Title IX and Study Abroad

Presented by Sarah Chipman, OIE Director of Investigations and Deputy Title IX Coordinator, and Kevin O’Connell, Deputy Title IX Coordinator
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Objectives of Today’s Training

• Provide an overview of the provisions and definitions in the Policy Against Discrimination, Harassment and Related Interpersonal Violence that relate to Study Abroad

• Explain the reporting obligations set forth in the policy
Your Obligations as a Faculty Leader

1. **Discuss the issues with the students in your program**
   - Remind students that they are held to the same standards abroad as they are on campus.
     - Encourage them to revisit the Student Code of Conduct and the Policy Against Discrimination, Harassment and Related Interpersonal Violence
     - Research sexual violence resources in your country/city in advance and share with students
   - Encourage students to register with S.T.E.P.
   - Pathways to Safety International (pathwaystosafety.org) (formerly Sexual Assault Support and Help for Americans Abroad (sashaa.org))
   - Provide your and UConn’s emergency contacts

2. **Timely reporting to UConn if an event occurs**

3. **Provide direct support following any event**
   - With support/guidance from UConn administration
Title IX

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 and the Federal Government

- Schools have an obligation to eliminate, prevent and address incidents of sexual violence.

- Sex discrimination extends to discrimination based on gender identity.

- Title IX requires schools to ensure equal access to educational programs.

- A school needs to ensure that responsible employees are trained on how to respond to reports of sexual violence.
To Whom This Policy Applies

This Policy pertains to acts of Prohibited Conduct committed by or against Students, Employees and Third Parties when:

1. the conduct occurs on campus or other property owned or controlled by the University;

2. the conduct occurs in the context of a University employment or education program or activity, including, but not limited to, University-sponsored study abroad, research, on-line, or internship programs; or

3. the conduct occurs outside the context of a University employment or education program or activity, but has continuing adverse effects on or creates a hostile environment for Students, Employees or Third Parties while on campus or other property owned or controlled by the University or in any University employment or education program or activity.
Prohibited Conduct

This training will focus on the following conduct:

• Sexual Harassment
• Sexual Assault
• Sexual Exploitation
• Intimate Partner Violence
• Stalking

The policy also prohibits discrimination and discriminatory harassment, as well as retaliation, which are defined in the policy.
Sexual Harassment Defined

Sexual Harassment is any unwelcome conduct of a sexual nature.

- Can include: unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature, such as sexual assault or acts of sexual violence.

- Sexual harassment also may include inappropriate touching, suggestive comments and public display of pornographic or suggestive calendars, posters, or signs where such images are not connected to any academic purpose.

A violation will be found where:

- Submission to sexual harassment of any kind is made either explicitly or implicitly a term or condition of an individual's employment, performance appraisal, or evaluation of academic performance; or

- These actions have the effect of creating an intimidating, hostile, or offensive learning or working environment.
A hostile environment is created when harassment is sufficiently severe or pervasive to deny or limit a student's or employee's ability to participate in or benefit from the academic or work environment.

State and federal law protect individuals from discrimination or discriminatory harassment in connection with employment and all academic, educational, extracurricular, athletic or other programs of a school. **This protection extends to conduct that occurs both on and off University property.**
Sexual Assault consists of **Sexual Contact** and/or **Sexual Intercourse** that occurs without **Consent**.

- Sexual Contact is any intentional touching in a sexual manner.
- Sexual Intercourse is any penetration.
- Consent is an understandable exchange of affirmative words or actions, which indicate a willingness to participate in mutually agreed upon sexual activity. Consent to one form of sexual activity does not imply consent to other forms of sexual activity. The lack of a negative response is not consent. Past consent of sexual activity does not imply ongoing future consent. Consent cannot be given if force, coercion or incapacitation are present.
Sexual Exploitation

Sexual Exploitation is purposely or knowingly doing or attempting to do any of the following:

• Recording or photographing private sexual activity and/or a person’s intimate body parts without consent;

• Disseminating or posting images of private sexual activity and/or a person’s intimate body parts without consent;

• Allowing third parties to observe private sexual activity from a hidden location (e.g., closet) or through electronic means (e.g., Skype or livestreaming of images);

• Prostituting another person; or

• Exposing another person to a sexually transmitted infection or virus without the other’s knowledge.
Intimate Partner Violence (IPV) includes any act of violence or threatened act of violence that occurs between individuals who are involved or have been involved in a sexual, dating, spousal, domestic, or other intimate relationship. IPV may include any form of Prohibited Conduct under this Policy, including Sexual Assault, Stalking, and Physical Assault. IPV may involve a pattern of behavior used to establish power and control over another person through fear and intimidation, or may involve one-time conduct. A pattern of behavior is typically determined based on the repeated use of words and/or actions and inactions in order to demean, intimidate, and/or control another person. This behavior can be verbal, emotional and/or physical. Examples of IPV include, but are not limited to:

- Slapping;
- Pulling hair;
- Punching;
- Damaging one’s property;
- Driving recklessly to scare someone;
- Name calling;
- Humiliating one in public;
- Harassment directed toward a current or former partner or spouse; and/or
- Threats of abuse such as threatening to hit, harm, or use a weapon on another (whether Complainant or acquaintance, friend, or family member of the Complainant), or other forms of verbal threats.
Stalking occurs when a person engages in a course of conduct directed at a specific person under circumstances that would cause a reasonable person to fear for the person’s safety or the safety of others, or to experience substantial emotional distress.

- “Course of conduct” means **two or more acts**, including but not limited to acts in which a person directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about another person, or interferes with another person’s property.
- “Substantial emotional distress” means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.
- “Reasonable person” means a person under similar circumstances and with similar identities to the Complainant.
Stalking (continued)

- Stalking includes “cyber-stalking,” a particular form of stalking in which a person uses electronic media, such as the internet, social networks, blogs, phones, texts, or other similar devices or forms of contact.

- Stalking may include, but is not limited to:
  - Non-consensual communications (face to face, telephone, e-mail);
  - Threatening or obscene gestures;
  - Surveillance/following/pursuit;
  - Showing up outside the targeted individual’s classroom or workplace;
  - Sending gifts (romantic, bizarre, sinister, or perverted); and/or
  - Making threats.
Study Abroad Context

- Cultural expectations about gender roles abroad may not be the same as in the United States.
- Some may view Americans as heavy partiers and very sexually active. Based on this misperception, American students may be subjected to street harassment and catcalling.
- When students encounter this behavior, it is important to help them to be mindful that response can be misinterpreted. For example, a simple smile or waving away the behavior can be viewed as an invitation. Cultural norms should be discussed.
  - **Important:** Regardless of cultural norms or student response, sexual harassment and assault is never the fault of the victim.
A 2012 study found that female undergraduates experienced a significantly increased risk of rape and other forms of sexual assault while studying abroad in non-English-speaking countries.

The risk of rape was found to be five times higher during a semester abroad compared to a semester on campus, and the risk of attempted sexual assault 3.2 times higher. The risk of unwanted touching abroad was 4.3 times higher relative to on-campus rates.

*Psychological Trauma: Theory, Research, Practice, and Policy* (2012)
Study Abroad Context

- Laws concerning sexual assault may not be the same abroad as in the United States.
- Some governments distinguish between sexual assault and rape in the law with different consequences for each. There may also be differences in how the laws address alcohol and consent.
  - Regardless of the location of the assault, the University has a Title IX obligation to assist the student and to remediate any hostile educational environment.
Reporting Obligations

Every employee is either a **Confidential Employee** or a **Responsible Employee**

- **A Confidential Employee** is entitled under state law to have privileged communications and does not have to disclose information they receive while acting in their professional capacity. Limited to SHS, CMHS and EAP.

- **A Responsible Employee** is any employee who is not a confidential employee. They are required to immediately report to OIE all relevant details about an incident of *sexual assault, intimate partner violence and/or stalking* that involves any student.
Reporting Obligations (continued)

- Deans, directors, department heads and supervisors have an obligation to report any discrimination, harassment or inappropriate amorous relationship to OIE as soon as it becomes known to them. **Failure to report is a policy violation!**
- Complaints about employee misconduct are typically handled by OIE.
- Complaints about student misconduct are typically handled by Community Standards.
WHEN & TO WHOM YOU MUST REPORT

If you receive information concerning sexual violence, you must report this information as soon as possible to OIE.

- Date, time, and location of the incident;
- Details known to you regarding the incident;
- Date the incident was reported to you;
- Identity of the victim and perpetrator (if disclosed); and
- Your identity and contact information
Guidance for Conversations with Students

WHEN TALKING TO THE VICTIM-SURVIVOR:

• Be direct about your obligation to report the incident to University officials pursuant to University Policy – “After we talk, I’m going to call OIE, an office that can help.”
• Remind them that your conversation will be private but not confidential
• Offer assistance, including assisting them with obtaining necessary medical attention
• Direct them to the resources listed in www.titleix.uconn.edu
• Encourage them to self-report to the UConn Police or local law enforcement, but let them make that choice
As a UConn Faculty or Staff Member

In no event should the victim be told that your conversation will be confidential.

As a UConn employee, you have an obligation under the Policy Against Discrimination, Harassment, and Related Interpersonal Violence to advise the Office of Institutional Equity if you witness or receive a report of a sexual assault. Please familiarize yourself with the Policy regarding this duty and to determine if you fall within the narrow exceptions to this policy (such as medical doctors, nurses and licensed health care clinicians). The FAQ will provide further explanation of this policy.

The What to do When a Student Reports Sexual Violence, Relationship Violence and/or Stalking document outlines the process and provides resources for assisting students and fulfilling the University’s reporting requirements for employees.
Selected Campus Resources

- UConn Police Department*
- Office of Community Standards*
- OIE/Title IX Coordinator*
- Counseling and Mental Health Services***
- Student Health Services***
- Dean of Students Office
- Women’s Center
- Residential Life

* Receives reports/conducts investigations
*** Confidential on-campus resource
You are in your office one afternoon when a student comes in to speak with you. The student is having difficulty in class. The student then says…

• that her grades started to slip a few weeks ago after an incident where she was drunk and thinks she had sex because she woke up without any clothes on and found a condom wrapper on the floor. She’s not sure of what occurred and she doesn’t want you to tell anyone.

• that she has been having problems with her partner. You notice that she has bruises on her arms. *You ask if she is OK and she says she is.*

• that he is having “issues” with a student he hooked up with. This student sends him text messages constantly, tries to chat on social media all the time, and came by his room again late last night. Your student is not interested in this individual and now he’s afraid this person is going to bother the new person he has started seeing.
Where to report?

Office of Institutional Equity
860-486-2943
equity@uconn.edu

Visit us at equity.uconn.edu or titleix.uconn.edu for more information