



NATIONAL AMERICAN UNIVERSITY

2020 Student, Faculty, and Staff Sexual Misconduct Training Title IX and Violence Against Women Act (VAWA)

What are Title IX and VAWA?

Title IX of the Education Amendments of 1972 (20 USC § 1681 *et seq.*) and the Violence Against Women Reauthorization Act of 2013 (VAWA) (42 USC § 13701 *et seq.*) together prohibit sex discrimination, sexual harassment, sexual violence, domestic violence, dating violence, and stalking that take place on a campus, via other media, or at a university sponsored event. These acts are prohibited whether by a student, faculty member, staff member, or a third party.

Where can I find NAU's Sexual Misconduct and Harassment and Nondiscrimination Policies?

- NAU Public Website <http://www.national.edu/about-nau/sexual-complaint-reporting/>
- 2019-2020 Undergraduate, Master's, and Doctoral Academic Catalogs <http://www.national.edu/catalogs>
- MyNAU Faculty and Staff Intranet <https://mynau.national.edu>

Who does the Sexual Misconduct Policy apply to?

- NAU Faculty, staff, and students
- Consultants
- Contractors
- Vendors
- Campus Visitors

What is a hostile environment?

- Viewed from a "reasonable person's" perspective
- The harassment is repetitive or severe in nature
- The behavior prevents the student or employee from functioning
- In cases of sexual violence and severe harassment, one incident can create a hostile environment

What is included in sexual misconduct?

- **Dating violence** – dating violence is abuse committed by someone who is or has been in an intimate relationship with the victim.
- **Domestic Violence** – abuse committed against someone who is a cohabitant in an intimate relationship, a spouse, or someone who has a child with the accused. This also includes former relationships.
- **Sex discrimination** – discrimination and harassment based upon a person's gender or gender identity.
- **Sexual harassment** – unwelcome sexual advances; requests for sexual favors; sexually motivated physical contact; verbal or physical conduct or other communication of a sexual nature. When submission to such conduct is unwanted or unwelcome; a condition of admissions; employment; or is tied to academic achievement; is the basis for any decision affecting your ability to obtain employment or education; interferes with your academic

performance; or creates an intimidating, hostile, or offensive educational or work environment.

- **Sexual violence/assault** – rape; sexual assault; sexual battery; sexual coercion; or sexual violence.
- **Stalking** – stalking is conduct that involves excessive attention directed at a specific person that intends to harass or intimidate causing a reasonable person to fear for their safety or the safety of others.
- NAU’s sexual misconduct policy and these definitions apply to all genders to include students or staff of the same gender.

State specific definitions can be found in the Annual Security Report.

<https://www.national.edu/campus-safety-report/>

How is consent defined under Title IX/VAWA?

- Consent cannot be given if the person is incapacitated or unconscious from drug or alcohol impairment.
- Consent cannot be granted if the person has a mental or physical impairment.
- Consent is voluntary and is revocable.
- Consent given once does not mean that consent is ongoing.
 - Please view the Tea and Consent video at <https://vimeo.com/128105683> (Video used with permission from Blue Seat Studios. www.blueseatstudios.com)

Where do I report an incident of sexual misconduct?

- We encourage you to call 911 to report incidents of sexual violence.
 - NAU staff can help you file a police report.
- Sexual misconduct should be reported to the Title IX coordinator or to executive director of human resources:

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Title IX Coordinator
5301 Mt. Rushmore Road
Rapid City, SD 57701
605-809-8511 (Office)
rtekle@national.edu

Gordon Brooks
Executive Director of Human Resources
5301 Mount Rushmore Road
Rapid City, SD 57701 605-394-4947 (Office)
hremployeerelations@national.edu

What are the responsibilities after the Title IX coordinator and/or the executive director of HR are aware of an incident?

- The university is required to investigate any Title IX incident that the Title IX coordinator and/or the executive director of HR knows about or reasonably should have known about an investigation must occur even if the victim does not want to report the incident.
- Implement interim measures as appropriate.

- Inform the victim of their right to report the incident to authorities.
- A staff member should accompany the victim to the hospital and/or to report the incident to local law enforcement if requested.

What types of incidents can I report to the responsible employees (Title IX coordinator and executive director of human resources)?

- Sex Discrimination/Harassment
- Sexual Assault/Violence
- Dating Violence
- Domestic Violence
- Stalking

What are the responsibilities of all NAU students, faculty, and staff?

- Maintain learning and work environments free of sexual misconduct, discrimination, and harassment
- Participate in Title IX/VAWA trainings provided by the university
- Employees must complete harassment training located on MyNAU
- Read and abide by the university's sexual misconduct and harassment and non-discrimination policies
- Refrain from engaging in acts of sexual misconduct, discrimination, or harassment
- Cooperate with any investigation
- Maintain confidentiality. Disclosing information only to personnel with a need to know. Refrain from speculation, drawing conclusions, or gossiping about the investigation of any claim regarding harassment or inappropriate behavior.

Is confidentiality guaranteed?

- Every effort will be made to ensure confidentiality, to the extent possible. However, strict confidentiality may reduce the university's ability to respond to the complaint.
- The Title IX coordinator will review requests for confidentiality.
- Reporting to law enforcement is the student's decision unless reporting is required by state law. (If the student is a minor and the incident includes sexual violence, the incident must be reported.)
- Any anonymous complaint can be reported at the following links
 - Staff: <http://webapps.national.edu/RegForms/SexualAssaultAndHarassment/Faculty>
 - Students: <http://webapps.national.edu/regforms/sexualassaultandharassment/index>

What if I am unsure if I want to file a police report?

"Responsible employees" or the Title IX coordinator can help you.

You may go to the hospital and have an examination even if you do not want to file a complaint.

- Evidence can be collected and preserved for a period of time determined by the state's law.
- If you have an exam and preserve evidence right away, it will be available if you decide to file a police report later.

Preserving evidence

- Don't change clothes. Take the clothing you were wearing with you to the hospital.

- Don't take a shower.
- Don't brush your hair.
- Don't brush your teeth.
- Leave the scene of the incident just as it is. Don't clean up.

What is the university's procedure?

- NAU's Title IX: Sex Discrimination and Sexual Misconduct Policy explains this procedure in detail.
- Interim measures may include a change in schedule to separate the parties. Other reasonable remedies are considered. Interim measures may be considered for the accused, so classes are not missed.
- National and Community resources
 - National resources are available at www.national.edu.
 - Local resources are available from your campus director
- Formal hearings may be required in some cases such as sexual violence
 - Trained university staff free from conflicts of interest make up the hearing committee
 - Clear and convincing evidence (substantially more likely than not) is used in decision-making
 - The university strives to complete investigations and the hearing process within 60 days, but this can be delayed under certain circumstances such as when a case is undergoing law enforcement investigation

What are the consequences of sexual misconduct or harassment?

- Any person who is found to have violated the Title IX: Sex Discrimination and Sexual Misconduct Policy or the Harassment, Nondiscrimination, and Non-retaliation Policy will be subject to appropriate corrective action.
- Corrective actions may include permanent suspension of a student or termination of employment.

Will I be notified of the outcome?

- Both parties will be notified in writing of the investigation and/or hearing outcome.
- The complainant will be notified of the sanction imposed if it directly relates to the student or employee.

What if I want to appeal the outcome?

- Either party has the right to appeal the decision of the hearing committee.
- An appeal must be submitted within three (3) business days of receiving the committee's final determination.
- The decision rendered on appeal is final.

What if I am worried about retaliation?

- Retaliation is prohibited by both NAU and Title IX.
- Retaliation against any individual for making a complaint under this policy, for opposing sexual misconduct or harassment, or for participating in any investigation of any claim is strictly prohibited.

- Any person who engages in retaliatory conduct or reprisals in response to a claim of sexual misconduct will be subject to appropriate corrective action, which may include discipline up to and including termination of employment or permanent suspension of a student.
- Retaliation should be promptly reported to the Title IX coordinator or the location director.

Prevention/Awareness: It's on Us Campaign

- Don't be a bystander-intervene in any way that you can. If it is not safe for you to intervene, get help or call 911
- Trust your gut. If something feels wrong, it probably is.
- Ask the person if they are okay.
- Keep an eye on someone who has had too much to drink.
- If you see someone who is too intoxicated to give consent, enlist their friends to help them leave safely.
- Recognize the potential danger of someone who talks about planning to target a person at a party.
- Be aware if someone is deliberately trying to intoxicate, isolate, or corner someone.
- Get in the way by creating a distraction, drawing attention to the situation, or separating them.
- Understand that if someone does not or cannot give consent to sex, it is rape.
- Never blame the victim.

It's on all of us to prevent sexual violence and harassment. Don't be a bystander. www.Itsonus.Org
<https://www.Youtube.Com/watch?V=dx54t8h5q5u>

Questions?

If you have questions, please contact:

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