Equal Opportunity and Title IX

Today's Topics
- Anti-discrimination policy and complaint procedure
- Mandatory reporting obligations
- Faculty student relationships
Equal Opportunity Employer

- Sex
- Race
- National Origin
- Religion
- Age
- Disability

University policies also prohibit discrimination based on sexual orientation or gender identity.

What is Discriminatory Harassment?

Verbal or physical conduct based on a protected class that:
- Creates an intimidating, hostile, or offensive working or educational environment;
- Unreasonably interferes with an employee's work or student's educational performance;
- Adversely affects employment or educational opportunities; and
- Is severe or pervasive.

Examples of Discriminatory Harassment

Degrading, disparaging, or disrespectful remarks, comments, or jokes about a person's sex, national origin, race, or other ethnic characteristics, religion, or disability.
Examples of Discriminatory Harassment

Display of explicit or offensive calendars, posters, pictures, drawings, cartoons, screen savers, emails, internet, or other multi-media materials in any format that reflects disparagingly upon a class of persons or a particular person in a protected category.

Both Title VII and Title IX prohibit discrimination based on sex.

Title IX

"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."
Sexual harassment is a form of gender discrimination.

Examples of Sexual Harassment

- Sexual remarks, questions, or gestures
- Sexual innuendos
- Sexual or inappropriate comments about clothing, personal behavior, or a person's body
- Sexual or gender-based jokes or teasing

Examples of Sexual Harassment

- Sexually suggestive phone calls, text messages, or emails
- Sending nude or sexually suggestive photos
Examples of Sexual Harassment

- Uninvited neck or back massages
- Inappropriately touching a person or person's clothing
- Touching sexually, grabbing or brushing up against private parts
- Kissing, hugging, patting, stroking

Don’t let this happen to you!

Lawsuit Calls Out a Professor – and Colleges
- On Sexual Harassment
  University of Arizona

NYU Professor accused of sexual harassment

Geoff Marcy’s Downfall
(live at Offensive Chips)

Do

- Always behave professionally
- Only meet with students on campus
- Keep your door open
- Meet during regularly scheduled office hours
- Communicate via TTU email or Blackboard
Do not

- Do not party with your students
- Do not text your students
- Do not give out your cell phone number
- Do not try to be your students' best friend
- Do not touch your students
- Do not date or try to date your students
- Do not engage in social media with your students

Remember

Treat everyone with respect and civility.

Your Involvement in Title IX

- Subject to prohibited behavior
- Engaged in prohibited behavior
- Informed of prohibited behavior
Mandatory Reporting Requirement

To ensure compliance with Title IX and state law, all University employees, whether faculty, staff, or student, are required to report any sexual misconduct they witness or about which they are told to the Title IX Coordinator or the Office of Equal Opportunity.

Failing to report is a criminal violation that will result in termination of employment.

What Must You Report?

- All known facts
- Anything that sounds like:
  - Sexual Harassment
  - Sexual Exploitation
  - Sexual Assault
  - Public Indecency
  - Domestic/relationship Violence
  - Stalking

How Do I Handle A Situation?

- **Listen** to the student.
- Be **supportive** and **do not probe** for details.
- Your role is **NOT** to investigate the incident, but to get the student to administrators who can help.
- **Say:** "I want to get you connected with a staff member who can assist you with options and resources."
- Then **forward the details** of an incident to appropriate Title IX administrators.
Confidentiality

- Do not promise confidentiality.
- Inform the reporting party that you have an obligation to report.
- Only disclosures made to licensed health care providers will be confidential.

What About Consensual Relationships?

Texas Tech has policies that prohibit consensual relationships between instructors and students:
- OP 10.20 - Conflict of Interest and Commitment
- OP 32.33 - Faculty, Staff, and Student Conflict of Interest

Consensual Relationships

- Consensual relationships are prohibited between faculty or instructors and:
  - Students in the instructor's class;
  - Students with whom the instructor has a supervisory or instructional connection; or
  - Students with whom the instructor is in a position of perceived authority.
Anti-retaliation policy

Retaliation against an employee or student who reports discrimination or participates in an investigation is strictly forbidden.

TTU Non-Discrimination Policies

- OP 40.01: Equal Employment Opportunity Policy
- OP 40.02: Non-Discrimination and Anti-Harassment Policy and Complaint Procedure for Violations of Employment and Other Laws
- OP 40.03: Sexual Harassment, Sexual Assault, Sexual Misconduct, and Title IX Policy and Complaint Procedure
- OP 40.04: Access for Individuals with Disabilities
- Student Handbook

Who to report incidents to

Charlotte Bingham
Vice Chancellor for Administration,
Office of Equal Opportunity
All discrimination, including sexual misconduct, involving an employee or other member of the University community

Kim Simón
Title IX Coordinator
All sexual misconduct matters involving students
Other Resources

- Texas Tech Police Department
- Student Counseling Center (For confidential reports)
- Employee Assistance Program
- RISE Office - Risk Intervention & Safety Education (For prevention and training)