



Sex Discrimination and Sex-Based Harassment Prevention Protocol

Protocol Effective August 1, 2024

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Overview

Spelman College is committed to cultivating a campus community free from sex and gender-based discrimination and harassment, including sexual misconduct and relationship violence. As part of our commitment, the Sexual Misconduct Prevention Protocol was created to provide a framework in helping to eliminate prohibited behaviors of sex discrimination and sex-based harassment, which includes sexual harassment, sexual assault, dating violence, domestic violence, and stalking. Whether it is virtual or in-person, the Title IX and Compliance team has dedicated research and innovation into educating the campus community in hopes to make Spelman College a safer, more inclusive community.

Based on research, sex education in secondary schools do not prepare students for healthy relationships, therefore, many college students enter higher education institutions without substantial knowledge of consent, rejection, relationship red flags, etc. Understanding this challenge, Spelman College has committed to requiring all incoming students with sexual harassment and violence prevention training, as well as ongoing training for all students, faculty, and staff.

Additionally, research indicates that one in five women, 1 in 16 men and 1 in 4 transgender, gender-queer, non-conforming college students will experience some form of non-consensual sexual activity by graduation. The widespread impact of sexual violence on students presents an urgent and pressing challenge for the nation's campuses.

Vector Solutions

Spelman College is committed to creating a safe and healthy environment for all our community members. As part of our commitment, we have partnered with Vector Solutions, an online health program designed to promote the safety, health, and well-being of our community. All students and employees are required to complete the online modules within their first month at Spelman College.

Vector Training Modules (Campus Prevention Network)

Employees

- Preventing Harassment & Discrimination
- Building Supportive Communities: Clery Act and Title IX
- Building Supportive Communities: Taking Action
- Clery Act Basics

Students

- AlcoholEdu for College
- AlcoholEdu for Sanctions
- AlcoholEdu Ongoing Education
- Sexual Assault Prevention for Adult Learners
- Sexual Assault Prevention for Undergraduates
- Sexual Assault Prevention Ongoing: Healthy Relationships
- Sexual Assault Prevention Ongoing: Taking Action

Prevention Curriculum

The Sexual Misconduct Prevention Protocol provides campus-wide guidelines on Spelman's approach to prevention and risk reduction. These procedures utilize Larry Cohen's Spectrum of Prevention framework that consists of six (6) interrelated action levels:

- Strengthening individual knowledge and skills
- Promoting community education
- Educating providers
- Fostering coalitions and networks
- Changing organizational practices
- Influencing procedures and legislation

These action levels support each other, guiding actions that promote community health and safety.

Program and Campaign Topics:

- Prevention of crime
- Campus security procedures and practices for personal safety
- Prohibition of dating violence, domestic violence, sexual assault, and stalking
- Definitions of dating violence, domestic violence, sexual assault, and stalking
- Definition of consent for sexual activity within the local jurisdiction
- Bystander intervention including safe and positive options to prevent harm or intervene when there is a risk
- Peer support and education
- Risk reduction to recognize warning signs of abusive behavior or potential attack
- Information on: possible sanctions and protective measures; procedures for victims to follow to preserve evidence, report an offense to campus, report to police and receive assistance from the campus, decline to report to campus or police, and obtain protective or other orders regarding safety; campus disciplinary hearings; protecting the confidentiality of victims; available resources for health, legal assistance, mental health, or advocacy; and options for academic, living, transportation, and working accommodations

Mandatory Reporting

Most Spelman College employees (faculty, staff, and administrators) are expected to report actual or suspected violations of this protocol to the Director of Title IX & Compliance or a Deputy Title IX Coordinator, though there are some limited exceptions (Counseling Center staff, Health Services staff, the Dean of the Chapel, and Employee Assistance Program personnel).

Mandated Reporters must promptly share with the Director of Title IX & Compliance all known details of a disclosure made to them in the course of their employment. Employees must also promptly share all details of behaviors under this protocol that they observe or have knowledge of, even if not reported to them by a Complainant or third-party.

If a Complainant expects formal action in response to their allegations, reporting to any Mandated Reporter can connect them with resources to report crimes and/or procedures violations, and these employees will immediately pass reports to the Director of Title IX & Compliance (and/or police, if desired by the Complainant), who will take action when an incident is reported to them.

To make informed choices, it is important to be aware of confidentiality and mandatory reporting requirements when consulting campus resources. On campus, some resources (Counseling Center staff, Health Services staff, the Dean of the Chapel, and Employee Assistance Program personnel) may maintain confidentiality to offer options and resources without any obligation to inform the Title IX & Compliance Director or Deputy Title IX Coordinators unless a Complainant has requested the information be shared.

Complainants may want to consider carefully whether they will share personally identifiable details with non-confidential Mandated Reporters, as those details must be shared with the Director of Title IX & Compliance.

Generally, disclosures in climate surveys, classroom writing assignments or discussions, human subjects research, or at events such as “Take Back the Night” marches or speak-outs do not provide notice that must be reported to the Title IX & Compliance Director by employees, unless the Complainant clearly indicates that they desire a report to be made or a seek a specific response from the College. Supportive measures may be offered as the result of such disclosures without formal College action.

Failure of a Mandated Reporter, as described above in this section, to report an incident of harassment or discrimination of which they become aware is a violation of the sex discrimination policy and can be subject to disciplinary action for failure to comply.

It is important to clarify that a Mandated Reporter who is themselves a target of harassment or other misconduct under the sex discrimination policy is not required to report their own experience, though they are, of course, encouraged to do so.

Spelman College strongly encourages non-mandated reporters to report any violations of local, state, and federal law or conduct deemed inappropriate under these procedures, to the college’s Title IX Coordinator, and when appropriate, to law enforcement officials.

Title IX

Title IX is a federal law that prohibits discrimination on the basis of sex in any federally funded education program. Sexual Misconduct is prohibited under this law. Title IX is a civil right amendment that prohibits sex discrimination. Sex discrimination includes all forms of sexual harassment including verbal and sexual harassment, and sexual violence by employees, students or third parties. (It also relates to unequal pay based on gender, discrimination on the basis of pregnancy or parenting status, unequal admissions and financial aid practices, and discrimination on the basis of gender identity or sexual orientation).

Here are reporting and support resources:

- [Report a Violation Here](#)
- [After Title IX and Compliance Office Receives a Report](#)
- [Rights, Resources, and Support](#)
- [Procedures Prohibiting Sex Discrimination](#)

Definitions

Consent

A knowing and voluntary agreement to engage in mutually agreed upon, specific sexual activity. Giving and obtaining consent involves clear permission by word or action to engage in specific sexual activity.

Since individuals may experience the same interaction in different ways, it is the responsibility of each party to determine that the other has consented before engaging in the activity. Clear verbal communication from the outset is strongly encouraged.

For consent to be valid, there must be a clear expression in words or actions that the other individual consented to that specific sexual conduct. Reasonable reciprocation can be implied. For example, if someone kisses you, you can kiss him or her back (if you want to) without the need to explicitly obtain their consent to being kissed back.

Consent can also be withdrawn once given, as long as the withdrawal is reasonably and clearly communicated. If consent is withdrawn, that sexual activity should cease.

Consent to some sexual contact (such as kissing or fondling) cannot be presumed to be consent for other sexual activity (such as intercourse). A current or previous intimate relationship, or previous statement or indication that an individual wanted to engage in sexual activity, is not sufficient to constitute consent.

Proof of consent or non-consent is not a burden placed on either party involved in an incident. Instead, the burden remains on the College to determine whether its procedures has been violated. The existence of consent is based on the totality of the circumstances evaluated from the perspective of a reasonable person in the same or similar circumstances, including the context in which the alleged incident occurred and any similar, previous patterns that may be evidenced.

Consent in relationships must also be considered in context. When parties consent to BDSM7 or other forms of kink, non-consent may be shown by the use of a safe word. Resistance, force, violence, or even saying “no” may be part of the kink and thus consensual, so College’s evaluation of communication in kink situations should be guided by reasonableness, rather than strict adherence to procedures that assumes non-kink relationships as a default.

Dating Violence

Violence, committed by a person, who is in or has been in a social relationship of a romantic or intimate nature with an individual.

The existence of such a relationship shall be determined based on the Complainant’s statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition:

- i. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
- ii. Dating violence does not include acts covered under the definition of domestic violence.

Domestic Violence

Violence, committed by a current or former spouse or intimate partner of an individual, by a person with whom the individual shares a child in common, or by a person who is cohabitating with, or has cohabitated with, the individual as a spouse or intimate partner, or by a person similarly situated to a spouse of the individual under the domestic or family violence laws of Georgia, or by any other person against an adult or youth individual who is protected from that person's acts under the domestic or family violence laws of Georgia.

To categorize an incident as Domestic Violence, the relationship between the Respondent and the Complainant must be more than just two people living together as roommates. The people cohabitating must be current or former spouses or have an intimate relationship.

Sexual Assault

Any sexual act directed against another individual, without the consent of that individual, including instances in which the individual is incapable of giving consent.

1) Non-Consensual Sexual Penetration (Rape, Sodomy)

- a. Penetration, no matter how slight, of the vagina or anus of an individual with any body part or object, or oral penetration by a sex organ of another individual, without the consent of the individual or against the individual's will, or
- b. not forcibly or against the individual's will in instances in which the individual is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.

2) Non-Consensual Sexual Contact (Fondling)

- a. The touching of the private body parts of another individual (buttocks, groin, breasts), for the purpose of sexual gratification, forcibly, without the consent of the individual or against the individual's will, or
- b. not forcibly or against the individual's will in instances in which the individual is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.

Stalking

Engaging in a course of conduct, directed at a specific person, that would cause a reasonable person

- a) to fear for that person's safety, or the safety of others; or
- b) to suffer substantial emotional distress.

For the purposes of this definition—

- i. Course of conduct means two or more acts, including, but not limited to, acts in which the Respondent directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.
- ii. A reasonable person means a reasonable person under similar circumstances and with similar identities to the Complainant.

- iii. Substantial emotional distress means significant mental suffering or anguish that may but does not necessarily require medical or other professional treatment or counseling.

Bystander Intervention

Spelman College has a rich history of bystander intervention at the onset of social injustices. Civil rights activists who were part of the AUCC (Atlanta University Center Consortium) community were active bystanders. Many took risks and suffered consequences because they believed in eradicating inequality. Bystander intervention is the act of recognizing a potentially harmful situation or interaction and choosing to respond in a way that could positively influence the outcome. The goal of bystander intervention is to move people to be empowered, active bystanders.

Active bystanders take the initiative to help someone who may be a target for harm. A passive bystander does nothing to intervene, and/or even joins in the harm doing, leading to the perception that the actions are accepted or even approved.

Spelman College incorporates bystander intervention training in most educational and prevention programs/initiatives. Including bystander intervention in our educational programs/initiatives, provides strategies that allow community members to intervene in the safest way for them as well as teaches how to avoid the bystander effect.

Bystander effect is the phenomenon in which someone is less likely to intervene in an emergency situation when others are present than when they are alone, others known as diffusion of responsibility.

People usually do not intervene because they did not know how, assumed it was not a problem, assumes someone else would do something, did not know when to intervene, and primarily because they fear a negative outcome.

To avoid the bystander effect in which the greater the number of bystanders, the less likely it is that any one of them will help, active bystanders can take the following steps:

Notice the Event

Be aware of your surroundings and look out for your friends. Pay attention to situations that may easily escalate. What may start off as a disagreement may escalate into a physical altercation.

Interpret It as a Problem

Interpreting something as a problem is as simple as acknowledging a gut feeling that something is wrong.

Assume Personal Responsibility

Once you have recognized that there is a problem, regardless of how many other people are around, you have assumed no one else will help.

After assuming personal responsibility, active bystanders have five (5) strategies to use for intervention:

- **Direct:** Intervene in the moment to prevent a problem from happening.
- **Distract:** Interrupt the situation without directly confronting anyone.
- **Delegate:** Get help from someone who is better equipped to handle the situation.

- **Document:** Take pictures and video of the incident happening. If safe enough, you can alert the person that you are recording – it might deter them. Share your documentation with the appropriate authorities.
- **Delay:** Check in with the victim after the incident has occurred to see if you can do anything to help them.

Being an active bystander does not mean risking potential safety. There are a range of actions that are appropriate, depending on the situation. Remember, if you are ever worried for the immediate safety of yourself or others, you can decide to leave the situation and seek outside help by delegating. Bystander intervention means not sitting by watching but finding the safest plan and taking action.