

# Standard HealthCare Services

## College of Nursing

### Title IX

### Student Training



Fall 2016

## The Purpose of the Title IX Student Training is to Understand

- Title IX
- Sexual Harassment and Sexual Violence
- Unwelcome Conduct
- The Definition of Consent
- Know How to Report a Claim of Discrimination
- Learn How the College Handles the Claims
- Confidentiality
- The Retaliation Policy. *Retaliation is strongly prohibited*
- Bystander Intervention
- Dating Violence, Domestic Violence, Sexual Assault, and Stalking
- Encourage you to File a Report

# What is Title IX?

Title IX of the United States Education Amendments of 1972 states:

*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 is a federal civil rights law  
that prohibits  
discrimination on the basis of sex  
in federally funded education  
programs and activities.

Title IX's protection extends to all students  
regardless of sex, sexual orientation, gender  
identity, lesbian, gay, bisexual and transgender  
(LGBT) students.

Title IX protects students regardless of their  
immigration status or whether they have a  
disability.

Title IX protects both full-time and part-time students.

Title IX protects students from acts of discrimination that occur on campus and off campus.

Title IX protects students from acts of sexual  
discrimination committed by  
students, faculty, staff members or third parties.

Title IX protects students from harassment that can take  
place between two individuals of the same sex.



Standard HealthCare Services College of Nursing has a duty under Title IX to resolve complaints promptly and equitably and to provide a safe and nondiscriminatory environment for all students, free from sexual harassment and sexual violence.

Title IX requires the school to take steps to ensure equal access to its education programs and activities and protect the complainant as necessary, including taking interim measures before the final outcome of an investigation.



## What is Sexual Harassment?

Sexual harassment is unwelcome conduct of a sexual nature that creates an intimidating, hostile or offensive learning environment.

**Sexual Harassment prohibited by Title IX includes:**

- Unwelcome sexual advances;
- Requests for sexual favors;
- Other verbal or physical conduct such as conduct such as touching of a sexual nature;
- Making sexual comments, jokes, or gestures;
- Writing graffiti or displaying or distributing sexually explicit drawings, pictures, or written materials;
- Calling students sexually charged names;
- Spreading sexual rumors.

## **Sexual Harassment also includes:**

- Unwelcome touching, kissing, hugging, patting, pinching or massaging;
- Leering at a person's body;
- Pressure for forced sexual activity;
- Belittling remarks about a person's gender or sexual orientation;
- Inappropriate sexual innuendos or humor.

## **Cyberbullying**

Title IX protects student from sexual harassment that can come from cyberbullying.

Cyberbullying consists of offensive text messages or e-mails, rumors or embarrassing photos posted on social networking sites, or fake online profiles.

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## **Sexual Harassment is also:**

- Seeking sexual favors or relationships in return for the promise of a favorable grade, or other career opportunity
- Conditioning an employment-related action (such as hiring, promotion, salary increase) based on a sexual favor or relationship
- Intentional and undesired physical contact, sexually explicit language or writing, lewd pictures or notes, pressure for a date or intimate relationship and other forms of sexually offensive conduct by individuals in positions of authority, co-workers or student peers that unreasonably interferes with the ability of a person to perform his or her employment or academic responsibilities

## **What is Unwelcome Conduct?**

Unwelcome conduct means an individual did not request or invite the behavior and considers it to be undesirable or offensive.

## **Sexual Violence**

Sexual violence is a physical act  
perpetrated without consent.

Sexual violence is a form of sex  
discrimination prohibited by Title IX.



## **Consent**

Consent is a clear, unambiguous,  
and voluntary agreement between  
the participants to engage in a  
specific sexual activity.

## **Consent**

Consent is a voluntary agreement to engage in sexual activity

Someone who is incapacitated cannot consent.

Past consent does not imply future consent.

Silence or an absence of resistance does not apply consent.

Consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another.

Consent can be withdrawn at any time.

Coercion, force, or threat of either invalidates consent.

## **Consent**

If a person is mentally or physically incapacitated or impaired, there is no consent.

When a person who is incapacitated due to alcohol or drug consumption, or being asleep or unconscious, there is no consent.

Students are always encouraged to report incidents of sexual harassment or violence, even if they are unsure whether a hostile environment had been created.

The school supports your decision to file a claim, seek help, or ask for information.



## NEXT STEPS

### FILING A REPORT OF SEXUAL HARASSMENT



File a report to:

Heather Ettus, Title IX Coordinator  
Standard HealthCare Services College of Nursing

By Email to: [hettus@standardcollege.edu](mailto:hettus@standardcollege.edu)

By Phone at: 703-891-1787

By Mail to: 7704 Leesburg Pike, Suite 1000  
Falls Church, VA 22043

## **The Report Process**

First, speak to the Title IX Coordinator.

Together, we will talk about the issue.

An initial assessment will be made by asking you for basic information about the unwelcome conduct.

The only questions will be about the incident- where it happened, when it happened, how long has it been going on



## What can I report?

You can report any observed, experienced, or known sex discrimination, including sexual harassment or sexual violence.

It doesn't matter if it occurred at the college or outside the college.

It does not matter when the incident occurred.



THERE IS NO TIME LIMIT IN  
BRINGING A REPORT.

Many victims of sexual assault are ready to file a formal or even public complaint against an alleged offender right away.

Many others need time and privacy to sort through their next steps.

Standard Healthcare Services College of Nursing respects the time you may need before you are ready to bring a claim.

## Who can report?

Anyone who experiences, observes, or hears about an incident of sexual harassment or sex discrimination should report it to the Title IX coordinator as soon as possible.

Faculty, staff and third parties, in addition to students should bring a report.

Everyone should report!

Can I report a claim of sexual harassment to a staff or faculty member?

Staff and faculty members at Standard HealthCare Services College of Nursing are considered a “Responsible Employee.”

That means, the staff and faculty members are required to provide all relevant information about the incident to the Title IX Coordinator.



How can the Title IX Coordinator help?

The Title IX Coordinator will provide students with information about:

student rights to resolve complaints,  
the complaint process, available remedies,  
available resources, including confidentiality issues, and  
the option of filing a police report.

*The school's Title IX obligation is to eliminate the hostile environment, prevent its recurrence, and remedy its effects.*

## **Confidentiality**

Can the College assure me that my claim of sexual harassment will be kept confidential?



## **Confidentiality**

Any information brought to the Title IX Coordinator will be handled professionally and discreetly.

The college will protect your confidentiality to the greatest extent possible.

In almost all cases, a confidentiality request can be fully honored.

## **When is a Confidentiality Request Not Guaranteed?**

The Title IX coordinator will make every effort to respect the confidentiality request.

The coordinator needs to balance confidentiality with the safety of other members of the college community.

The request is evaluated in context of the school's responsibility to provide a safe and nondiscriminatory environment for all students.

If the accused is a repeat offender of sexual harassment, and poses an imminent threat to other members of the community, the Title IX Coordinator is obligated to act by protecting the other students.



## **Confidentiality Requests Made in Cases of Sexual Violence**

The school will strongly support a student's interest for confidentiality in cases of sexual violence.

Only in limited instances will the school override the student's request.

In all cases, the school will ensure that the information is maintained in a secure manner.

## **Confidentiality**

Importance of reporting a claim of sexual discrimination even when you are requesting confidentiality

Although honoring a confidentiality request may limit the school's ability to respond fully, the school can take protect you by increased monitoring of the situation, supervision, or security at locations or activities where the misconduct occurred.

In addition, if appropriate, course schedules or tests may be changed to increase your protection and create a safe learning environment for you.

## Next Steps

How Standard HealthCare Services  
College of Nursing will handle a  
complaint of sexual harassment or  
violence.



The school will respond promptly and effectively to respond to the claim of misconduct and conduct an investigation, when appropriate, to determine whether the misconduct violated Title IX.

The investigation will determine whether the misconduct is sufficiently serious to limit or deny a student's ability to participate in or benefit from the school's educational program, by creating a hostile environment.



## **Interim Measures**

The school can protect the student during the course of the investigation by providing interim measures. These measures of protection may also be provided to the student upon a finding of discrimination.

Interim measures available to protect students include:

A no-contact order between the person bringing the report and the accused;

Changing course schedules, assignments, or tests;

Allowing the complainant to have extra time to complete or re-take a class or withdraw from a class without academic or financial penalty;

Providing increased monitoring, supervision, or security at locations or activities where the misconduct occurred.

How does the school determine whether the misconduct created a hostile environment?

The school considers a variety of factors to determine whether a hostile environment has been created. A claim of sexual harassment or violence is evaluated from an objective, reasonable person standard- whether a reasonable person in similar circumstances would have found the conduct to be so severe or pervasive that it created a hostile environment.

The intent of the person engaging in the behavior is irrelevant when evaluating his or her conduct.

The more severe the conduct, the less need there is to show a repetitive series of incidents to prove a hostile environment, particularly if the conduct is physical. Indeed, a single or isolated incident of sexual violence may create a hostile environment.

The U.S. Office of Civil Rights recognizes that the offensiveness of a particular expression as perceived by some students, standing alone, is not a legally sufficient basis to establish a hostile environment under Title IX.

In all cases, the Title IX investigation will be adequate, reliable, impartial, and prompt.

The investigation will be handled with a balanced and fair process that provides the same opportunities to both parties.



Both sides will have an opportunity to present witnesses and other evidence.

The school will use a preponderance of the evidence standard (ie, more likely than not) when determining whether an act of sexual discrimination occurred.





If there is a hearing, the parties will not cross-examine one another.

Mediation may be considered in cases of sexual harassment, but never in cases of sexual violence.



The investigation will be concluded within  
60 days from receiving the complaint.

Both sides will be notified in writing about  
the outcome and any appeal.



## The Right to File a Criminal Complaint

The school will inform the student that he/she has the right to file a criminal complaint.

Even if a criminal investigation has been initiated, the school will still conduct its own Title IX investigation.



## What if the complaint occurred off campus?

Under Title IX, the school will process all complaints of sexual harassment or violence, regardless of where the conduct occurred.

The school will also take steps to protect the person from further harassment, as well as the school community, in the same way it would had the sexual violence occurred on campus.



## **The Outcome of the Case**

### **Information Provided in the Notice of Outcome**

The school will inform the person bringing the complaint whether there was a finding of sexual discrimination, and if so, the remedies which will be offered, any sanctions imposed on the person committing the misconduct, and other steps the school has taken to eliminate the hostile environment.

The person committing the misconduct will not be notified of the individual remedies provided to the person bringing the complaint.

With a finding of a Title IX violation,  
the school will act to:

End the discrimination;

Provide remedies, as appropriate, to the person  
who suffered the harm;

Impose sanctions, as appropriate, to the person  
who committed the misconduct;

Eliminate the hostile environment, and

Prevent its recurrence.

## **Sanctions**

Sanctions that may be imposed upon the person committing the misconduct, may include:

Requiring the person to stay away from the complainant until both parties graduate;

Prohibiting the person from attending school for a period of time;

Transferring the person to another school.



## **Retaliation**

The federal civil rights laws prohibits the school from retaliating against an individual who files a complaint or participated in any manner in a Title IX proceeding.

Standard Health Care Services College of Nursing will not retaliate in any manner against any individual involved in a Title IX proceeding.





## **Title IX Coordinator**

The law requires Standard Healthcare Services to have a Title IX Coordinator to oversee, monitor, and assist students with claims of sexual harassment.

The Title IX Coordinator also keeps tracks of reports and complaints, and provides training to the campus community about handling sexual discrimination matters.



## INFORMATION ABOUT **BYSTANDER INTERVENTION**

Standard Healthcare Services encourages all members of the community to be active bystanders against sexual violence.

Bystander intervention represents safe and positive options that can be carried out to prevent harm or to intervene when someone else is in danger.

Learn to recognize the signs of danger and develop plans to keep each other safe.

Commit to being an active bystander.



## **Some simple steps to becoming an active bystander**

- **Notice the situation.** Be aware of your surroundings.
- **Interpret it as a problem.** Do I recognize that someone needs help?
- **Feel responsible to act.** See yourself as being part of the solution to help.
- **Know what to do.** Educate yourself on what to do.
- **Intervene safely.** Take action but be sure to keep yourself safe.

## **How to intervene safely**

- **Tell another person.** Being with others is a good idea when a situation looks dangerous.
- **Ask a person you are worried about if they are okay.**  
Provide options and a listening ear.
- **Distract or redirect individuals in unsafe situations.**
- **Ask the person if they want to leave.** Make sure that they get home safely.
- **Call the police (911)** or someone else in authority or yell for help.

**What can my friends and I do to be safe?**

**Take care of each other. Remember these tips when you are out:**

**Have a plan.** Talk with your friends about your plans before you go out. Do you feel like drinking? Are you interested in hooking up? Where do you want to go? Having a clear plan ahead of time helps friends look after one another.

**Bo out together.** Go out as a group and come home as a group; never separate and never leave your friend(s) behind.

**Watch out for others.** If you are walking at night with friends and notice a woman walking by herself in the same direction, ask her to join you so she doesn't have to walk alone.

**Diffuse situations.** If you see a friend coming on too strong to someone who may be too drunk to make a consensual decision, interrupt, distract, or redirect the situation. If you are too embarrassed or shy to speak out, get someone else to step in.

**Trust your instincts.** If a situation or person doesn't seem "right" to you, trust your gut and remove yourself, if possible, from the situation.

**Important information about**  
**DATING VIOLENCE,**  
**DOMESTIC VIOLENCE,**  
**SEXUAL ASSAULT AND**  
**STALKING**

## **Dating Violence**

Dating violence is defined as violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on a consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

Dating violence includes sexual or physical abuse, or threats of such abuse.

## **Domestic Violence**

Domestic violence is defined as a felony or misdemeanor crime of violence committed:

- by a current or former spouse or intimate partner of the victim
- by a person with whom the victim shares a child in common
- by a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner.
- by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred;
- by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred



## **Sexual Assault**

Sexual assault is defined as an offense that meets the definition of rape, fondling, incest or statutory rape.

## **Stalking**

Stalking is defined as engaging in a course of conduct directed at a specific person that would cause a reasonable to:

- fear for the person's safety or the safety of others; or
- suffer substantial emotional distress.

Standard HealthCare Services  
College of Nursing

prohibits

dating violence,

domestic violence,

sexual assault and stalking as they are

defined for purposes of the *Clery Act*.

Students have several options in the case of dating violence, domestic violence, sexual assault or stalking, including:

- (1) the option to notify law enforcement authorities about the offense,
- (2) the option to be assisted by campus authorities in notifying law enforcement if they choose to do so, and
- (3) the option to decline to notify such authorities.

Standard HealthCare Services  
College of Nursing

will comply with

a student's reasonable request for an  
academic situation change following an  
alleged sex offense.

Students should contact the Title IX Coordinator  
in the case of dating violence, domestic violence,  
sexual assault or stalking.

The Title IX Coordinator will refer students to the  
appropriate organizations for help.

Standard Healthcare Services  
College of Nursing

will maintain confidentiality regarding  
accommodations or protective measures  
provided to the victim.



Standard Healthcare Services  
College of Nursing  
seeks to provide each student with  
a safe and non-discriminatory  
educational experience and learning  
environment.





To request additional information about Title IX, dating violence, domestic violence, sexual assault, or stalking, or to file a complaint, please contact:

Heather Ettus, Title IX Coordinator  
Standard Healthcare Services College of Nursing

By Email to: [hettus@standardcollege.edu](mailto:hettus@standardcollege.edu)

By Phone at: 703-891-1787

By Mail to: 7704 Leesburg Pike, suite 1000  
Falls Church, VA 22043

