

TITLE IX

Addressing Sexual Harassment/Sexual Violence



PALMER
College of Chiropractic

Understanding Title IX

Many of us know about Title IX as “the law that made school sports more equitable for girls and women.” Yet, there’s also a lot more to it.

Sexual harassment, which includes acts of sexual violence such as rape, sexual battery and sexual coercion, is a form of gender-based discrimination prohibited by Title IX. It creates a hostile environment that has no place on our campus. And it’s something we take *very* seriously as we work to keep you safe and to respond effectively and immediately when you’re in trouble.

Our Title IX Coordinator

Our campus Title IX Coordinator is available to you and responsible for...

- Ensuring that our institution carries out its Title IX responsibilities
- Overseeing all Title IX complaints
- Coordinating Title IX investigations that will be led by someone free of conflicts of interest to provide prompt, fair and equitable resolutions
- Identifying and addressing any patterns or systemic problems that arise
- Being available to meet with reporting and responding students, connect them to resources for support and answer questions
- Working with other college or university officials
- Coordinating training, education and communication pertaining to Title IX
- Not having other job responsibilities that may create a conflict of interest
- Offering training and guidance to school law enforcement employees and other first responders

“No person in the United States shall, on the basis of sex, be excluded from participation in, be denied benefit of, or be subjected to discrimination under any education program or activity receiving federal financial assistance.”

– Title IX of the Education Amendments of 1972

You can talk with any of us here on campus if you or someone you know is experiencing sexual harassment/sexual violence or the distress of being accused. We’ll provide support and put you in touch with the Title IX Coordinator and other resources right away!

We’re all here to deter gender-based discrimination and make our campus a safer, more welcoming place to be.

Sexual harassment, which includes acts of sexual violence such as rape, sexual battery and sexual coercion, is a form of gender-based discrimination prohibited by Title IX.

Source: U.S. Department of Education, Office for Civil Rights, *Dear Colleague Letter*, Washington, D.C., 4/24/15

Notice of Non-Discrimination

We don't tolerate discrimination and here's what it means regarding Title IX...

- Our institution doesn't discriminate on the basis of sex within educational programs and activities, in accordance with Title IX requirements
- Inquiries about the application of Title IX may be referred to our Title IX Coordinator or to the Department of Education's Office for Civil Rights at ocr@ed.gov or (800) 421-3481
- Prohibited sex discrimination covers sexual harassment, including sexual violence (see the next four pages to discover what types of conduct constitute sexual harassment/sexual violence)

Policies & Disciplinary Procedures: Our Promise to You

- We'll investigate Title IX complaints in a prompt, fair and impartial manner
- We'll take steps to prevent the recurrence of any sex discrimination and to correct its discriminatory effects, as appropriate
- In the event of a formal investigation/hearing, both the reporting and responding parties can present witnesses and other evidence
- If all parties voluntarily agree, an informal resolution may be facilitated, where appropriate
- We'll strive to resolve the matter in a timely manner designed to provide all parties with resolution
- Reporting and responding parties will be notified of the outcome of the complaint at the same time

Title IX Complaints & Criminal Investigations

If our school receives a report of sexual violence, we will promptly and equitably investigate under Title IX to determine what occurred. We'll also take appropriate steps to resolve the situation in a fair manner.

A campus Title IX investigation is different from any law enforcement investigation.

You can tell someone on campus about a Title IX complaint and use the campus grievance process. Plus, if you choose, you can file a police report. It's completely up to you.

Our Title IX Coordinator and other resource people can help you decide the best course of action by describing our grievance procedures and the rights and opportunities available to both the reporting and responding parties. Please ask!

Sexual Harassment

Sexual harassment can deny or limit, on the basis of sex, the person's ability to participate in or to receive benefits, services or opportunities from the institution's programs. Therefore, it's a form of gender-based discrimination prohibited by Title IX.

What constitutes sexual harassment? According to the Department of Education's Office for Civil Rights, it is conduct that...

- Is unwelcome
- Is based on sex or gender
- Is severe, persistent or pervasive enough to interfere with an individual's campus employment, academic performance or participation in college programs and activities
- Creates an intimidating, hostile environment for working, learning or activities

Here are some other key points...

- Sexual harassment can take different forms depending on the harasser and the nature of the harassment.
- College or university employees, other students and non-employee third parties, such as a visiting speaker, may carry out this conduct.
- The conduct can be verbal, nonverbal or physical.
- People of all genders can be victims of sexual harassment, and the reporting and responding parties may be of the same or different sexes.
- Sexual harassment can occur in any school program or activity and can take place in institutional facilities or at off-campus locations, such as a school-sponsored retreat or training program at another location.

Sexual Misconduct

Examples of sexual misconduct include...

- Making sexual propositions or pressuring individuals for sexual favors
- Unwelcome sexual advances
- Writing graffiti of a sexual nature
- Displaying or distributing sexually explicit drawings, pictures or written materials
- Performing sexual gestures or touching oneself sexually in front of others
- Telling sexual or dirty jokes
- Spreading sexual rumors or rating other students as to sexual activity or performance
- Circulating or showing emails or websites of a sexual nature

Note: Some of these activities may also be considered protected forms of free expression at public institutions; not all are necessarily punishable in all circumstances.

Instances of Sexual Harassment

Some examples of sexual harassment on campus include...

- A faculty member conditions an intern's evaluation on submission to the faculty member's sexual advances
- A drama director does not give a student a part in a play because the student does not respond to sexual overtures from the director
- A professor who supervises the college newspaper continually and inappropriately touches a student editor in a sexual manner, causing the student to resign from the newspaper staff
- A faculty member withdraws approval of research funds for a student assistant because the student has rebuffed the faculty member's advances
- A graduate teaching assistant repeatedly asks a student to stay after class and attempts to engage the student in discussions about sex and personal experiences while they are alone in the classroom, causing the student to stop coming to class

Source: "Revised Sexual Harassment Guidance, 1/19/01

Two Forms of Sexual Harassment

Quid Pro Quo Harassment. Occurs when a campus employee causes a student to believe he/she/they must submit to unwelcome sexual conduct in order to participate in a school program or activity, or causes a student to believe that the employee will make an educational decision based on whether or not the student submits to unwelcome sexual conduct. It doesn't matter whether the student resists and suffers the threatened harm or submits to and avoids the threatened harm for it to be considered harassment.

For example: A faculty member threatens to fail a student unless the student agrees to date him/her/them.

Hostile Environment Harassment. Occurs when unwelcome conduct of a sexual nature is so severe, persistent or pervasive that it affects a student's ability to participate in or benefit from an education program or activity, or creates an intimidating, threatening or abusive educational environment.

For example: Someone repeatedly makes sexually suggestive comments or sexually assaults a student.

Sexual Violence

Sexual violence is a form of sexual harassment, prohibited by Title IX, which includes conduct that might also be criminal in nature.

There are many types of sexual violence, not all of which include physical contact between the victim and the perpetrator. They include sexual harassment, threats and peeping.

Examples of sexual violence that include physical contact are...

- Rape
- Sexual assault
- Sexual battery
- Sexual coercion (see box on next page)
- Unwanted touching
- Dating violence
- Stalking
- Domestic violence

Sexual violence refers to sexual acts perpetrated against a person's will where consent is not obtained or where a person is incapable of giving consent due to his/her/their incapacitation as a result of alcohol, drugs, or some other physical or mental impairment.

Anyone can experience sexual violence, no matter their gender. People who commit these types of offenses and those who experience them may be of the same or different genders.

The person responsible for the violence is typically someone known to the victim, like a friend, neighbor, co-worker, family member, acquaintance or significant other.

There is help available to you if you've experienced sexual violence and there's no reason to be embarrassed, ashamed or to think you won't be believed. Let a trusted other know so you can get the assistance you need.

Sources: "Understanding Sexual Violence" Fact Sheet, CDC; Basile, KC, Chen, J, Lynberg, MC & Saltzman, LE. Prevalence and characteristics of sexual violence victimization. *Violence and Victims*, 2007; "Sexual Violence: Consequences," CDC

Consent

Consent is clearly communicating "Yes" about sexual activity on your own terms. It can be limited to certain acts and revoked at *any* time.

The Role Alcohol Plays

Many campus sexual assaults involve alcohol.

- It may impair a person's judgment, making it difficult to take heed of risk cues or indications that a person doesn't want to engage in sexual activity.
- It may make it difficult for a person to recall important information about the events after the fact.
- It may increase the expectancies of what will happen when we drink
- It may be used as an excuse (*not* a valid one) by people who commit these types of offenses.

Keep all of these things in mind when making choices about alcohol.

Important Steps

Professionals at various universities suggest that students who have been sexually assaulted...

- Get to a place where you feel safe
- Seek a friend you can trust
- Don't shower, bathe any part of your body, douche, urinate, defecate, use medications or brush your teeth, if possible
- Stay in the clothes you are wearing or, if you've already changed, bring clothes, sheets and anything that was in contact with you during the assault in a paper bag (not plastic!) or wrapped in a clean sheet — don't clean or straighten the area
- Don't touch anything the respondent may have touched or left behind — this physical evidence can help in a subsequent investigation
- Get medical help to check for internal injuries you might not be aware of, treat external injuries, be treated for certain STDs, and get information about HIV/AIDS and pregnancy prevention
- Consider having a rape kit exam by a specially trained Sexual Assault Nurse Examiner done at the hospital — even if you don't think you want to press charges, having this exam done allows you to have evidence collected should you change your mind later
- Seek counseling support
- Consider your legal options and ask questions for clarification
- Preserve any electronic evidence, such as text messages, pictures, videos, social media posts or conversations related to the assault that may have taken place before, during or after the incident

Sources: Wake Forest University, Sexual Assault Support, <http://services.studentlife.wfu.edu/support/sexual-assault/>; Southwestern University, Medical Issues and Immediate Safety, www.southwestern.edu/titleix/medicalissues.php; UCSC Title IX/Sexual Harassment Office, www2.ucsc.edu/title9-sh/sopolicy/assault.htm

Sexual Coercion

Using pressure, force, alcohol or other drugs to have sexual contact with someone against his/her/their will is considered sexual coercion.

You may be experiencing it if...

- You feel pressure from your date, partner or friend (“Sex is how you can prove you love me — everyone is doing it”)
- Someone buys you gifts or spends money on you to make you feel like you “owe” him/her/them sex

- There are times you don't want to have sex but feel like you can't say “no” (“We've had sex before, so you can't say no now”)
- You had sex without using a condom because your partner didn't want to use one

Sexual coercion is *not* okay and is considered sexual violence.

Source: “Sexual Coercion Awareness and Prevention” by Kelsey McCoy, M.S. and James Oelschlager, Psy.D., Florida Institute of Technology's Counseling and Psychological Services, www.fit.edu/caps

Student Rights

You or a friend are called a “complainant” when you come forward to let us know of a personal instance of sexual harassment/sexual violence. You or a friend are called a “respondent” when you have been accused of sexual harassment/sexual violence.

In order to eliminate a hostile environment, prevent the recurrence of a sexual harassment/violence incident and address its effects, both complainants and respondents are entitled to interim measures that might include, but are not limited to, the following...

- The assurance that you will not attend the same classes
- Alternate housing arrangements in a different residence hall, house or apartment
- The availability of counseling services
- Access to sexual assault response team advocates
- The availability of medical services
- Academic support services, such as tutoring
- Arranging for you to re-take a course or withdraw from a class without penalty, including ensuring that any changes don't adversely affect your academic record
- The review of any disciplinary action taken against you to see if there is a connection between the harassment/assault and the misconduct that may have resulted in you being disciplined
- The knowledge that you can file a complaint with local law enforcement at any time and that you have the option to be assisted by campus personnel in notifying such authorities

You also have the right...

- To present your case, which includes the right to a fair, impartial and equitable investigation of complaints; and the right to have an equal opportunity to have an advisor present, to present witnesses and other evidence, and to submit questions to be asked of parties and witnesses
- To access any information that will be used during informal and formal disciplinary meetings/hearings (e.g. an investigation report), plus the opportunity to respond to it in writing and/or at a live hearing to decide responsibility before a decision is made
- To understand which standard of evidence will be used in the resolution of complaints
- To have a disciplinary decision be made as a proportionate response to the violation
- To be notified in writing of the outcome of the disciplinary proceedings at the same time the other party is, along with any procedures to appeal the result (if applicable)
 - You're entitled to information about both the determination and sanctions where the sanction directly relates, or where Clery Act offenses are alleged
- To know that you can end the informal resolution process at any time and begin the formal stage of a complaint process

If you want to learn more about your rights or federal law related to Title IX, you can contact the U.S. Department of Education, Office for Civil Rights, at OCR@ed.gov or (800) 421-3481 or TDD (800) 877-8339. You can also fill out a complaint form online through the Department of Education at www2.ed.gov/about/offices/list/ocr/complaintintro.html.

Sources: U.S. Department of Education, Office for Civil Rights, Q&A on Campus Sexual Misconduct, Sept. 2017 and “Know Your Rights: Title IX Prohibits Sexual Harassment and Sexual Violence Where You Go to School” fact sheet; The University of Oklahoma, Remedial Measures, www.ou.edu/content/eoo/remedial-measures.html; “Revised Sexual Harassment Guidance,” 1/19/01

Confidentiality Concerns

When it comes to confidentiality, we’ll be up front with you.

- We’ll take all reasonable steps to investigate and respond in a manner consistent with a student’s confidentiality request. And we’ll let you know if we can’t ensure confidentiality due to overall community safety concerns.
- If a student requests confidentiality and decides not to proceed in a sexual violence case, a report of the incident must still be made in order to comply with the Clery Act (campus crime reporting law). The law allows us to protect you from retaliation.
- On-campus counselors and advocates — like those working or volunteering in sexual assault response centers, victim’s advocacy offices, women’s and health centers, as well as licensed and pastoral counselors — can talk with a survivor in confidence, unless a potential risk to health and safety becomes apparent.
- If the safety of others in the community could be at risk, the good of the whole may need to outweigh one student’s confidentiality request.

Interim measures may be offered, as appropriate, to both the reporting and responding parties prior to an investigation or before the final outcome of the investigation is reached.

You don’t have to wait!

What to Expect from Campus Resources

We understand that the investigative/hearing process can be difficult, and you can expect our support to meet your varied needs. Resources on campus are available to assist both complainants and respondents with the following...

- Provide information about campus and community services
- Make referrals, as desired
- Go to the hospital and/or law enforcement office with you
- Help with filing a report
- Assist you in getting a protective order or other remedies such as housing and class schedule changes
- Provide an empathic listening ear
- Help with academic concerns
- Assist you in preparing for disciplinary meetings — and accompany you, if requested
- Meet with you on a regular basis to follow up
- Keep track of the details

Responding to Retaliation

Title IX protects all college students who participate in the process (including witnesses, complainants and respondents) against retaliation. If you are taunted, called names or harassed in any way, report this immediately!

Our Title IX Coordinator and others are there as resources to take strong, responsive action if any retaliation or new incidents of harassment occur.

And we'll be sure to keep letting you know that you're *never* alone. We can connect you with resources that you need — they are plentiful here within our campus community.

Sources: Student Advocates Office, Indiana University Bloomington, <http://studentaffairs.iub.edu/advocates/assault-cases/>; Loyola University's (LA) Sexual Assault Response Advocacy Initiative, <http://studentaffairs.loyno.edu>; Sexual Assault Resources & Education, College of William & Mary, <http://web.wm.edu/sexualassault>



Helping a Friend

Do you have a friend who has experienced sexual harassment or sexual violence? In order to help in the best ways possible, you can...

- Listen with compassion
- Direct him/her/them to available resources
- Not take everything on your shoulders

Getting the appropriate, trained professionals involved is the best thing you can do to help a friend get the necessary support and assistance.

How Bystanders Can Intervene

Every campus has a population of bystanders who support sexual violence by not intervening when they see something happening, not reporting actions or dismissing certain behaviors. Instead, here are some ways you can be an engaged, helpful bystander who addresses issues of sexual violence safely and with care.

Proactive Bystander Strategies

In order to be a proactive bystander who helps prevent cases of sexual harassment or sexual violence, you can...

- Work to create an environment where sexual violence is unacceptable
- Treat people with respect
- Speak up when you hear people making statements that blame survivors
- Talk openly with friends about the issues and how to confront them
- Encourage friends to trust their instincts in order to stay safe
- Be a knowledgeable resource for survivors
- Don't laugh at sexist jokes or comments
- Look out for friends at parties, bars and other gatherings
- Educate yourself and your friends
- Use campus resources
- Attend an awareness event
- Empower survivors to tell their stories

Reactive Bystander Strategies

In order to be a reactive bystander who positively intervenes in instances of sexual harassment or sexual violence, you can...

- Get campus police or other authorities involved
- Create a distraction
- Get help
- Ask someone in a potentially dangerous situation if he/she/they is okay and/or wants to leave
- Make sure he/she/they gets home safely
- Intervene if you hear someone "targeting" another person
- Separate someone too intoxicated to consent from a potential perpetrator
- Say or do *something*

Sources: "What Can I Do?" Prevention Innovations, UNH, www.unh.edu/preventioninnovations; The Transformation Project/Green Dot, The University of Tennessee Chattanooga, www.utc.edu/Outreach/TransformationProject/greendot.php

Title IX and Palmer College of Chiropractic

In compliance with Title IX, Palmer College of Chiropractic does not deny or limit any student or employee the ability to participate in or benefit from any program offered by the institution on the basis of sex or gender.

For additional information on your rights under Title IX, contact a Title IX coordinator or deputy coordinator listed in the box on this page.



PALMER
College of Chiropractic

*The Trusted Leader in Chiropractic Education**

How to File a Title IX Complaint:

Contact one of the Title IX coordinators or deputy coordinators listed for each Palmer College of Chiropractic campus in the box below. They will guide you through the filing process.

Title IX Coordinators and Deputy Coordinators at Palmer College of Chiropractic

Davenport Campus:

- Earlye Adams Julien, PHR, M.S.Ed.
Title IX Coordinator
Office of Compliance
4th Floor, Campus Center
(563) 884-5476
earlye.julien@palmer.edu
- Lori Larsen, B.A.
Deputy Title IX Coordinator
Office of Compliance
3rd Floor, Campus Center
(563) 884-5246
lori.larsen@palmer.edu
- Kevin Cunningham, D.C., Ph.D.
Deputy Title IX Coordinator for Athletics and Scholarships
Office of Student Affairs
3rd Floor, Campus Center
(563) 884-5898
kevin.cunningham@palmer.edu

Florida Campus:

- Cheryl Shaw, PHR, M.B.A.
Deputy Title IX Coordinator
Office of Human Resources, Building 1
(386) 763-2665
cheryl.shaw@palmer.edu

West Campus:

- Michael Crump, M.Ed.
Deputy Title IX Coordinator
Student Academic Affairs
90 E. Tasman Drive, San Jose, CA 95134
(563) 944-6122
michael.crump@palmer.edu

On- and Off-Campus Contacts:

If you experience sexual harassment, gender discrimination or sexual violence, we encourage you to reach out right away by contacting a Title IX coordinator or deputy coordinator on your campus. We are here to help.

Additionally, confidential off-campus contacts and resources are available to you. For more information on off-campus contacts, go to www.palmer.edu/students/academic-success/wellness and select your campus.

Disclaimer: This brochure was prepared as an informational overview only. It should not be used as a legal guide.