about the incident and/or the accused that you as an employee may not be aware of.

Title IX Coordinator: Delores Harris (336) 770-1481

Title IX Coordinator: James Lucas (336) 770-3317

WHY YOU MUST REFER INFORMATION (CONT.)?

- The co-worker or student will retain the ability to decide whether to pursue an on-campus judicial hearing or to seek other legal recourse even after you make the referral.
- The Title IX Coordinator can assist the co-worker or student with obtaining needed support and other accommodations.

REPORTING MISCONDUCT (REFERRALS FOR STUDENTS)

- The student can call the police (UNCSA Campus Police 770-3362 or Winston Salem Police 911) directly! If the incident occurred off campus the University can help them contact the local police where the incident occurred.
 - **We recommend students contact Rape Crisis and Campus Support Services at 336-770- 3288, as someone is available 24 hours a day. Rape Crisis and Campus Support Services can assist with calling police.**
- Students can also report sexual misconduct to the University's Title IX Coordinator, Deputy Coordinator, and/or the Office of the Dean of Student Services. Faculty and staff should still contact the Title IX Coordinator to refer the information.
- Faculty and staff should still contact the Title IX Coordinator to refer the information.
- The University will not wait for the conclusion of any criminal investigation or proceedings before commencing its own investigation; however, the University's investigation may be delayed temporarily while the criminal investigators are gathering evidence. In the event of such a delay, the University may take interim measures when necessary to protect the complainant and the University community.

REPORTING MISCONDUCT (RETALIATION)

- Retaliation against individuals involved in or providing information related to a sexual misconduct complaint (including, but not limited to, complainants, witnesses, investigators, and reporters) will **not** be tolerated.
- Appropriate action will be taken, including possible termination of employment, against individuals who engage in retaliation.
- Appropriate action will be taken, including possible expulsion from the University, against students who engage in retaliation.
- Individuals who are aware of, or believe retaliation has occurred in violation of this policy must report the information to the Title IX Coordinator or the Deputy Coordinator.

CONFIDENTIALITY

- Confidentiality will be maintained by UNCSA counselors and health care providers (physician, physicians assistants, athletic trainers etc.) in the Wellness Center consistent with state law, and Rape Crisis Counselors (in sexual assault cases); including those located on campus.
- The Title IX Coordinator will honor a complainant's request for confidentiality unless the safety of the University community would be compromised by the seriousness of the harassment and/or there are other complaints about the same individual, or to comply with the Family Educational Rights and Privacy Act (FERPA).
- All conversations will be considered private as only individuals with a need to know will be informed to ensure that an appropriate and thorough investigation is conducted.
- In such cases the University will discuss the appropriate approach with the complainant and how it applies to their specific case.

TITLE IX COORDINATORS

Delores Harris

harrisd@unca.edu

336-414-7529

(Title IX Coordinator)

James Lucas

lucasj@unca.edu

336-770-3317

(Title IX Coordinator)

UNCSA TITLE IX TEAM

Ward Caldwell

caldwellw@unca.edu

336-770-3283

Vice Provost/Dean of Student Affairs

Andrea Sell

sella@unca.edu

336-631-1215

Associate Director of Student Conduct

Laurel Banks

banks@unca.edu

336-631-1223

Clinical Case Manager

HYPOTHETICAL SCENARIO

A student comes to you and confides in you that she was drinking at a party and passed out. When she woke up, a male student was in bed beside her. When she inquired as to what happened, he replied that she had invited him back to her room and they had sex. She states that she is embarrassed and does not want to talk with police, but this is affecting her ability to perform academically. The male student is in the same class with her.

What should you do?

ANSWER:

If any form of possible sexual misconduct or harassment is reported to you, you must refer the information to the Title IX Coordinator or Deputy Coordinator.

In this hypothetical scenario, the student may not have had the capacity to effectively consent to the sexual activity.

HOW TO HELP A STUDENT?

- Explain that the University takes these situations seriously, remind them of the sexual misconduct policy.
- Encourage and explain to the student how to seek medical assistance
- Encourage the student to seek support from Rape Crisis and Campus Support Services.
- Encourage the student to report the situation to University Police or local police.
- Encourage the student to seek emotional support from UNCSA Counseling Services.
- Report to the incident to the Deputy Title IX Coordinator, Student Affairs Professional, Title IX Coordinator.

RESOURCES AVAILABLE TO STUDENTS

- **Rape Crisis (Family Services)**
- **UNCSA Police or local police**
 - **Student Health Services**
- **UNCSA Counseling Services**

LIMITED IMMUNITY

It is important that cases of sexual misconduct or harassment be reported. The University extends limited immunity from punitive sanctioning in the case of illegal alcohol use to possible victims/ students, witnesses and to those reporting incidents and/or assisting students who may be victims of sexual misconduct.

JUDICIAL HEARINGS

•At UNCSA, the student conduct process has been established to address complaints of sexual misconduct when the accused student is a UNCSA Student.

- The complainant has the right to receive notification and assistance from the University's Title IX Coordinator or a Deputy Coordinator regarding interim actions, including assistance in changing academic and living situations after an alleged incident of sexual misconduct.
- In addition, no-contact orders may also be issued to prevent any contact, whether in person or indirectly, between the accused student, acquaintances, witnesses, and/or the complaining party.

JUDICIAL HEARINGS

A Sexual Misconduct Hearing Board composed of faculty and staff has been trained to handle cases of sexual misconduct.

Associate Director for Student Conduct/Judicial Affairs

Andrea Sell: 336-631-1215

JUDICIAL HEARING BOARD

Evidence will be evaluated under a “preponderance of the evidence standard,” meaning that the accused student will be found responsible if, based upon the entirety of the evidence presented during the hearing, it is determined that the accused student “more likely than not” committed the infraction in question.

EVIDENTIARY STANDARD FOR STUDENT CONDUCT HEARINGS

- Students have 5 days to contact the Vice provost and Dean of Student Affairs, Associate Director for Student Conduct..
Grounds for an appeal are:
 - Sufficiency of the evidence to support the decision;
Appropriateness of the sanction;
 - Germane new evidence not available at the time of the hearing that could significantly impact the outcome; and/or
 - Procedural errors that significantly impact the outcome.

JUDICIAL APPEALS

Any sexual relationship between an employee (faculty or staff) and a student, whether consensual or not, is a violation of University policy. Employees found to be in violation of this policy will be subject to disciplinary action, up to and including suspension or termination.

Employees with information about a possible violation of this policy should refer the information to the Title IX Coordinator.

RELATIONSHIPS WITH STUDENTS

Who should you contact with questions?

Delores Harris

Title IX Coordinator

Human Resources

Cell Phone: (336) 414-7529

Email: harrisd@uncsa.edu

COMMUNITY RESOURCES

University Title IX Coordinator – Delores Harris Deputy Human Resources Director	336-414-7529
University Title IX Coordinator – James Lucas Director of Human Resources	336-770-3317
Student Health Service (confidential resource)	888-267-3675
University Police	336-770-3321
University Counseling Center (confidential resource)	336-631-1223
Office of Dean of Student Services	336-770-3274
Residence Life and Housing (Ramona Richmond)	336-770-3279

COMMUNITY RESOURCES

Sexual Assault Response Program (24 hour rape crisis service sponsored by Family Services)	336-722-4457
Forsyth Medical Center Emergency Department	336-718-2001
Wake Forest Baptist Medical Center	336-713-9000
Winston-Salem Police Department or Forsyth County Sheriff Department	911

PROHIBITED HARASSMENT AND TITLE IX POLICY #121

For the complete Sexual Misconduct Policy and explanation of the campus hearing process please visit:

[Prohibited Harassment and Title IX Policy #121](#)

Note: *If your browser does not open the link above, please copy and paste the link into your browser to read the policy.*

#TAKETHEPLEDGE

IT'S ON US TO MAKE A
DIFFERENCE

AT UNCSEA...

WE ARE ALL RESPONSIBLE
EMPLOYEES AND ARE
REQUIRED TO REPORT