



# TITLE IX TRAINING FOR FRESNO STATE STUDENTS

2022-2023

# California State University Nondiscrimination Policy

[CSU Policy Prohibiting Discrimination, Harassment, Sexual Misconduct, Sexual Exploitation, Dating Violence, Domestic Violence, Stalking, and Retaliation](#), effective 01/01/2022

## NOTICE OF NON-DISCRIMINATION ON THE BASIS OF GENDER OR SEX

- The California State University does not discriminate on the basis of gender, which includes sex and gender identity or expression, or sexual orientation in its education programs or activities. Title IX of the Education Amendments of 1972, and certain other federal and state laws, prohibit discrimination on the basis of gender or sexual orientation in employment, as well as in all education programs and activities operated by the University (both on and off campus). The protection against discrimination on the basis of gender or sexual orientation includes sexual harassment, sexual misconduct, and gender based dating and domestic violence and stalking.

The California State University (CSU or University) is committed to maintaining an inclusive and equitable community that values diversity and fosters mutual respect. We embrace our community differences in Age, Disability (physical and mental), Gender (or sex), Gender Identity (including nonbinary and transgender), Gender Expression, Genetic Information, Marital Status, Medical Condition, Nationality, Race or Ethnicity (including color, caste, or ancestry), Religion (or religious creed), Sexual Orientation, Veteran or Military Status. All Students and Employees have the right to participate fully in CSU programs, activities, and employment free from Discrimination, Harassment, Sexual Misconduct, Sexual Exploitation, Dating Violence, Domestic Violence, Stalking and Retaliation.

# Primary Concerns

- The University's primary concern is the safety of members of the Campus community:
  - *the use of alcohol or drugs never makes the victim at fault for Sexual Misconduct;*
  - *Students or Employees who experience or witness Sexual Misconduct should not be deterred from reporting incidents out of a concern that they might be disciplined for related violations of drug, alcohol, or other University policies; and*
  - *Students or Employees who experience or witness Sexual Misconduct shall not be subject to discipline for related violations of conduct policies at or near the time of the misconduct unless the violation is egregious (including actions that place the health or safety of any other person at risk or involves plagiarism, cheating, or academic dishonesty.)*
- CSU policy prohibits retaliation against a person who: reports Sex Discrimination, Sexual Harassment, Sexual Misconduct, Dating or Domestic Violence, or Stalking; assists someone with a report of such conduct; or participates in any manner in an related investigation or resolution. Retaliation includes threats, intimidation, reprisals, and/or adverse actions related to employment or education.
- Confidentiality will be maintained to the extent permissible by law

# WHAT IS TITLE IX?

No sex discrimination. No sexual assault. *Period.*



## TITLE IX

made sexual harassment a prohibited form of sex discrimination in schools.

of the Education Amendments of 1972

Report harassment and know you are protected.

- Unwelcome sexual propositions
- Sexual innuendoes or other behavior, such as repeated, unwanted requests for meals, dates, etc.
- Unwanted sexual comments or jokes, questions about one's sex life, comments about one's body
- Unwanted touching or leering
- Sending someone unwanted sexual materials

These are examples of sexual harassment.



For more information, please visit [fresnostate.edu/titleix](https://fresnostate.edu/titleix)

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# What else does Title IX cover?

## ■ Dating/Domestic Violence

- *abuse committed by a person who is or has been in a social or dating relationship of a romantic or intimate nature with the victim...*

## ■ Stalking

- *engaging in a repeated Course of Conduct directed at a specific person that would cause a Reasonable Person to fear for the safety of self or others' safety or to suffer Substantial Emotional Distress*

# What else does Title IX cover?

## ■ Sexual Harassment

Conduct on the basis of Sex that satisfies one or more of the following:

An Employee conditioning the provision of an aid, benefit, or service of the University on an individual's participation in unwelcome sexual conduct;

Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to an Education Program or Activity.\*

- ▶ Power Disparity: “Quid pro Quo” and/or “Hostile Work Environment”
- ▶ Asking someone out multiple times via email, text, and in-person after the person has clearly said, “No.”
- ▶ Making comments of sexual nature about an individual’s body, including jokes of a sexual nature or requesting sexual favors.
- ▶ Sending unwelcome email or texts containing videos or images of a sexual nature.
- ▶ Gender harassment/discrimination- verbal and nonverbal behaviors that convey hostility, objectification, exclusion, or second-class status about members of one gender

Nondiscrimination Policy also includes unwelcome conduct of a sexual nature where the behavior(s) is sufficiently severe, persistent, or pervasive, creating an intimidating, hostile or offensive environment

Policy prohibits consensual relationships with a Student or Employee over whom you have direct or otherwise significant academic, administrative, supervisory, evaluative, counseling, or extracurricular authority.

# What else does Title IX cover?

## ■ Sexual Assault

## ■ Sexual Misconduct\*

- *Engaging in any sexual activity without first obtaining **Affirmative Consent** to the specific activity is Sexual Misconduct.*
- ▶ *Affirmative Consent **cannot** be obtained when someone:*
  - ▶ *Is asleep or unconscious*
  - ▶ *Is incapacitated due to the influence of drugs, alcohol, or medication, so that the person could not understand the fact, nature, or extent of the sexual activity*
  - ▶ *could not understand the fact, nature, or extent of the sexual activity, or was unable to communicate, due to a mental or physical condition*
  - ▶ *Is a minor (under 18 years of age)*
- ▶ *Affirmative Consent **cannot be assumed**, even by those people in dating or social relationships.*

**THE ABSENCE OF “NO” DOES NOT MEAN “YES”.**

\* As defined in CSU Nondiscrimination Policy



# Consequences of Committing Acts of Sexual Violence

- criminal prosecution
- civil litigation
- students may face discipline/sanctions at the university
  - *California State University Student Conduct Procedures (see Executive Order 1098)*
- during any investigation, the university may implement interim measures in order to maintain a safe and non-discriminatory educational environment.



# Common Myths and Facts

1) Myth: Victims provoke Sexual Assaults when they dress provocatively or act in a promiscuous manner.

Fact: Rape and Sexual Assault are crimes of violence and control that stem from a person's determination to exercise power over another. Neither provocative dress nor promiscuous behaviors are invitations for unwanted sexual activity. Forcing someone to engage in non-consensual sexual activity is Sexual Assault; regardless of the way that person dresses or acts.

2) Myth: If a person goes to someone's room or house or goes to a bar, s/he assumes the risk of Sexual Assault. If something happens later, s/he can't claim that s/he was raped or sexually assaulted because s/he should have known not to go to those places.

Fact: This "assumption of risk" wrongfully places the responsibility of the offender's action with the victim. Even if a person went voluntarily to someone's home or room and consented to engage in some sexual activity, it does not serve as blanket consent for all sexual activity. University policy defines Sexual Misconduct to include any sexual activity that is engaged in without Affirmative Consent. Affirmative Consent means informed, affirmative, voluntary, and mutual agreement to engage in sexual activity. Each person involved is responsible to ensure that they have the Affirmative Consent of the other participant(s). When in doubt if the person is comfortable with an elevated level of sexual activity, stop and ask. When someone says "no" or "stop," that means "STOP!" Sexual activity forced upon another without valid consent is Sexual Assault.

# Common Myths and Facts

3) Myth: It is not Sexual Misconduct if it happens after drinking or taking drugs.

Fact: Being under the influence of alcohol or drugs is not an invitation for sexual activity. A person under the influence does not cause others to assault her/him; others choose to take advantage of the situation and sexually assault her/him because s/he is in a vulnerable position. A person who is incapacitated due to the influence of alcohol or drugs is not able to consent to sexual activity.

4) Myth: Most Sexual Assaults are committed by strangers. It's not rape if the people involved know each other.

Fact: Most Sexual Assaults and Rape are committed by someone the victim knows. A study of sexual victimization of college women showed that about 90% of victims knew the person who sexually victimized them. Most often, a boyfriend, ex-boyfriend, classmate, friend, acquaintance or co-worker sexually victimized the person. It is important to remember that Sexual Misconduct can occur in both heterosexual and same-gender relationships.

5) Myth: Rape can be avoided if women avoid dark alleys or other “dangerous” places where strangers might be hiding or lurking.

Fact: Rape and other Sexual Misconduct can occur at any time, in many places, to anyone.

# Common Myths and Facts

6) Myth: A person who has really been sexually assaulted will be hysterical.

Fact: Victims of Sexual Assault exhibit a spectrum of responses to the assault which can include: calm, hysteria, withdrawal, anxiety, anger, apathy, denial, and shock. Being sexually assaulted is a very traumatic experience. Reaction to the assault and the length of time needed to process through the experience vary with each person. There is no “right way” to react to being sexually assaulted. Assumptions about the way a victim “should act” may be detrimental to the victim because each victim copes in different ways.

7) Myth: All victims will report the crime immediately to the police. If they do not report it or delay in reporting it, then they must have changed their minds after it happened, wanted revenge or didn't want to look like they were sexually active.

Fact: There are many reasons why a victim may not report the assault to the police or campus officials. It is not easy to talk about being sexually assaulted and can feel very shameful. The experience of retelling what happened may cause the person to relive the trauma. Another reason for delaying a report or not making a report is the fear of retaliation by the offender. There is also the fear of being blamed, not being believed and being required to go through judicial proceedings. Just because a person does not report the incident does not mean it did not happen.

# Common Myths and Facts

8) Myth: Only young, pretty women are assaulted.

Fact: The belief that only young, pretty women are sexually assaulted stems from the myth that Sexual Misconduct is based on sex and physical attraction. Sexual Assault is a crime of power and control. Offenders often choose people whom they perceive as most vulnerable to attack or over whom they believe they can assert power. Men and boys are also sexually assaulted, as well as persons with disabilities. Assumptions about the “typical” victim might lead others not to report the assault because they do not fit the stereotypical victim profile.

9) Myth: It's only Rape if the victim puts up a fight and resists.

Fact: Many states do not require the victim to resist in order to charge the offender with Rape or Sexual Assault. Those who do not resist may feel if they do so, they will anger their attacker, resulting in more severe injury. Many assault experts say that victims should trust their instincts and intuition and do what they believe will most likely keep them alive. Not fighting or resisting an attack does not equal consent.

10) Myth: Someone can only be sexually assaulted if a weapon was involved.

Fact: In many cases of Sexual Assault, a weapon is not involved. The offender often uses physical strength, physical violence, intimidation, threats or a combination of these tactics to overpower the victim. Although the presence of a weapon while committing the assault may result in a higher penalty or criminal charge, the absence of a weapon does not mean that the offender cannot be held criminally responsible for a Sexual Assault.

# What You Can Do To Help Minimize Risk

- Be aware.
- Be assertive. Speak up. Clearly communicate limits to partners, friends, and acquaintances.
- Take affirmative responsibility for your alcohol intake/drug use and acknowledge that alcohol/drugs lower your sexual inhibitions and may make you vulnerable to someone who views a drunk or high person as a sexual opportunity.
- Never leave a party with someone you don't know well and trust.
- Trust your feelings; if it feels wrong, it probably is.
- Learn all you can and talk with your friends. Help them stay safe.
- Report incidents of violence to law enforcement and campus authorities.

# Survivor Advocate & Title IX Coordinator

## Survivor Advocate

### Mindy Kates

- Independent and **Confidential**
  - *For students, staff and faculty*
- Provides **support, resources and referrals**
- Located in the Student Health and Counseling Center
- 559.278.6796 24hr Advocate Line
- <http://www.fresnostate.edu/studentaffairs/survivoradvocate>

## Title IX Coordinator

### Jamie Hogan

- For students, staff and faculty
- Coordinates training and education across campus
- Oversees complaint procedures and investigations
- Provides **Supportive Measures**
- [559.278.5003](tel:559.278.5003)
- [www.fresnostate.edu/titleix](http://www.fresnostate.edu/titleix)
  - *Online reporting available*

# What happens when it's reported to the Title IX Coordinator?

- *Title IX office will contact the complainant*
- *Right not to Report*
- *Determination of appropriate policy/process/office*
  
- *Informal Resolution*
  - Complainant requests remedies
  - Complainant and Respondent agree and sign contract
  
- *Investigation*
  - Formal Hearing
  - Prompt, fair, and impartial investigation and resolution
  - Annual Training for investigators and Hearing Officers



# Support, Resources, Referrals, Remedies.....

- Counseling Center has quite a few helpful programs, including individual counseling sessions.
  - Let's Talk program, which provides easy access to informal confidential and anonymous consultations with counselors from the Student Health and Counseling Center. No appointment necessary, *see website for details.*
- The University Advising Center in Joyal Administration room 224. See website for walk in hours or call 559.278.1787 to schedule an appointment Monday-Friday. You can also get answers to general advising questions by emailing onlineadvising@mail.fresnostate.edu.
- Academic assistance including tutoring, supplemental instruction, and improving study skills is provided through the Learning Center. They are located on the bottom floor of the library, check website for walk-in hours.
- Off-Campus Resources

# Support, Resources, Referrals, Remedies.....

- options for avoiding contact, including changes to employment, academic or living situations, as appropriate
- providing an escort between Campus locations in extraordinary cases where safety may be endangered
- changes to Employee work areas, work assignments or reporting relationships
- providing Students with academic support services such as tutoring or allowing Students to re-take a course or withdraw from a course without penalty and without adverse effect on their academic records
- reviewing any disciplinary actions proposed to be taken against an alleged victim to see if there is a causal connection between the misconduct forming the basis for the proposed discipline and the allegations
- Emergency Removal

# Don't be a bystander!

How can you intervene if you see an incidence of violence happening or a situation has the potential for violence? You may have concerns for your own safety and welfare or perhaps being confrontational is not part of who you are.

What is comfortable for you?

- Direct
- Distract
- Delegate

# QUESTIONS.....

CHECK OUT THE [CONCERN AND ACTION GUIDE!](#)

**Additional information:**  
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