

SEXUAL MISCONDUCT AND THE DUTY TO REPORT- RESPONSIBLE EMPLOYEE TRAINING

PRESENTATION TRANSCRIPT

[Slide 1:]

Welcome to the University of Wyoming's training entitled "Sexual Misconduct and the Duty to Report." We are united in safety and this course is recommended for all responsible employees at the University of Wyoming. It is important that you know and understand your responsibilities. For individuals needing a transcript of this presentation, the link is provided at [www dot uwyo dot edu backslash diversity](http://www.uwyo.edu/diversity). Throughout this presentation, you may click the arrows to move to the next slide.

[Slide 2:]

This training has four sections.

Section One provides background information pertaining to laws and policies on sexual misconduct, including key definitions for sexual misconduct.

Section Two outlines every employee's duty to report, including: How to respond when the reporter or alleged victim tells you about an alleged incident, and who to report to.

Section Three provides information on what happens after an incident is reported.

And finally, Section Four provides suggested strategies for staying safe and reducing the risk of becoming a victim of sexual misconduct, and how to intervene to prevent incidents of sexual misconduct before they occur.

[Slide 3:]

This course has three main objectives. After this training, you should be able to;

One: Recall key requirements of the University's regulations, policies, and procedures related to sexual misconduct,

Two: Recognize conditions that may constitute sexual misconduct and

Three: Apply your understanding of University policy by specifying steps you should take when reporting alleged incidents of sexual misconduct.

[Slide 4:]

Section One: Background information pertaining to Federal law and the University's policies and procedures on sexual misconduct.

[Slide 5:]

There are **two key laws** that impact how universities act in cases involving sexual misconduct:

- ***Title NINE of the Education Amendments Act of 1972***- Protects individuals from discrimination based on sex in education programs or activities. Under Title NINE, the University has a responsibility to take immediate and effective steps to respond to sexual misconduct.
- The ***Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, (otherwise known as the Clery Act)***, Requires the University to disclose campus safety information and imposes certain requirements for handling incidents of sexual violence and emergency situations.

Title NINE and the **Clery Act** require the University to adopt and publish procedures for individuals to file complaints of sexual misconduct.

[Slide 6:]

There are multiple University regulations and policies related to sexual misconduct:

Regulations include:

UW Regulation One DASH Five: Civil Rights Discrimination

UW Regulation One DASH two five six: Policies and Procedures Governing Sexual Misconduct

UW Regulation Eight DASH Thirty: Student Conduct

Policies include:

The Sexual Misconduct Policies and Procedures Document,

The Student Code of Conduct and

The employee handbook.

These are hyperlinked above for your convenience and are also available on the UW Website.

All employees are encouraged to read and become familiar with these regulations and policies.

[Slide 7:]

The University of Wyoming is committed to maintaining a respectful, safe, and non-threatening environment for its faculty, staff, students, contractors, and visitors, and will address and resolve all complaints of sexual misconduct.

SEXUAL MISCONDUCT IS EXPRESSLY PROHIBITED AND WILL NOT BE TOLERATED.

[Slide 8:]

When does the university's policy apply?

The University's policy applies to sexual misconduct that is committed by any member of the University community.

The policy applies when conduct occurs:

- *on* University property

OR

- *off* University property *if* in connection with a University-recognized program or activity.

Please note that the University may still have an obligation to respond to sexual misconduct that initially occurred off University property and outside the University's education program or activity if a complaint is filed with the University.

[Slide 9:]

And now, let's check and improve your understanding:

You are a staff member for a University sponsored student organization and a student who is a member of the organization comes to you and tells you the following:

Over the weekend the student organization hosted an event at an off campus location. During that event, Student A and Student B were drinking heavily. Student A comes to you and admits to being extremely drunk, but says Student B forced him to engage in a sexual activity.

Based on the scenario provided, which of the following statements about the University's policy on sexual misconduct is true?

a) The University policy does not apply because the event took place off University property.

OR

b) The policy applies because the alleged misconduct occurred in the context of a University-recognized program or activity.

[PAUSE]

The correct answer is B: The policy applies because the alleged misconduct occurred in the context of a University-recognized program or activity.

Please Note: This and all other scenarios included in this training are designed to help you identify sexual misconduct and assist you with your responsibility to report sexual misconduct to the Title Nine coordinator. These scenarios are not drawn from actual UW cases. The details of those cases are held confidential to the fullest extent allowed by law.

[Slide 10:]

Let's stay with this same scenario. A key take away from this training is what you as a responsible employee are required to do. In this scenario, you are required to notify the University Title IX Office (the Office of Equal Opportunity Report and Response) of the allegation of sexual misconduct by calling (THREE OH SEVEN -) SEVEN SIX SIX –FIVE TWO ZERO ZERO or (THREE OH SEVEN) SEVEN SIX SIX –THREE FOUR FIVE NINE. Every employee of the University is required to notify the University Title IX Office of any allegation of sexual misconduct.

[Slide 11:]

What is sexual misconduct?

Sexual misconduct incorporates a range of behaviors including but not limited to:

- ✓ Domestic and dating violence
- ✓ Sexual harassment
- ✓ Sexual assault
- ✓ Sexual exploitation
- ✓ Stalking
- ✓ Hostile environment sexual harassment and
- ✓ Any other conduct of a sexual nature that is **unwelcome or nonconsensual**

For a full list of definitions, please visit UW's Sexual Misconduct Policies and Procedures

Document found on UW's General Counsel's webpage at the link shown here.

[Slide 12:]

Sexual misconduct is NOT consensual.

Consent is defined as a freely and affirmatively communicated willingness to participate in a particular sexual activity or behavior, expressed either by words or clear, unambiguous actions.

[Slide 13:]

Behaviors that generally do NOT communicate consent include:

- ✓ Past consent
- ✓ Lack of protest or resistance
- ✓ Consent to engage in sexual activity with a different individual
- ✓ Silence
- ✓ Coercion, force or threat

[Slide 14:]

Persons who are unable to give consent include:

- ✓ Persons who are **asleep or unconscious**;
- ✓ Persons who are **incapacitated** due to the influence of drugs, alcohol, or medication;
- ✓ Persons who are **unable to communicate consent** due to a mental or physical condition;
- or
- ✓ Persons who are **under the legal age of consent**. (As a general rule, in Wyoming this means an individual under the age of 18. For specific information please see Wyoming Statutes Six DASH two DASH three fourteen through six DASH two DASH three eighteen.)

[Slide 15:]

One example of sexual misconduct is domestic and dating violence:

Domestic and dating violence is defined as:

- ✓ Physically abusing, threatening to physically abuse, attempting to cause or causing physical harm; or acts which unreasonably restrain the personal liberty of any **household member**;
- ✓ Placing a **household member** in reasonable fear of imminent physical harm
- ✓ Causing a **household member** to engage involuntarily in sexual activity by force, threat of force or duress;
- ✓ Intentionally interfering with a household member's ability to meet academic obligations.

[Slide 16:]

Under Wyoming statute thirty five DASH twenty one DASH one oh two, household member includes:

- ✓ Persons married to each other;
- ✓ Persons living with each other as if married;
- ✓ Persons formerly married to each other;
- ✓ Persons formerly living with each other as if married;
- ✓ Parents and their adult children;

- ✓ Other adults sharing common living quarters;
- ✓ Persons who are the parents of a child but who are not living with each other; and
- ✓ Persons who are in, or have been in, a dating relationship.

[Slide 17:]

Let's pause again to check and improve your understanding:

You are a faculty member and a student comes to you and tells you one of the following scenarios:

Scenario number one:

Last night her on-again/off-again boyfriend (who is also a student) made her engage in sexual activity by threatening to use force. The student explains that she wasn't dating the guy when this happened and does not intend to ever get back with him.

Scenario number two:

Over the last few months, individual A has been becoming very angry and preventing individual B from the leaving the house to attend school. Individual B has not attended school in multiple weeks and is at risk of failing multiple classes. Individual B is planning to just quit school.

Question: Which of these scenarios may be an example of domestic and dating violence?

- a) Scenario one
- b) Scenario two
- c) Both Scenarios

[Pause]

The correct answer is C: Both Scenarios. Domestic and dating violence includes, “causing a household member to engage involuntarily in sexual activity by threatening to use force” and “intentionally interfering with a household member’s ability to meet academic obligations.” *Under Wyoming Statute THIRTY FIVE –DASH-TWENTY ONE -DASH -ONE OH TWO, **household member** includes, “persons who are in, or have been in, a dating relationship.”*

[Slide 18:]

Let’s stay with the scenarios we just discussed. A key take away from this training is what you as a responsible employee are required to do. In these scenarios, you are required to notify the University Title IX Office (the Office of Equal Opportunity Report and Response) of the allegation of sexual misconduct by calling (THREE OH SEVEN) SEVEN SIX SIX –FIVE TWO ZERO ZERO or (THREE OH SEVEN) SEVEN SIX SIX-THREE FOUR FIVE NINE. Every employee of the University is required to notify the University Title IX Office of any allegation of sexual misconduct.

[Slide 19:]

Section two: How to respond and your duty to report.

[Slide 20:]

You may be asking “What should I do if sexual misconduct is reported to me?”

Every employee at the University is considered a Responsible Employee.

According to federal regulations and University policy, *Responsible Employees* are required to notify the Title Nine Office (the Office of Equal Opportunity Report and Response) of any allegation of sexual misconduct.

The phone numbers for the Office of Equal Opportunity Report and Response are:

THREE OH SEVEN – SEVEN SIX SIX – FIVE TWO ZERO ZERO or THREE OH SEVEN – SEVEN SIX SIX
– THREE FOUR FIVE NINE.

The office of Equal Opportunity Report and Response is physically located in the Bureau of Mines Building, Room 318 on the Laramie campus.

PLEASE NOTE: A criminal investigation into allegations of sexual misconduct does not relieve the University of its duty under Title Nine.

[Slide 21:]

Let's pause again to check and improve your understanding:

For the last several months, Professor A has repeatedly made comments about Student B, her new graduate teaching assistant, by commenting frequently on the physical characteristics of his body. She frequently hugged him and patted him on the buttocks. Professor A's comments and actions have been observed by other graduate teaching assistants, by Professor A's department chair and by students. One day Student B goes into his graduate advisor's office and tells the advisor about Professor A's actions, but also tells the advisor that he is embarrassed and he does not want the advisor to tell anyone or do anything.

Question: Based on the information in this scenario, who is required to report?

- a) Professor A's department chair
- b) Student B's graduate advisor

- c) Student B's fellow graduate teaching assistants who observed the conduct
- d) All of the above
- e) All but the graduate students

[Pause]

The Correct Answer is D: All employees, including graduate assistants, are required to notify the University Title Nine Office (The Office of Equal Opportunity Report and Response) of any allegation of sexual misconduct.

[Slide 22:]

Let's try another question:

You are a faculty member. Student A in one of your classes describes to you various conversations in his study group. The conversations have included discussion about Study Group Member B "stalking" Student C who is also in the class. As Student A continues to provide details you begin to disagree that the behavior is considered stalking and end the conversation.

Question: Based on this scenario, are you required to report this to the Title Nine Coordinator?

- a) No, because stalking is not considered sexual misconduct.
- b) No, because you don't think the behavior rises to the level of stalking.

c) Yes

[Pause]

The Correct Answer is C: All employees are required to notify the University Title IX Office (The Office of Equal Opportunity Report and Response) of any allegation of sexual misconduct, which includes stalking.

[Slide 23:]

You may be asking: “What should I do when sexual misconduct is reported to me?”

Be aware of the potential for re-victimization - it’s never appropriate to blame victims for a crime or to hold anyone solely responsible for avoiding sexual misconduct.

As a *Responsible Employee*, you should:

- ✓ Listen, and provide options

- ✓ Do not tell the victim what they must do

- ✓ Watch the tone of your questions and the words you choose to use

- and

- ✓ Provide resources

[Slide 24:]

As a Responsible Employee, you must make every effort to ensure the reporting party understands:

- That you, as an employee, have an obligation to report sexual misconduct, including the **names** of the alleged perpetrator and the alleged victim.
- That the University **will keep the information confidential, to the extent possible.**
- And, that the complainant can share the information confidentially with certain individuals.

[Slide 25:]

A report of sexual misconduct to the following individuals while they are acting within their professional capacity may be considered **confidential by law:**

- ✓ University's STOP Violence Coordinator
- ✓ University's Counseling Center
- ✓ University's Student Health Services and
- ✓ Other mental health counselors, medical professionals, victim advocates, or clergy members

A report to these individuals will NOT be shared with other entities or employees, unless the alleged victim gives consent.

PLEASE NOTE: This confidentiality does not apply if there is concern for the immediate health and safety of any individual or when a minor is involved in an incident of abuse.

[Slide 26:]

Let's pause once again to check and improve your understanding.

A report of sexual misconduct to all of the following individuals is confidential by law, except for:

- a) The University's STOP Violence Coordinator
- b) The University's Counseling Center
- c) The University's Student Health Services
- d) The University Police Department

OR

- e) Clergy members

[Pause]

The Correct Answer is D: A report to the University Police Department *may* not be confidential. However, anonymous reporting options (including the University Police Department) are available.

[Slide 27:]

As a *Responsible Employee*, you should make every effort to ensure the reporting party understands that anonymous reports may be submitted to the University of Wyoming Police Department in one of three ways:

- ✓ **Silent Witness, an online, confidential crime reporting system,**

- ✓ **The Confidential Sexual Assault Report Form located at the second link on the screen,**

- or

- ✓ **Text Tips can be sent to UWPD** by texting the keyword UWYO and a message to EIGHT FOUR SEVEN FOUR ONE ONE.

Please refer to the hyperlinks on this page for more information.

Individuals may also submit **anonymous reports** to the STOP Violence Program: THREE OH SEVEN – SEVEN SIX SIX – THREE FOUR THREE FOUR or email STOP VIOLENCE AT U-W-Y-O DOT E-D-U.

PLEASE NOTE: FOR IMMEDIATE THREATS, ALWAYS CALL NINE – ONE-ONE.

[Slide 28:]

As a *Responsible Employee*, you should encourage the reporting party (or alleged victim) to seek medical assistance, if applicable.

For someone needing immediate **medical assistance** there are a number of options in Laramie including:

- ✓ Student Health Service (on campus)
- ✓ Ivinson Memorial Hospital (off campus)

OR

- ✓ Care United Medical Center (off campus)

Ivinson Memorial Hospital will perform a **forensic exam** (sometimes known as a “rape kit”).

Cost of the kit may be covered by the State or law enforcement. For more information see the website indicated on your screen.

[Slide 29:]

As a *Responsible Employee*, you should also encourage the reporting party to report the incident to law enforcement. This may include:

- ✓ The University of Wyoming Police Department
- ✓ The City of Laramie Police Department
- ✓ The Albany County Sheriff’s Office
- ✓ Or The Wyoming Highway Patrol

Individuals unsure about which law enforcement agency to report to are encouraged to report to The University of Wyoming Police Department. UWPD will assist in referring the individual

to another agency, if necessary. The STOP Violence Coordinator is available to assist individuals wishing to report to law enforcement, whether anonymously or not.

If you are located somewhere other than the main Laramie campus, please refer reporting parties to resources in your area. Resources for UW Casper will be listed at the conclusion of this presentation.

[Slide 30:]

An important note:

A common misconception among students is that if they were drinking underage and report sexual misconduct, they will be sanctioned by the University for underage drinking.

As a Responsible Employee, when encouraging individuals to report, you should mention that the University will not **sanction a student** under the University's *Student Code of Conduct* for underage drinking if the alcohol use is revealed in a **good-faith report of sexual misconduct**.

[Slide 31:]

And now, another chance to check and improve your understanding:

Consider the following Scenario:

One day you observe your supervisor making sexual comments to one of the assistants in the department.

Later that day, the assistant comes to you and says this has been going on for months and that the supervisor's behavior has included everything from unwanted sexual comments to unwanted physical contact.

Based on this scenario, who do you have to report to?

- a) The University Police Department

- b) The Title Nine Coordinator's Office
- c) No one, because you are NOT the assistant's supervisor
- d) Human Resources

OR

- e) Both B and D

[Pause]

The Correct Answer is B: All employees, not just supervisors, are required to notify the University Title Nine Office (the Office Equal Opportunity Report and Response) of any allegation of sexual misconduct. In addition to informing the Title IX Office, employees may also inform the University Police Department and/or the University Human Resources Department.

[Slide 32:]

Section three: What happens after an incident is reported.

[Slide 33:]

When sexual misconduct is reported to the Title Nine Coordinator, the following process is followed, possibly beginning with Interim Measures.

The University will assist with **implementing interim measures**, if appropriate, while a *Student Code of Conduct* hearing or Title Nine investigation is ongoing, including:

- ✓ Academic accommodations

And/or

- ✓ Changes in work schedules

Additionally, the **University respects the terms of any lawful order issued by a court**, such as no contact and trespass orders.

[Slide 34:]

The Title Nine Office (The Office of Equal Opportunity Report and Response) is responsible for coordinating the investigation of complaints related to sexual misconduct.

[Slide 35:]

All individuals are expected to **tell the truth** regarding an incident of sexual misconduct.

Failure to tell the truth will be addressed in accordance with UW Regulations, the Employee Handbook and/or the *Student Code of Conduct*.

[Slide 36:]

The process when sexual misconduct is reported to the Title Nine coordinator may also include Sanctions or Consequences

- ✓ **Employees:** Employees who commit sexual misconduct or who fail to report possible sexual misconduct face a range of sanctions and/or disciplinary actions, as outlined in the Employee Handbook and UW Regulations FIVE-DASH-ONE and FIVE-DASH-EIGHT ZERO ONE, **up to and including termination of employment.**
- ✓ **Students:** Students who commit sexual misconduct face a range of sanctions as outlined in the *Student Code of Conduct*, **up to and including dismissal from the University.**

[Slide 37:]

UW's Policies on Retaliation

The University **prohibits retaliating** against those who file a complaint or third-party report, or otherwise participate in the investigative and/or disciplinary process.

The University will take disciplinary action in accordance with University regulations and applicable policies if any retaliation occurs.

[Slide 38:]

Let's pause again to check and improve your understanding.

Consider this scenario:

You believe you are being sexually harassed by your supervisor and report the incident to the Title IX Coordinator's Office. Since then, the supervisor's behavior has changed and you believe the supervisor is finding ways to make your professional life difficult, such as acting hostile towards you during department meetings.

Should you report this behavior to the Title Nine Coordinator?

- a) No, you have already reported the sexual misconduct.
- b) Yes.

[pause]

The Correct Answer is B: Even though you have already notified the University Title Nine Office (the Office Equal Opportunity Report and Response) of sexual misconduct, you need to

notify the University Title IX Office (the Office Equal Opportunity Report and Response) of this behavior. This could be considered retaliation.

[Slide 39:]

Section four: Strategies for staying safe and reducing the risk of sexual misconduct.

[Slide 40:]

Risk Reduction:

While you can never completely protect yourself from sexual misconduct, there are some things that can be done to **help reduce the risk of becoming a victim:**

- ✓ **Be aware of your surroundings.** Knowing where you are and who is around you may help you to find a way to get out of a bad situation.
- ✓ **Try to avoid isolated areas.** It is more difficult to get help if no one is around.
- ✓ **According to the NISVS*, the victim often knows their perpetrator. Get to know and trust those you choose to spend time with.**
- ✓ **Trust your instincts.** If a situation feels unsafe or uncomfortable, it probably isn't the best place to be.
- ✓ **Look out for yourself and others.** By working together, we can all help to reduce the risk of sexual misconduct.

*National Intimate Partner and Sexual Violence Survey

[Slide 41:]

Bystander Intervention:

Bystander intervention simply means that in any given situation, there are people who may observe what is happening and be in a position to prevent an incident. Actions can include:

- ✓ Asking a friend to stop making sexist jokes.
- ✓ Organizing an educational program for campus about sexual assault.
- ✓ Getting help if you see a troubling situation.
- ✓ Being a role-model for those around you and showing others respect.

[Slide 42:]

Please take a moment to take note of these takeaways:

- ✓ Know your responsibilities
- ✓ Understand the University's process

And,

- ✓ **A KEY TAKE AWAY:** Notify the University Title IX Office (the Office of Equal Opportunity Report and Response) of any allegation of sexual misconduct by calling

(THREE OH SEVEN) SEVEN SIX SIX –FIVE TWO ZERO ZERO or

(THREE OH SEVEN) SEVEN SIX SIX-THREE FOUR FIVE NINE.

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UW Casper Resources for Immediate Assistance

- › Medical Assistance
 - Casper College Student Health Services (307) 268-2263
 - Wyoming Medical Center (307) 577-7201
 - Mountain View Regional Hospital (866) 543-2828
 - Urgent Care of Casper, LLC (307) 265-1110
 - Natrona County Public Health (307) 235-9340

- University of Wyoming Family Medicine (307) 234-6161
- › Counseling Services
 - Casper College Wellness and Counseling Services (307) 268-2267
- › Law Enforcement
 - FOR EMERGENCIES DIAL 9-1-1
 - City of Casper Police Department (307) 235-8278
- › Other Services
 - Self Help Center – 24 hour crisis hotline (307) 235-2814 <http://selfhelpcenterinc.com/>
 - STOP Violence Project (in Laramie) (307) 766-3296

[Slide 44:]

Thank you for participating in this online training module. Please encourage your colleagues to participate in this training as well! If you have questions about this training, please contact the University Title Nine Office- The Office of Equal Opportunity Report and Response at THREE OH SEVEN – SEVEN SIX SIX- FIVE TWO ZERO ZERO OR THREE OH SEVEN- SEVEN SIXSIX- THREE FOUR FIVE NINE. Remember: As a university community we all benefit when we are united in safety.

This concludes the online training.