



Western Oregon
UNIVERSITY

Title IX

2023-2024 Training



Policy on Nondiscrimination

- At Western Oregon University (WOU), we strive to have a diverse and inclusive campus. It is the policy of WOU to provide a campus environment free from discrimination and harassment on the basis of race, color, religion, ethnicity or national origin, age, gender identity, sex (including sexual harassment), genetic information, marital status, sexual orientation, veteran status, veteran of the Vietnam era, or disability or any other status protected under law.



Title IX of the Education Amendments of 1972

- No person in the United States shall, on the basis of sex, be excluded from participation in, or denied the benefits of, or be subjected to discrimination under any educational program or activity receiving federal financial assistance.



Who is protected by Title IX?

- All students, staff and faculty, regardless of sexual orientation, gender identity, disability, race, citizenship, religion, etc.



Why do we engage in Title IX training?

- Federal law requires individuals who are involved in sexual misconduct and Title IX processes to participate in training.
- Oregon law requires all employees and students to participate in annual Title IX training.



Difficult content & self-care

We recognize that when we are discussing Title IX, this content may be difficult to navigate and can generate strong emotional responses. We encourage you to care for your safety and well-being as you engage with this content. Examples of this may include: take a deep breath, let your eyes move around the room, drink water, stand up, stretch, or step away as needed. If you are experiencing a need for urgent support, we are here for you.

- Abby's House (Students) – WUC, 106 | abbyshouse@wou.edu | 503.838.8219
- Health & Counseling Center (Students) – Monmouth Ave | health@wou.edu | 503.838.8313
- Employee Assistance Program (Employees) | Available 24/7: 1-855-327-4722
- Sable House (Everyone) Dallas, Oregon | 503-623-6703/866-518-0824



If you feel you need a waiver to be allowed not to engage in this training

- Contact the Office of Diversity, Equity and Inclusion, which is also the Title IX office
 - titleix@wou.edu, or
 - vargasd@wou.edu



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An Introduction



Some data from the Rape, Abuse & Incest National Network to consider as you engage in this content

- 24.6% of cis female students experience sexual assault or rape
- 6.8% of cis male students experience sexual assault or rape
- 5.8% of students have experienced stalking since entering college
- 23.1% of TGQN (transgender, genderqueer, nonconforming) college students have been sexually assaulted

RAINN



Discrimination, Harassment, and Violence

- Under Title IX, discrimination is defined as: a broad range of activities that prevent or limit someone from participating in or benefiting from an education program or activity
 - For example: the definition includes unequal participation, admission, or hiring opportunities for educational programs and activities, as well as unequal opportunities to participate in athletics or obtain athletics-based financial assistance



Title IX applies to sex and gender-based discrimination, which may include, but is not limited to:

- Sexual Harassment
 - Conduct of a sexual nature that is unwelcome
 - The creation of a hostile environment
- Sexual Violence
 - Physical sexual acts, against a person's will or where a person is unable to give consent
 - Coerced sex and sexual acts
- Gender-based Harassment
 - Stalking, relationship violence, bullying
 - Harassment for failure to conform with sex or gender stereotypes

This is not an exhaustive list



Sexual Harassment is an umbrella category including the offenses of sexual harassment, sexual assault, stalking, dating violence, and domestic violence.

- Sexual harassment is defined as conduct on the basis of sex that satisfies one or more of the following: (i) a school employee conditioning education benefits on participation in unwelcome sexual conduct; (ii) unwelcome conduct that a reasonable person would determine is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the school's education program or activity; or (iii) sexual assault, dating violence, domestic violence, or stalking.



A few examples that ***could be*** sexual harassment, according to the Department of Education, ***if*** a reasonable person would find the conduct to be **severe, pervasive and objectively offensive:**

- requesting or pressuring an individual for sex or a relationship
- persistent and unwelcome touching of a sexual nature
- repeated emails, phone calls, texts, and/or direct messages of a sexual nature
- offensive and persistent risqué jokes
- use of social media sites to stalk someone, or
- repeatedly asking another person about sexual experiences or activities

This is not an exhaustive list



Consent

- Consent is informed, voluntary agreement that is ongoing and communicated by clearly understandable words or actions to participate in mutually agreed upon sexual activity
- Since individuals may experience the same interaction in different ways, it is the responsibility of each party to ensure that they have received consent from all parties before engaging in the activity
- Intoxication is not an excuse for failure to obtain consent



Incapacitation

- Incapacitation is a mental or physical state that leaves a person unable to give consent because they
 - o cannot make decisions as easily
 - o they are not aware of the potential consequences of their actions
 - o aren't able to make informed judgements
 - o lack the capacity to appreciate the nature of the sexual activity and to understand the “who, what, when, where, why, and how” of their sexual interaction
- Incapacitation is determined through consideration of all relevant indicators of an individual's state and is not synonymous with intoxication, impairment, blackout, and/or being drunk



It is important to actively address sex and/or gender-based discrimination to provide a safe, respectful, and equitable environment in which students and employees can live, learn and work.



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WOU's Responsibilities



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It is WOU's responsibility to make sure WOU employees take prompt and effective action in response to sexual misconduct when it occurs.



WOU is expected to

- Take immediate action to address complaints of, and/or questions about, sexual misconduct and to take complaints seriously
- Document complaints clearly and carefully
- Handle matters as privately and discreetly as possible, observing confidentiality to the extent possible
 - We never guarantee absolute confidentiality
- Follow grievance procedures as outlined in relevant policies and procedures
- *Most* WOU employees are responsible employees



Am I a Responsible Employee?

- **Most WOU employees** - Faculty, Classified Staff and Unclassified Staff are always considered responsible employees, even if they are not performing their job duties at the time of a report
- Student employees who have positional responsibility for the welfare of others, such as Resident Assistants, peer mentors (such as Destination Western, Multicultural Representative, and Discover Leadership), WOU Crew, and student government leaders are also considered responsible employees
- Student employees are considered responsible employees while they are performing their job responsibilities and/or if the incident is disclosed to an employee due to their perceived or actual role



Responsible employee *exceptions*

- Confidential Employees – professional staff in Abby’s House and providers in the Student Health and Counseling Center
- Interpreters and translators when acting in their professional capacity and translating or interpreting for someone else
- Public Awareness Events Disclosures - when someone shares at a public awareness event (such as “Take Back the Night”), we are not required to report
- Institutional Review Board approved human subjects research protocols focused on prohibited discrimination

You are always encouraged to share support resources



Responsible employees must

- Responsible employees are required to report any information personally witnessed or learned through the disclosure of others related to possible or alleged instances of sexual misconduct to the Title IX Coordinator within two business days
- Responsible employees should not attempt to investigate the alleged incident



Responsible employees should

- **Acknowledge** the reporting party and provide support
- **Inform** the reporting party, preferably before they fully disclose information, that you are a responsible employee, so they can make an informed decision to share their experience
- **Share resources** with the reporting party
 - o Students: Abby's House and Student Health and Counseling Services
 - o Employees: Beyond Benefits: Employee Assistance Program: Available 24/7: 1-855-327-4722
- Inform the reporting party, that you will **report** to the Title IX office, and they should expect someone will reach out to them with resources



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The Process



Submitting a Report

- A report may be submitted in person at the Office of Diversity, Equity and Inclusion/Title IX – Lieuallen Administration Building, Room 302
- A report may be submitted online
 - <https://wou.edu/dei/>
 - https://cm.maxient.com/reportingform.php?WesternOregonUniv&layout_id=1
- A report may be submitted through a yellow paper form that can be found in places such as Abby's House and the Health and Counseling Center

The reporting form can be filled out anonymously when it is submitted by the complainant/survivor



Retaliation is Prohibited

- Retaliation against anyone who exercises their rights under Title IX is prohibited
- Retaliation, might include, but is not limited to, discrimination, threats, intimidation, and coercion



Title IX Coordinator's First Response

- When the Title IX Coordinator (or a designee) receives a report they
 - Contact the complainant/survivor to discuss the availability of support resources and supportive measures
 - Consider the complainant's/survivor's wishes in regard to support measures
 - Inform the complainant of the availability of supportive measures with or without filing a formal complaint
 - Explain the process for filing a formal complaint
- Complainants/survivors are NOT required to respond or meet with someone from the Title IX office



After a Report is Submitted

- The Title IX Coordinator (or a designee) determines applicable policies and next steps, which can, but does not always, include an investigation
 - Formal resolution
 - An approach that includes an investigation, utilizing trained Title IX investigators, and may lead to a hearing
 - Informal resolution
 - A voluntary and remedies based approach that is only available for incidents involving students; the approach focuses on support resources and arriving at a mutually agreeable outcome
- If it is determined that an investigation is needed, an investigator will meet with parties (Complainant and Respondent) and witnesses



Following an Investigation

- There may be a hearing, and if there is, a Hearing Committee will be selected to lead the hearing
 - Investigators share a summary of their report
 - Parties are provided opportunities to share during the hearing
 - Witnesses are invited to share (though participation is not required)
 - The committee decides, based on a preponderance of evidence, if the respondent is more than likely to have violated applicable policy or not
 - If a student is found responsible, students will receive sanctions by the hearing committee
 - If an employee is found responsible, Human Resources, General Counsel and appropriate supervisor determine recourse following the hearing



Following a Hearing

- Parties are welcome to appeal the decisions made at, or as a result of, a hearing
 - o Appeals are emailed to titleix@wou.edu
 - Student appeals are considered by a Student Affairs designee
 - Employee appeals are considered by Human Resources and/or General Counsel designee



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Conclusion



How Can I Help?

- We do not expect you to be a Title IX expert
- When you learn that something has happened or feel a concern about something, notify the DEI/Title IX office
- Be familiar with our policies, reporting options and the [website](#)



Current Relevant Policy

- WOU's Sex and Gender-Based Misconduct Policy
 - https://wou.edu/dei/files/2023/09/9-18-23_Sex-and-Gender-Based-Misconduct-Policy.pdf
- ORS 250.253
 - https://oregon.public.law/statutes/ors_350.253
- House Bill 3456
 - <https://olis.oregonlegislature.gov/liz/2023R1/Downloads/MeasureDocument/HB3456/Enrolled>
- Federal Regulations
 - <https://www.ecfr.gov/current/title-34/subtitle-B/chapter-I/part-106>



I have questions following this training or I want more information

- The Office of Diversity, Equity and Inclusion is also the Title IX Office and is available to answer questions, share concerns with, or have general conversations about DEI and Title IX related topics anytime
- The office also consults with individuals, groups, and/or departments
- The office also offers personalized training upon request
- Phone: 503.838.8002
- Email: titleix@wou.edu
- Website: www.wou.edu/dei