

An aerial photograph of the Hampden-Sydney College campus during autumn. The image shows several large, multi-story brick buildings with blue roofs, surrounded by lush green lawns and numerous trees with vibrant yellow and orange foliage. A winding road and a parking lot are visible on the left side. The overall scene is bright and scenic, capturing the beauty of the college grounds in the fall.

(Gentle) Man up...

...AGAINST HARASSMENT AND DISCRIMINATION!!

Hampden-Sydney College

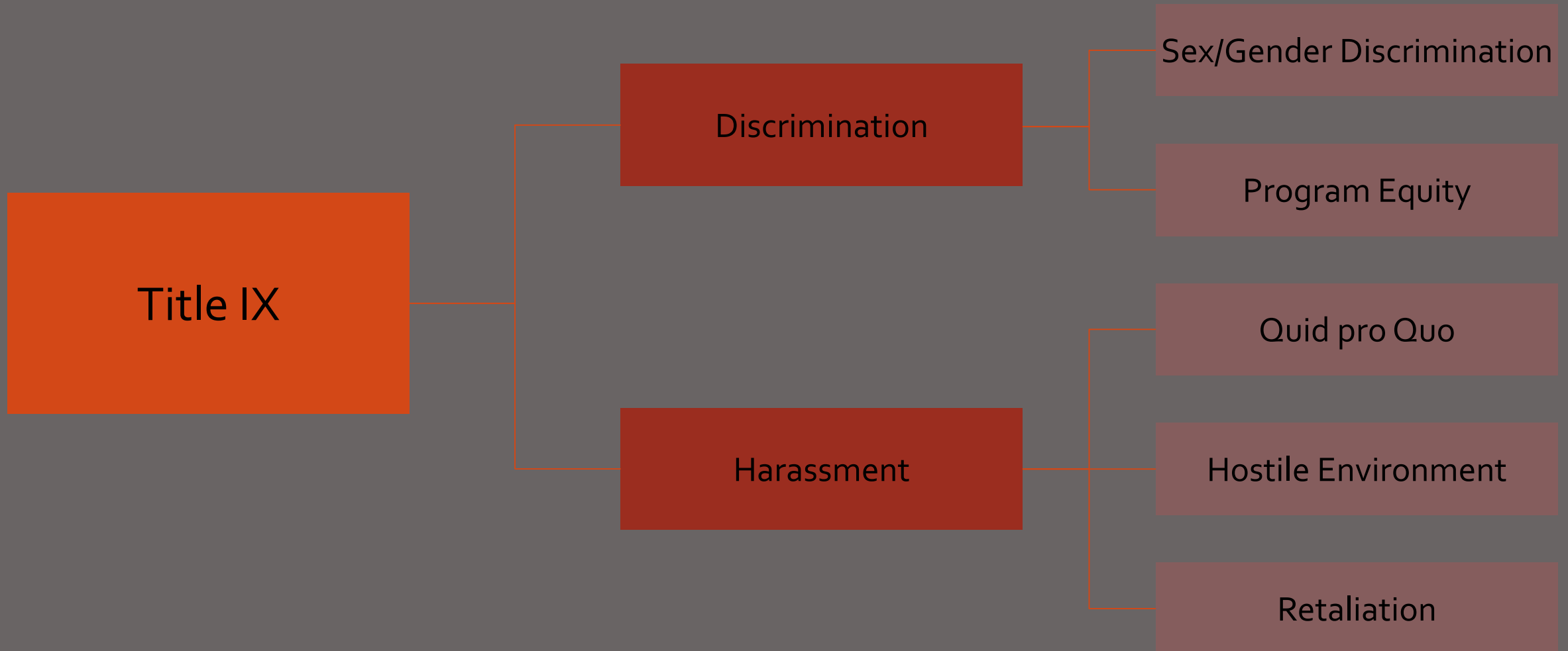
TITLE IX

20 U.S.C. § 1681 & 34 C.F.R. PART 106 (1972)

- “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 educational program or activity receiving federal financial assistance.”



TITLE IX/HARASSMENT & DISCRIMINATION



DISCRIMINATION

- Inequitable treatment that occurs:
 - due to an individual's actual or perceived membership in one or more of the protected categories listed in the College's non-discrimination statement;
 - race, color, sex (including pregnancy, sexual orientation, gender identity and gender expression), religion, age, national or ethnic origin, family medical or genetic information, disability, familial, or veteran status, or any other category protected by state or local law
 - which has the effect of excluding an individual from participation in, denying an individual the benefits of, or otherwise adversely affecting a term or condition of an individual's employment, education, living environment, or participation in a College educational program or activity.

SCOPE AND JURISDICTION

- **H-SC's Harassment, Discrimination, and Sexual Misconduct Policy (HDSM) applies :**
- **Who**
 - Students, Faculty, Staff, others affiliated with H-SC
- **What**
 - Any sexual misconduct/sex discrimination (sexual harassment, sexual assault, domestic/intimate partner and dating violence, and stalking)
 - Others forms of harassment and/or discrimination based on any protected category
- **Where**
 - On and off campus, and online
- **Why**
 - Protects equal access to educational opportunities

TITLE IX ESSENTIAL COMPLIANCE ELEMENTS

- Upon receipt of actual notice/knowledge H-SC must:
 - Take immediate and appropriate steps to investigate what occurred.
 - The obligation to investigate is absolute, even if just a preliminary inquiry.

NOTE: This is regardless of whether or not the Claimant makes a complaint or asks the College to take action.

H-SC'S RESPONSIBILITIES UNDER HDISM

- Investigate promptly
- Eliminate harassment/sexual misconduct
- Provide supportive measures
- Prevent the recurrence
- Address the effects

WHEN DO WE INVESTIGATE?

- Upon receipt of a formal complaint.
- When a college-drive investigation has been authorized.
- Rumors, gossip, social media, etc.?
 - Investigating on these bases is discretionary (but often recommended)
- Once actual notice/knowledge exists, the duty to investigate is absolute.

WHAT IS SEXUAL HARASSMENT?

- Sexual harassment encompasses
 - Sexual Harassment – Hostile Environment
 - Sexual Harassment – Quid Pro Quo
 - Sexual Assault
 - Dating and Intimate Partner Violence
 - Stalking

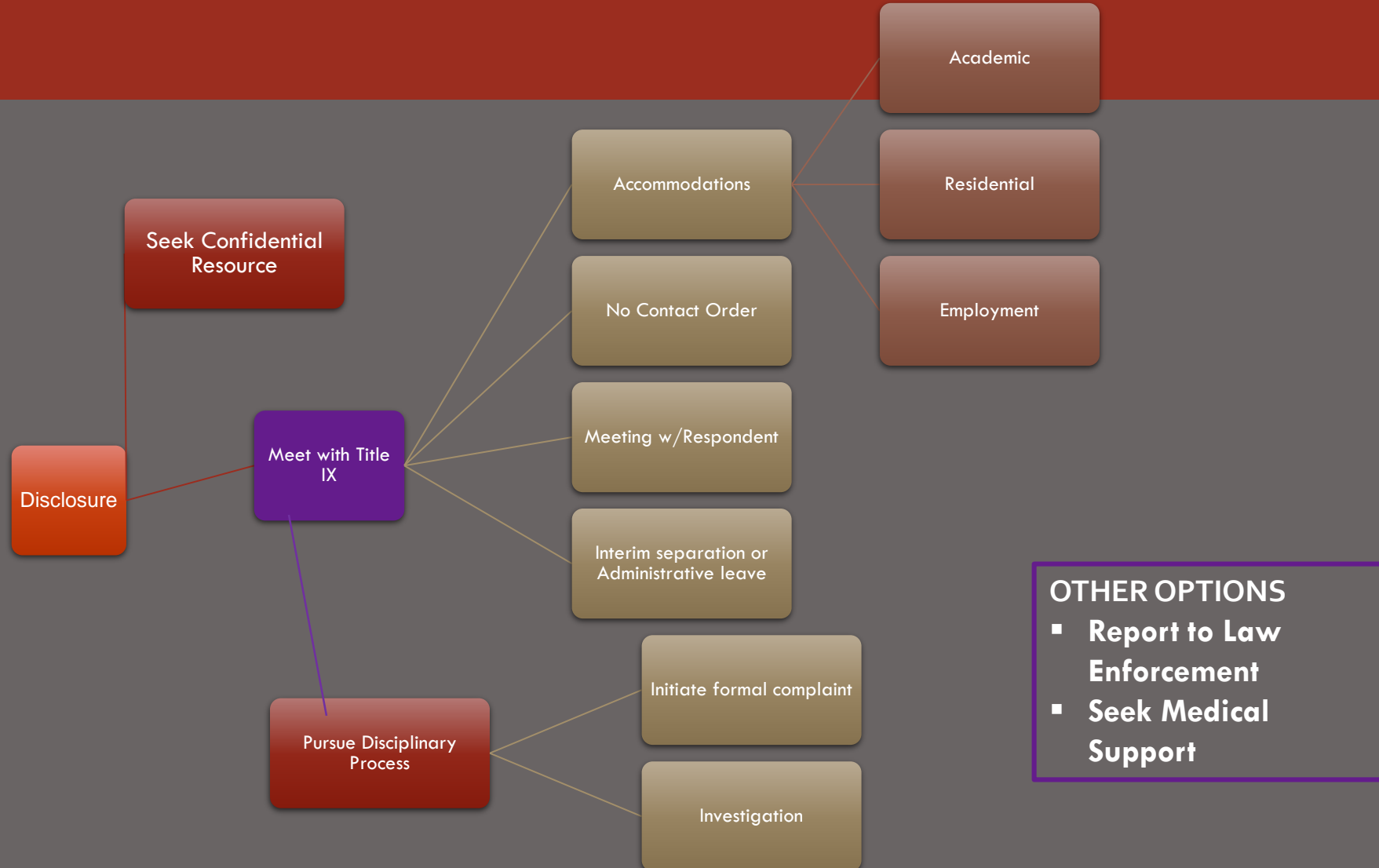
PARTIES TO A COMPLAINT

- Complainant
 - An individual who is alleged to have experienced sexual assault, sexual harassment, intimate partner or dating violence, stalking , or other conduct related to sexual misconduct or other form of harassment or discrimination

- Respondent
 - An individual who is alleged to be the perpetrator of conduct that may constitute sexual harassment, intimate partner or dating violence, stalking , or other conduct related to sexual misconduct or other form of harassment or discrimination

REPORTING PERSON

TIX COORDINATOR (w/College Offices)



CONFIDENTIAL SUPPORT AND RESOURCES

On Campus

- Campus Counseling Center – licensed staff – 434.223.6167
- Campus Pastor – 434.223.6169
- Student Health Services – licensed staff – 434.223.6411
- Certified Athletic Trainers – 434.223.6237

Off Campus

- Southside Center for Violence Prevention/Madeline's House - 1-888-819-2926
- Prince Edward County Victim/Witness Assistance Program - 434-315-0065
- Virginia Sexual and Domestic Violence Action Alliance – 1-800-838-8238
- National Sexual Assault Hotline – 1-800-656-4673

MANDATORY REPORTERS

- Any college employees who have authority to take action to redress HDSM, or who a student or employee could reasonably believe has this authority is a Mandatory Reporter who is obligated to report information they obtain regarding allegations of HDSM to the Title IX and 504 Coordinator, or one of the Deputy Coordinators.
- Mandatory Reporters can offer support and understanding, but are required to report information regarding HDSM allegations

WHAT HAPPENS AFTER A REPORT IS MADE?

- The options available for the procedural process can be found in the policy: <https://www.hsc.edu/discrimination-and-misconduct>
 - Inquiry/assessment
 - Supportive Measures
 - Formal Complaint Filed
 - Informal Resolution
 - Formal Resolution
 - Investigation
 - Hearing
 - Appeal

SUPPORTIVE MEASURES

- Referral to Counseling Center and Student Health
- Education to the campus community
- Alternate housing arrangements
- Alternate work arrangements for employees
- Campus escorts
- Adjustments to course schedules, academic deadlines, etc.
- Implementation of contact limitations , i.e., “no contact order”
- Referral to off-campus resources
- Assistance with protective orders
- Limitation of athletic and/or extracurricular activities
- Other actions as necessary to stop the prohibited conduct, prevent its recurrence, and remedy its effects

CONSENT

- Sexual assault occurs when at least one party does not consent to the sexual activity. Consent is an understandable exchange of words or actions, which indicate a willingness to participate in mutually agreed upon sexual activity. Consent is an agreement to do the same thing at the same time in the same way. Consent can be withdrawn or modified at any time, as long as it is clearly communicated. Consent cannot be assumed based on silence, the absence of “no” or “stop,” or the existence of a prior or current relationship or prior sexual activity.
- There is no consent in the presence of coercion, incapacitation, force, or where the sexual activity violates state law relating to age of consent.

CONSENT IS:

- Informed, knowing, and voluntary (freely given),
- Active (not passive),
- Affirmative action through clear words or actions, that create mutually understandable permission regarding the conditions of sexual activity.
- Cannot be assumed through silence.
- Cannot be obtained by use of:
 - Physical force, compelling threats, intimidating behavior, or coercion.
- Cannot be given by someone known to be — or who should be known to be — mentally or physically incapacitated.

CONSENT – RULES TO REMEMBER

- No means no, but nothing also means no. Silence and passivity do not equal consent.
- To be valid, consent must be clear, and must be given immediately prior to or contemporaneously with the sexual or intimate activity.
- Consent can be withdrawn at any time, as long as that withdrawal is clearly communicated – verbally or non-verbally – by the person withdrawing it.

FORCE

- Coercion may consist of intimidation, threats, or other severe conduct that causes a reasonable person to fear significant consequences if they refuse to engage in sexual contact.
- Force includes the use of physical force or threats of force that eliminate a person's ability to exercise their own free will to choose whether or not to have sexual contact.

INCAPACITATION

- Incapacitation is a state in which individuals cannot make rational, reasonable decisions because they lack the capacity to give knowing consent.
- Incapacitation is a determination that should be made after the incident in light of all the facts available. If it is a question, investigator should gather evidence about it.
- Assessing incapacitation is very fact-dependent.
- Blackouts are frequent issues.
 - Blackout = no working (form of short-term) memory for a consistent period, thus unable to understand who, what, when, where, why, or how.
 - Partial blackout must be assessed as well.
 - Blacking out is different from passing out

INCAPACITY

- What was the form of incapacity?
 - Alcohol or other drugs.
 - Incapacity ≠ Impaired, drunk, intoxicated, or under the influence.
 - Incapacity = an extreme form of intoxication.
 - Administered voluntarily or without claimant's knowledge.
 - Rape drugs.
- Mental/cognitive impairment.
- Injury.
- Asleep or unconscious.

CONSENT – REMEMBER THE FRIES!

- **FRIES**
 - Freely given
 - Reversible
 - Informed
 - Enthusiastic
 - Specific



SUBSTANCE USE AND HDSM

- Most sexual assaults on a college campus involve social drinking.
- Alcohol use **INCREASES** the likelihood of sexual assault occurring among acquaintances during social interactions.
- Alcohol is the most common date rape drug.
- Anyone engaging in sexual activities with a person incapacitated by alcohol or drugs is committing sexual assault.

COMMON INTOXICATION FACTORS

- Rate of consumption.
- Strength of drink.
- Food in the stomach.
- Body weight.
- Body type – body fat percentage.
- Gender:
 - E.g. enzymes, hormones, body fat, and water in body
- Functional tolerance.
- Medications.
- Illness and dehydration.
- Fatigue.
- Caffeine.
- Genetics.

BYSTANDER INTERVENTION

- The recognition of a potentially harmful situation or interaction and choosing to respond in a way that could positively influence the outcome
- Refers to safe and positive options that may be carried out by individuals to prevent harm or intervene when there is a risk of sexual harassment, sexual assault, dating violence, domestic violence or stalking.

BYSTANDERS

Not involved in the event (not a victim or perpetrator)

Witnesses a situation

TYPE OF BYSTANDER

**Passive Bystander
(does nothing)**

**Active or empowered
bystander (intervenes)**

BARRIERS TO INTERVENTION

- Distracted
- Not wanting to see situations beyond self
- It's not clear if help is needed.
- It is none of our business.
- We don't want to act different from the people around us.
- We think others have more information than we do.
- We think others will act if something needs to be done.
- We don't want to be wrong.
- We might be embarrassed.
- We're not sure how someone will respond so we're afraid.
- We are not sure how to help.
- We fear loss of relationships, with the problem person or with others who may disapprove of action.
- We fear retaliation, especially if the problem person is powerful.
- We don't feel safe.

STEP UP – SPEAK UP

<https://www.youtube.com/watch?v=Bhlgv-ESfZo>



HOW DO I KNOW WHEN TO INTERVENE?

Ask yourself these questions

- Is there a potential problem?
- Does someone need help?
(If YOU were in the same situation, would you want help?)
- Are you able to help?
- Will anyone else help or stand up for this person if you don't?
(REMEMBER the bystander effect!)

HOW DO I KNOW WHEN TO INTERVENE?

Examples of situations to intervene:

- You hear someone joke about getting someone drunk in order to have sex with them.
- You think you see someone slip something into a drink.
- You see someone who is clearly impaired being taken away from the party and are unsure of their safety.
- You see someone being sexually or physically abused or taken advantage of.

HOW DO I KNOW WHEN TO INTERVENE?

Look out for sexually or physically aggressive behaviors:

- Inappropriate touching
- Overly sexual remarks
- Targeting an intoxicated person
- Encouraging or pressuring heavy drinking
- Isolation (i.e., taking someone upstairs, etc.)
- Pushing boundaries

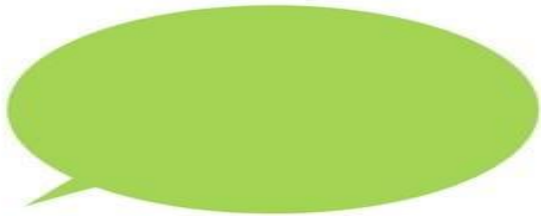
HOW DO I KNOW WHEN TO INTERVENE?

- When in doubt, trust your *gut instincts!*
- The choice becomes whether you are going to be an active bystander who speaks up and says something, or whether you will be a passive bystander who stands by and says nothing.
- We are not advocating that you risk your own safety in order to be an active bystander.
- Remember, there is a range of actions that are appropriate, depending on the situation.

HOW TO INTERVENE

- Step in and ask if the person needs help
- Don't leave
- Have a buddy system, and let your friends know if you're worried about them
- Ask directly, "Do you need a ride?"
- Find their friends or call 911
- Distract the perpetrator so there's time to intervene

HOW TO INTERVENE



DIRECT

Step in, Intervene
"I don't like what you just said."
"Hey, that's not right."

4 D's

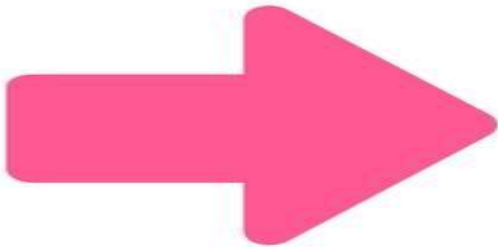


THIS IS
YOUR
TOOLBOX!



DISTRACT

"Accidentally" spill your drink
Interrupt and ask for the time
"Do you know where the bathroom is?"



DELEGATE

"I'm calling for help."
"Can we walk you home?"
"Call 911."



DELAY

Care for the victim afterwards
"Hey, are you okay?"
"is there anything I can do?"

EVERYDAY INTERVENTIONS

- Discourage victim-blaming, while shifting responsibility from victims to perpetrators.
- Do not engage in sexually inappropriate conversations.
- Speak out against negative social norms:
 - For instance, the social legitimacy of obtaining sex from an intoxicated person.
 - “She was asking for it” myth.

STEP IN & STEP UP

"In the end we will not remember the words of our enemies, but the silence of our friends" –Dr. Martin Luther King Jr.

- Will you pledge to step up and engage in bystander intervention?
- Will you teach others about bystander intervention? As opposed to being the bystander who stands by and does nothing, we want to create a culture of bystanders who are actively engaged in the prevention of violence, harassment, and discrimination .

YOU ARE OUR FUTURE LEADERS!

**STEP UP! SPEAK OUT!
BE HEARD!**

TALK TO A TITLE IX TEAM MEMBER

- Dr. Melissa Wood – Title IX Coordinator
mwood@hsc.edu - 434.223.6061
- Dean John Hollemon (students)
jhollemon@hsc.edu – 434.223.7154
- Mrs. Sue Carter (staff)
svcarter@hsc.edu – 434.223.6220
- Dr. Eric Dinmore (faculty)
edinmore@hsc.edu – 434.223.6279



say
something!

Title
IX

see something • hear something • know something