

Refocusing Prevention of Sexual Harassment and Discrimination

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Continuing Education Building, Room 206
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Sexual Assault Hotline: 775-784-1030

Hate, Bias and Harassment Hotline: 775-784-7707

TODAY'S TRAINING 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 or miniature horses are allowed on all UNR campuses for accommodation purposes, unless it endangers the dog or miniature horse.

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. UNR Policy may be found at: <http://www.unr.edu/eotix/policy-against-discrimination-and-sexual-harassment>
- 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.

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 equitably and 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.**

Unpleasant Situations vs. Unlawful Harassment

- 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. These unpleasant situations should be reported to the Director or Chair of the department, or the Dean.
- Being respectful in the workplace towards co-workers and others is the best way to avoid discriminatory situations.

Unlawful Harassment is . . .

- Unwelcome and
- Offensive to the recipient and/or a “reasonable person.”
- and is 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.
- It is prohibited under State and Federal Law.
- It 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.

BECAUSE WE ARE A FEDERALLY FUNDED EDUCATIONAL INSTITUTION, WE ARE ALSO COVERED UNDER 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.
- Title IX covers you whether you are on or off campus.
- Covered Title IX incidents include sexual violence, stalking, partner or domestic violence, sexual coercion, sexual misconduct and/or nonconsensual sex. Please report these incidents to the Equal Opportunity and Title IX Office.
- As with Title VII investigations, a preponderance of the evidence standard is also used under Title IX.
- Under Title IX, you have 180 days from the date of harm or discovery of harm to file a formal complaint.

Definition of Consent

Consent is: 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!

Relationship Abuse

There is a fine line between healthy and unhealthy behaviors

In a positive relationship things like texting, waiting for you after class or after work are great- but when they are negative behaviors it can become dating violence, stalking etc. Relationship abuse can be emotional, physical, or mental. Its easier to see physical violence, but emotional violence hurts the same and is against the University's policy.

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- is a 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.

Bystander Intervention

You have the power to make a difference!

- **If you see something, say something:**
 - **You can be direct in a situation, for example; you can intervene and confront the situation without placing yourself in danger.**
 - **You can delegate – Involve others, make an immediate phone call, or tell someone as soon as it is safe to do so.**
 - **Or you can distract - Have your friends or their friends help create an interruption so the person in danger can be moved safely to another location.**

Resources and/or Interim Measures are available on campus if you need assistance at work or in class.

For Employees: The Assistance Program called EAP-LifeWorks is available. Call 877-234-5151 (this is a free service)

- For the Victim Advocate call: 775-771-8724
- The Downing Clinic call: 775-682-5515
- The Victims of Crime Treatment Center call: 775-682-8684

For Students: Campus Counseling Services call: 775-784-4648 (this is a free service which is already paid for by your student fees)

- For the Victim Advocate call: 775-771-8724
- The Downing Clinic call: 775-682-5515
- The Victims of Crime Treatment Center call: 775-682-8684

Interim Measures are also available, such as:

- No contact directives which direct the two individuals on campus to refrain from contacting each other.
- Assistance in classes is available as well, if the effects of sexual assault/sexual misconduct are interfering with your ability to concentrate or complete assignments and/or class reassignment

There is a Consensual Relationship Policy at the University of Nevada, Reno

- 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, per 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!** Everyone knows what is going on, so avoid dating someone you are directly supervising or students who are in your class!

Computer Use

- There is no reasonable expectation of privacy on a UNR/NSHE computer. Although UNR/NSHE does not monitor computer use, computers may be downloaded and checked for engaging in illegal activities and wrongdoing without your permission. Sending out hate mail, sexually explicit jokes or pictures, evidence of stalking or threatening an individual and/or watching pornography is against University policy. Please make sure you are using your computer for appropriate uses.

What you post on Social Networks or anywhere on the internet it may be used as evidence

Facebook

Instagram

Snapchat

Twitter

Texting

“Sexting”

These may be considered evidence in an investigation. Please be aware that nothing is private on the internet. If you are sending something from your cell phone this is also discoverable in some cases.

Employee Reporting Responsibilities

Responsible Employees –

- You are considered 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, you **must immediately** report this to 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** report this to 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:

**PLEASE CONTACT: MARIA DOUCETTPERRY, Title IX Coordinator
at 775-784-1547**

**YOU MAY ALSO CONTACT THE UNIVERSITY POLICE AT 775-784-
6195**

FOR CONFIDENTIAL CONVERSATIONS YOU MAY CALL:

CRISIS CALL CENTER: 775-784-8085 OR

CAMPUS VICTIMS' ADVOCATE: 775-771-8724 OR

CAMPUS COUNSELING SERVICES: 775-784-4648 OR

SEXUAL ASSAULT HOTLINE: 775-784-1030

HATE, BIAS AND HARASSMENT HOTLINE: 775-784-7707

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 the University's 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.

Please report concerns of retaliation to the EO/TIX Office.

What to do....

If you feel uncomfortable by telling someone their conduct is unwelcome, please report the conduct to the EO/TIX Office 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 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.

ONCE AGAIN, TO REPORT SEXUAL MISCONDUCT:

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