

# **Employee Sexual Harassment & Sexual Harassment: Prevention, Awareness, and Support**

A Resource from the  
Office of the Title IX Coordinator

2020



Martin Methodist College's Title IX Policy can be viewed in its entirety at  
<https://www.martinmethodist.edu/academics/registrars-office/title-ix-information>.

## Contents

• Understanding Title IX	p. 1
• What to Do	p. 2
• Fraternalization	p. 2
• Sexual Harassment	p. 3
• Consent	p. 5
• Sexual Coercion, Exploitation, & Stalking	p. 6
• Dating/Domestic Violence	p. 7
• Taking Action	p. 7
• Reporting Options	p. 8
• Informal Resolutions	p. 8
• Investigation	p. 9
• Quick View of Entire Process	p. 11
• Support for Survivors	p. 12
• Supporting a Friend	p. 12
• Bystander Intervention Tips	p. 13

## Understanding Title IX

Title IX of the Education Amendments of 1972 prohibits **sex (gender-based) discrimination and harassment** in educational programs and activities at institutions that receive federal funding. Sexual harassment, including rape or assault, is a form of gender-based discrimination prohibited by Title IX. Sexual discrimination or harassment of any kind creates a hostile environment that has no place on our campus. Your safety and well-being is the College's priority. This publication is intended to help you understand your rights and options, as well as provide you with information regarding support and assistance.

The Department of Education's 2020 Regulations extended Title IX rights to College employees. **Any faculty or staff member who has a complaint of sexual harassment or discrimination should report it to the Title IX Coordinator**, who will maintain confidentiality but work with Human Resources as needed.

Martin Methodist College is committed to equal opportunity in employment and education, and will maintain an environment free of unlawful discrimination. The College does not discriminate on the basis of race, color, religion, national origin, gender, sex, pregnancy, age, marital status, sexual orientation, gender identity or expression, genetic information, disability, veteran status or on any other basis prohibited by Federal, State, or local law.

### Title IX Coordinator

Each college or university that receives federal funding has a Title IX Coordinator who coordinates training and education to prevent sexual misconduct, and tracks, monitors, and investigates complaints of sexual harassment and sexual discrimination.

Martin Methodist College's Title IX Coordinator is:



**Sarah Catherine Richardson**

Director of Student Life

Student Life House, 420 W Madison Street, Pulaski, TN 38478

(931) 424-4073

scrichardson@martinmethodist.edu

## What to Do

If you have experienced sexual violence, here are some immediate steps you can take:

- In the immediate aftermath of a sexual assault, domestic violence, dating violence or similar event, the most important thing is to get to a **safe place**. If you feel able, call 911.
- When a feeling of safety has been achieved, seek **medical attention**, regardless of whether or not you want to report the crime to the police. Immediate medical attention can make assess and treat any injuries, screen for pregnancy and sexually transmitted infections, and collect evidence (if you consent to do so). If you decide to seek medical attention, call Pulaski Police's non-emergency phone number and ask for a SANE to be called: **1-931-363-3505**. (A SANE is a Sexual Assault Nurse Examiner who is specially trained to collect evidence and treat you with sensitivity and care).
  - You have the right to bring someone with you to the hospital, and she or he can accompany you through the exam.
  - You the right to accept or decline any or all parts of a medical exam.
  - If you go to the hospital, the police will be called, but you are not obligated to talk to them or to pursue prosecution in any way. Collecting evidence will not obligate you to any course of action, but it can assist the authorities in pursuing criminal charges in the future if you decide to go this route.
  - Evidence can usually be collected up to 96 hours after the incident. If you have changed clothing since the incident, bring the clothing you had on at the time with you to the hospital in a clean paper bag or wrapped in a clean sheet. (Plastic containers do not breathe and may render evidence inconclusive.) If you have not changed clothes, bring a change of clothes with you to the hospital.
- **Preserve communication evidence** by saving text messages, instant messages, social networking pages, other communications, and keeping pictures, logs, or other copies of documents.
- **Seek support**. Don't be afraid to ask for help and support. Often, feelings of shock, fear, shame, guilt, and more occur. Call a trusted friend or family member, or contact one of the resources listed in this packet. You can always contact the Title IX Coordinator (see back of this packet) about your options.

## Fraternization

### With Students

Faculty and staff members are prohibited from engaging in a consensual relationship (romantic or sexual) with a Martin Methodist College student.

### With Employees

- Supervisors - The College prohibits employees from supervising, evaluating, or determining the terms and/or conditions of employment of anyone with whom they have or had a sexual relationship. When a current or past sexual relationship exists between any employees in a supervisory relationship, immediate steps must be taken to terminate the supervisory arrangement, and alternative means of supervision will be implemented. The supervisor must disclose this relationship to the Human Resource Office. Either party may request alternative means of supervision.

- Co-Workers – While the College does not prohibit employees from engaging in a consensual relationship (romantic or sexual), the employees should disclose this relationship to the Human Resource Office.

## Sexual Harrassment

### What constitutes sexual harassment?

According to the Department of Education’s Office of Civil Rights, it is conduct that:

- Is unwelcome
- Is based on sex or gender
- Is severe, persistent, or pervasive enough to interfere with an individual’s participation in College programs or activities or campus employment, and is objectionably offensive
- Creates an intimidating, hostile, or offensive environment

#### Key Points:

- Sexual harassment can take different forms depending on the harasser and the nature of the harassment.
- Sexual harassment can be verbal, nonverbal, or physical.
- People of any gender can be survivors of sexual harassment, and the harasser and survivor may be of the same or different sexes.
- Sexual harassment can occur at any College program or activity, and can take place in College facilities or at off-campus locations such as a College-sponsored trip, training, etc.

Harassment based on a person’s sex is not limited to instances involving sexual behavior; such harassment may occur without sexual advances or sexual overtones, when conduct is directed at individuals because of their sex or gender. Examples of sexual harassment may include (but are certainly not limited to):

- Sexual propositions, invitations, or pressure for sexual activity
- Sexual innuendoes, comments, remarks, or inquiries about a person’s clothing, body, activities, or experiences
- Refusing to hire, promote, or grant or deny certain privileges because of acceptance or rejection of sexual advances
- Promising a work-related benefit or a grade in return for sexual favors
- Implied or overt sexual threats
- Suggestive or obscene gestures or sounds, including whistling in a suggestive manner
- Humor and jokes about sex that denigrate men or women
- Patting, pinching, and other inappropriate touching
- Unnecessary touching or brushing against the body
- Attempted or actual kissing or fondling
- Suggestive or inappropriate acts, such as comments, innuendoes, or physical contact based on one’s actual or perceived sexual orientation and/or gender identity/expression
- Use in the classroom of sexual jokes, stories, remarks, or images that are in no way or only marginally relevant to the subject matter of the class
- Suggestive or inappropriate communications, email, notes, letters, or other written materials displaying objects or pictures, which are sexual in nature, that would create hostile or offensive work, living, or educational environments, including comments about an individual’s body, comments about an individual’s sexual activity, deficiencies, or prowess
- Graphic or written statements (including the use of cell phones and the internet), or other conduct that may be physically threatening, harmful, or humiliating in a manner related to sex

# Sexual Harrassment

## Three Types of Sexual Harassment

### 1. Tangible Employment or Educational Action Harassment (often called **Quid Pro Quo**)

“Quid pro quo” implies an exchange of goods or services, in which one transfer is contingent upon the other, i.e. “something for something” : *“If you do this for me, I will do that for you.”* This type of harassment happens when a person believes that their employment, living environment, educational benefits, academic opportunities (including grades if the person is a student), or participation in a College activity is conditioned upon submission to or rejection of unwelcome sexual advances or requests for sexual favors.

### 2. **Hostile Environment** Harassment

A hostile environment based on sex exists when harassment is sufficiently serious that it effectively denies/limits an employee’s ability to participate in/ benefit from the College’s programs, services, opportunities, or activities. A hostile environment can be created by anyone involved in a College program or activity (i.e., administrators, faculty members, students, and even campus guests). Although repeated incidents increase the likelihood that harassment has created a hostile environment, a single serious incident, such as a sexual assault, even if isolated, can be sufficient.

### 3. **Sexual Assault, Dating or Domestic Violence, and Stalking**

All four of these categories are prohibited at Martin Methodist and by Federal law. These include acts perpetrated against a person’s will where consent is not obtained or the person is incapable of giving consent. Conduct directed at a person that would cause a reasonable person to fear for his or her safety/the safety of others or suffer substantial emotional distress falls under the category of stalking, and is prohibited by Martin Methodist.

All people can experience sexual violence, regardless of gender or sexual orientation. Most often, the person responsible for sexual misconduct is someone the person knows, like a friend, significant other, or fellow employee.

#### **Examples** of behaviors that include physical contact:

- Rape
- Sexual Assault
- Sexual Battery
- Unwanted Touching
- Dating or Domestic Violence

#### **Examples** of behaviors that may not include physical contact:

- Threats
- Intimidation
- Stalking
- Peeping

The College also prohibits sexual coercion (using pressure, force, or alcohol/drugs to have sexual contact with someone is coercion and is sexual misconduct); and sexual exploitation (an individual takes non-consensual or abusive sexual advantage of another person).

If you are a survivor of sexual harassment, you have no reason to be embarrassed, ashamed, or worried that you will not be believed by the College. The back of this packet has more information on resources for you.

# Consent

## Affirmative Consent

Affirmative consent means positive, unambiguous, and voluntary agreement to engage in specific sexual activity throughout a sexual encounter. Consent must be an informed decision, freely given made through mutually understandable words or actions that indicate a willingness to participate in mutually agreed upon sexual activity.

- Remember that there is no requirement that a person express non-consent or that they resist a sexual advance or request. Someone might not consent to sexual activity even though they do not say “no” or physically resist. Think yes means yes instead of *no means no*.
- Remember that consent to some sexual acts does not constitute consent to others, nor does past consent to a given act constitute present or future consent. Consent must be ongoing throughout a sexual encounter and can be revoked by any participant at any time. Just because it was okay to do before does not make it okay to do again.

### Examples of lack of consent:

- *No* (even when it sounds indecisive or insincere)
- *I don't really know.*
- *Maybe?*
- Without more, ambiguous responses such as *uh-huh* or *mm-hmm*
- Moving away

The College recognizes that there are a wide variety of sexual interactions, that there is no single way to communicate consent, and that context matters. At all times, each party is free to choose where, when, and how they participate in sexual activity.

## The Role Intoxication Plays

There is a spectrum of intoxication. If someone is physically incapacitated by drinking or drug use, that person cannot consent to sexual activity. If it is unclear how intoxicated your partner is and you feel conflicted, remember that communication is very important. Keep these things in mind:

- When a person is a recipient of sexual advances but is highly intoxicated, (s)he is unable to consent to any sexual conduct. **Alcohol invalidates consent.**
- If the person seeking consent/making the sexual advances is intoxicated, (s)he had a decreased ability to discern the capacity of the other party to give consent. The inability to perceive capacity does not excuse the behavior of the advancing party. **Being drunk is not an excuse.**

Consent cannot be given by an individual who is asleep, unconscious, or mentally or physically incapacitated, either through the effect of drugs or alcohol or for any other reason. Engaging in sexual activity with a person whom you know—or reasonably should know—to be incapacitated constitutes sexual misconduct. Consent cannot be obtained by threat, coercion, or force. Agreement under such circumstances does not constitute consent.

# Taking Action

In all of our procedures, we use the term **complainant** when we are talking about the person who brings a complaint forward. We use the term **respondent** when we are talking about the person accused of committing violence.

## What You Should Know about Us:

- We will strongly take into account the wishes of the Complainant as much as possible when determining how to proceed after a complaint is brought to us.
- We will investigate Title IX complaints in prompt, fair, and impartial manner.
- We will take steps to prevent the recurrence of any harassment or retaliation directed towards the Complainant and others.
- Both parties can present witnesses and evidence.
- Both parties will be notified of the outcome of an investigation.
- Martin Methodist can only intervene in situations that (a) happen in the United States, and (b) where we have what is called “reasonable control over the respondent,” which means that the person accused of committing violence must be a College student, employee, contracted-personnel, etc. If you’re unsure if a person falls under our jurisdiction, just ask us!

## Title IX Complaint vs. Criminal Investigations

A campus Title IX investigation is different from a law enforcement investigation. We do not call the police unless you ask us to do so. (The exception for this is if the complainant is a minor.) If you want to pursue a criminal or a civil complaint, the Title IX Coordinator can help you do so. We encourage all Complainants to report to the police, but we will never pressure you to do so.

Our Title IX investigations are based on the **Preponderance of Evidence** standard. This means that the burden of proof is met when we find that there is a greater than 50% chance that the claim is true. (In comparison, criminal investigations are based on the “Clear and Convincing Evidence” or “Proof Beyond a Reasonable Doubt” standard.)

Without a criminal complaint, the College cannot restrict a person beyond our means. For instance, we can place a contact ban to prevent a person from contacting a complainant again, but we cannot issue a restraining order.

# Reporting Options

If an employee who has experienced sexual misconduct wants the College to know what they have experienced, they should reach out to the Title IX Coordinator. The Title IX Coordinator will help you create a report.

Title IX Coordinator: **Sarah Catherine Richardson**, Director of Student Life  
Student Life House, 2<sup>nd</sup> floor, 420 W Madison Street, Pulaski, TN 38478  
(931) 424-4073  
srichardson@martinmethodist.edu

### **What happens if I create a report to the College?**

If you let the College know what has happened, the first thing you should do is to request supportive measures from the College.

Regardless of whether or not you want supportive measures, you have several options after creating a report:

1. Your report will remain on file with the Title IX Coordinator, and you can choose not pursue any resolution process.
2. You can request informal resolution. (*See below: Informal Resolution*)
3. You can request an investigation based on your report to seek a resolution process within the College. (*See Investigation*)
4. The Title IX Coordinator can help you file a police report. (A student can choose to file a police report and pursue any of the above options.)

## **Informal Resolution**

With the voluntary written consent of both parties, informal resolution may be attempted if requested. Before the College attempts any informal resolution, both parties will receive written notice explaining the allegations, the requirements of the informal resolution process, and any consequences resulting from participating in the informal resolution process (i.e. that the records that will be maintained or could be shared). Some informal resolution outcomes may include a mediation session, intervention by the College to inform the person that his/her conduct is/was offensive and must stop, or other resolutions as needed. Informal resolutions will never be allowed when an employee allegedly sexually harasses a student.

## **Investigation**

When an employee makes a report to the Title IX Coordinator, the following things will happen:

### **1. Evaluate Need for Investigation**

Not every single situation of sexual harassment or discrimination falls under Title IX, although most of them do. The Title IX Coordinator will review all the information provided, evaluate our Federal obligations, consider what the complainant hopes will happen, and weigh all of that information against our duty to provide safe, educational access. If there is not sufficient jurisdiction or evidence for an investigation, the Title IX Coordinator will let the complainant know in a detailed manner. (Complaints can appeal this decision!)

### **2. Assign an Investigator**

The Title IX Coordinator very rarely investigates cases. Instead, a trained investigator from our campus will conduct the fair, speedy, and impartial investigation.



### 3. Investigation

The assigned investigator will meet with every party involved, including the complainant, the respondent, and any relevant witnesses that either party asks the investigator to interview. Anyone involved can bring evidence for the investigator; in fact, we cannot encourage you enough to preserve and turn over any evidence that you may have.

### 4. Investigation Report

Once the investigator has completed all interviews and meetings, they will write an investigation report. Both the complainant and the respondent will be invited to come in and read the report, as well as offer any written comments they would like to add for the investigator to consider. Both parties can also review all relevant evidence. (No reports or evidence will be allowed to be copied, photographed, or viewed outside the Title IX office.)

### 5. Hearing

The Title IX Coordinator will give the report to a 3-person panel. The panel consists of 2 members of our trained Title IX Council (impartial faculty and staff members of the College) and 1 Decision Maker (based on the status of the respondent).

The panel will conduct a live hearing, during which both the complainant and the respondent will be invited to make a statement. The panel may ask questions of the party. After the panel has asked questions, the opposing party's advisor may ask relevant questions and follow-up questions. Every question will be evaluated in real time by the Decision Maker to make sure that the question is relevant and appropriate. For example, questions regarding a student's sexual preferences, identity, or history will almost never be tolerated.

The panel may also ask to see the interviewed witnesses, as well as the investigator.

We will never allow the complainant and the respondent to be in the same room at the same time. Both parties have the right to view the live hearing, which we will do via a secure video conference. We also record or transcribe the entirety of every hearing, which will be available for review in the Title IX office.

### 6. Determination

The panel will meet in private to discuss the facts, but ultimately the decision is up to the Decision Maker. This person will carefully weigh the facts, based on the Preponderance of Evidence standard (see page 6). The College assumes the responsibility for collecting all evidence, and the respondent is presumed innocent at the start of College proceedings. Ultimately, the Decision Maker will issue a determination for every Title IX allegation and say whether the respondent is presumed responsible or not responsible, based on the available information, for the alleged conduct.

#### Advisors

Both the complainant and the respondent are welcome to have an advisor present at any meeting or interview in this process! An advisor can be any person that you choose. If you do not have an advisor and would like one, just let the Title IX Coordinator know.

Advisors can review any materials (evidence, reports) that you can, but cannot make copies or view those materials outside the Title IX office.

During preliminary meetings and interviews, advisors cannot speak or participate, except to ask for a break or offer encouragement to you. They are there for your emotional support only!

During hearings, your advisor cannot speak or participate on your behalf (i.e. answer questions for you), but your advisor can ask questions and follow-up questions of the other party and of any witness. You will not be able to be physically present during this portion, but can watch from a secure feed.

The College will never force any person to participate in any part of this process, including the hearing and questioning. However, if a person refuses to participate in live questioning during a hearing, that person's evidence cannot be considered in the final determination. That being said, a person's refusal to participate cannot impact the determination either.

If the Decision Maker's determination is that the respondent is presumed responsible for the alleged conduct, the respondent will be referred to the appropriate person on campus for sanctions (i.e. a staff respondent will go to the Vice President for Human Resources, whereas a tenured faculty member would go to the Provost/Vice President for Academic Affairs).

## 7. Appeal

If either party believes that one or more of the conditions below are met, they can write an appeal within 5 business days to the President.

1. A procedural irregularity affected the outcome of the matter;
2. New evidence was not reasonably available at the time that could affect the outcome of the matter;
3. Evidence that Title IX Coordinator, investigator, or decision-maker had a conflict of interest or bias that affected the outcome of the matter; or
4. Additional grounds as provided by the appealing party to all parties.

## Support for Survivors

If you are the survivor of sexual violence, you can fully expect support to meet your needs. Here are some of the ways that the Title IX Coordinator and Martin Methodist College can help:

- Provide more information about campus and community resources
- Make referrals as needed
- Go to the hospital and/or law enforcement with you
- Help you file a report
- Assist you in getting on-campus supportive measures, such as no-contact orders, office relocation, schedule adjustments
- Be an empathetic listener
- Help with employment concerns
- Assist you in preparing for investigation and meetings
- Provide you with an advisor if you don't have one
- Meet with you on a regular basis to follow up
- Help you keep track of details
- Assure you that any violence you experienced was not your fault

You will be reminded often that you are never alone.  
We can connect you with the resources that you need to assist in your healing.

### Long-Term Effects of Violence

- Abuse of drugs/alcohol
- Anger
- Anxiety or panic attacks
- Changes in how much/little you sleep
- Crying, or inability to cry
- Denial
- Depression
- Embarrassment or shame
- Feeling dirty, ruined
- Feeling like no one understands
- Feeling unloved or unlovable
- Feelings of being alone
- Flashbacks
- Guilt or self-blame
- Loss of trust
- Low energy
- Nightmares
- Self-isolation
- Sensitivity to touch or affection
- Sudden shortness of breath
- Suicidal thoughts
- Withdrawal from friends or joyful activities

## Supporting a Friend

If a friend or colleague has experienced sexual violence, make sure (s)he is safe.

Listen. Establish yourself as a safe, non-judgmental person who will let your friend lead their own recovery process.

Be patient. Healing takes time, so continue to offer your support. Don't try to rationalize what happened or make excuses for the offender.

Provide options to your friend and let them decide what they want to do. Do not avoid your friend or avoid the subject—this often reinforces feelings of isolation, shame, and fear.

Be trauma-informed. Educate yourself about sexual violence and the trauma associated with it. Know about available support resources and help your friend get access to them. If your friend isn't interested, however, don't force the issue. Just let them know that you're ready to help if they want it. You can also contact these resources for your own support. Don't forget to get help for yourself; having a friend who has experienced sexual violence can be scary and confusing. Our resources want to help you process as well.

*I believe you.*

*This was not your fault.*

*I am not going to leave you. I am going to take care of myself, so you don't need to worry that your pain will be too much for me.*

*I love you.*

*Thank you for trusting me enough to tell me.*

*Do you want to talk about it right now?*

*I'm so sorry that you experienced this. I am here for you.*

*Do you want me to help you make an appointment? Would it be good for you if I went with you?*

## Intervene as a Bystander

Every campus has a population of employee bystanders who support sexual harassment and violence. They may not mean to, but by not intervening when they see something happen, not reporting offensive actions, or dismissing certain behaviors, they are essentially sending a message to perpetrators that their actions are okay.

**Proactive Bystander Strategies** - To be a person who helps prevent sexual violence, you can:

- Treat all people with respect
- Report instances of sexual harassment or violence, even when you're hesitant to "get involved"
- Refuse to justify behavior, i.e. "So-and-so is just like that/just says those kinds of things."
- Create a non-confrontational distraction when you see something happening and you want to intervene
- Speak up when you hear comments that blame, dismiss, or attempt to discredit survivors
- Refuse to tolerate sexist jokes and comments
- Educate yourself and your colleagues
- Attend trainings and awareness events

# Resources

## On Campus—

MMC Counseling @ MMC Clinic  
931-424-7338

MMC Clinic @ MMC Clinic  
931-424-7338

Title IX Coordinator **Sarah Catherine Richardson**  
Student Life House - 2<sup>nd</sup> Floor  
[scrichardson@martinmethodist.edu](mailto:scrichardson@martinmethodist.edu)  
931-424-4073

Campus Security Justice Center – 2<sup>nd</sup> Floor  
931-309-7502  
*Emergencies: 911*

## Local Resources—

### **Pulaski Police Department –**

911 for emergencies

1-931-363-3505 for non-emergencies and/or inquiries about medical treatment from a *Sexual Assault Nurse Examiner* (SANE)

1-800-356-6767 for the domestic violence hotline

### **Center of Hope**

Columbia, TN 38402

<http://centerofhopetn.org/get-help/>

931-381-8580

### **The Shelter**

Lawrenceburg, TN 38464

[theshellter@TheShelterLBurg.org](mailto:theshellter@TheShelterLBurg.org)

800-762-4115

### **Center for Women's Health**

Lawrenceburg, TN 38464

931-381-3030

### **Giles County Outreach Center**

Pulaski, TN 38478

931-424-8883

### **Tennessee Sexual Assault Legal Clinic**

<http://tncoalition.org/>

**615-386-9406; 1-800-289-9018**

### **National Sexual Assault Hotline**

<https://www.rainn.org/>

1-800-656-HOPE (4673)

### **National Domestic Violence Hotline**

<https://www.thehotline.org/help/>

1-800-799-SAFE (7233)

## Online Resources—

- <http://tncoalition.org/> - State Coalition against Rape
- <http://tncoalition.org/> - State Coalition against Domestic Violence
- <http://www.thehotline.org/> - Website for LGBTQ survivors of sexual or domestic violence and minority women survivors of sexual or domestic violence
- <https://1in6.org/> - Website for male survivors
- <http://www.rainn.org> - Rape, Abuse and Incest National Network
- <https://www.justice.gov/ovw/sexual-assault> - Department of Justice
- <http://www2.ed.gov/about/offices/list/ocr/index.html> - Department of Education, Office of Civil Rights