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# Title IX, Sexual Misconduct & Other University Policies

# Welcome and Introduction

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# Objectives

- Have a better understanding of Title IX and University Policies
- Know How to Identify and Report Sexual Misconduct
- What to Do if Sexual Misconduct is Report to You

# **Title IX and University Policies**

# Federal Law

Title IX of the Education Amendments of 1972 is a federal civil rights law that prohibits discrimination on the basis of sex in education programs and activities that receive federal financial assistance.

*“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 covers:

- gender-based discrimination
- pregnant and parenting discrimination
- sexual misconduct
  - sexual assault
  - sexual harassment
  - stalking
  - dating violence
  - domestic violence
  - voyeurism
  - Any other conduct of a sexual nature that is nonconsensual.

# Non-Discrimination Policy

**Northern Michigan University does not discriminate** on the basis of ancestry, race, color, ethnicity, religion or creed, sex or gender, gender identity\*, gender expression, genetic information, national origin, immigration status (unless restricted by State or federal laws and regulations), age, height, weight, marital status, familial status, pregnancy, disability, sexual orientation, military or veteran status, or any other characteristic protected by federal or state law in employment or the provision of services.

# University policy states:

- Harassment and discrimination by any member of the Northern Michigan University community is prohibited.
- Individuals engaging in these behaviors are subject to disciplinary procedures ranging from reprimand to termination or expulsion.



# Why is this important at NMU?

- Foster a culture of respect.
  - Treat one another with kindness and respect, whether in person, on the phone, over email, or on social media.
  - Encourage and support one another.

# Sexual Misconduct Policy

- Our policy states that all forms of sexual misconduct are strictly prohibited.
- Sexual Misconduct includes: sexual assault, sexual harassment, stalking, dating violence, domestic violence, voyeurism, sex discrimination, and any other conduct of a sexual nature that is nonconsensual.

# Sexual Misconduct

- Used to encompass any type of unwelcome conduct of a sexual nature that is committed without consent.
- It can include both intentional conduct and conduct that results in negative effects, even if those negative effects were unintended. (Intent vs Impact)

# Sexual Harassment

Sexual harassment is unwelcomed...

- sexual advances
- requests for sexual favors, and
- other verbal, non-verbal, or physical conduct of a sexual nature

.....received in any format.

# Examples that could lead to sexual harassment

## Unwelcome verbal examples

- Sexual jokes, comments, taunts or remarks
- Inquiries into a person's personal relationships
- Continued pressure for dates, particularly after refusals
- Sexual flirtations
- Comments about someone's appearance that are sexual in nature

Your intent on what you said/did is not relevant. The impact of the behavior on the recipient is relevant.

If you say, "I didn't mean it" or "It was only meant as a joke" is neither an excuse nor defense.

# Examples that could lead to sexual harassment

## Unwelcome non-verbal examples

- gestures that are sexual in nature
- sexually demeaning texts, social media posts, notes, or cartoons
- nude pictures hanging in “public” spaces

# Examples that could lead to sexual harassment

## Unwelcome physical examples

- Hugging or grabbing
- Rubbing or massaging
- Blocking a person's path or pinning a person against a wall
- Patting or pinching
  
- Deliberate touching or any other unnecessary physical contact

# It can happen to anyone

- Male-Female/Female-Male
- Male-Male/Female-Female
- Any Gender Identity /Any Gender Identity
- Student/Student
- Graduate Student/Undergraduate Student
- Faculty/Student
- Faculty/Faculty or Staff/Staff
- TA/Student
- Staff/Student
- Third Party/Employee or Student



# It can happen anywhere

Sexual misconduct can happen anywhere, not only on campus:

- Off campus
- Internships
- Study Abroad
- At an off-campus party

**What to do if someone  
comes to you?**

# Your actions/words are very important

- Listen carefully
- Avoid judgmental statements
- Keep your own emotions in check
- Don't play detective. **Report** what you know.

# Responsible Employee

- Under Title IX, the University is required to take immediate and corrective action if a Responsible Employee knew or should have known about sexual or gender-based harassment or violence prohibited under Title IX.

A Responsible Employee includes any employee who:

- Has the authority to take action to redress sexual or gender-based harassment or violence
- Has the duty to report to appropriate school officials sexual or gender-based harassment or violence or any other misconduct covered by this policy;
- An individual who could reasonably be thought to have the authority or responsibility to take action.

# Responsible Employee

- The University requires that all Responsible Employees immediately report allegations of violation of the Sexual Misconduct policy to the Title IX Coordinator or designee. This connects a complainant to information and resources and enables the University to take appropriate action to eliminate, prevent and address any hostile environment that may exist.
- **Faculty, Contingent Faculty, Part-time Instructors, Adjunct Instructors, Teaching Assistants, Research Assistants, Graduate Assistants, and Graduate Service Assistants are Responsible Employees.**

# How to Report

## Confidential Resources

Details of the complaint/incident are kept confidential. These resources are not required to tell anyone the private, personally identifiable information unless there is a significant case of fear of safety or the safety of others

- Northern Michigan University Counseling and Consultation Services, 3405 Hedgcock, 906-227-2980
- Northern Michigan University Health Center, Gries Hall – ground floor, 906-227-2355

# How to Report

These resources are those from who you can expect to have complaints/incidents taken seriously and to have those complaints/incidents investigated and properly resolved. This means only people who need to know will be told and information will be shared only as necessary.

- Title IX Coordinator or Deputy Coordinator
  - Janet Koski, Title IX Coordinator, 105 Cohodas, 906-227-2420
  - Mary Brundage, Deputy Title IX Coordinator, 2001 Hedgcock, 906-227-1705

## **Immediate Threat**

- NMU Police Department, 100 Services Building, 906-227-2151

# Retaliation Policy

- Retaliation is strictly prohibited against ANY party involved in a university investigation..
- Anyone who believes they are experiencing retaliation is strongly encouraged to report.
- A retaliation concern will be reviewed as a separate offense; that is, a person can be found responsible for retaliation even if not found to be responsible for the initial incident that was investigated.



# Scenario 1

- Jim is in class with Stacey. One day, he writes a note to Stacey and passes it to her. The note to her reads, "You have a really great body. How about you and I get together? Come over tonight!" After Stacey reads the note, she looks up at Jim and he makes sexual gestures with his lips and hands.
- Is this Sexual Harassment?

# Scenario 1

- MOST LIKELY. It depends on whether Stacey is ok with Jim's remarks or not. If Stacey is ok with this kind of attention, then it would not be sexual harassment. But if she found the remarks to be offensive, then it would be considered sexual harassment.
- This type of sexual harassment would be considered **non-verbal** (written and gestures), the most obvious and recognized.
- What if Stacey gave you this note and complained to you about Jim...what would you do?

# Scenario 2

- A group of four women frequently whistle at Steve when he is walking by their residence hall. Steve thought it was kind of neat and enjoyed the special attention. After a while, when the women didn't stop, Steve began to feel embarrassed and uncomfortable. He no longer considered the attention special and began to also feel upset. He told them to quit but they would laugh and continue. Steve didn't really know what to do. Steve just wanted to be left alone.
- Is this Sexual Harassment?

# Scenario 2

- YES. At first Steve enjoyed the whistling and attention. However, there came a time when it was no longer welcomed and he wanted it to stop. The point at which he did not consent to the whistling, and the females continued is when it became sexual harassment.

What would you do if Steve brought this to your attention?

# Consensual Relationship Policy

- Interactions between faculty, staff and students at Northern Michigan University are guided by professional ethics, trust, and mutual respect. Professional relationships have a power differential that may carry risks of conflict of interest, breach of trust and professional ethics, and abuse of power.
- University employees (faculty, staff, and student supervisors) who are in a position of authority in such matters as supervising, evaluating, teaching a course and/or advising a student as part of a school program shall not engage in a Consensual Relationship with a student or subordinate.

# Questions?

- If you have questions, please contact me at 906-227-2420 or [jakoski@nmu.edu](mailto:jakoski@nmu.edu).