

# ABOUT TITLE IX: What Students May Not Know

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# TITLE IX

Title IX of the Educational Amendments Act of 1972 is a law that makes it illegal for students to be discriminated against because of their gender or gender identity.

Title IX also prohibits sexual harassment and sexual violence.



# POLICY

Title IX requires the College to maintain a safe, supportive educational environment that is free from sexual harassment, domestic violence, dating violence or discrimination, based on a student's protected class.



At Kingsborough we promote and respect diversity. Understanding diversity and discrimination issues, helps keep our campus safe and allows our students to achieve academic and social growth.

Title IX, the Olympics and all our daughters: How the 1972 law has transformed and women's lives

BY KAREN HINTON  
NEW YORK DAILY NEWS Friday, Aug 7



**Supreme Court to hear first ever trans teen who wants to use boys' bathroom**

THE ASSOCIATED PRESS  
Saturday, October 29, 2016, 4:04 PM

## Trump Administration Rescinds Guidance on Title IX and Transgender Students

2/25/2017 by Lora Zimmer | Hinshaw & Culbertson LLP

RESULTS HERE (GOLDFIELD, KEN, FREELANCE; NYHUNGOLDFIELD, KEN, FREELANCE; NYHUNG)

What you should know about reporting sexual assault on your college campus and your Title IX rights

BY TOBIAS SALINGER LAURA BULT  
NEW YORK DAILY NEWS Monday, August 22, 2016, 4:00 AM



**Transgender Hotline Reports Flood of Calls After Trump Walks Back Federal Protections**

NBC OUT FEB 26 2017, 6:14 PM ET  
by AVALON ZOPPO



There are currently 267 open Title IX investigations against schools who students say mishandled sexual assault allegations. (JANNI WERNER/JANNI WERNER)

# SCOPE OF TITLE IX

- Gender discrimination (including pregnancy), gender identity/gender stereotyping, equal compensation etc.
- Sexual harassment/sexual assaults/sexual violence/stalking
- Science, Technology, Engineering, and Math (STEM)
  - Course Access
  - Faculty Gender Equity
- Career & Technical Education (CTE)/Vocational Education
- Athletics
- Pregnant and/or Parenting Students

# GENDER DISCRIMINATION

What you need to know



# WHAT IS GENDER DISCRIMINATION?

- ❑ Prejudice or bias that is based on a person's actual or perceived gender
- ❑ The idea that one gender is superior to another gender
- ❑ Treating someone as a sexual object based on their gender
- ❑ Paying one gender more than another gender for doing the same work
- ❑ Viewing a job as a "man's job" or a "woman's job"



# GENDER IDENTITY/ EXPRESSION

What you need to know



# GENDER IDENTITY

► One's internal feeling of being

- ❑ male
- ❑ female
- ❑ both male and female
- ❑ non-gender

# GENDER LANGUAGE AND DEFINITIONS

- **Gender Identity:** A person's deeply felt sense of their gender
- **Gender Expression:** The manner in which a person expresses their gender identity to the world
- **Transgender:** Individuals with a gender identity that is different from the sex assigned to them at birth
- **Cisgender:** A person who identifies with the gender they were assigned at birth
- **Gender Transition:** When a transgender person starts living as the gender they identify. This may involve social, medical, and legal transitioning
- **Sexual Orientation:** A person's preferences in an intimate relationship—heterosexuality; bisexuality; homosexuality; asexuality

# SEXUAL ORIENTATION AND GENDER IDENTITY EXPRESSION ARE DIFFERENT

- Sexual orientation refers to one's intimate gender preferences
  - Heterosexual
  - Gay or Lesbian
  - Bisexual
  - Asexual
- Transgender people can have any sexual orientation
- Transgender is not a sexual orientation, it is a gender identity

# PERSONAL PRONOUNS

Some people don't feel like traditional gender *pronouns* (she/her, he/him) fit their gender identities. Transgender, genderqueer, and other gender-variant individuals may choose different pronouns for themselves.

## Non-binary Pronouns:

- ▶ They/Them; Ze/Zie; Hir/Eir/Ey

## How do I know which pronouns to use? Try:

- ▶ "What pronouns do you use?"
- ▶ "How would you like me to refer to you?"
- ▶ "My name is Brian and my pronouns are 'he' and 'him.' What about you?"

**Strive to be respectful.**

# OFFENSIVE TERMINOLOGY

- ❑ "She-Male"
- ❑ "He-She"
- ❑ "It"
- ❑ "Thing"
- ❑ "Weirdo"
- ❑ "Freak"
- ❑ "Perve"

# SEXUAL HARASSMENT

What you need to know

# WHAT IS SEXUAL HARASSMENT?

Sexual harassment is **unwelcomed** conduct of a sexual nature that has the purpose/effect of adversely impacting one's ability to participate in or benefit from an educational program.

This includes **unwelcomed** sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature on or off campus.

# SEXUAL HARASSMENT

Sexual Harassment occurs when:

- When a sexual/romantic advance is made a condition of academic advancement/educational opportunities, and/or participation in the community (can be implied or express)
- When sexual/romantic comments or conduct creates a hostile, offensive, or intimidating educational environment





# TYPES OF SEXUAL HARASSMENT



# SEXUAL ASSAULT/SEXUAL VIOLENCE

What you need to know

# WHAT IS SEXUAL VIOLENCE/ASSAULT?

- Sexual violence/assault is any form of sexual contact that occurs without consent and/or through the use of force, threat of force, intimidation, or other coercion.
- Sexual violence includes:
  - Sexual assault – unwanted touching, grabbing, pinching, brushing up against another's body, caressing, etc.
  - Dating, domestic and intimate partner violence
  - Stalking
- Sexual assault can be committed when someone has not given or is unable to give consent, for example, due to intoxication.
- Sexual assault can be a form of sexual harassment.
- Sexual assault is a crime.

# FORMS OF SEXUAL VIOLENCE: DATING/INTIMATE PARTNER/DOMESTIC VIOLENCE

- Dating/IP/Domestic violence is a pattern of coercive behavior that can include physical, psychological, sexual, economic and emotional abuse.
- It can consist of actions or threats of actions that intimidate, humiliate, isolate, frighten, coerce, threaten, blame or hurt someone.
- It can also consist of a single incident of sexual assault.
- Rape or any sexual offense, whether on a date or not, or by someone you know or do not know, is the same criminal offense.
- Between 80 and 90 percent of all people who have been raped know their perpetrator(s).
- On college campuses, alcohol is often involved in date rape.

# FORMS OF SEXUAL VIOLENCE: STALKING

- Stalking is a behavior directed at an individual that would cause a reasonable person to fear for his/her safety, or to suffer substantial emotional distress.
- **Red Flags/Examples:**
  - Showing up at an individual's home or work unannounced or uninvited
  - Sending unwanted text messages, emails, voicemails (Facebook, Instagram, Snapchat, DM's, etc.), letters, etc.
  - Leaving unwanted items, gifts or flowers
  - Constantly calling an individual and hanging up
  - Using social networking sites and technology to track an individual
  - Spreading rumors about an individual
  - Calling an individual's family/friends, professor or employer
  - Damaging an individual's home, car or property
- Stalking is a crime.

## WHO ARE VICTIMS OF SEXUAL HARASSMENT AND/OR SEXUAL VIOLENCE?

- Anyone – of any gender, identity, sexual orientation, physical or mental ability, religious affiliation, citizenship status, race, class or educational level – can be a victim of sexual harassment and/or sexual assault.
- Sexual harassment and/or sexual violence can occur between members of the same sex/gender.

# AFFIRMATIVE CONSENT

What you need to know

## WHAT IS AFFIRMATIVE CONSENT?

- Affirmative Consent is a knowing, voluntary and mutual decision among all parties to engage in sexual activity.
- Consent can be withdrawn at any time.
- Consent can be given by words or actions, as long as those words or actions create a clear permission regarding willingness to engage in the sexual activity.



## RULES OF ENGAGEMENT:

- Each person must clearly communicate his/her willingness and permission to engage in sexual activity.
- A person who is drunk or high may not be able to consent.
- Having sex with a person who is passed out, or slides in and out of consciousness, is rape.
- Failure to resist or say "no," does not equal consent.
- Silence does not constitute consent.
- Past consent to sexual relations does not constitute consent to subsequent sexual activity.
- A person may consent to certain sexual acts and not others.
- A person's appearance or dress does not communicate consent.
- A person under 17 years old cannot consent to sexual intercourse under New York law.

# GENDER EQUALITY IN STEM & VOCATIONAL EDUCATION

What you need to know

- Science, Technology, Engineering & Mathematics (STEM)
- Career Technical Education (CTE)/Center for Economic Workforce Development (CEWD)

# STEM/VOCCATIONAL EDUCATION

Kingsborough's policy is to ensure that STEM courses and CTE/CEWD vocational opportunities are available to students regardless of gender. The college does this by –

- Reviewing our own internal policies, as well as, our agreements with external vocational partners to make sure Kingsborough's commitment to gender equity is in writing and is clear
- Regularly examining our STEM and vocational curriculum materials to ensure that they do not contain language, images, or information that would discourage a particular gender from participating
- Educating our students to know that they should not be discouraged from participating in a course or program because of their gender

## KINGSBOROUGH STEM/VOCATIONAL COURSES

Kingsborough STEM courses include, but are not limited to -

- Biological and Physical Sciences
- Civil Engineering
- Computer Technology
- Accounting
- Maritime Studies
- Geology
- Ceramic Sciences

CTE/CEWD offers a variety of vocational programs such as—

- Healthcare
- Accounting
- Paralegal
- EMT
- Make-up Artistry
- Hair Styling
- Culinary Arts
- Taxi Institute

# ATHLETICS & RECREATION

What you need to know

# LAUNDRY LIST OF TITLE IX ISSUES IN ATHLETICS

- Quality of equipment and supplies
- Scheduling of game and practice times
- Travel and per diem allowance
- Locker rooms, practice and game facilities
- Academic tutoring services
- Coach compensation



# PREGNANT AND PARENTING STUDENTS

What you need to know

A series of several thin, white, parallel diagonal lines that originate from the bottom left and extend towards the top right, crossing the blue gradient background.

# PREGNANT/PARENTING STUDENT RIGHTS

Title IX prohibits discrimination on the basis of gender—including pregnant and parenting students—in educational programs and activities.



## YOUR RIGHTS:

- ❑ You may continue to participate in classes and extracurricular activities even though you are pregnant\*
- ❑ Your teachers must provide you with reasonable accommodations, that include but are not limited to, frequent trips to the restroom because of your pregnancy or permission to take a break to pump breast milk if you are nursing
- ❑ Your professor must excuse absences due to pregnancy or childbirth for as long as your doctor says it is medically necessary
- ❑ Your professors should allow you to make up any work missed while you were out on parental leave\*



# PREGNANT/PARENTING STUDENT RIGHTS CONT'D

Frequently Asked Questions regarding pregnant and parenting students

**Classmates and even professors have made offensive comments to me about my pregnancy. Should I complain to the school about it?**

- ❑ Title IX requires colleges to prevent and address harassment based on pregnancy. If you experience this sort of treatment on campus, you should seek out the Title IX Coordinator to discuss your options. You should not be retaliated against for making a complaint or raising a concern.

**I want to take a semester off. Can I keep my student status, scholarships, etc.?**

- ❑ Not necessarily – If you want to take off more time than your doctor says is medically necessary, Kingsborough's non-medical leave policy would apply.

**What if I work for the school as a graduate assistant, in addition to being a student? Do I still have the same rights? Do I qualify for maternity leave?**

- ❑ Your rights as an employee are different from your rights as a student. If you work for the college, you may be eligible for family or medical leave, or may qualify for maternity leave, but that may not include leave from your classes, beyond what is medically necessary.

# ODDS AND ENDS

## What you need to know

- Student-Employee relationships
- Filing an allegation
- Non-Retaliation policy
- Contacts

# STUDENT-EMPLOYEE RELATIONSHIPS

Faculty members and other employees are prohibited from engaging in consensual intimate relationships with students for whom they have a professional responsibility.

Examples:

- An athletic coach cannot engage in an intimate relationship with a student on his/her team.
- A professor cannot engage in an intimate relationship with a student in his/her course.

## WHERE SHOULD I GO?

- If you experience or observe any form of sexual harassment and/or sexual assault you should contact:
  - Title IX Coordinator or
  - Public Safety Office or
  - Student Affairs Office or
  - A College Mental Health Counselor
  - We also encourage you to report all cases involving any form of sexual violence and/or stalking to the NYPD. We will assist you if you wish.

# RETALIATION POLICY

- Retaliation is any negative action taken against a person who reports, files a complaint, participates in an EEO investigation or otherwise opposes discrimination or sexual harassment
- Kingsborough's anti-retaliation policy protects anyone who participates in a discrimination/sexual harassment investigation
- Retaliation can still apply even if the original allegation was not substantiated

# PLACES ON CAMPUS WHERE STUDENTS CAN FIND OUT MORE ABOUT TITLE IX

To obtain copies of Title IX policy and procedures, please call or visit—

- The Office of Student Affairs (Room A-216) x5563
- The Chief Diversity Officer (Room V-125) x6896
- The Title IX Coordinator (Room E-116) x6889
- The Office of Public Safety (Room L-202) x4800
- The Office of Student Life (C-123) x5597
- The Department of Athletics and Recreation (G-110) x5737
- The Women's Center (M-382) x4549
- Kingsborough's Website:  
[http://www.kbcc.cuny.edu/studentaffairs/student\\_conduct/Pages/title\\_IX.aspx](http://www.kbcc.cuny.edu/studentaffairs/student_conduct/Pages/title_IX.aspx)



# QUESTIONS?