Equity and Inclusion at MTSU
Graduate Assistants

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Equity and Inclusion Overview

• Title IX (1972)
  o Sexual Harassment
  o Sexual Violence (Misconduct)
  o Consent
  o Reporting Unacceptable Behaviors
  o Confidential Reporting
  o Investigations
  o Questions

• ADA (1990)

• Title VI (1964)
  o LEP
Title IX (1972)

- **Title IX of the Education Amendments**
  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. **It prohibits:**
  - Discrimination on the basis of sex
  - Sexual Harassment
  - Sexual Assault and Sexual Violence (Sexual Misconduct)

- **Governed by the Department of Education and enforced through its Office for Civil Rights (OCR)**
Title IX:

- Applies to all institutions who receive federal funds
- Applies to all members of the academic community (students, faculty, staff and all who visit or do business with the University)
- **Covers all educational activities** (inside and outside of the classroom including research labs and department offices)
- **Covers all issues of gender bias/discrimination**
  - Sexual harassment
  - Sexual violence
  - Pregnancy, parenting and related conditions
  - Sexual orientation, gender identity/expression
Sexual Harassment is:

- **Sexual Harassment** *(student-on-student)*: where both the accused and the accuser are students, sexual harassment is defined as unwelcome conduct directed toward a person on the basis of sex that is so severe, pervasive, and objectively offensive that it effectively bars the accuser’s access to an educational opportunity or benefit.

- **Sexual Harassment** *(in all other instances)* is defined to include unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature, including sexual assault, where a tangible employment or educational action is conditioned upon submission to or rejection of unwelcome sexual advances, or where conduct is so severe, pervasive, or objectively offensive that the individual is effectively denied equal access to the University’s resources and opportunities. Sexual harassment, including sexual assault, can involve persons of the same or opposite sex.
Sexual Harassment does not have to include intent to harm, be directed at a specific person or group of people, or involve repeated incidents. Sex-based harassment includes sexual harassment and non-sexual harassment based on stereotypical notions of what is female/feminine versus male/masculine or a failure to conform to those gender stereotypes.

Sexual Harassment/Misconduct is a form of sex discrimination; it is treating individuals less favorably because of their sex (including pregnancy or sexual orientation/gender identity/expression) or having a policy or practice that has a disproportionately adverse impact on protected class members.
Sexual Violence (VAWA)

• Sexual Violence is also a violation of Title IX
  o It includes the offenses of: dating violence, domestic violence, stalking and sexual assault

• Dating Violence is: against a person when the accuser and accused are dating, have dated, have or had a sexual relationship. “Dating” and “dated” do not include fraternization between two individuals solely in a business or non-romantic social context. (not roommates)

• Domestic Violence is: against a person when the accuser and accused are current or former spouses, who live or have lived together as a spouse or intimate partner (not roommates), are related by blood or adoption, are related or were formally related by marriage, are adult or minor children of a person in a relationship described above.
Sexual Violence (VAWA) Continued…

- **Stalking is:** a willful course of conduct involving *repeated or continuing harassment of another individual* that would cause a *reasonable person* to feel terrorized, frightened, intimidated, threatened, harassed or molested (includes *cyber-stalking*).

- **Sexual Assault is:** *nonconsensual* sexual contact where the accused knows, or has reason to know, that the victim *did not, or could not consent*; nonconsensual sexual contact includes, but is not limited to:
  - Rape, sexual battery, sexual coercion, engaging in sexual contact after the victim has said “No”
  - Intentional touching of intimate parts; or
  - Intentional touching of the clothing covering the immediate area of intimate parts, if that intentional touching can be reasonably construed as being for the purpose of sexual arousal or gratification
  - Sexual intercourse or sexual contact when the person has a disability or is a *minor*.

(Note: Includes any of the above between people of the opposite sex or same sex.)
Consent

- **Consent is an informed decision, freely given**, made through mutually understandable words or actions that indicate a willingness to participate in mutually agreed upon sexual activity
  - Past consent does not imply future consent
  - Silence or an absence of resistance does not imply consent
  - Consent can be withdrawn at any time
- **Consent cannot be given by an individual:**
  - Who is asleep or unconscious
  - Is under duress, being coerced or forced
  - Mentally or physically incapacitated
  - Is a minor
Reporting Unacceptable Behaviors
Responsible Employees

• An MTSU employee (YOU) who has the authority and the duty to report incidents of sexual harassment/sexual violence, or whom a student, or other faculty/staff could reasonably believe has this authority or duty:
  o Police, VP’s, AVP’s, Deans, Associate Deans, Assistant Deans, Directors, Associate Directors, Assistant Directors, Department Chairs/Heads, Faculty, Graduate Assistants, Academic Advisors, Advisors for student clubs/organizations, Student Workers, Resident Assistants, Athletic Department staff, including all Coaches, Tutors and Graduate Assistants, Campus Security Authorities etc.
Responsible Employees (Graduate Assistants) must:

- Must report any incident of sexual misconduct (sexual harassment or sexual violence) once you become aware of it to a Title IX Coordinator /Investigator (615) 898-2185
- Provide all details and facts of the incident, names of those involved, date, time, location, etc.
- **Do Not** wait to determine whether the alleged sexual misconduct actually occurred, or that a hostile environment was created before reporting an incident
Confidential Reporting

*However*, before your student/colleague reveals information to you about unacceptable behavior, they should be informed that:

- Responsible employees *(YOU)* have an obligation to report any details shared

- They also have the option to report *confidentially* to:
  - Counseling Center (615)-898-2670
  - Health Services Center (615) 898-2988
  - MTSU’s Victim Advocate (615) 715-2870
  - Murfreesboro’s Domestic Violence Sexual Assault Prevention Center 615-896-7377 and 24 hour Crisis Line 615-494-9262
Reporting to Law Enforcement

Students, staff and faculty also have the option to report the incident to law enforcement:

- **MTSU Police** 898-2424
- Murfreesboro Police 893-1311
- Rutherford County Sheriff 898-7770

*(Note: All reports of sexual misconduct to the MTSU Police are reported to the Title IX Coordinator)*
MTSU Responsibility

- Conduct a fair and impartial investigation
- Take steps to stop the harassment/misconduct (no contact orders, change of residence hall, police trespass notices from campus, interim suspensions, etc.)
- Prevent the behavior from happening again (training, monitoring, probation, long term no contact orders, suspensions, expulsions, terminations, assure no retaliation etc.)
- Remedy the effects (counseling, health services, academic support)
- If an individual requests that MTSU maintain his/her confidentiality and not investigate a reported violation, the Title IX Coordinator may consider the request to respect the reporting parties wishes (it will depend on the circumstances)
  - Once a complaint is reported to the police or Title IX, some review must occur; however, there are some instances when the Title IX Coordinator may not do a formal investigation. It will depend on a number of factors (i.e., was a weapon involved, were there multiple perpetrators, is there a prior history here or at another university, were there threats to the victim or others, is the victim a minor; does the victim have some disability, etc.)
MTSU Investigation Process

• Title IX is Covered under MTSU Policy 27, Misconduct, Discrimination, and Harassment Based on Sex

• The process is:
  o Interim Measures/\textit{Safety First}
  o Investigation
  o Investigator determines if violation occurred/did not occur
  o University decision-maker accepts/does not accept investigator’s findings
  o Investigator notifies Complainant and Respondent of findings
  o Appeal to President if disagreement with findings or sanction (By either party)
  o If suspension/expulsion or termination are recommended (Hearing Option)
  o Sanction Imposed (If recommended)
  o Remedial Measures (Individually, Departmentally or Institutionally)
Title IX Investigations Continued...

• Title IX investigations are different than law enforcement investigations (violation of policy)
  o Criminal investigations do not relieve MTSU of its responsibility to investigate
  o Even if the incident occurred off-campus, the university may have a responsibility to investigate (if the behavior creates a hostile environment or has some continuing risk/concerns for the individual or others on campus)
Retaliation

• Conduct which is taken against a complainant (reporting party) because they have filed a complaint or conduct taken against an individual who has cooperated with the investigation of a complaint
• Against MTSU policy
• Against the law
More Information

- MTSU’s Misconduct, Discrimination and Harassment Policy Based on Sex (Policy 27): [www.mtsu.edu/policies](http://www.mtsu.edu/policies)
- Visit MTSU’s Title IX (Sexual Violence) page at: [www.mtsu.edu/titleix/](http://www.mtsu.edu/titleix/)
Title IX Coordinators

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815-898-2750

Christy C. Sigler, JD (All)
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Diane Turnham (Athletes)
Senior Associate Athletic Director/SWA and Deputy Title IX Coordinator
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Murphy Center 151
615-898-2938
• **Americans with Disabilities Act (1990) as amended:** Prohibits discrimination against qualified individuals with disabilities

• **An individual with a disability is a person who:**
  
  o Has a physical or mental impairment that substantially limits one or more major life activities
  
  o Has a record of such an impairment; or
  
  o Is regarded as having such an impairment

• The ADA requires MTSU to provide reasonable accommodation for **graduate students/all students** and employees with a disability
  
  o Requests for accommodations for **you/your students** for **classes/academic work** are made at the Disability Access Center (DAC): KUC107 or 615-898-2783
  
  o Requests for accommodations for **your employment responsibilities** are made in IEC
Title VI (1964)

- **Title VI of the Civil Rights Act of 1964:**
  No person in the United States shall on the basis of **race**, **color** or **national origin**, be excluded from participation in, be denied benefits of, or be subjected to discrimination under any **program or activity** receiving **federal financial assistance** (includes grants/contracts)

- **Intent of Title VI is:**
  To ensure that eligible persons previously or traditionally deprived of equal opportunity (in education and employment) are adequately encouraged to participate fully in all MTSU programs and services
Title VI (1964) Continued…

- Title VI is covered under: MTSU Policy 26: Discrimination and Harassment Based on Protected Categories Other Than Sex
  - It includes: **race, color, religion, ethnic or national origin, disability, age** (as applicable), status as a protected **veteran, genetic information**, and/or any other legally protected class

- **Title VI Complaints:** are reported to Institutional Equity and Compliance (Cope 116)

- **Title VI Online Training** (Graduate Assistants and all other employees must complete Title VI and Title IX training within the first 30 days of new hire)
  - Title VI training is required **annually** in the state of Tennessee
  - You already received a link from our vendor (Safe Colleges) on August 19, 2019
  - You will continue to receive notice throughout the semester or until you complete the training
Title VI (1964) Continued…

• **Limited English Proficiency:**
  
  o **MTSU Policy 305: Limited English Proficiency**
    
    ✓ Title VI's also prohibits discrimination based on national origin and limited English proficiency
    
    ✓ Under Title VI, MTSU is required to provide LEP individuals with meaningful access to our programs and services
    
    ✓ Providing meaningful access generally involves services for oral interpretation and written translation of vital documents
  
  • **Avaza:** MTSU provides oral interpretation and written translation services (24/7) through **Avaza at: 615-810-8506 (Code 37970)**
    
    o IEC will pay for the service for all students, faculty and staff who need the service for their work at the University
    
    o Avaza language identification posters are available in each department
Institutional Equity and Compliance Team

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Questions