

Office of Social Equity

**13/15 University Ave.
610-436-2433**

Lynn Klingensmith, Director

Title IX and ADA Coordinator

Alina Torres-Zickler, Assistant Director and

Deputy Title IX Coordinator

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Today's Objectives

Overview of the Social Equity Office

Highlight the WCU non-discrimination policies

Define sexual harassment and discrimination

Title IX and Sexual Misconduct Policy

Discuss your rights and responsibilities

Office of Social Equity

Mission

Assist the University, through collaborative efforts with all departments, in achieving our commitment to the principles of equity and affirmative action.

- Provide training and education to members of search committees
- Work collaboratively with Human Resources on search processes

Sponsor and promote educational programming opportunities

- *West Chester University For All Of Us* calendar
- Facilitate programming collaborations between University constituents
- Oversee *University Forum* grant process

Implement and monitor policies to promote diversity and inclusion on campus and to work towards eliminating discriminatory behaviors.

Discrimination

An adverse employment or academic action or decision that is based on or motivated by an individual's:

- Race
- Color
- Religion
- Sex
- Gender Identity
- National or ethnic origin
- Ancestry
- Age
- Sexual orientation
- Disability
- Veteran status

Harassment

Harassment, whether verbal, physical, or visual, that is based on any of these protected characteristics is discriminatory.

- Includes harassing conduct affecting tangible job benefits, interfering unreasonably with an individual’s work performance, or creating what a reasonable person would believe is an intimidating, hostile, or offensive environment.

Behavior based on race, color, religion, sex, gender identity, national or ethnic origin, ancestry, age, sexual orientation, disability, or veteran status that is:

- Sufficiently severe, persistent, or pervasive, or
- Experienced as substantially interfering with an individual’s work, educational performance, participation in extra-curricular activities, or equal access to the University’s resources and opportunities.

Examples of Harassing Behaviors

Unwelcome comments/name-calling

Racial, ethnic, or religious epithets

Offensive pictures/photos/cartoons

Refusing reasonable accommodations to individuals with disabilities

Sexual Harassment

A form of unlawful discrimination based on sex and will not be tolerated in any form by faculty, staff, students or vendors.

Title IX of the Educational Amendments Act of 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 education program or activity receiving Federal financial assistance.

What is Sexual Harassment?

Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other harassing conduct of a sexual nature.

- Conduct
- Unwelcome
- Persistent and/or severe

What is Sexual Harassment?

Sexual harassment occurs when:

Submission is clearly stated or implied as a term or condition of employment, status in a course, program or activity.

An employee's submission to or rejection of the conduct is a basis for employment or academic decisions.

Such conduct unreasonably interferes with work performance or creates an intimidating, hostile or offensive work environment.

What IS Sexual Harassment?

Creates an intimidating, hostile, or abusive living, working or educational environment.

Sexual violence is a form of sexual harassment and includes all physical acts perpetrated against a person's will or when a person is unable to give consent due to the victim's use of drugs, alcohol or disability.

Physical sexual acts include rape, sexual assault, sexual battery, sexual coercion, stalking and relationship or domestic violence.

Faculty and staff are required to inform the Social Equity Director whenever they become aware of behavior that may constitute sexual harassment, whether the behavior involves students or employees.

Employees are cautioned not to promise confidentiality when learning about sexual harassment as they are required to report this behavior.

Examples of Sexual Harassment

Direct or implied threats to obtain sexual favors

Bribes or promises of a benefit in return for sexual favors

Touching, patting pinching, brushing against another person

Comments or jokes made in person, by phone or by email

Sexually explicit questions

Repeated requests for dates

Sexually suggestive sounds, gestures, looks

Posters, graffiti or other graphics of a sexual nature

Sexual assault, sexual violence, stalking

Consensual Relationships

West Chester University discourages romantic or sexual relationships between faculty or staff and students, as well as between supervisors and subordinates.

- *Because of the inherently unequal nature of a relationship where one person supervises, advises, or evaluates the other, the apparent consensual status of a romantic or sexual relationship between such parties is suspect even when both people have given voluntary consent.*

Consensual relationships create:

- Concerns about validity of consent
- Conflicts of interest
- Unfair treatment of other students or employees
- Undermine the atmosphere of trust

The Americans with Disabilities Act (ADA)

Protects qualified persons with disabilities from discrimination in employment, education, public services and programs, transportation, public accommodations, and telecommunications.

Employees seeking an accommodation for a disability should consult with Human Resources.

Students seeking accommodations should contact the Office of Services for Students with Disabilities.

Faculty are under a legal obligation to provide accommodations to students who submit a Letter of Accommodation from OSSD. If there are questions or concerns, faculty should contact the OSSD Office

<http://www.wcupa.edu/ussss/ossd/> Faculty are required to complete the module. Detailed instructions will be sent by email.

Disability

“Disability” is defined as:

- Physical or mental impairment which substantially limits a major life activity;
- Record of impairment;
 - Human Resources services (employees)
 - Office of Services for Students with Disabilities (students)
- Being regarded as having such impairment.

Procedures for Reporting and Investigating Discrimination/Harassment Complaints

Share concerns with the Office of Social Equity.

Review informal and formal options for resolution.

The Office of Social Equity maintains records of all formal and informal complaints.

The Office of Social Equity monitors repeated complaints within the same unit or against the same individual.

Formal Complaint Procedures

Purpose:

- To determine if sexual harassment and/or discrimination has occurred, the culpability of the alleged offender, appropriate sanctions or remedies.

How to initiate:

- Contact Social Equity to file a written complaint.

Investigation:

- Required if the complaint *sufficiently* outlines discrimination or harassment. If not, it may be referred under an alternative administrative policy.

Timeliness:

- Encouraged to report within 180 calendar days.

Outcomes:

- If allegation of sexual harassment and/or discrimination is substantiated, a variety of sanctions may be applied through appropriate disciplinary process.

Informal Complaint Procedures

Purpose:

- To stop the behavior. Should not be used for repeated or serious offenses. Will not be used in the case of sexual assault.

How to initiate:

- Generally, a written complaint is filed with the Social Equity Office. Must be the complainant's preference to use the informal procedure.

Resolution:

- Mediation is a recommended course of action to resolve the informal complaint. At any point in the process, it can be changed to a formal complaint by the complainant or Social Equity.

Issues Associated with Investigations

Protection Against Retaliation

- Retaliatory actions against persons filing a complaint of discrimination are also prohibited. Acts of retaliation shall constitute misconduct subject to disciplinary action.

Groundless or Malicious Allegations

Privacy and Confidentiality

Complaints against Students

Discrimination and harassment are violations of the Student Code of Conduct.

Complaints about discriminatory or harassing conduct by a student should be brought to the attention of the Title IX Coordinator, Lynn Klingensmith, lklingensmith@wcupa.edu, 610-436-2433 and/or the Director of Student Conduct, Christina Brenner, cbrenner@wcupa.edu, 610-436-3511, 200 Ruby Jones

Participating in an Investigation

Fact Finders are trained faculty and staff who will respect your privacy.

Respect the privacy of those involved in the process; speak only to those individuals who need to know to assist you.

Don't be afraid to cooperate.

External Complaint Procedures

A complaint may be filed directly with federal and state agencies such as:

- Pennsylvania Human Relations Commission
- U.S. Department of Education
- U.S. Equal Employment Opportunity Commission

Title IX Pregnant and Parenting Students

West Chester University is committed to creating an accessible and inclusive environment for pregnant and parenting students.

Title IX of the Education Amendments of 1972 prohibits discrimination based on sex in education programs and activities including academic, educational, extracurricular, athletic and other programs or activities in schools. This prohibition includes discrimination against pregnant and parenting students.

Specific accommodations will vary from student to student. Here are some examples:

- A larger desk
- Breaks during class
- Providing notification to faculty on absences due to pregnancy or related conditions
- Providing assistance with missed work, rescheduling of tests, exams and/or submitting work after a deadline due to pregnancy or childbirth

Please refer students to Lynn Klingensmith, Title IX Coordinator for assistance with these accommodation requests.

Defining Sexual Misconduct:

Title IX



Sexual Harassment
Unwelcome sexual advances, requests for sexual favors, and other harassing conduct regardless of intent

Sexual Assault
Any type of sexual contact or conduct that occurs without explicit consent of the recipient

Dating Violence and Domestic Violence
Violence committed by someone in a romantic relationship with the victim. Violence committed by a current or former spouse.

Sexual Exploitation
One takes non-consensual sexual advantage of another for their own advantage or benefit

Stalking
Conduct of unwanted behavior directed at another person. Behavior is used to pursue or track another person

Title IX What is my responsibility?

Responsible Employee – must report “all relevant details” including (if known) the identities of the alleged perpetrator, alleged victim, and other students involved, as well as the date, time, and location of the incident. They should make every effort to advise students BEFORE the student reveals confidential information of their obligation to reveal the names and facts to the Title IX Coordinator.

“A *responsible employee* includes any employee who has the authority to take action to redress sexual violence; who has been given the duty of reporting incidents of sexual violence or any other misconduct of students to the Title IX Coordinator or other appropriate school designee; or whom a student could reasonably believe has this authority and duty.” Highlight from the Department of Education “*Significant Guidance Document*”, April 2014

<http://www2.ed.gov/about/offices/list/ocr/docs/qa-201404-title-ix.pdf>

Exception to Reporting

The OCR has opined that the disclosure of sexual violence through the context of a required writing assignment, classroom discussion or via a University-approved research project.

However, the disclosure of sexual violence against a child (under 18 years old at the time of the incident) is NOT EXEMPT from the employee's reporting obligations.

WCU Services and Resources

- *Center for Women's and Gender Equity and Student Health Services Staff are designated as confidential reporters who are not required to disclose the name of the victim/survivor or the accused to the Title IX Coordinator or Public Safety Office*
- *Counseling Center facilitates a support group for victims/survivors of sexual violence*
- *Director of Wellness Promotion also serves as a Campus Sexual Misconduct Advocate for the University community*
- *A Coordinator for Violence Prevention and Healthy Masculinities works collaboratively in coordinating campus efforts on sexual violence prevention and men's programming*
- *Modifications to our Timely Warning protocols including resource information, incident description and safety tips*

What if a student ...

- Use active and empathic listening skills
- Make sure the student is safe; offer to take the student over to the Counseling Center, Health and Wellness Center or refer the student to the on campus Victim Advocate, Crime Victim's (off campus)
- Assure the student that his/her privacy will be maintained
- Be familiar with campus resources
- Encourage the student to report the incident
- Call the Social Equity Office for advice and guidance
- Go to the website and submit an electronic report
http://www.wcupa.edu/_admin/social.equity/sexualmisconduct/

After an Incident is reported

- The electronic version of the report is sent to the Social Equity>Title IX Director, Director of Student Conduct, Director of Public Safety
- SMRT (Sexual Misconduct Response Team) may be convened to strategize on a coordinated response
- Social Equity Director>Title IX Coordinator will reach out to student to ensure resources/referrals are in place
- Interim measures can be imposed to ensure safety of survivor and/or accused
- Investigators will be designated to investigate the incident (interviews survivor, accused, and any witnesses)
- Investigative report is sent to Social Equity Director>Title IX Coordinator and Director of Judicial Affairs and Student Assistance
- Director of Student Conduct reviews report to determine if a violation of the Sexual Misconduct Policy has occurred

Resources

Title IX

<http://www.justice.gov/crt/about/cor/coord/titleix.php>

White House Task Force

<https://www.notalone.gov/assets/report.pdf>

Not Alone

<http://Notalone.gov>

Campus SaVE Act

<http://clerycenter.org/campus-sexual-violence-elimination-save-act>

Violence Against Women Act

<http://www.justice.gov/tribal/violence-against-women-act-vawa-reauthorization-2013-0>

West Chester University Policy

http://www.wcupa.edu/_admin/social.equity/sexualmisconduct/

Additional Resources

Lynn Klingensmith- Title IX Coordinator

lklingensmith@wcupa.edu ; 610-436-2433

Alina Torres-Zickler- Title IX Deputy Coordinator

atorres3@wcupa.edu ; 610-436-2838

Sherry Mendez- Campus Sexual Misconduct Advocate

smendez@wcupa.edu ; 610-436-0732

Alicia Hahn-Murphy – Director of the Center for Women's and Gender Equity

ahahn@wcupa.edu ; 610-436-2122

Libby Thorson- Coordinator for Health Masculinities and Violence Prevention Programming

lthorson@wcupa.edu ; 610-436-2122

Social Equity can assist with ...

Trainings and information on diversity, equity and Title IX.

Questions about equity issues related to instructional and non-instructional employees.

Reports, questions, concerns or inquiries about discrimination and sexual harassment.

Connecting you with a programming partner!

QUESTIONS AND ANSWERS

OFFICE OF SOCIAL EQUITY

13-15 UNIVERSITY AVENUE

610-436-2433

[WWW.WCUPA.EDU/ ADMIN/SOCIAL.EQUITY/](http://WWW.WCUPA.EDU/ADMIN/SOCIAL.EQUITY/)