Refocusing Prevention of Sexual Harassment and Discrimination

Denise Cordova, Director
Equal Opportunity & Title IX Office
Title IX and ADA Coordinator
Jones Center (Building 43), Rooms 103A-C

Sexual Assault Hotline: 775-784-1030
TODAY’S CONVERSATION WILL INCLUDE THE FOLLOWING:

• Sexual Content
• Sexual Harassment
• Sexual Misconduct
• Sexual Assault
• Discrimination
• Partner Violence
• Domestic Violence
• Stalking
ADA Compliance

• The EO/Title IX Office is also the ADA Compliance Office.

• If you have, or develop, a disability whether physical or mental and need accommodation, please contact the EO/Title IX Office.

• Service dogs are allowed on all UNR campuses for accommodation purposes, unless it endangers the dog.
NSHE/UNR Policies Against Discrimination

• All students, faculty, staff and other members of the campus community, including non-employees and non-students, are subject to these policies (BOR Handbook, Title 4, section 8, pages 1-15 and UNR Administrative Manual, pages 89-99).

• Individuals who violate this policy are subject to discipline, up to and including termination and/or expulsion.

• This policy is not intended to and does not infringe upon academic freedom in teaching or research as established in the NSHE Code, Chapter 2.
Employee Complaints Process
Under Title VII

• Any employee has a right to file a complaint.

• Complaints must be filed within 300 days from the date of harm or discovery of the alleged act to be considered timely under UNR/NSHE policy.

• All complaints are taken in confidence, but confidentiality cannot be guaranteed throughout the investigative process. Complaints/investigations are resolved promptly; however some cases require additional time due to the complexity of the case.

• All Complainants and Respondents are notified in writing of a complaint being filed. All respondents will have the opportunity to answer the allegations filed against them. Preponderance of the evidence standard is used.

• All parties will be notified in writing of the findings of the investigation, however, the complainant will not be notified of the disciplinary action taken, if any, against the respondent pursuant to NAC 284.718, which addresses employee confidential records.
Unlawful harassment involves conduct aimed at any legally protected category: Race, Gender, Religion, Color, Nation Origin, Age, Sexual Orientation, Gender Identity or Expression (in NV), Disability, Veteran Status, and Genetic Information.

Some unpleasant situations may not fall under protected categories, but may still be prohibited under NSHE/UNR Human Resource policies. Example: A supervisor who yells at his or her employees, or uses profane language. This may be unprofessional, but is not unlawful.

Being respectful in the workplace towards co-workers and others is the best way to avoid discriminatory situations.
Unlawful Harassment is . . .

- Unwelcome

- Offensive to the recipient and/or a “reasonable person.”

- Sufficiently severe, persistent or pervasive as to alter the employee’s or student’s work or learning environment. Pervasive means more than a one time occurrence excluding a battery, rape, physical assault or in cases where there is a pattern of conduct that might seem like a one time occurrence to the victims.

- Prohibited under State and Federal Law.

- Does not refer to occasional compliments of a socially acceptable nature.
Sexual Harassment and Discriminatory Behavior

- Sexual Harassment and Discriminatory Behavior can include:
  - Touching, Hugging, Patting, Rubbing, Pinching, Getting too close to someone; unwelcome sexual advances. Can be implicit or explicit.
  - Sexually explicit pictures, cartoons, videos, screensavers, posters, sexual objects/toys, pornographic magazines that are not related to someone’s educational course, study content, syllabus
  - Anything with sexually explicit language (i.e. t-shirts, music) again not related to academic freedom
  - Stalking/Indecent Exposure/Flashing
  - Sexual Coercion / Sexual Assault / Domestic Violence / Dating Violence
  - Using racial, ethnic or gender slurs/Sexually explicit profanity
  - Retaliation for Complaining of or rejecting discriminatory treatment or sexual harassment.

One’s cultural background and upbringing are not valid defenses to illegal behavior.
WHAT IS TITLE IX?

• Title IX is a comprehensive federal law that prohibits discrimination on the basis of sex or gender in any federally funded education program or activity.

• This includes sexual violence, stalking, partner/domestic violence, sexual coercion, sexual misconduct and/or nonconsensual sex.

• On and off campus

• Preponderance of the evidence standard is used

• A timely complaint is filed within 180 days under Title IX
Consent

**Consent:** An affirmative, clear, unambiguous, knowing, informed, and voluntary agreement between all participants to engage in sexual activity. Consent is active, not passive and ongoing throughout the sexual activity; may be withdrawn at any time.

It is the responsibility of the **initiator** to obtain **clear and affirmative responses** at **each stage** of sexual involvement.

The **lack of a negative response** is not consent. **Coercion, intimidation, force or threat of harm** is not consent.

**Past consent** of sexual activity does not imply ongoing future consent.

Consent may be **rescinded** at any time.

An individual who is **incapacitated** by alcohol and/or other drugs both voluntarily or involuntarily consumed may not give consent.

**Incapacitation:** when an individual lacks the ability to fully, knowingly choose to participate in sexual activity. (lack of consciousness, asleep, involuntarily restrained, disability, and/or under the age of 16).
SEXUAL ASSAULT OCCURS WHEN A PERSON:

1. Subjects another person to unwelcome sexual penetration

2. Forces another person to make a sexual penetration on themselves or another against their will

3. Knows or should know the other person is mentally or physically incapable of resisting or understanding the nature of their conduct
SO WHAT IS SEXUAL MISCONDUCT?

• Unwanted touching
• Groping/fondling
• Unwanted hugging or kissing

These are a few examples, not an exhaustive list!
SIGNS THAT YOU ARE IN AN ABUSIVE RELATIONSHIP

“Real love between two healthy people respects boundaries, shares the burden of blame when things go wrong, and works to find a way to work things out without verbal abuse or rage. Controlling behaviors, shaming, blaming, refusing to listen, talking over you, emotional abuse, yelling, lying, neglecting, stalking, inappropriate sexual pressure, intimidation and psychological manipulation are all examples of abuse.” Tamara Star

1. Being extra attentive to another person’s needs vs. your own healthy boundaries.
2. Keeping quiet, not speaking your mind, not wanting to rock the boat, justifying bad behaviors as “oh, I must be overreacting” are all signs that you’re not listening to your inner voice.
3. You no longer get together with friends as often as you once did, since you are always trying to repair an argument or get over a recent dramatic event within your relationship.
4. Any time you find yourself doing what you really don’t want to do just to keep the peace is a sign that you are giving your power away.
**Relationship Abuse**

**Domestic/ Partner Violence** - Felony or misdemeanor crimes of violence by a current or former spouse, or any other person with whom the person is or was residing with or has had or has a current dating relationship with. Purposeful or reckless conduct intended to harass another person.

**Dating Violence** - Is committed by a person who is or has been in a social relationship of romantic or sexual interest with the victim.

- The existence of such a relationship will be determined by the length, type and frequency.
Resources/ Interim Measures
Sexual Assault Hotline: 775-784-1030

**Employees** Assistance Program (EAP-LifeWorks / no charge) 877-234-5151
- Victim Advocate: 775-771-8724
- Downing Clinic: 775-682-5515
- Victims of Crime Treatment Center: 775-682-8684

**Students** additional resources/interim measures:
- Campus Counseling Services (already paid for by student fees) 775-784-4648
- No contact directives
- Assistance in classes if the effects of sexual assault/sexual misconduct are interfering with your ability to concentrate or complete assignments and/or class reassignment
Bystander Intervention

You have the power to make a difference!

• If you see something, say something:
  • Direct – Intervene and confront the situation without placing yourself in danger.
  • Delegate – Involve others, make an immediate phone call, or tell someone as soon as it is safe to do so.
  • Distract - Have your friends or their friends help create an interruption.
Consensual Relationship Policy

• The University of Nevada, Reno prohibits romantic or sexual relationships in circumstances in which one of the individuals involved is in a position of direct professional power over the other. (Nevada Administrative Code 284.377)

• A Consensual Relationship in the workplace could result in complaints of sexual harassment where co-workers feel they are treated unfairly based on the actions of a supervisor or someone in authority who is engaging in a relationship with a co-worker.

• Faculty and students or supervisors and supervisees entering into a relationship where no power differential exists should be aware that power differentials may change, and should avoid situations that may become exploitative.

• THERE IS NO SUCH THING AS A SECRET OFFICE OR CLASSROOM ROMANCE!!!!
Computer Use

• There is no reasonable expectation of privacy on a UNR/NSHE computer.
  – UNR/NSHE does not monitor computer use.
  – Computers may be downloaded and checked for engaging in illegal activities and wrongdoing.

• Hate Mail
• Sexually Explicit Jokes or pictures
• Evidence of Stalking or threatening an Individual
• Please make sure you are using your computer for appropriate uses.
Reporting Responsibilities

Responsible Employees –

- You are a responsible employee unless you are employed in a position at UNR that has privilege or confidentiality conveyed under state or federal law (i.e., professional counselors, psychologists, doctors, etc.)

- If you receive information of alleged sexual violence or sexual misconduct, observe or become aware of any conduct that may constitute sexual violence or sexual misconduct **must immediately** contact the EO/TIX Office.

- You should maintain the privacy of the information disclosed to the extent possible.

- You should not share the information disclosed with law enforcement without the consent of the victim/survivor.

- If you believe an individual will disclose information about sexual violence or sexual misconduct, you should first inform the individual of your reporting obligation.

Supervisors –

- If a supervisor receives a complaint of alleged discrimination or sexual harassment, observes, or becomes aware of any conduct that may constitute discrimination or sexual harassment, the supervisor **must immediately** contact the EO/TIX Office.

- Supervisors also have the responsibility to take reasonable steps intended to prevent acts of discrimination or sexual harassment.

* Policy Referenced: NSHE BOR Handbook, Title 4, Chapter 8.*
REPORTING SEXUAL MISCONDUCT:

DENISE CORDOVA, Title IX Coordinator 775-784-1547

UNIVERSITY POLICE 775-784-6195

CONFIDENTIAL CONVERSATIONS

CRISIS CALL 775-784-8085

CAMPUS VICTIMS’ ADVOCATE 775-771-8724

COUNSELING SERVICES 775-784-4648

SEXUAL ASSAULT HOTLINE: 775-784-1030
Retaliation

Retaliation against an individual who files a complaint, complains of discrimination or sexual harassment or provides information in an investigation concerning discrimination or sexual harassment is a violation of policy and law.

No action should be taken against any employee unless it is for a legitimate business reason.

Retaliatory complaints may be filed even if the initial discrimination or sexual harassment complaint is not supported by a preponderance of the evidence.
What to do....

If you feel uncomfortable by telling someone their conduct is unwelcome, please report the conduct to Human Resources, so we and/or other appropriate individuals may intervene on your behalf.

Anyone who feels that they have been subjected to sexual harassment or discrimination by anyone is encouraged – but it is neither necessary nor required – to promptly tell the person that their conduct is unwelcome and ask that they stop the conduct. Always report all occurrences no matter how insignificant.

Any person who receives such a request must immediately stop the behavior or actions and comply with the request. Retaliation against the person rejecting the conduct is prohibited under the policies in place.
REPORTING SEXUAL MISCONDUCT:
DENISE CORDOVA, Title IX Coordinator 775-784-1547
UNIVERSITY POLICE 775-784-6195

CONFIDENTIAL CONVERSATIONS
CRISIS CALL 775-784-8085
CAMPUS VICTIMS’ ADVOCATE 775-771-8724
COUNSELING SERVICES 775-784-4648

SEXUAL ASSAULT HOTLINE: 775-784-1030