Responding to a Sexual Misconduct Disclosure

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Student Support Panel

Presenter:

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Main Objectives:

You will feel adequately prepared to report sexual and gender-based misconduct
You will know more about...

- Rights and responsibilities under law & policy
- How to listen
- How you can support
- How to report
- What happens after the report
Title IX and Sexual Misconduct

U.S. Department of Education, Title IX of the Education Amendments Act, 1972:

"No person in the United States shall, on the basis of sex [or gender], 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."
Upon University Notice of Harassment or Violence

We must respond promptly, effectively, and equitably to:

• Assess and investigate
• Stop the behavior
• Remedy the effects
• Prevent the recurrence

Remove barriers to education/employment

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Title IX and Sexual Misconduct

Under Title IX and WMU Policy, you have the right to an education and employment free from sexual and gender-based discrimination, harassment and violence. This includes discrimination based on pregnancy and parenting.

In 2015, WMU implemented a policy prohibiting sexual and gender-based harassment and violence, intimate partner violence and stalking. The policy applies to faculty, staff students, vendors and visitors and covers prohibited behavior on and off campus. The Policy and procedures have been updated to reflect regulatory changes effective August 14, 2020.
This Employee Response Guide is available at: wmich.edu/sexualmisconduct/education
Prohibited Behaviors

- Sexual harassment
- Gender-based harassment
- Non-consensual sexual intercourse
- Non-consensual sexual contact
- Sexual exploitation
- Harm to others
- Stalking
- Intimate partner violence
- Retaliation

Complete definitions at the end of the presentation for reference and in the WMU policy at wmich.edu/sexualmisconduct
Disclosure from a Student or Colleague

Listen - Support - Report

- Let the person know that you will respect their privacy and may need to share information with someone that can help them. Avoid using the term “reporting”, it may infer that they did something wrong.

- Consider that they may have been through a traumatic experience; be sensitive and non-judgemental. People respond differently to trauma. They may not be acting the way you think they should, such as smiling instead of crying. Believe what they are telling you.

- They may not be ready or able to talk about the details; their thoughts may be scattered. Just listen. Resist the desire to gather all of the facts and information, to investigate, to intervene or to question decisions the person made “Why would you...”
Disclosure from a Student or Colleague
Listen - Support - Report

They choose their next step; we shouldn’t force anyone to talk to the police, parents, counselors or IE.

Remember, they chose to tell someone and we want to respect that decision.

A persons’ decision is impacted by their own identities and cultural perspectives and their choice may be different than what you want.

https://www.sallyspencerthomas.com/hope-illuminated-podcast/78
Disclosure from a Student or Colleague

Listen - Support - Report

Depending on the situation, resources may include:

Confidential Resources (not required to report)

- Counseling Services, Sindecuse Health Center (269) 387-3287. No charge for students.
- YWCA Sexual Assault Program (269) 385-3587 (24-hr. crisis line, treatment and trained Sexual Assault Nurse Examiner for medical services and forensic evidence collection). YWCA Campus Advocate, Mya White (269) 345-5595 ext.390. Services available for all genders. No charge.
- FIRE Place Resource and Support Center in Sindecuse, (269) 387-2990
Disclosure from a Student or Colleague

Listen - Support - Report

Contact Institutional Equity:
• Call (269) 387-6316 or
• Complete an online report form at
  wmich.edu/sexualmisconduct
Disclosure from a Student or Colleague

Listen - Support - Report

Include all available information; the date, time, location, nature of the incident, individuals involved
Disclosure from a Student or Colleague

Listen - Support - Report

Contact Institutional Equity:
• Call (269) 387-6316 or
• Complete an online report form at [wmich.edu/sexualmisconduct](http://wmich.edu/sexualmisconduct)
• If Clery reportable, the Title IX Coordinator will send in a Clery Security Authority Form to Public Safety, include your name and copy you (to eliminate redundant reporting)

Take care of yourself, too!
What do you need to do to process what happened?
Why Report? Supportive Measures

Under Title IX, anyone subjected to, or accused of, sexual misconduct is entitled to supportive measures, which may include:

• referral to counseling, medical, and/or other healthcare services;
• safety planning;
• transportation and escort on campus;
• changing class schedule, including the ability to take an “incomplete,” drop a course without penalty, or transfer sections (with the agreement of the appropriate faculty);
• changing residence building, work schedule or job assignment;
• referral for academic accommodations and support services, such as tutoring;
• instituting a no contact order;
• or any other remedy that can be tailored to the individuals involved in order to achieve the goals of the Policy

The acceptance or rejection of supportive measures must be documented by the Title IX Coordinator and kept in the case file.
Who is a Required Reporter for Sexual Misconduct?

Per the Sexual and Gender-Based Misconduct Policy, “Designated Official, an official designated by Policy to promptly report disclosures or observations of sexual misconduct to the Title IX Coordinator; members of the Board of Trustees, the President, members of the President's Cabinet, Deans, Supervisors, Academic Advisors, Residence Life staff with on-call responsibilities, and administrators and staff in Intercollegiate Athletics, Human Resources, Office of Student Conduct (OSC), Public Safety and Institutional Equity (IE).”

Per the Duty to Report Criminal Acts Policy: “All University employees, students, contractors, and other University-affiliated persons are charged with a duty to promptly report acts that have any connection to the University and that they in good faith believe could be criminal.” ... “Exceptions: Individuals whose professional licensure allows for them to keep information regarding criminal activities private should follow the tenets of their profession and/or license.” [https://wmich.edu/policies/criminal-0]
Reporting Guidance

**Report it!**

**Simple approach:**
- Report crimes to the police
- Report sexual misconduct to Institutional Equity
- Some incidents may be both

WMU Public Safety and IE work together closely. We will sort it out!

**Overlap:** Crimes involving sex, or committed based on gender, gender-identity, sexual orientation, or involving a minor

**Focus:** WHAT?
- Designated Official per WMU Sexual Misconduct Policy (2020)
- Mandated Reporter/Campus Security Authority per Clery Act

**Focus:** WHAT & WHO?

**Focus:** WHAT & WHERE?
What happens after the report?
Basic Grievance Procedure

The person who disclosed (complainant) will receive an email from the Title IX Coordinator. If they choose not to respond, there is no further action. If they respond, the Title IX Coordinator will:

Meet with the complainant (may bring a support person).

- Discuss the incident and available support resources. Offer supportive measures such as issuing a “no contact” order, changes in the work environment, housing or classes if needed. For sexual assault, consider options for a certified Sexual Assault Nurse Exam, sexually transmitted infections and pregnancy.
- Discuss resolution options (police, informal, formal).
Ways to Learn more:

Preventing Harassment and Discrimination
(online training, assigned through Human Resources or click here)

Campus Security Authority and Designated Official Training-2023
(assigned in E-learning or self-register here)
TO DO:
TAKE AN ONLINE TRAINING AVAILABLE TO ALL FACULTY, STAFF AND STUDENT EMPLOYEES THROUGH GOWMU.
Questions?

Contact information

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Reference Material

Prohibited Behavior Definitions

Sexual Harassment

Any unwelcome sexual advance, request for sexual favors, or other unwelcome verbal or physical conduct of a sexual nature when:

◦ submission to or rejection of such conduct is made, either explicitly or implicitly, a term or condition of an individual’s employment, evaluation of academic work, or participation in any aspect of a University program or activity (e.g., quid pro quo);

◦ submission to or rejection of such conduct by an individual is used as the basis for decisions affecting the individual (e.g., quid pro quo); or
Sexual Harassment

...when:
such conduct has the purpose or effect of unreasonably interfering with an individual’s work or academic performance; i.e. it is sufficiently serious, pervasive or persistent as to create an intimidating, hostile, humiliating, demeaning, or sexually offensive working, academic, residential, or social environment under both a subjective and an objective standard.

NOTE: A single isolated incident of Sexual Harassment may jeopardize equal access to a program or activity if it is sufficiently severe.
Gender-Based Harassment

Acts of verbal, nonverbal, or physical aggression or contact, intimidation, threats, abuse or hostility based on sex or sex stereotyping, even if those acts do not involve conduct of a sexual nature; sexual harassment based on gender, gender identity, gender expression or sexual orientation.
Non-Consensual Sexual Intercourse

Having or attempting to have sexual intercourse with another individual
• by force or threat of force;
• without consent; or
• when that individual is incapacitated

Sexual assault

Sexual intercourse includes vaginal or anal penetration, however slight, with a body part (e.g., penis, tongue, finger, hand) or object, or oral penetration involving mouth to genital contact
Non-Consensual Sexual Contact

Sexual contact with another individual
- by force or threat of force
- without consent; or
- when that individual is incapacitated

Sexual contact includes intentional contact with the intimate parts of another, causing another to touch one’s intimate parts, or disrobing or exposure of another without permission. Intimate parts may include the breasts, genitals, buttocks, groin, mouth or any other part of the body that is touched in a sexual manner.
Sexual Exploitation

Taking non-consensual or abusive sexual advantage of another for one’s own advantage or benefit, or to benefit or advantage anyone other than the one being exploited.
Sexual Exploitation - Examples

- surreptitiously observing another individual’s nudity or sexual activity or allowing another to observe consensual sexual activity without the knowledge and Consent of all parties involved;
- non-consensual sharing or streaming of images, photography, video, or audio recording of sexual activity or nudity, distributing such without the knowledge and Consent of all parties involved;
- exposing one’s genitals or inducing another to expose their own genitals in non-consensual circumstances;
- knowingly exposing another individual to a sexually transmitted disease or virus without their knowledge.
- sex-based bullying; or
- inducing Incapacitation for the purpose of making another person vulnerable to non-consensual activity.
Harm to Others

Behaviors that threaten or endanger the health or safety of any person, which include physical abuse, verbal abuse, threats, intimidation and/or harassment. Non-sexual or non-gender-based Harm to Others will be treated as a violation of the WMU Student Code and will be referred accordingly.
Stalking

A course of physical or verbal conduct directed at another individual on the basis of sex or gender identity, in a manner that could be reasonably regarded as likely to alarm, harass, or cause fear of harm or injury to that person or to a third party. A course of conduct consists of \textit{at least two acts}. The feared harm or injury may be physical, emotional, or psychological, or related to the personal safety, property, education, or employment of that individual.

Stalking may include cyber stalking, in which electronic media such as the internet, social networks, blogs, cell phones, texts, or other similar devices or forms of contact are used.
Intimate Partner Violence

Often referred to as dating violence, domestic violence, or relationship violence; one act or ongoing behavior that includes but is not limited to:

any actual or threatened act of physical, sexual, emotional violence or economic abuse against an intimate partner (person who is, or has been involved in, a sexual, dating, domestic or other intimate relationship with the initiating individual)
Intimate Partner Violence

- threats, assault, property damage, violence or threat of violence to oneself, an intimate partner, or to the family members or friends of that partner; or
- Sexual Harassment, Non-Consensual Sexual Intercourse, Sexual Exploitation, Harm to Others, Stalking or Retaliation of an intimate partner.
Retaliation

Acts, words, or attempts to take adverse action against the Complainant, Respondent, or any individual or group of individuals because of their good faith Complaint or participation in an investigation and/or resolution of a Complaint. Retaliation may be committed by any individual or group of individuals.

Retaliation may take many forms, including threats, intimidation, pressuring, continued abuse, violence, other forms of harm to others.
Retaliation

Retaliation may also occur by moving someone to a less desirable workspace, altering work hours, removing or limiting privileges. All forms of Retaliation are prohibited under this Policy as well as under state and federal law.