



# Sexual Harassment, Violence and Discrimination Prevention

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# Concorde's Commitment

Concorde is committed to providing a safe educational and work environment to all members of the Concorde community.

Anyone who believes they are a victim of sexual violence or a sexual offense should report the incident to the appropriate Concorde official and seek immediate medical and safety assistance.



# Overview

Schools are subject to both Title IX and the Clery Act, and both statutes address sexual violence on campuses.

The Violence Against Women Reauthorization Act of 2013 (VAWA), PL 113-4, amended the Violence Against Women Act and the Clery Act. The U.S. Department of Education has stated that VAWA amendments have “no effect” on a school’s obligations under Title IX: i.e., all of its existing guidance remains valid and schools must still comply with their basic Title IX obligations for all sex discrimination, including sexual violence.

However, the VAWA amendments impose significant new policy, procedure and training requirements that supplement school’s pre-existing Title IX obligations. VAWA intends to provide and promote awareness of:

- Domestic Violence
- Dating Violence
- Sexual Assault
- Stalking
- Consent



# What is Title IX?

- Prohibits sex-based discrimination in colleges that receive any kind of federal funding, including Concorde
  - Sexual harassment and sexual violence or misconduct are forms of sex discrimination
  - Includes harassment based on gender stereotyping
- Applies to all students and associates of Concorde
- It protects both men and women; it applies regardless of sexual orientation



# Title IX

- Title IX and Concorde policy prohibit discrimination on the basis of gender, including sexual harassment, sexual violence and sexual misconduct
- Concorde wants to ensure you know about this policy, how it is enforced, and how to report violations
- Retaliation against anyone reporting violations of this policy is prohibited



# VAWA

- VAWA was first enacted in 1994:
  - Violent Crime Control and Law Enforcement Act of 1994, 2000, 2005
- VAWA 2013 reauthorizes and improves victim services:
  - Applies to sexual offenses or acts of sexual violence, include domestic violence, dating violence, sexual assault and stalking
  - Regardless of victim's gender, sexual orientation, gender identity or gender expression



# VAWA

- VAWA incorporates provisions of earlier bill:
  - Campus Sexual Violence Elimination Act or Campus SaVE Act
  - Dear Colleague Letter issued by Office of Civil Rights at the Department of Education
- Campus SaVE Act made revisions to the Clery Act (Higher Education Act of 1965 regarding how schools report campus crime)
- The Clery Act requires schools to collect, classify and count crime reports and crime statistics as reported to Campus Security Authorities, issue Timely Warnings and Emergency Notifications, publish and distribute Annual Security Report, and submit crime statistics annually to the Department of Education



# VAWA

- Under VAWA, Concorde is required to:
  - Adopt policies to address and prevent sexual offenses or acts of sexual violence
  - Report campus crime statistics beyond the crime categories the Clery Act already mandates
  - Offer training to incoming students and new employees promoting awareness
  - Offer ongoing prevention and awareness campaigns



# Where does Title IX apply?

- Title IX prohibits sexual harassment both on and off campus
- Title IX applies to school activities that occur off campus
- Title IX may also apply to non-school related off campus activity if it creates a hostile environment at school



# Campus Safety Policy

Concorde is committed to the following policies:

- Providing a safe and healthy work and educational environment.
- Taking prompt remedial action up to and including immediate termination of any associate or student who engages in any threatening behavior or acts of violence or uses obscene, abusive, or threatening language or gestures.
- Taking appropriate action when dealing with clients, former associates or students, or visitors to the school's facilities who engage in such behavior. Such action may include notifying the police or other law enforcement personnel and prosecuting violators of this policy.
- Prohibiting associates, former associates, students, clients, and visitors from bringing unauthorized firearms or other weapons onto the school's premises.



# Campus Safety Policy

Concorde associates and students have a “duty to alert” their supervisors, Campus President or Human Resources:

- Any suspicious activity, situations, or incidents they observe or know of that involve other associates, students, former associates, clients or visitors that appear to be problematic.

This includes:

- Threats or acts of violence
- Aggressive behavior
- Offensive acts
- Threatening or offensive comments/remarks



# Sexual Misconduct

Concorde expressly prohibits sexually violent acts, termed Sexual Misconduct, which includes:

- Non-consensual sexual intercourse or contact
- Sexual exploitation
- Interpersonal/relationship violence
- Sex/gender-based stalking
- Sexual harassment



# Sexual Misconduct

- Sexual misconduct often overlaps with crimes of:
  - Rape
  - Sexual assault
  - Sexual harassment
  - Stalking
  - Dating violence
  - Domestic violence
- Victims of these crimes are protected by federal laws, specifically Title IX, the Clery Act and VAWA



# Sexual Assault Example

Pat is working late on homework in the campus's lab with Sandy. Pat thinks Sandy is being nice when she offers to walk Pat to her car. At Pat's car, Sandy starts to kiss Pat and Pat readily kisses Sandy back. Sandy starts to touch Pat's genitals and Pat pushes her hand away and says, "No, I don't want to." Sandy becomes more aggressive and continues to fondle Pat's genitals despite Pat saying, "No!"



# Sexual Offenses

Sexual Offenses are defined as any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent. Examples include:

- Fondling – the touching of the private body parts of another person without consent
- Incest – sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law



# Sexual Offenses

- Statutory Rape – sexual intercourse with a person who is under the statutory age of consent
- Sodomy
- Oral copulation
- Rape by a foreign object
- Sexual battery



# Dating Violence

Dating Violence: violence committed by a person who is or has been in a social relationship of romantic/intimate nature with the victim.

- Includes but not limited to: sexual abuse or the threat of such abuse
- Does not include acts covered under the definition of Domestic Violence



# Dating Violence Example

Sam and Alex have been dating for a couple of months. One day Sam and Alex are sitting on the couch together. Sam wants to watch TV and Alex wants to talk. Sam raises his arm and clenches his fist and yells at Alex, “I don’t want to talk, and if you don’t shut up, I’m going to make you shut up!” Sam then stands up and kicks the coffee table.



# Domestic Violence

Domestic Violence – a felony or misdemeanor crime of violence committed:

- By a current/former spouse or intimate partner
- By a person with whom the victim shares a child in common
- By a person who is/has cohabitated with the victim as a spouse or intimate partner
- By a person under the domestic or family violence laws of the jurisdiction in which the crime occurred



# Domestic Violence Example

Sue, a nursing student, just broke up with her boyfriend John two days ago. Sue tells you that last night John kicked her apartment door and yelled that he was going to punch her if she didn't open the door. John has been physically abusive with Sue in the past, but she has never told anyone. John got very angry with Sue and called her a "slut." John kept demanding that Sue open the door and frightened Sue.



# Stalking

Stalking: engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

- Fear for the person's safety or safety of others
- Suffer substantial emotional distress



# Stalking Example

Amanda and Trevor are assigned to a group project. The group members exchange phone numbers and Trevor calls Amanda for help with the project. As the term goes on, Trevor repeatedly asks her out and refuses to take no for an answer. Amanda fears for her safety and tells him she is not interested. But Trevor continues to call and text Amanda. Before a group meeting, Trevor waits outside the classroom and says, “What took you so long? I’ve been waiting for you for almost an hour, but I don’t mind.”



# Consent

Consent can take different forms:

- Informed – consisting of an affirmative, unambiguous, conscious decision by each participant to engage in mutually agreed-upon sexual activity
- Voluntary – given without coercion, force, threat, or intimidation
- Positive cooperation - the act or expression of intent to engage in the act pursuant to an exercise of free will



# Consent

Consent is:

- Revocable:
- Consent to some form of sexual activity does not imply consent to other forms of sexual activity.
- Consent must be ongoing throughout the sexual encounter and can be revoked at any time.

Once consent has been revoked, sexual activity **MUST** stop immediately.



# Consent

Consent is given when a person is not:

- Incapacitated:
- Physical and/or mental inability to make informed, rational judgments
- States of incapacitation include, but not limited to, unconsciousness, sleep, and blackouts
- Where alcohol or drugs are involved, incapacitation is defined with respect to how the alcohol/drugs impact a person's:
  - Decision making capacity
  - Awareness of consequences
  - Ability to make fully informed judgments



# Consent

A person cannot give consent if he or she is:

- Unconscious or coming in and out of consciousness
- Under the threat of violence, bodily injury, or other forms of coercion, or if his/her understanding of the act is affected by a physical or mental impairment
- Under the legal of age of consent in each state



# Consent Considerations

- Silence does not equal consent
- Lack of verbal resistance does not constitute consent
- Lack of physical resistance does not constitute consent
- Consent is not indefinite
- Minors and incapacitated persons cannot give consent
- Whether the accused knew, or a reasonable person should have known, that the complainant was incapacitated



# Sexual Harassment

It is the policy of Concorde Career Colleges, Inc. that all sexual harassment is prohibited.

All members of Concorde's community have an obligation to promote an environment that is free of sexual harassment.



# Sexual Harassment

Sexual Harassment includes:

- Physical assaults or physical conduct that is sexual in nature;
- Unwelcomed sexual advances or comments/requests for sex or sexual activity
- Sexual displays or publications
- Other verbal/physical conduct of a sexual nature that interferes with or creates an intimidating/hostile/offense work or learning environment
- Retaliation for complaints of harassment



# Sexual Harassment Examples

Includes but not limited to:

- Sexual propositions
- Sexual innuendo
- Sexually suggestive comments
- Sexually oriented “kidding,” “teasing” or “practical jokes”
- Jokes about gender-specific traits
- Foul or obscene language or gestures
- Displays of foul or obscene printed/visual materials
- Physical contact such as patting, pinching or brushing against another’s body
- Reading or publicizing materials that are sexually suggestive or revealing



# Sexual Harassment Complaints

- Any complaints or inquiries regarding sexual harassment of a student by a faculty or staff member should be brought to the immediate attention of either the Campus President or Human Resources
- Any complaints or inquiries regarding sexual harassment of a student by another student should be brought to the immediate attention of the Campus President.
- If a student feels it would not be appropriate to raise issue with Campus President, the student may inquire or complain to any officer of Concorde Career Colleges, Inc. at the level of Vice President or above.



# Sexual Harassment Complaints

- Disciplinary action for violation of this policy can range from verbal or written warnings, up to and including immediate termination from employment or dismissal from the school.



# Sexual Harassment Myths

- Only women can be sexually harassed
- There is no such thing as same sex harassment
- A person has to be the direct object of the harassment to be a victim
- Instructors can't be harassed by students
- The harasser must have a sexual interest in the victim



# Taking Action

- Bystander Engagement
- Identifying Warning Signs
- Avoiding Potential Attacks
- Reporting an Offense
- Investigation and Disciplinary Actions and Sanctions
- Campus Resources



# Bystander Engagement

- Most people want to help
- Incorrectly assume that someone else will take action
- Phenomenon known as Diffusion of Responsibility:
  - Each bystander's sense of responsibility decreases as the number of witnesses increases
  - End result – nobody speaks up, comes forward or helps
- This is not bystander apathy:
  - People may be truly concerned about the welfare of the victim
  - Sincerely believe that someone else will help
  - Other person is either more likely or more qualified or more capable



# Bystander Engagement

Four types of specific interventions

- Engage: say or do something that directly engages one or more of the parties involved
- Distract: say or do something to interrupt the interaction
- Enlist: ask for the help of someone else who may be better able to intervene
- Delay: say or do something after the difficult moment or incident has passed



# Bystander Engagement

Things to consider before you act:

- Is the situation an emergency or non-emergency?
- Should the intervention be direct, indirect or both?

	<b>Emergency</b>	<b>Non- Emergency</b>
<b>Direct</b>	<ul style="list-style-type: none"><li>• Take someone's keys away, drive the person home</li><li>• Remove the person from the situation</li><li>• Administer CPR</li></ul>	<ul style="list-style-type: none"><li>• Talk to the person directly about the situation</li></ul>
<b>Indirect</b>	<ul style="list-style-type: none"><li>• Call 911</li><li>• Seek assistance from a professional</li><li>• Distract the people involved</li><li>• Enlist help from others</li></ul>	<ul style="list-style-type: none"><li>• Speak to and get help from someone with more expertise and/or authority: your campus Title IX Officer, a campus administrator, or other professional</li></ul>



# Bystander Engagement Example

You are at a party and in the past hour you have noticed one of your male friends talking to a woman. They seem to be having a good time, but it is obvious the woman is intoxicated. At one point your friend walks by and you hear him say he is just going to get her “one more” and “that should be enough.” A few minutes later, you see him put his arm around her and start to lead her upstairs. What should you do?



# Bystander Engagement Example

- Is this an emergency or non-emergency example?
  - While not life-threatening, there's a certain urgency to the situation, especially after your friend takes the woman upstairs.
- Should intervention be direct, indirect or both?
  - You have the opportunity to intervene in different ways at different times in this example.



# Bystander Engagement Example

You hear him say he is just going to get her “one more” and “that should be enough.”

- This is an early opportunity to intervene:
  - You can be direct and tell your friend to stop
  - You can tell him your concerned he’s getting into a bad situation
  - Remind him that consent cannot be given when someone is incapacitated



# Bystander Engagement Example

A few minutes later you see him put his arm around the woman and take her upstairs.

- Engage: tell your friend to stop. Offer to help the woman come back downstairs to the party
- Distract: tell your friend someone is looking for him. Then take the woman outside for some fresh air.
- Enlist: ask the host to tell them the upstairs is off limits and/or locate the woman's friends to help



# Bystander Engagement Example

If you don't intervene immediately, you can still act after the fact. Sometimes delayed intervention in non-emergencies can be just as effective

- The next day you could:
  - Talk to your friend directly about the situation, your feelings about it and other choices he could have made
  - Call the woman to check on her and offer support
  - Strategize with other friends about how you might be able to intervene the next time



# Identifying Warning Signs

Behavioral warning signs may include, but are not limited to:

- Anger
- Depression
- Disruptions in close relationships
- Guilty feelings
- Problems concentrating and staying focused

[www.nsopw.gov](http://www.nsopw.gov)



# Identifying Warning Signs

What to say:

- If you suspect someone you know is the victim of sexual misconduct or violence, talking with them can be difficult
- The most important thing you can do is let them know that they have support and options
- Offer support without judgment or criticism
- Encourage him/her to get help
- Avoid confrontation



# Avoiding Potential Attacks

It is important to remember that the only person to blame when a sexual offence, act of sexual violence or sexual misconduct occurs, is the perpetrator.

- A few tips and strategies
  - Trust your gut instincts. If it doesn't feel right, don't worry about offending others, just leave
  - Notice when someone doesn't respect your boundaries. Don't be afraid to assert your right to have your boundaries respected.
  - Control access to your home and car by locking doors and not leaving windows wide open.
  - Notice where you are and who's around
  - Don't be afraid to ask for help when you feel unsafe, such as asking for an escort to your car.
  - Travel in groups where possible and appropriate



# Reporting an Offense

If you've been involved in an act of sexual violence, offense or misconduct, you are encouraged to:

- Report the incident as soon as possible
- Preserve evidence
- Seek medical attention
- Get support

\*Refer to Sexual Misconduct Response and Prevention policy for additional information



# Reporting an Offense

It is Concorde's policy not to notify local law enforcement when sexual misconduct occurs, unless:

- The victim requests notification
  - May do so directly or with assistance of campus authorities
- Threat to health and safety

Anyone with knowledge of a sexual assault or other sexual misconduct is encouraged to report it immediately to the Title IX Coordinator



# Protective Measures

Concorde takes events of sexual misconduct very seriously. The campus may employ immediate protection measures such as:

- Interim suspensions
- No contact orders

Other assistance may include:

- Opportunities for academic accommodations
- Changes in housing or transportation assistance
- VISA and immigration assistance
- Referral to off campus counseling services and/or victim's advocates



# Investigation

Upon notice, the Title IX Coordinator and Campus President will cause a prompt, fair, and impartial process to be initiated, beginning with an investigation. If the complaint involves an associate, HR will be notified and included in the investigation.

Investigation will protect the safety of the victims and promote accountability for those who commit offenses



# Investigation

The Title IX Coordinator is responsible for assuring in all cases the behavior is brought to an end, the school acts reasonably to prevent its reoccurrence, and the effects on the victim and community are remedied.

Once complete, the parties will be informed simultaneously, in writing of the outcome, including the finding, the sanctions (if any), and the rationale thereafter.



# Disciplinary Actions

The following disciplinary actions may be imposed, as appropriate, if a person is found to have committed an act of sexual misconduct:

- Immediate suspension and/or dismissal from school
- Termination of employment

Perpetrators of crimes may also be subject to criminal prosecution



# Retaliation

- Both Title IX and the Clery Act provide protection for whistleblowers who bring allegations of non-compliance with the Clery Act or Title IX to the attention of the appropriate campus administrators
- Concorde strictly prohibits retaliation against anyone who reports an incident of sexual misconduct or anyone associated with the allegations.
- Any allegation of retaliation will result in an independent complaint requiring investigation and resolution



# Conclusion

Remember, Title IX and VAWA protect the rights of ALL victims of sexual misconduct, regardless of the victims' gender, sexual orientation, gender identity, or gender expression.



# Sex Offenders

In accordance with the Campus Sex Crimes Prevention Act of 2000, Concorde is providing links to the applicable State Sex Offender Registries.

California: <http://www.meganslaw.ca.gov/disclaimer.aspx>

Colorado: <https://www.colorado.gov/apps/cdps/sor/>

Florida: <http://offender.fdle.state.fl.us/offender/homepage.do>

Kansas: <http://www.accesskansas.org/kbi/ro.shtml>

Mississippi: <http://state.sor.dps.ms.gov/>

Missouri: <http://www.mshp.dps.missouri.gov/MSHPWeb/PatrolDivisions/CRID/SOR/SORPage.html>

Oregon: <http://sexoffenders.oregon.gov/>

Tennessee: [http://www.tbi.state.tn.us/sex\\_ofender\\_reg/sex\\_ofender\\_reg.shtml](http://www.tbi.state.tn.us/sex_ofender_reg/sex_ofender_reg.shtml)

Texas: <https://records.txdps.state.tx.us/SexOffender/PublicSite/Application/Search/>

Washington: <http://www.doc.wa.gov/offenderinfo/default.aspx>

Nationwide: <http://www.nsopw.gov/en-US>



# Campus Resources

Title IX Coordinator

Student Affairs Department

Campus President

Human Resources

Referral to counseling services, health or medical services, legal services and victim advocacy services

[The Clery Act](#)

[Campus SaVE Act](#)

[Office on Violence Against Women](#)



# Lead Title IX Coordinator

Lead Title IX Coordinator

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