

HOWARD COMMUNITY COLLEGE

# Title IX and Sexual Misconduct: What you need to know to support the HCC community

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HOWARD  
COMMUNITY COLLEGE

# By the numbers ...

- 1 in 5 women will experience sexual assault.
- Women have 1 in 3 chance of experiencing interpersonal violence in their lifetimes.
- 1 in 4 men reported experiencing sexual violence in their lifetime.
- 1 in 6 women and 1 in 19 men experience stalking.
- Sexual assault rates for LGBTQ individuals and people of color are equal to or higher than the general population

# What is Title IX

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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  
(Title IX of the Education Amendments of 1972)



# College's Title IX Obligations

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- Office of Civil Rights (OCR) outlines comprehensive requirements for any school receiving federal funds. Requirements include:
  - Adopting detailed policies and procedures that prohibit discrimination on the basis of sex.
  - Providing complaint procedures that afford BOTH the complainant and respondent equal rights to a prompt and equitable review.
  - Providing readily available and accessible information about behavior expectations, complaint procedures and resources to all students, faculty and staff.



# Terms: Sexual Misconduct vs Title IX

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- You may hear both terms used interchangeably.
- Sexual Misconduct is an umbrella term used to describe all of the behaviors that are considered violations under the college's policy. Behaviors include: sexual harassment, dating/domestic violence, sexual exploitation, stalking, and sexual assault.
  - Definitions are specific to defining campus behavior expectations.
- Title IX is the legislation that requires colleges establish non-discrimination protections based on sex. The Office of Civil Rights (OCR) codifies the specific requirements for compliance.
- Educational institutions are required to comply with all OCR guidance but may also establish additional supports and expectations around sexual misconduct.



# SEXUAL HARASSMENT

Any unwelcome sexual advance, unwelcome request for sexual favors, or other unwelcome verbal or physical conduct of a sexual nature when:

(1) Quid pro quo (favor for a favor)

(2) Has the purpose or effect of creating a hostile environment or unreasonably interfering with an individual's work or academic performance

# DATING/ DOMESTIC VIOLENCE

- Violence or threat of violence between individuals:
  - In a personal and private social relationship of a romantic or intimate nature
  - Current or former spouse
  - Person with whom a child is shared
  - Person cohabitating

# SEXUAL EXPLOITATION

- Taking non-consensual or abusive sexual advantage of another to benefit anyone other than the person being exploited

# STALKING

- Course of conduct that alarms a person or would make a reasonable person afraid for their safety or the safety of other while with them.
- Includes cyber-stalking
- Intentionally following another person without their consent

# SEXUAL ASSAULT

Any type of sexual contact or behavior that occurs without the explicit consent of the recipient

- Incest
- Non-consensual sexual contact
  - Touching of intimate body parts
- Non-consensual sexual intercourse
  - Penetration

# CONSENT

- Permission to act through words or actions
- Clear, voluntary, mutually understood, for each act
- Active not passive
- Given freely, no use of force or coercion
- Knowingly, cannot be under 16 or incapacitated
- Specific- permission for each activity

# Role of the Title IX Team

The Title IX Coordinators and the Deputy Coordinators are responsible for ensuring HCC is fully compliant with all Title IX obligations. Only the Title IX team can make decisions about whether an incident requires a Title IX response. You **ARE NOT** responsible for determining if a reported concern falls under the purview of Title IX/Sexual Misconduct. Your obligation is to report it to the team. If you have questions or are unsure if something may be a Title IX/Sexual Misconduct concern, it is always better to reach out and ask.

# Role of the Title IX Team

For a Title IX investigation to occur, an official complaint must be submitted. Coordinators are responsible for making decision regarding complaints. Coordinators will do their best to honor the request of a complainant to not take action unless there is information to support an ongoing risk to the health, safety and welfare of the HCC community.

Coordinators are responsible for reviewing and addressing issues impacting campus climate, the educational experience and campus operations.

# MANDATORY REPORTERS

- ALL HCC staff, faculty, and contractors, unless specifically designated are mandatory reporters.
- If any incident comes to your attention, either in an official or unofficial capacity, you **MUST** report **ALL** known information to the Title IX team. A Maxient report should be submitted in addition to any other documentation required by your role.
  - [https://cm.maxient.com/reportingform.php?HowardCC&layout\\_id=6](https://cm.maxient.com/reportingform.php?HowardCC&layout_id=6)

# CONFIDENTIAL RESOURCES

- On Campus:
  - HCC Counseling Center counselors
  - HCC Physical Trainers working with an athlete in their official medical capacity.
  - Counselors from the Student Assistance Program BHS.
- Off-Campus
  - Clergy
  - Medical Professionals
  - Many designated support organizations (e.g. HopeWorks, TurnAround, House of Ruth etc.) provide staff

# WHAT HAPPENS IF SEXUAL MISCONDUCT OCCURS?

- Students have the right to determine what support and resources they would like to use. They can choose any combination that will best suit them.
- Law Enforcement
- Legal Action
- Community Support Organizations
- Campus Resources

# WHAT HAPPENS IF SEXUAL MISCONDUCT OCCURS?

- Campus supports available include:
  - Confidential Reporters
  - Request support services from the Title IX Coordinators/Deputy Coordinators
  - Submit a formal complaint for review
    - Interim Measures
    - Informal Resolution (when appropriate)
    - Formal Review
- Campus procedures are administrative rather than legal.
  - Preponderance of Evidence (50.01+)
  - Procedures do not rely on legal rules of evidence
  - Outcomes and supports can only impact issues that are within the college's control (student's enrollment, contact while on campus, safety while on campus, etc.)

# What role do you play?

- Public Safety is often the first place a concern is reported. Public Safety is listed as a key location where the campus community can report concerns.
- Public Safety reporting procedures run parallel with any other process a student may choose to utilize (Title IX, legal, etc.).
- Our primary responsibility is to make sure we can show we provided accurate and complete information that allows the student to understand their options and make decisions that are best for them.
- Critical that all mandatory reports are submitted as soon as possible. Title IX obligations provide specific timeframes in which things must be done. Delays in reporting to the Title IX team put us at risk for non-compliance.

# What role do you play?

- Both the respondent and the complainant must be provided the same level of service, support and equitable access to resources. It is important to be mindful of our personal biases and ensure we are providing services that are non-judgmental, fair and consistent. It is important to be mindful of the role stress and trauma can have on individuals participating in a process.
- Anytime a concern is shared about something that may fall under Title IX/Sexual Misconduct we are required to provide the student a copy of the Title IX Handout (should be given in person when possible and sent electronically in a follow-up).
- If a person mentions concerns about their physical safety, safety planning must be discussed (this applies for both a respondent and a complainant). They can be directed to external organizations for this service but the fact that they were provided with this information needs to be noted in the documentation.

# HCC Resources

HCC Title IX Webpage

<https://www.howardcc.edu/about-us/consumer-information/title-ix/>

Can be found on the footer of any HCC webpage or via the search

## Support Services

- Office of Student Rights and Responsibilities- 443.518.3182
- Counseling Center – 443-518-1340
- Human Resources – 443-518-1100
- Student Success – 443-518-4809
- Wellness Center – 443-518-4950
- Employee Assistance Program – 800-327-2251
- Student Assistance Program - 800-327-2251

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