TITLE IX
PROHIBITION AGAINST
STUDENT ON STUDENT
SEXUAL HARASSMENT
Purpose of the Training

• Discuss the laws that prohibit sexual harassment in an educational environment;

• Identify types of sexual harassment;

• Discuss Florida Gulf Coast University's prohibition of sexual harassment; and

• Identify action/steps to be taken if you believe sexual harassment is occurring against you or others.
Title IX

- Title IX is a federal civil rights law that prohibits discrimination on the basis of sex with respect to schools that receive financial assistance from the U.S. Department of Education. Title IX applies to FGCU.

- Title IX protects all individuals against sexual violence, gender based harassment, inequitable funding in athletics based on gender, sexual harassment, dating/domestic violence, stalking, and any other form of discrimination based on sex.

- Every University that receives federal funding is required to have a Title IX Coordinator.
Title IX Coordinator Responsibilities

• Investigating, when appropriate, complaints of sex discrimination, sexual harassment, and sexual misconduct;
• Helping potential victims navigate through the investigative process and seek remedies;
• Training the campus community of the prohibitions and requirements of Title IX; and
• Resolving complaints and addressing issues of sex discrimination, sexual harassment and sexual misconduct.
What is Sexual Harassment

FGCU’s Non-Discrimination, Anti Harassment and Sexual Misconduct Regulation defines sexual harassment as unwelcome conduct of a sexual nature including unwelcome sexual attention, including requests for sexual favors, and other verbal or physical conduct of a sexual nature from any person that is so severe, pervasive or persistent that it limits one’s ability to participate in or benefit from a program or activity.

Sexual violence is a form of sexual harassment.
What is Sexual Harassment

- SEXUAL HARASSMENT IS UNWELCOME CONDUCT OF A SEXUAL NATURE; including, but not limited to:
  - Unwanted sexual advances;
  - Unwanted sexually motivated or inappropriate patting, pinching or other touching of a sexual nature;
  - Unwanted displaying or distributing of sexually explicit drawings, pictures, video or written materials; and
  - Unwanted posting sexually explicit jokes, sexually explicit gestures, sexually explicit information on social media cites, or other forums.
Sexual Harassment Continued

• In many instances, “sexual harassment” is thought of as a series of events or a pattern of conduct. However, the University must weigh all the relevant facts in a given situation, including the severity of the conduct.

• The more severe the conduct, the less the need to show repeated incidents.
  • For example, sexual violence is so severe that a single incident would constitute sexual harassment.
Two Kinds of Harassment

• Quid Pro Quo (“I will do something for you if you do something for me.”)

• Hostile Learning Environment (someone is subjected to unwanted sexual conduct that impairs or eliminates their ability to successfully participate in their academic endeavors).

• For our purposes today we will be discussing sexual harassment that creates a hostile learning environment.
Hostile Learning Environment

- Unwanted sexual conduct that is sufficiently severe, persistent, or pervasive so as to eliminate, deny, or limit a student’s ability to participate in or receive the benefits, services, or opportunities afforded to them by FGCU.

- **Please Note:** A person does not have to be the target of the sexual harassment in order to file a complaint of sexual harassment. If the conduct is 1) unwanted, 2) sexual in nature, and/or 3) limits or diminishes a student’s participation in the benefits of an educational program, then it could constitute sexual harassment.

- If there is a student complaint of sexual harassment, the “hostile learning environment” analysis will be examined by the University’s Title IX Coordinator using the “totality of the circumstances”.
Factors to Consider When Applying Severe, Persistent, or Pervasive Standard

- Context
- Nature (e.g. verbal or physical)
- Scope
- Frequency
- Duration
- Location of incidents
- Identity, number, and relationships of persons involved

- Particularized characteristics
- Incidents outside complaint
- Generally, the more severe the conduct, the less need to show repeated incidents
- Communication that conduct was unwanted
Deny or Limit

• The Title IX Coordinator will also make a determination regarding whether the alleged conduct did (or could) deny or limit the student’s participation in any activity associated with FGCU.

• Examples of not being able to fully participate may include:
  • A student’s grades going down due to the conduct;
  • A student feeling forced to withdraw from or not become involved in an activity, program, or school or does so reluctantly; and/or
  • A student continues to participate in programs and activities but does so with great difficulty or apprehension/frustration because of the unwanted behavior.
Why is Sexual Harassment a Concern

- Sexual Harassment is a form of discrimination that can violate a student’s civil rights.
- Students who are subjected to sexual harassment can exhibit lower academic performance, higher anxiety, depression, and have other negative effects.
- Sexual Harassment can be done verbal, physical, or remote (through the Internet).
Who Can Be Harassed?

- All ages, races and ethnicities
- Men or women
- People who are perceived to be of a particular race, sex or disability status

Who Can Be A Harasser?

- An employee, such as a teacher, professor, or administrator
- Another student
- A third party external to the University
Examples of Effects on Target of Harrasment

- Fear
- Feelings of blame, guilt and shame
- Depression, anxiety, loneliness
- Physical illness including insomnia, high blood pressure, stomach aches, headaches
- Increased absenteeism
- Poor academic performance
Examples of Effects on School

- Unsafe school environment
- Reduced performance/productivity
- Unhappy/unmotivated staff and student body
- Increased student attrition
- Damaged school reputation
- Lost time and resources devoted to responding to and investigating complaints
How Does Sexual Harassment Effect FGCU and You Personally?

- As stated before, FGCU has a duty to promptly respond to complaints of sexual harassment and sexual violence in a way that limits its effects and prevents its recurrence.

- Failure of FGCU to fulfill its obligations could result in any (or all) of the following: a student being subjected to a sexually hostile environment, violation of federal law, and an unsafe learning environment for students.
What to Do if You Believe a Student is Being Sexually Harassed

- Immediately report the harassment to the University’s Title IX Coordinator.

- Identify all incidents of harassment and explain how they have affected you or the person who is the subject of the harassment.

- If possible maintain good documentation of each alleged incident of sexual harassment.
How will FGCU Respond to Sexual Harassment

• FGCU will take immediate and appropriate action to investigate or otherwise determine what happened.
• Inquiry will be prompt, thorough, and impartial.
• If harassment is discovered, the University will take steps, reasonably calculated, to:
  • End the harassment;
  • Eliminate any hostile learning environment;
  • Prevent harassment from recurring;
  • Remedy the effects of harassment;
  • Prevent retaliation against the target or complainant;
  • Take steps to eliminate ties between the University and any third party harasser; and
  • Administer discipline (ranging from probation to expulsion).
FGCU’s Position on Sexual Harassment

• Sexual harassment is unacceptable conduct and will not be tolerated at any level within FGCU.

• FGCU has the responsibility for maintaining a learning environment that is free from harassment and discrimination.

• FGCU will take every step it can to identify student on student sexual harassment, eliminate its effects, and prevent its reoccurrence.
Any questions can be addressed by the Title IX Coordinator at (239)745-4366 or at bwashington@fgcu.edu