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Sexual misconduct

Sexual violence

Discrimination

Microaggressions

Harassment



BELMONT
UNIVERSITY

THE HUB: OFFICE OF
HOPE, UNITY & BELONGING

A hand-drawn notepad with a hole punch at the top right. The text "Trigger Warning" is written in a bold, black, sans-serif font on the notepad.

Trigger
Warning



Title IX

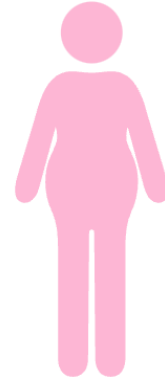
prohibits discrimination and harassment on the basis of:



**Sexual
Orientation**



Sex



Pregnant & Parenting



**Gender Expression &
Identity**



Jurisdiction – When can we take action?

Both Belmont community members aka students, faculty, staff, and contractors and

- (1) the incident occurred on campus;
- (2) the incident occurred at an off-campus Belmont activity or event; or
- (3) the incident occurred off-campus and denies or limits the ability of the Complainant to participate in or benefit from Belmont's educational programs or activities.



Sexual Misconduct Outside the Scope of Title IX

- Any conduct which occurs outside the Title IX Scope but which meets the definition of Sexual Misconduct under this Policy, including, for example, sexual assault or stalking involving students but occurring at an off-campus, non-Belmont affiliated location.
- Sexual Exploitation included by policy.



What qualifies as sexual harassment?

- Quid pro quo
- SPOO - Hostile Environment
- The Big Four

Sexual Harassment



on the basis of sex

1. Quid Pro Quo
2. SPOO
3. The BIG Four

1. Quid Quo Pro aka This for That



EMPLOYEE ON STUDENT
CONDUCT ONLY



AN EXCHANGE

Quid Pro Quo Examples



Adjunct Nurse promises nursing student a post-grad research position in top oncology center...

...in exchange for explicit photos of the student



Professor gives student prestigious judicial internship...

...in exchange for a date with student



2. Hostile Environment SPOO

- **Severe** - extreme acts, actions that may include physical assault or severe threat of bodily harm
- **Pervasive** - the unwelcome behavior is found throughout the employer's environment (school climate/culture)
- AND
- **Objectively Offensive** - reasonable person standard



Conduct to watch for:

- Sexually suggestive remarks
- Verbal harassment or abuse
- Sexually suggestive photos
- Sexually suggestive gesturing
- Harassing or sexually suggestive or offensive messages
- Subtle or direct propositions for sexual favors
- Touching of a sexual nature

SPOO Examples



Victim-blaming a peer in class zoom chat...
...throughout the semester.



Receiving a nude photo...
...then airdropping it on Freedom Plaza.



Soliciting a friend to engage in sex...
...on several occasions through Belmont
email.

3. The BIG Four



1. Sexual Assault
2. Dating Violence
3. Domestic Violence
4. Stalking

Federally defined



Belmont's Definition of Consent



» Clear

» Knowing

» Active

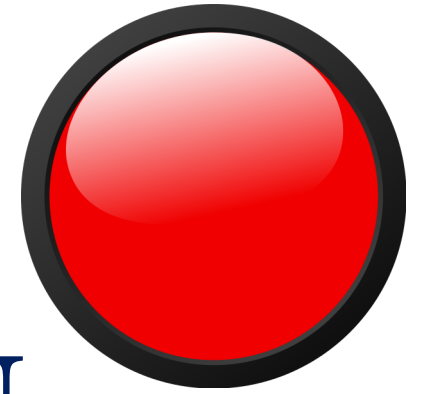
» Voluntary



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NOT CONSENT



- **INCAPACITATION OR COERCION**
- **SAID YES BEFORE**
- **SAID YES TO SOMETHING ELSE**
- **SAID YES TO SOMEONE ELSE**
- **WORE A CERTAIN OUTFIT**
- **SILENCE**



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Incapacitation

- A temporary or permanent state in which a person cannot make informed, rational judgments because the person lacks the physical or mental capacity to understand the consequences of their words and/or conduct; and/or the person is unable to physically or verbally communicate consent.
- Can the person understand the who, what, when, where, why and how of what is happening?



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Coercion

WORDS OR CONDUCT THAT, WHEN VIEWED FROM THE PERSPECTIVE OF A REASONABLE PERSON, SUBSTANTIALLY IMPAIR A PERSON'S ABILITY TO VOLUNTARILY CHOOSE WHETHER TO ENGAGE IN A PARTICULAR SEXUAL ACT. MORE THAN MERE SEDUCTION OR PERSUASION.

- PHYSICAL FORCE
- WORDS/CONDUCT THAT CAUSE A REASONABLE PERSON TO FEAR IMMINENT HARM TO HEALTH, SAFETY, OR PROPERTY OR TO THIRD PERSON
- THREAT OF LOSS OF JOB BENEFIT
- KIDNAPPING OF SELF OR THIRD PERSON.



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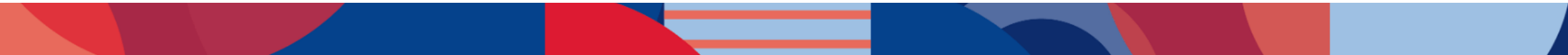
Retaliation against any person who makes a report or complaint or assists, participates in any investigation is prohibited.

Retaliation may result in disciplinary action.

RETALIATION



Investigation and Resolution Process





Formal Complaint

Must have to investigate!
Filed by Complainant or Title IX Coordinator



Supportive Measures

- Available in both Title IX Scope and non-Title IX Scope cases of sexual misconduct
- Available to Complainants and Respondents
- Non-punitive, non-disciplinary, and not unreasonably burdensome to the other party





What can my office do to help?

- Clearinghouse for resources:
- Counseling
- Ministerial
- Security
- Housing
- Outside law enforcement
- Academic
- Nashville Sexual Assault Center
- Referral to advocate
- Formal Investigation Process
- Reach out to another school's TIX Office





Informal resolution

- A resolution agreed to by the Parties prior to a Final Determination
- Examples:
- Supportive Measures Only
- Educational Conversation
- VNCO
- **Restorative Conference**
- **Traditional Mediation**



Investigation

- Assign investigator
- Collect evidence and conduct interviews
- Investigative report with review period and opportunity to ask questions of other party
- Supportive measures throughout



Hearing

- Outside, neutral hearing officer
- Advisors conduct questioning
- Call witnesses
- Opening and closing statements by parties



Sanctions

- Verbal Reprimand;
- Written Reprimand;
- Removal of University Housing. ;
- Restitution;
- Fines;
- Reflection Essays;
- Letters of Apology;
- Community Service;
- Required attendance in educational seminars, programs, etc.;
- Drug Testing;
- Loss of privileges, such as the privilege to move off-campus, membership in co-curricular organizations, etc.;
- Permanent No-Contact Orders between involved individuals;
- Permanent No-Trespass Order on Belmont's campus for an individual;
- Limited Probation. ;
- Suspension; and
- Expulsion.
- Employee discipline



Appeals

- Grounds for Appeal:
 - Procedural irregularity that affected the outcome.
 - Newly discovered evidence that could affect the outcome.
 - Actual conflict of interest or actual bias by an administrator or decision maker that affected the outcome.
- Deference given to original finder of facts.



Non-Title IX Sexual Misconduct Process

- Looks much the same but without a hearing



Confidential Campus Resources

- Counseling Services - belmont.edu/counseling
- Health Services
- University Ministries
- Confidential Victim Advocate – Amy Hodges Hamilton



Big Questions from Students

- Will you call my parents?
NO!
- If I make a report, will I be punished for visitation, alcohol, or other violations?
NO!
- Will you make me pursue an investigation? NO!





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CONTACT ME