



Title IX Policy and Procedures

LAST UPDATED: JANUARY 2016 (SHANNON HEGGINS)

Title IX of the Education Amendments of 1972 and its implementing regulation at 34 C.F.R. Part 106 (Title IX) is a federal law that prohibits sex discrimination in education. It reads:

"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."

Sex discrimination includes sexual harassment and sexual assault. While it is often thought of as a law that applies to athletic programs, Title IX is much broader than athletics and applies to many programs at Essex County College. While compliance with the law is everyone's responsibility at Essex, listed below are the staff members who have primary responsibility for Title IX compliance:

Title IX Coordinator

(----Name----)

Essex County College
303 University Avenue
Newark, New Jersey 07102
Phone:
Email:

The information provided in this document is intended to provide a summary of relevant procedural standards from the Title IX Coordinator to aid students in filing a complaint regarding sexual harassment or physical sexual misconduct. Nothing in this Policy or any of the College's procedures for the resolution of sexual misconduct complaints shall be construed to abridge academic freedom, principles of free speech, or Essex County College's educational mission.

SCOPE OF POLICIES AND PROCEDURES

This Policy is intended to provide the Essex County College community with a clearly articulated set of behavioral standards, and definitions of prohibited conduct and key concepts. The Policy applies to all community members, including students, faculty, staff, affiliates, visitor's, applicants for admission or employment, and independent contractors. Vendors and others who conduct business with the College or on Essex County College property are also expected to comply with this Policy. The Policy applies regardless of a person's gender, gender identity, gender expression, sexual orientation, age, race, nationality, class status, religion, or other protected status.

This Policy applies both to on-campus and off-campus conduct if (1) the conduct was in connection with a College or College-recognized program or activity, or (2) the conduct may have the effect of creating a hostile environment for a member of the Essex community. This Policy includes a list of on-campus resources available to those affected by sexual misconduct and the extent to which such resources have reporting obligations or may maintain the confidentiality of a report of sexual misconduct.

Essex County College recognizes that sexual assault, harassment, discrimination and other forms of sexual misconduct can have a profound impact on a person's personal, academic, and work life. The College encourages anyone coping with such a situation to seek help and support. Students who are uncertain of their options or simply need help should contact the following people for assistance:

Title IX

- Title IX Coordinator-
- Shannon Heggins
sheggins@essex.edu

Human Resources Department

- Julette Cherrington, Acting Director or designee
cherrin@essex.edu

Student Life and Development

- Dean of Student Success or designee
slade@essex.edu

Public Safety Department

- Director of Public Safety, Anthony Cromartie
- Room 2231
- Phone: 973-877-3312

COORDINATION WITH ESSEX COUNTY COLLEGE'S NON-DISCRIMINATION POLICY

Essex County College recognizes that discrimination and harassment related to a person's sex can occur in connection with misconduct which is related to a person's sexual orientation, gender identity, gender expression, race, color, ethnicity, national origin, religion, age, disability, or other protected class. Targeting a person on the basis of these characteristics is also a violation of state law, federal law and Essex County College Policy.

PROHIBITED CONDUCT: DEFINITIONS & EXAMPLES

"Sexual misconduct" is a broad term that encompasses a wide range of behaviors, including but not limited to, sexual harassment, sex/gender discrimination, sexual assault, rape, acquaintance rape, stalking, and relationship violence (including dating and domestic violence). It is a violation of College policy as well as applicable law to commit or to attempt to commit these acts.

Sexual misconduct can occur between strangers or acquaintances, including between people who are or have been involved in an intimate or sexual relationship. It can be committed by anyone, regardless of gender or gender identity, and can occur between people of the same or different gender. This Policy prohibits all forms of sexual misconduct.

SEXUAL ASSAULT (INCLUDING RAPE)

Sexual assault is actual or attempted sexual contact with another person without that person's consent. Sexual assault includes, but is not limited to:

- Intentional touching of another person's intimate parts without that person's consent; or
- Other intentional sexual contact with another person without that person's consent; or
- Coercing, forcing, or attempting to coerce or force a person to touch another person's intimate parts without that person's consent; or
- Rape, which is penetration, no matter how slight, of (1) the vagina or anus of a person by anybody part of another person or by an object, or (2) the mouth of a person by a sex organ of another person, without that person's consent.

SEXUAL HARASSMENT

Sexual Harassment is unwelcome conduct of a sexual nature that has the effect of creating a hostile or stressful learning, or working environment, or whenever toleration of such conduct or rejection of it is the basis for an academic or employment decision affecting an individual. Conduct is considered "unwelcome" if the person did not request or invite it and considered the conduct to be undesirable or offensive.

Sexual harassment includes any conduct or incident that is sufficiently serious that it is likely to limit or deny a student's ability to participate in or benefit from the College's educational programs or a faculty or staff member's ability to work, which may include a single incident of sexual harassment or other serious sexual misconduct.

FORMS OF PROHIBITED SEXUAL

Sexual harassment can take many forms:

- Occur between equals, such as student to student, faculty member to faculty member, staff to staff, or visitor/contracted employee to staff.
- Occur between persons of unequal status, such as supervisor to subordinate, faculty member to student, coach to student-athlete, student leader to first-year student. Although sexual harassment often occurs in the context of exploitation by the person with the greater power in a relationship, a person who appears to have less power can also commit sexual harassment (such as a student harassing a faculty member).
- Be committed by an acquaintance, a stranger, or someone with whom the complainant has or had a personal, intimate, or sexual relationship.
- Occur by or against a person of any sex, gender identity or expression, or sexual orientation.

The following non-exhaustive list includes examples of behavior that could be considered sexual harassment:

- Unwelcomed sexual innuendo, propositions, sexual attention, or suggestive comments and gestures.
- Unwelcomed physical contact of a sexual nature, such as touching, hugging, kissing, patting, or pinching, that is uninvited and unwanted or unwelcome by the other person.
- Humor and jokes about sex or gender-specific traits; sexual slurs or derogatory language directed at another person's sexuality or gender.
- Insults and threats based on sex or gender; and other oral, written, or electronic communications of a sexual nature that a person communicates are unwelcome.

- Written graffiti or the display or distribution of sexually explicit drawings, pictures, or written materials; sexually charged name-calling; sexual rumors or ratings of sexual activity/performance; the circulation, display, or creation of e-mails or Web sites of a sexual nature. (For more information, on misconduct using the College's computers; please see the College Regulation: REG 9-4, Computer and Email Usage and REG 9-5, Internet Usage.)
- Non-academic display or circulation of written materials or pictures degrading to a person(s) or gender group.
- Unwelcome attention, such as repeated inappropriate flirting, inappropriate or repetitive compliments about clothing or physical attributes, staring, or making sexual gestures.
- Change of academic or employment responsibilities (increase in difficulty or decrease of responsibility) based on sex, gender identity or expression, or sexual orientation.
- Use of a position of power or authority to: (i) threaten or punish, either directly or by implication, for refusing to tolerate harassment, for refusing to submit to sexual activity, or for reporting harassment; or (ii) promise rewards in return for sexual favors.
- Acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex-stereotyping.

SEXUAL EXPLOITATION

Sexual exploitation occurs when a person takes non-consensual or abusive sexual advantage of another for his/her own advantage or benefit, or to benefit or advantage anyone other than the one being exploited.

Examples of behavior that could rise to the level of sexual exploitation include:

- Prostituting another person;
- Recording images (e.g., video, photograph) or audio of another person's sexual activity, intimate body parts, or nakedness without that person's consent;
- Distributing images (e.g., video, photograph) or audio of another person's sexual activity, intimate body parts, or nakedness, if the individual distributing the images or audio knows or should have known that the person depicted in the images or audio did not consent to such disclosure and objects to such disclosure; and,
- Viewing another person's sexual activity, intimate body parts, or nakedness in a place where that person would have a reasonable expectation of privacy, without that person's consent, and for the purpose of arousing or gratifying sexual desire.

STALKING

Stalking is a course of conduct involving more than one instance of inappropriate and unwanted attention, harassment, threatening or intimidating physical or verbal contact, or any other course of conduct directed at a person that could be reasonably regarded as likely to alarm or place that person in fear of harm or injury, including physical, emotional, or psychological harm. This includes the use of technology to pursue, harass, threaten, intimidate, or otherwise make unwelcome contact with another person. Stalking may involve people who are known to one another or have an intimate or sexual relationship, or may involve people not known to one another.

Stalking is prohibited by New Jersey law. Stalking can also constitute a violation of this Policy when the conduct involves an Essex County College student or employee and is gender-based.

Examples of Stalking:

The following persistent, unwanted, and repeated harassing conduct may constitute stalking:

- Every time Natalie went to class, Ben, another student, would sit next to her. Ben kept trying to talk to Natalie even though she told him she was not interested in him. Ben then started showing up everywhere that Natalie went – right outside her afternoon classroom, in the Clara Dasher Center, and at her work-study job. Ben was persistent and threatened to “make” Natalie go out with him. If Ben continues to pursue this conduct, his action may constitute stalking in violation of this Policy.

- David dated Ellen, a Nursing student, a couple of times but eventually stopped seeing her. Then Ellen began sending David several e-mails a day, messaging him on Instagram, and sending text messages to his cell phone. David changed his e-mail address and cell phone number, but somehow Ellen discovered his new address and cell phone number and began sending even more e-mails and texts. David really wants Ellen to stop contacting him, but he is not sure what to do. Ellen’s conduct toward David may constitute stalking in violation of this Policy.

RELATIONSHIP VIOLENCE (DATING AND DOMESTIC)

Relationship violence is abuse, violence, or intentionally controlling behavior between partners or former partners involving one or more of the following elements: (i) battering that causes bodily injury; (ii) purposely or knowingly causing reasonable apprehension of bodily injury; (iii) emotional abuse creating apprehension of bodily injury or property damage; (iv) repeated telephonic, electronic, or other forms of communication – anonymously or directly – made with the intent to intimidate, terrify, harass, or threaten. Relationship violence can occur in all type of relationships (e.g., heterosexual, same sex, or any other type of relationship). Relationship violence may constitute a violation of this Policy when it involves an Essex County College student, faculty or staff member, and the conduct is gender-based.

Examples of Relationship Violence

- a. Tracey's boyfriend Mark yelled at her today because she was late meeting him for lunch. Mark grabbed Tracey's arm and pulled her out of the dining hall. Tracey was embarrassed. Later Mark said he was so sorry for humiliating her. Tracey says things are okay now, but she wonders when it will happen again.

- a. Zach and James have been dating for a month. Zach, a student, has always been jealous, but now he becomes angry when he does not know where James is. He tells James that he will kill him if he ever cheats on him. Zach also told James that he would kill himself if James ever left him. The other day, Zach slapped James when he was mad at him. James is becoming more and more afraid of Zach, but he feels trapped and does not know what to do.

RETALIATION

Retaliation is an adverse action or attempt to seek retribution against the accuser, or any person or group of persons involved in the investigation and/or resolution of a sexual misconduct complaint. Retaliation can be committed by any person or group of persons, not just the accused. Retaliation may include continued abuse or violence, other forms of harassment, and slander and libel.

Two Examples of Retaliation:

- Katie reported to the Dean of Students that she felt her ex-boyfriend, Nate, was harassing her on the basis of her sex. Judicial conducted an investigation and held Nate responsible for the behavior reported. Nate was suspended for one semester. A week after the disciplinary decision was issued, Nate's friends excluded Katie from the invitation list of a unique educational conference because she had "ratted out" Nate to the Dean.

- Rachel accused Danielle of stalking. Rachel told Judicial Affairs that she had four witnesses, including Katrina who was Danielle's roommate. Danielle found out that Katrina was a witness in the investigation and had provided information supportive of Rachel. Danielle confronted Katrina in the Smith Hall and told her that because Katrina didn't support Danielle during the investigation, they were no longer friends and Danielle would no longer lend Katrina her car.

ADDITIONAL IMPORTANT CONCEPTS AND DEFINITIONS

CONSENT

Consent must be informed and voluntary, and can be withdrawn at any time. Consent can be given by words or actions as long as those words or actions create mutually understandable permission regarding the scope of sexual activity. There is no consent when there is force, expressed or implied, or when coercion, intimidation, threats, or duress is used. Whether a person has taken advantage of a position of influence over another person may be a factor in determining consent.

Silence or absence of resistance does not imply consent. Past consent to sexual activity does not imply ongoing future consent. There is no consent if a person is mentally or physically incapacitated or impaired and he or she cannot understand the fact, nature, or extent of the sexual situation; this includes impairment or incapacitation due to alcohol or drug consumption that meets this standard, or being asleep or unconscious.

EFFECT OF DRUGS AND ALCOHOL ON CONSENT:

Individuals should be aware of, and carefully consider, the potential consequences of the use of alcohol or drugs. Alcohol and other drugs can lower inhibitions and create an atmosphere of confusion over whether consent is freely and affirmatively given. If there is a question about whether someone consented to sexual activity after consuming drugs or alcohol, the College will examine the issue from the perspective of a reasonable person. Specifically, the College will consider whether the accused reasonably should have known about the impact of alcohol and other drugs on the complainant's ability to give consent.

INCAPACITATION

An individual who is incapacitated is not able to make rational, reasonable judgments and therefore is incapable of giving consent. Incapacitation is the inability, temporarily or permanently, to give consent, because the individual is mentally and/or physically helpless due to drug or alcohol consumption, either voluntarily or involuntarily, or the individual is unconscious, asleep or otherwise unaware that the sexual activity is occurring. In addition, an individual is incapacitated if he/she/they demonstrate that they are unaware of where they are, how they got there, or why or how they became engaged in a sexual interaction. Where alcohol is involved, incapacitation is a state beyond drunkenness or intoxication. Some indicators of incapacitation may include, but are not limited to, lack of control over physical movements, lack of awareness of circumstances or surroundings, or the inability to communicate for any reason. An individual may experience a blackout state in which he/she/they appear to be giving consent, but do not actually have conscious awareness or the ability to consent. It is especially important, therefore, that anyone engaging in sexual activity be aware of the other person's level of intoxication. The relevant standard that will be applied is whether the Accused knew, or a sober reasonable person in the same position should have known, that the other party was incapacitated and therefore could not consent to the sexual activity.

RIGHTS OF COMPLAINANT AND RESPONDENTS

Persons who make a complaint and those who are responding to complaints have the following rights:

- The option to notify law enforcement;
- The option to have another member of the College Community present during interviews that are a part of the College initiated investigations;
- To be notified of counseling and support services available; and
- To be notified of options to change academic and or work arrangements.

DISCLOSURE

The Family Educational Rights and Privacy Act of 1974 (FERPA) permits the College to disclose the outcome of any students conduct proceeding to the person filing the complaint without prior written consent when the disclosure is to a victim of an alleged perpetrator of a crime if violence including physical sexual misconduct. Furthermore, FERPA permits the College to notify the student filing the complaint of any sanctions assigned to another student that may affect him or her.

SANCTIONS

Any individual enrolled at Essex County College whose conduct is found to violate the Student Code of Conduct shall be subject to disciplinary sanctions.

These sanctions include but are not limited to:

1. **Warning** - a written reprimand which becomes a part of the student's discipline file and includes the possibility of more severe disciplinary sanctions in the event of the finding of a subsequent violation of a College Regulation.
2. **Community Service** - voluntary unpaid work, intended to be of social use, that an offender is required to do to rectify an issue.
3. **Change** of course, section, room, program and or instructor.
4. **Removal** from class or program.
5. **Probation** - the student is permitted to remain enrolled only upon the condition that he or she complies with all rules or regulations or with other standards of conduct
6. **Suspension** - the student is denied the right of attendance at the College. The student is not allowed on any of the College properties until the suspension is lifted.
7. **Expulsion** - the student is immediately dismissed from the College and denied future enrollment at Essex County College.

COMPLAINT PROCESS

TITLE IX COORDINATOR

Students who believe they have been the victim of sexual harassment or physical sexual misconduct by another student are encouraged to file a complaint with the Title IX Coordinator as soon as possible after the incident takes place, preferably within 30 days. The Title IX Coordinator has discretion to accept or issue a complaint and issue charges against a student regardless of when the complaint is submitted if the conduct poses a possible threat to the College community or to individual members of the College community. A complaint must be prepared in writing and submitted to the Title IX Coordinator. The Title IX Coordinator is responsible for overseeing the complaint and investigation process and assigning complaints to Investigators.

Shannon Heggins
Title IX Coordinator
Essex County College
303 University Avenue
Newark, New Jersey 07102
Phone: 973-877-3435
Email: sheggins@essex.edu

RESOURCES

Essex County College believes it is important that students are aware of opportunities for support and assistance. Available resources are listed below. Reporting any allegations of sexual harassment or sexual misconduct to any of the resources listed below will result in an investigation. All information reported is given to the Public Safety Department anonymously for inclusion in the annual campus crime report.

Essex County College Public Safety Department

Phone: 973-877-3132
Address: 303 University Avenue
Newark, NJ 07102

Student Life & Activities

Phone: 973-877-3312
Address: 303 University Avenue
Newark, NJ 07102

ADDITIONAL RESOURCES

Essex County Prosecutors Office

Phone: 973-621-4700
Address: 50 W. Market Street
Newark, NJ 07102

Newark Police Department

Phone: 973-733-6000
Address: 22 Franklin Street
Newark, NJ 07102

West Caldwell Police Department

Phone: 973-226-4114
Address: 21 Clinton Road
West Caldwell, NJ 07006

VICTIM AND ADVOCACY CENTERS

**Office of Victim Witness Advocacy
Essex County Prosecutor's Office**
New Courts Building-3rd Floor
50 West Market Street
Newark, New Jersey 07102
Phone: 973-621-4687 or 973-621-4689
Fax: 973-621-6150

**Essex County Sexual Violence Program
Family Service League, Inc.**
60 South Fullerton Ave; Suite 109
Montclair, NJ 07042
Hotline: 877-733-CARE (2273)
Phone: 973-746-0800

New Jersey Coalition Against Sexual Assault (NJCADA) Hotline:

Phone: 1(800) 601-7200

This 24 hour hotline will connect individuals affected by sexual violence with professionals that provide assistance and referrals. Calls to this toll free hotline will be routed to the individual closest rape care center. You may also call programs directly to make an inquiry.

INVESTING ALLEGATIONS OF SEXUAL HARRASSMENT AND SEXUAL VIOLENCE

The College shall conduct a prompt, thorough, and impartial inquiry into any reports of sexual harassment and/or physical sexual violence. The goal of the investigation process is to collect information regarding the incident to respond to the victim's complaint and to mitigate the risk of harm to other individuals at the University. An investigation should generally be completed within 60 days of the date the complaint is filed.

There may be some instances when the College may pursue an investigation regardless of the requests of the complaining party if necessary to provide a safe and nondiscriminatory environment for all students. If the complaining party chooses not to participate in the investigation process, the College's ability to respond to the complaint may be limited. The College is obligated to investigate all incidents of Sexual Misconduct.

If the Claimant chooses to participate in the student judicial process the student filing the complaint and the respondent may each be assisted by a College Community representative of his or her choice during any investigative meeting, preliminary review, disciplinary conference, or hearing. The role of a College Community representative is to accompany the student and assist him or her with any hearing or conference preparations. The representative may not participate directly in any proceedings or represent any student involved.

The College may also determine that interim action(s) may be necessary to stop or prevent any further harassment from occurring. Should the Title IX Coordinator, in consultation with the General Counsel, determine that a threat to the health and/or safety of the campus community exists, an interim suspension may be applied for the accused student pending the outcome of a conduct proceeding. No permanent changes will be made to the accused student's campus housing assignment or student status pending the outcome of the conduct proceeding, however the accused student may be relocated or removed from housing on a temporary basis. If any accused individual is an employee of the University, the matter will be referred to the Title IX Coordinator for Employees, Staff and Visitors. If any accused individual is neither an employee nor a student, the Title IX Coordinator may request that the accused individual be banned from Essex County College campus community.

STUDENT JUDICIAL HEARING

If the investigation results in any charge(s) of violation of *College Code of Student Conduct*, an accused student may elect to have his or her case heard in a disciplinary conference or at a hearing before the Judicial Committee. If the accused student elects a disciplinary conference, both the person filing the complaint and the accused student will have equal opportunity to share information with the conduct officer conducting the disciplinary conference before a final determination on responsibility is made. If the accused student elects a formal hearing, the student filing the complaint will be invited to attend the formal hearing, provide information, and pose questions to witnesses to the same extent as the accused student. If the person filing the complaint chooses to have someone at the College serve as the complaint party at the hearing, that person is still able to provide information to the Judicial Committee in the form of his or her narrative of the incident. After questioning, that student may remain at the hearing but will not be permitted to participate in the process. A student filing a complaint against another student is not mandated to participate in any student conduct proceeding(s), however his or her absence may limit the conduct officer or board's ability to evaluate all relevant information to the fullest extent possible.

In a formal hearing, the hearing officer or committee may accommodate any student(s) with concerns for the personal safety, well-being, and/or fears of confrontation during the hearing by providing separate facilities and/or by permitting participation by other means as determined by the Judicial Committee to be appropriate.

The student bringing a complaint of sexual harassment and/or physical sexual misconduct, and the accused student shall each be afforded one single opportunity to appeal decisions and/or any sanction(s) issued by a hearing administrator or committee.

In situations where an arrest is made, the Title IX Coordinator will work in conjunction with Essex County College Police and the Essex County Prosecutor's Office to support any relevant court mandates which affect the campus or accused's student status. However, student conduct proceedings may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus at the discretion of the Title IX Coordinator. Prior determinations made or sanctions imposed under these procedural standards are final. Determinations or sanctions will not be subject to change because criminal charges arising out of the same facts giving rise to violation of College rules are later dismissed, reduced, or resolved in favor of or against the Accused.

STUDENT JUDICIAL HEARING DECISION(S)

Within five (5) business class days after the conclusion of the hearing, the Judicial Committee shall submit written findings of fact, conclusions regarding the charge(s), and obligation of a sanction, if any, to the accused and any College Official who is determined to have legitimate interest in the result. In the case of sexual misconduct and violations involving dating violence, domestic violence, sexual assault, or stalking, both parties shall receive simultaneous notification of the results and sanctions imposed, as well as notice of the appeal process.

RETALIATION POLICY

No member of the College community shall retaliate, intimidate, threaten, coerce or otherwise discriminate against a person who files a Title IX complaint, serves as a witness, or assists or participate in a Title IX proceeding in any manner. Participants who experience retaliation should report the incident to:

Title IX Coordinator

Shannon Heggins
303 University Avenue, Room 6115
Newark, NJ 07102
Phone: 973-877-3435
Fax: 973-877-1922
Email: sheggins@essex.edu

STUDENT TIMELINE FOR COMPLAINTS

- The College will conduct a timely review of all complaints of dating violence, domestic violence, and/or stalking. Absent extenuating circumstances, review and resolution is expected to take place within sixty (60) calendar days from receipt of the complaint.
- The preliminary review of all complaints, including any necessary interviews to be concluded and any necessary interim measures to be put in place, will usually be completed within five (5) days if receipt of the complaint.
- The subsequent, comprehensive review and investigation of the complaint, including interviews with all involved parties and gathering of evidence may be completed within fifteen (15) days of receipt of the complaint.
- The Student Disciplinary Hearing will take place within 30 days of the date the Complaint was filed.

- The disciplinary decision will be forwarded to all parties within thirty-five (35) business days of the date in which the complaint was filed.
- An appeal of the results must be submitted within seven (7) days of receipt of the disciplinary result.
- Absent extenuating circumstances, decisions on appeals are typically issued within twenty (20) days of submission of the appeal.

*****All of the above deadlines may be extended for good cause by the Dean of Student Success or designee. Both the Accused and the Complainant will be notified in writing of the delay and the reason for the delay*****

ONGOING PREVENTION, RISK REDUCTION AND AWARENESS CAMPAIGNS FOR
EMPLOYEES AND STUDENTS

April is **Sexual Assault Awareness Month** - Essex County College will present "Denim Day" as a campaign to bring awareness to students and employees of Rape and Sexual Assault. This will be a College wide event. Employees, Faculty, and students will wear Denim on the selected day in April to signify the importance. (Date to be announced in conjunction with Student life & Activities and the Title IX Coordinator)

Essex County College will also take part in a vigil (balloons or medium of choice) that will be held in honor of those that have been affected by Rape and Sexual Assault or Violence.

The **International Campaign to Stop Race and Gender Violence** is a movement that Essex County College encourages its students to take part in. the following information will be offered to students and employees for awareness:

- PBS Series: Women, War and Peace
- Short Documentary by Kvinna till Kvinna: Women's War
- IF Productions: Weapon of War: Confessions of Rape in the Congo
- Lisa Jackson: The Greatest Silence: Rape in the Congo

The above mentioned programs will be shown at the College on various dates. A calendar of events will be relayed to the College Community.

The "**Black Dot Campaign**" is a grassroots movement that isn't currently recognized by law enforcement or health officials. One in four women in the U.S. has experienced severe violence at the hands of an intimate partner, yet asking for help is often far too dangerous for victims to consider. That is what insured a new grassroots campaign that allows survivors to open up about their experiences without even having to say a word.

To help survivors signal to others that they need help, but are struggling to ask for it, this new initiative is encouraging victims to paint a tiny black dot on their hands as a sign. The goal is for the black dot to serve as a subtle, yet urgent, message to agencies, relatives, friends, and others that victim is in need of services to help then escape the abuse. Essex County College encourages students and staff to participate in this initiative. For many, the Black Dot Campaign is enabling victims to speak out for the very first time.

BYSTANDER INTERVENTION: PEER LEADERSHIP

What is a Bystander?

A Bystander or witness is anyone who sees a dangerous or potentially dangerous situation. Bystanders may or may not know what to do or may expect someone else to do something to help. Research shows that educating and engaging bystanders is a promising way to help prevent the problem of sexual violence within college community.

HOW TO INTERVENE

People may be in the midst of a violent situation but do not always admit that violence is happening. Some choose to ignore the situation, look away or call it something else. No one has the right to be violent even if two people are dating. Examples of violence include but are not limited to: ***grabbing, hitting, pushing, yelling, or name calling, etc.***

DETERMINING WHETHER THERE IS A PROBLEM

Knowing when to intervene is key to bystanders stepping up. Some signs to look for:

- Aggressive or violent behavior
- Attempts to get someone drunk in order to "hook up"
- Attempts to physically separate a person in order to get them alone
- Intimately touching someone in public, especially if they just met, or the other person is drunk

TIPS FOR INITIATING BYSTANDER INTERVENTION:

- **Be friendly.** Be safe and remember that antagonism creates more antagonism. Be friendly and engage in non-confrontational dialogue.
- **Recruit Help.** The more people you have around, the easier it may be to diffuse the situation.
- **Be Positively Intrusive.** Ask both parties if they are okay. Engage in interesting conversations to break up the negative behavior. If you are in another room and the door is closed, knock on the door and ask for the person to come out.

BYSTANDER INTERVENTION: EXAMPLE STRATEGIES

- **Talk to a third person.** Find a friend of one of the two people and talk about your concerns. Get a friend to step in with one person while you step in with the other.
- **Distract.** Take one person aside and talk to him or her about anything. Your presence will help diffuse the situation.
- **Interrupt.** Knock on the door or just walk in. It's better to interrupt a scene than stand around while someone is assaulted. Do anything to change the mood.
- **Use "I" statements.** State your feelings. Name the behavior. State how you want the person to respond. This focuses on your feelings rather than criticizing the other person. For example, you may say: "I feel _____ when you _____ Please don't do that anymore."
- **Engage a 'Silent Stare.'** Remember, you don't have to speak to communicate. Sometimes a disapproving look can be far more powerful than words.
- **Use Humor.** Humor reduces the tension of an intervention and makes it easier for the person to hear you. Do not undermine what you say with too much humor. Funny doesn't mean unimportant.
- **There is Power in Numbers.** There is safety and power in numbers. This tactic is best used with someone who has a clear pattern of inappropriate behavior where many examples can be presented as evidence of his problem.
- **We're Friends, right...?** This tactic reframes the intervention as caring and non-critical. For example, you may say: "Hey Chad... ..as your friend, I've gotta tell you that getting a girl drunk to have sex with her isn't cool and it could get you in a lot of trouble. Don't do it."
- **Distraction.** This snaps someone out of their "comfort zone." For example, ask the person who is engaging in harassing behavior for directions or the time. This allows a potential target to move away and/or to have other friends intervene. A way in which you could do this would be to spill your drink on the person or interrupt and start a conversation with the person.

FREQUENTLY ASKED QUESTIONS: TITLE IX

1. What is Title IX?

- a. Title IX of the Education Amendments Act of 1972 is a federal law that 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."

2. Who does Title IX apply to?

- a. Title IX applies to all educational institutions, both public and private, that receive federal funds. Almost all private colleges and universities must abide by Title IX regulations because they receive federal funding through federal financial aid programs used by their students.

3. What is Title IX and how does it apply to bullying?

- a. Title IX is not just about sports! It is a federal law that prohibits discrimination on the basis of sex-including harassment and bullying-in schools that receive federal funding. This means that school districts may violate Title IX when sex- based harassment by classmates (or peers) is so serious that it creates a hostile environment for the victim and such harassment is encouraged, tolerated, not adequately addressed, or ignored by school employees.

4. Does Title IX apply to discrimination against boys and men?

- a. Yes. Title IX protects every student from sexual harassment or gender-based harassment in schools. It also applies to school employees, such as teachers.

5. Do the harassing student and victim have to be of the opposite sex?

- a. No. As long as the harassment or bullying is on the basis of sex, it does not need to come from a student of the opposite sex to be prohibited by Title IX.

6. When does harassment create a hostile environment?

- a. Harassment creates a hostile environment when it is sufficiently severe, pervasive, or persistent that it interferes with or limits a student's ability to participate in or benefit from school, including all activities and services.

7. What must the College do to protect me?

- a. Essex County College must do something about harassment that it knows about or reasonably should know about. If harassment is reported, or if it is widespread or well-known to students and staff, the College has to respond. A Institution is required to investigate the harassment in a prompt, thorough, and fair way. If an Institution determines that sexual harassment has occurred, it must take effective steps to end the harassment and prevent it from happening again.

8. Is there someone at the College who should know about Title IX?

- a. Yes. More than one person knows about the law's requirements, but Title IX requires that the College designate at least one employee as a "Title IX Coordinator," to make sure the College is following the law. As part of this requirement Institutions must investigate any claims of sex discrimination.

9. What are my legal options?

- a. Schools are responsible for complying with Title IX, and this responsibility can be enforced by the U.S. Department of Education's Office for Civil Rights (OCR)-you can file a complaint with OC R online-or through a lawsuit in federal court. You should talk to a lawyer to find out your options.