



Title IX and More NCAA Training

Fall 2020

Location

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Discrimination

Actions that deprive or limit access to education, employment, benefits, or other opportunities on the basis of an individual's actual or perceived membership in a Protected Class.

- Age
- Disability
- Equal Pay/Compensation
- Genetic Information
- Harassment
- National Origin
- Pregnancy
- Race/Color
- Religion
- Retaliation
- Sex
- Sexual Harassment



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Hazing

- In accordance with KRS 164.375, Kentucky State University prohibits any action or situation which recklessly or intentionally endangers the mental or physical health of a student for the purpose of initiation into or affiliation with any organization. This policy governs University students, faculty, staff, visitors, and other licensees and invitees and is deemed to be part of the bylaws of all University organizations.
- Hazing is any action taken or situation created that involves or results in abusive physical contact or mental harassment of a prospective or current organization member.



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Hazing

Track & Field sanctioned, Henner resigns

Eight SUNY Geneseo volley ball players accept plea deal after hazing incident.

College baseball team cancels it's season over hazing charges.

1 of 5 Wheaton College football players accused of hazing that caused injury expected to enter plea Thursday.

St. Norbert women's basketball team suspended 10 games for alcohol- related incident.

St. Joe's Univ. settles softball hazing lawsuits



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Bullying

- Bullying consists of: Unwanted aggressive behavior; observed or perceived power imbalance; and repetition of behaviors or high likelihood of repetition.
- There are two types of bullying: direct and indirect. Direct is in person and indirect is not (cyber bullying, spreading rumors).
- Marginalizing - The process whereby something or someone is pushed to the edge of a group and accorded lesser importance. This is predominantly a social phenomenon by which a minority or sub-group is excluded, and their needs or desires ignored.



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About Title IX

Title IX:

- Federal law that was passed in 1972;
- Overseen by the Office for Civil Rights (OCR);
- Prohibits sex-based discrimination;
- Athletics;
- May 2020 Regulations



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Title IX Continued

- Title IX states, *“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.”*
- Some key issue areas in which recipients have Title IX obligations are: recruitment, admissions, and counseling; employment; financial assistance; athletics; single-sex education; treatment of pregnant and parenting students; discipline; and sex-based harassment.



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Sexual Harassment

- KSU's Policy and Procedures on Sexual Harassment defined under Title IX and Other Sexual Misconduct prohibits sexual harassment and sexual misconduct, which includes:
- Sexual Harassment means conduct on the basis of sex that occurs in the University's education program or education activity and satisfies one or more of the following:
 - An employee of the University conditioning the provision of an aid, benefit, or service of the recipient on an individual's participation in unwelcome sexual conduct. This type of sexual harassment is also referred to as Quid Pro Quo.;
 - Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the University's education program or activity. This type of sexual harassment is also referred to as Hostile Environment.; or
 - "Sexual assault" as defined in 20 U.S.C. 1092(f)(6)(A)(v), "dating violence" as defined in 34 U.S.C. 12291(a) (10), "domestic violence" as defined in 34 U.S.C. 12291(a)(8), or "stalking" as defined in 34 U.S.C. 12291(a) (30).
 - Sexual Exploitation:
 - Photos, videos, prostitution, peeping-toms
- Prohibits Retaliation



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KSU Policy also prohibits...

- Domestic Violence
- Dating Violence
- Sexual Assault
- Sexual Exploitation
- Stalking



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Consent

- An informed-decision, freely given, made through mutually understandable words or actions that indicates a willingness to participate in mutually agreed upon sexual activity.
 - Consent cannot be given by an individual who is asleep, unconscious, or mentally or physically incapacitated, either through the effect of drugs or alcohol or for any other reason, or is under duress, threat, coercion, or force.
 - Past Consent does not imply future Consent.
 - Consent to one type of sexual contact or sexual intercourse (e.g., oral intercourse) does not constitute or imply consent for another type of sexual contact or sexual intercourse (e.g., vaginal intercourse), whether during a sexual encounter or during a previous sexual encounter.
 - Silence or an absence of resistance does not imply Consent. Consent can be withdrawn at any time.



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Responsible Employee

- A KSU employee who has the authority to redress sexual misconduct and gender based violence, who has the duty to report incidents of sexual misconduct and gender based violence, or who a student could reasonably believe has this authority or duty. Examples include, but are not limited to, faculty, staff, administrators, and para-professionals.
- 1. When a complainant tells a responsible employee about an incident of sexual violence, the complainant has the right to expect the University to take immediate and appropriate steps to investigate what happened and to promptly and equitably resolve the matter.
- 2. A responsible employee must report to the Title IX Coordinator all relevant details about the alleged sexual violence shared by the complainant, including the names of the complainant and alleged respondent(s), any witnesses, and any other relevant facts, including the date, time, and specific location of the alleged incident.



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What If Nothing Happens

- Clery Violations - \$54,789 per violation
- Title IX Violations (For Schools) – Fines (individual and school), loss of scholarships, loss of season, employee terminations.
- Title IX Sanctions (For Students) – Probation, no-contact orders, counseling, fines, removal from team, eviction, suspension, expulsion



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Healthy Relationships

- Mutual Respect
- Trust
- Honesty
- Compromise
- Individuality
- Good Communication
- Anger Control

Fighting Fair
Problem Solving
Understanding
Self-Confidence
Being a Role Model
Boundaries



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Campus Resources

- Confidential Resources:
 - Center for Emotional Wellness Counselors– Student Center
 - Medical Assistance – Nurse Samantha Todd – Old Rosenwald
 - Religious – Baptist Campus Ministries or Wesley Foundation

- Non-Confidential Resources:
 - Title IX Office
 - KSU Police
 - RDs and RAs
 - Responsible Employees



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Off Campus Resources

- Frankfort Regional Hospital – 2 Sexual Assault Nurse Examiners (“SANE”)
- Legal Aid of the Bluegrass
- & “Ampersand” Sexual Violence Resource Center of the Bluegrass (formerly Bluegrass Rape Crisis Center)



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