



A Community of Respect

SCAD

Sexual Misconduct Policy

This course is designed to provide an overview of SCAD's policies and procedures that have been established to promote an environment free from sex-based discrimination and harassment, including sexual misconduct. Lessons address the University policy and the process for responding to any potential violations of the policy.

- ☰ A Community of Respect
- ☰ Nondiscrimination Policy and Title IX
- ☰ The Violence Against Women Act
- ☰ The Clery Act
- ☰ What is Sex-Based Discrimination?
- ☰ What is Sexual Harassment?

☰ What is Sexual Misconduct?

☰ What is Consent?

☰ Reporting a Violation

☰ The Grievance Process

📁 Course Review

A Community of Respect



SCAD's Sexual Misconduct Policy

At SCAD, our priority is to foster a community of respect. SCAD established the *Sexual Misconduct Policy* and *Grievance Process* to maintain an environment for students, faculty, and staff that is free from sex-based discrimination and harassment, including sexual harassment prohibited by Title IX of the Education Amendments of 1972 and Title VII of the Civil Rights Act of 1964.

SCAD's University Community

University community members covered under this Policy include students, faculty, staff, and third parties who may have contact with members of the University community (e.g. vendors, alumni, visitors, volunteers, and local residents).

Sexual misconduct may occur irrespective of an individual's sex, gender, gender identity, sexual orientation, marital status, or any other protected characteristics related to sex or gender under federal, state, or local law.

Sexual misconduct may occur on or off campus, including but not limited to off-campus housing and study abroad programs.

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Nondiscrimination Policy and Title IX



Nondiscrimination Policy

In compliance with **Title IX of the Education Amendments of 1972**, **Section 504 of the Rehabilitation Act of 1973**, **Title VI and Title VII of the Civil Rights Act of 1964**, and other federal, state, and local laws, SCAD does not discriminate on the basis of age, race, color, sex, sexual orientation, gender identity, religion, national or ethnic origin, disability, or veteran status in any phase of its employment or admission processes, its financial aid programs, or other aspects of its educational programs or activities.

The *Sexual Misconduct Policy* only addresses incidents of sexual misconduct. Other forms of discrimination listed above are addressed under the *Nondiscrimination Policy*.

"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."

What is Title IX?

Title IX is a federal civil rights law in the United States of America that was passed as part of the Education Amendments of 1972.

Title IX is a comprehensive federal law that prohibits discrimination on the basis of sex in any federally funded education program or activity. The principal objective of Title IX is to avoid the use of federal money to support sex discrimination in education programs and to provide individual citizens effective protection against those practices.

Where does Title IX apply?

Title IX applies to all educational institutions, both public and private, that receive federal funds.

Title IX applies, with a few specific exceptions, to all aspects of federally funded education programs or activities. In addition to traditional educational institutions such as colleges, universities, elementary, and secondary schools, Title IX also applies to any education or training program operated by a recipient of federal financial assistance.

Who does Title IX benefit?

Title IX benefits everyone.

It is a common misconception that Title IX exclusively applies to women. Rather, the law requires educational institutions to maintain policies, practices and programs that do not discriminate against *anyone* on the basis of sex, gender, gender identity, sexual orientation, marital status (for students), and pregnancy or childbirth (for students).

Does the Sexual Misconduct Policy only cover matters which fall under Title IX?

Any type of sexual misconduct falls under the jurisdiction of the Policy.

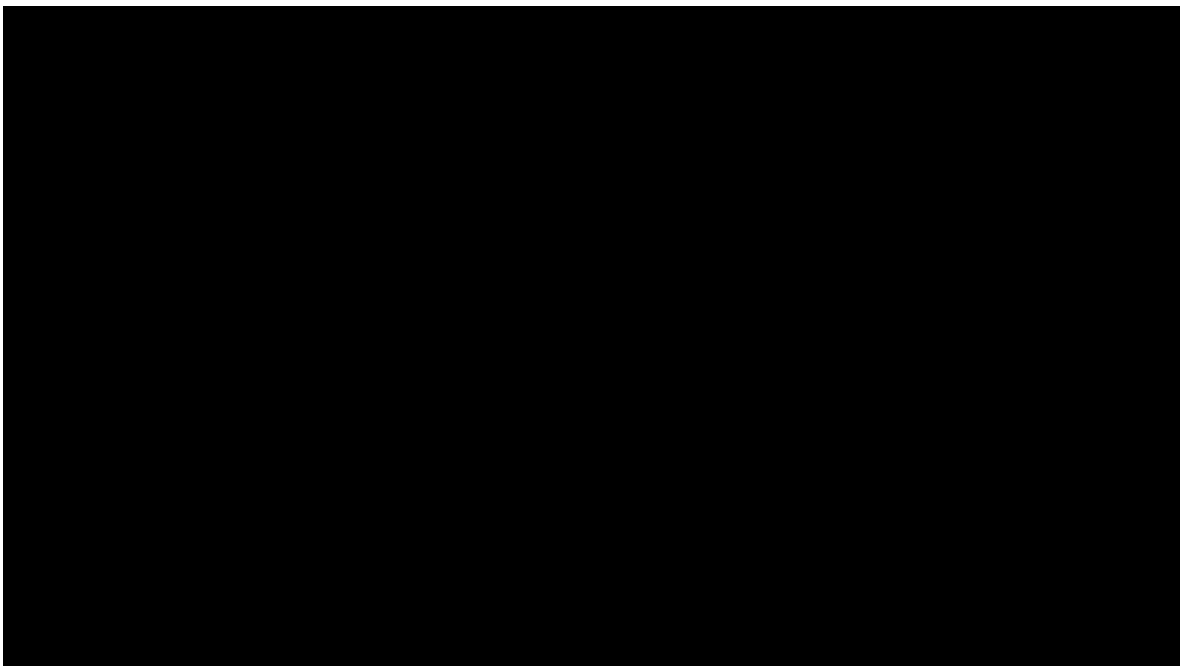
On May 6, 2020, the Department of Education released updated Regulations specifying which actions and locations fall under the scope of Title IX. For an incident to be considered sexual harassment prohibited under Title IX, it must have occurred in the United States and within the context of a University program or activity.

A University program or activity encompasses the locations, events, or circumstances where the

University exercises substantial control over both the alleged party and the context in which alleged misconduct occurred.

In addition to incidents that fall within the specific scope of Title IX, **SCAD's Sexual Misconduct Policy and Grievance Process may address any reported incident regardless of the location or context in which it occurs.**

Know your IX



CONTINUE

The Violence Against Women Act



VAWA

The **Violence Against Women Act** of 1994 (VAWA) created the first U.S. federal legislation acknowledging domestic violence and sexual assault as crimes, and provided federal resources to encourage community-coordinated responses to combating violence.

VAWA was significant in supporting community response to domestic violence, dating violence, sexual assault, and stalking. Courts, law enforcement, prosecutors, victim services, and other organizations currently work together in a coordinated effort that did not exist before at the state and local levels.

VAWA applies to all American citizens regardless of gender or sexual orientation.

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The Clery Act



The **Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act**, also known as the Clery Act, was passed in 1990. It is named after Jeanne Clery, who was raped and killed in her dorm room at Lehigh University in Bethlehem, Pennsylvania in 1986. Other violent crimes had been reported to the University, but those statistics had not been made available to prospective or current students, faculty, or staff. Jeanne's parents presented that if the university's crime information had been known, their daughter would not have attended.

The Clery Act requires all colleges and universities that participate in federal financial aid programs to record and disclose information about crime on and near their respective campuses.

In accordance with the Clery Act, **SCAD provides a full report of the past year's crimes. The Annual Security and Fire Safety Report is available for pickup** in the security office in Savannah and the student

services office in Atlanta. SCAD also keeps a daily log and a weekly summary of university security incidents in Atlanta and Savannah.

[CONTINUE](#)

What is Sex-Based Discrimination?

What is Sex-Based Discrimination?

Treating a person or a group of persons differently because of sex, gender, gender identity, sexual orientation, marital status, pregnancy, childbirth (or medical conditions associated with childbirth) or any other protected characteristics related to sex or gender under federal, state or local law.

[CONTINUE](#)

What is Sexual Harassment?

What is Sexual Harassment?

In 2020, the Department of Education released specific definitions of sexual harassment which all educational institutions are required to use.

Sexual harassment is **unwelcome conduct determined by a reasonable person to be so severe, pervasive, *and* objectively offensive that it effectively denies a person equal access to the University's education program or activity.**

Such conduct includes, but is not limited to:

- Unwelcome sexual advances
 - Request for sexual favors
 - Intimidation, hostility or verbal/non-verbal aggression based on sex or stereotyping
 - Other verbal, visual and physical actions and behaviors of a sexual nature
-

Verbal Sexual Harassment

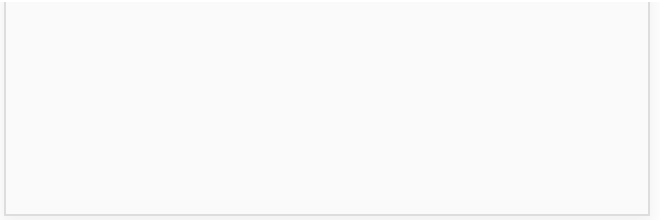
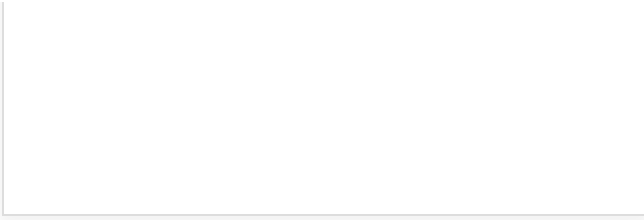
Slurs
Jokes
Statements

Visual

Pictures
Videos
Cartoons

Physical

Gestures
Touching



Sexual Harassment can be committed by employers, coworkers, students and third parties.

CONTINUE

What is Sexual Misconduct?

- 1** **Sexual assault** (rape, attempted rape, fondling, incest, statutory rape)
- 2** **Relationship violence** (any act of violence or threat, sexual or otherwise between individuals in a dating or domestic relationship)
- 3** **Stalking** (two or more instances of monitoring, causing fear/distress)



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What is Consent?

Consent is an **affirmative, voluntary, ongoing, conscious decision** by each participant to engage in a **mutually agreed upon** sexual activity.

CONSENT

IT'S SIMPLE AS TEA

Sorting Activity

Drag the top card to the matching deck.

Consent is

Reciprocal

Freely and actively given

Mutually understandable

Revocable

Informed

Consent is not

Indefinite

Unlimited

Forced

Coerced

CONTINUE

Reporting a Violation

All SCAD employees are **required** to **immediately** notify the **Title IX Coordinator** if they become aware of any incident or potential violation of SCAD's Sexual Misconduct Policy.

Your duty is only to report. You should not attempt to personally investigate or independently take action on a potential violation of SCAD's policy.

Why does this rule exist?

The TIX Coordinator oversees the University's centralized review, investigation, grievance process, and resolution of reports of violations of this Policy. Ensuring all disclosures are forwarded to a central location enables the University to take necessary prompt action to prevent or address such behavior and remedy its effects in accordance with federal law.

Report to **titleixcoordinator@scad.edu** directly if you are aware of any potential Title IX concerns.

Prohibition against Retaliation

No individual may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX, the Policy, or the Grievance Process.

In order to protect against Retaliation, the Title IX Coordinator keeps confidential the identity of any individual who has been identified as an involved party in a complaint of sexual misconduct, including the individual alleged victim, the alleged perpetrator, or any witnesses to the misconduct.

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The Grievance Process

SCAD has established **the Grievance Process** to address any potential violations of the Sexual Misconduct Policy. These procedures provide for a **prompt and equitable resolution** of complaints alleging any action prohibited by the Policy.

Under the Grievance Process, the University provides the parties:

- Notification of meetings, outcome, charges and sanctions
 - Amnesty for alcohol or drug use
 - An environment free of retaliation and false reporting
 - The right to an Advisor throughout the process
 - Non-punitive individualized supportive services that are reasonably available
-

Resolving complaints

It is presumed that any individual alleged to have committed a violation to the Policy is not responsible for the alleged conduct unless such a determination is made at the conclusion of the Grievance Process.

Any sanctions and/or remedies are structured to end the conduct, prevent its recurrence, remedy its effects on those directly affected and the University community, and to restore or preserve equal access. Not all violations are deemed equally serious offenses and the University reserves the right to impose different sanctions depending on the severity of the offense and take non-disciplinary, administrative actions as appropriate.

CONTINUE

Course Review

Question

01/10

All of the following are examples of prohibited conduct under Title IX **except**:

- Relationship violence
- Dating another SCAD employee
- Stalking
- Sexual assault

Question

02/10

This federal legislation came about to address intimate partner violence:

- Title IX
- Title VII
- Violence Against Women Act (VAWA)
- The Clery Act

Question

03/10

Who should you contact directly to report a potential violation of the *Sexual Misconduct Policy*?

- Law enforcement
- A counselor
- The Title IX Coordinator
- The person who reportedly committed the action

Question

04/10

If someone tells you of a potential violation of the *Sexual Misconduct Policy*, and asks you to keep what they tell you confidential, you don't have to tell anyone.

True

False

Question

05/10

Sexual Harassment can be:

- Physical
- Verbal
- Visual
- All of the above

Question

06/10

You should first check and make sure an incident reported to you can be substantiated before you notify the Title IX Coordinator.

True

False

Question

07/10

Check all examples of a potential violation to the *Sexual Misconduct Policy*.

Sexual assault

Relationship violence

Stalking

Sexual harassment

Racial discrimination

Question

08/10

An incident of sexual misconduct which occurred at a student's private off-campus residence should **not** be reported to the Title IX Coordinator because it does not fall within the scope of the *Sexual Misconduct Policy*.

True

False

Question

09/10

Who is covered under the *Sexual Misconduct Policy*?

- Students, faculty, staff
- Third party vendors such dining employees
- Visitors to SCAD Events
- Alumni mentors
- All of the above

Question

10/10

Retaliation against a person who has made a Title IX-related complaint or report is prohibited.

True

False