What All Employees Should Know About Title IX

A Guide for Responsible Employees
Title IX states,

“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 program or activity receiving Federal financial assistance.”

Title IX of the Education Amendments of 1972 (20 U.S.C. / 1681)

Sexual misconduct including sexual harassment and sexual violence and are all forms of sex-based discrimination prohibited under Title IX. Everyone plays a role in creating and sustaining an inclusive living, learning, and working environment that is free from sex and gender based discrimination. JMU employees have specific responsibilities related to prevention and response. This guide lays out those responsibilities and includes information about the resources and options available.

Title IX at JMU

When the university learns of instances of sex-based discrimination we…

- Respond to the individual who experienced the harm with information about available resources and supports
- Address the discriminatory behavior through appropriate means including sanctioning
- Provide access to law enforcement options in addition to other on and off-campus resources
- Prevent re-occurrences and future occurrences by assuring that all members of the university community understand what behaviors are prohibited and the options that exit for reporting and addressing issues of sex-based discrimination.

Because…

WE ARE ALL ENTITLED TO EXPERIENCE A LEARNING, WORKING, AND LIVING ENVIRONMENT FREE FROM GENDER- AND SEX-BASED DISCRIMINATION.

Title IX Response

The Title IX Office at JMU receives and responds to reports of sexual misconduct involving JMU community members. The Title IX Office treats all information received with great care and sensitivity to the privacy and needs of involved individuals. We provide an inclusive, supportive, and safe place for students, faculty, staff, and visitors, to consult, share information, and learn about available resources and options.

Some examples of resources and options available through Title IX include:

- Coordinating interim measures (such as No Contact orders, temporary housing assistance, course adjustments, communication with faculty, referral to on and off campus personal resources)
- Collecting incident statements to be used in campus conduct processes
- Assistance connecting with on and off campus law enforcement
Understanding Sexual Misconduct

JMU Policy 1340 guides the university’s efforts to create and support a learning, living, and working environment that is free from gender and sex-based discrimination. Policy 1340 includes definitions and procedures that all employees should know. View the full policy here: http://www.jmu.edu/JMUpolicy/policies/1340.shtml.

Sexual misconduct includes:

- Sexual assault
- Sexual violence
- Sexual harassment
- Dating violence
- Domestic violence
- Relational violence
- Sexual exploitation
- Stalking
- And all other forms of misconduct on the basis of or because of a reporter’s sex, sexual orientation, gender, or gender identity.

Everyone at JMU is responsible for knowing and understanding JMU Policy 1340.

Understanding Your Role in Prevention and Response

When a Responsible Employee, during the course of their regular, paid duties or while representing JMU in an official capacity, learns directly or indirectly about sex or gender-based discrimination involving another member of the university community, the employee is responsible for sharing the information with the Title IX Coordinator or Coordinator designate.

A Responsible Employee is….

- A paid faculty, staff, or student employee
- An unpaid member of the university community who an individual could reasonably perceive as having authority to offer assistance such as a club and organizational advisor or a trip leader
- An employee who has not been designated as a Confidential Resource. At JMU employees in the Counseling Center, Health Center, and campus affiliated clergy are all considered confidential resources and are exempt from reporting information to Title IX

Employees who learn either directly or indirectly about sexual misconduct involving a JMU community member are responsible for sharing the information with Title IX.
Receiving and Responding to Disclosers of Sexual Misconduct

Remember, employees are responsible for sharing information with Title IX

- Only share what you know. You do not need to ask for additional information.
- Let the individual know what information you will be sharing and who you will be sharing it with.
- Share with the individual that Title IX will send an introductory email with information about resources but that the individual is not obligated to respond.
- Follow the established reporting protocol for the office or department you are working in.

More Considerations

- Listen and validate. Resist the temptation to encourage the person to look on the bright side or make a comment about how things could be worse.
- Offer to find out about resources.
- Resist giving advice.
- Check in from time to time.
- If you know both people involved, resist talking about it among friends or sharing with them your perspective.
- Offer to go with the individual to meet with resources if the individual would like.
- Understand that healing is a journey and that it takes different amounts of time and support for each person to heal.
- Take care of yourself and know your limits. Social Scientists coined the term “vicarious trauma” to refer to the feelings of fatigue, confusion, fear, and anxiety that first responders, medical, mental health, and international aid workers experience after providing support and assistance to trauma survivors. Friends, family, colleagues, mentors, and anyone close to a trauma survivor can also experience vicarious trauma and burnout, too.
- Make it readily apparent that you are a Responsible Employee. Some faculty put information on their syllabi about being Responsible Employees. Some offices make sure that information is apparent on their website and other materials available to students and colleagues.

Consulting with confidential resources does not meet the Responsible Employee reporting obligation

It can be hard to learn that one of your students has experienced sexual misconduct, but how you respond to these disclosures may impact what if any resources they use going forward.
DO I NEED TO MAKE A REPORT?

CONSIDER… WHO + HOW + WHAT

WHO experienced the harm?

Is the individual who experienced the harm a member of the JMU community as a(n):

- Employee
- Student
- Visitor to campus
- Participating in or attending a JMU sponsored event other than an awareness raising event such as Take Back the Night or the Clothesline Project, which is designed to empower individuals to share their stories?

✔ YES. Proceed to HOW.

✔ NO. If the individual has no affiliation with JMU then you are not responsible for reporting to Title IX.

HOW did you learn about the incident?

Were you…

- working and performing your regular paid duties other than grading papers? Remember, disclosures received in the context of written assignments are exempt from reporting.
- representing the university in some capacity either on campus or off?
- serving as a volunteer advisor to a JMU affiliated club or organization?
- leading a JMU trip such as service learning, study abroad, site visit?

✔ YES. Proceed to WHAT.

✔ NO. If you did not learn about the incident at work and/or while representing JMU, then you are not responsible for reporting to Title IX.
✔️ **UNSURE.** Contact Title IX to consult. You only have to offer information about how you learned about the incident, and we can then determine if you need to report.

**WHAT type of harm took place?**

Is the harm being described **sexual misconduct** which includes:
- sexual assault
- sexual violence
- sexual harassment
- dating violence, domestic violence, relational violence
- sexual exploitation
- stalking

✔️ **YES.** If you answered “yes” to **WHO** and **HOW** and **WHAT**, then proceed to Responsible Employee Reporting Options

✔️ **NO.** If the harm was not sexual misconduct but was gender- or sex-based discrimination, it should be reported to the [Office of Equal Opportunity](#).

✔️ **NO.** Even if the harm you learned about involving a JMU community member was not sex or gender based, you may still have a responsibility for reporting based on your specific job duties, university, local, and state policies.

✔️ **NOT SURE.** If you are still not sure, then consult with Title IX to determine if you need to report.

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If you are witnessing criminal activity and there is an immediate threat to your safety or the safety of another individual, call the police immediately.

On-campus Emergency: (540) 568-6911
Off-campus Emergency: 911
Responsible Employee Reporting Options

In Person
You can report in person to the Title IX Coordinator or the Title IX Coordinator’s assistant, who is able to receive all reports and disclosures involving sexual misconduct. The Title IX Office is located in Madison Hall 4033 and 4035 and is open Mondays - Fridays during 8:00 a.m. to 5:00 p.m.

Phone
Title IX Coordinator: (540) 568-5214
Title IX Office: (540) 568-5219

Email
Directly to the coordinator at sirockam@jmu.edu or titleix@jmu.edu

Online
You can report to Title IX using an online form available on our website

On Campus Resources

Confidential
Do not share information with Title IX

Counseling Center
SSC, 3rd Floor | (540) 568-6552
https://www.jmu.edu/counselingctr/

University Health Center Medical Clinic
SSC 1st and 2nd Floor | (540) 568-6178
http://www.jmu.edu/healthcenter/

University Health Center – The Well
(Confidential Survivor Advocate)
SSC 1st Floor | (540)568-2831
http://www.jmu.edu/healthcenter/SexualViolenceResponse/survivor-advocate.shtml

Non-confidential
Treat reports with discretion and have a duty to respond

Title IX Office
Madison Hall 4033 and 4035 | (540) 568-5219
www.jmu.edu/titleix

Title IX Coordinator
Amy Sirocky-Meck | (540) 568-5214
sirockam@jmu.edu

JMU Police Department
Anthony Seeger Hall | Emergency: (540)568-6911 | Nonemergency: (540) 568-6912
http://www.jmu.edu/publicsafety/index.shtml

Off-campus resources available to the JMU community include Harrisonburg Police, Rockingham County Sherriff, Sentara-RMH, and The Collins Center. Refer to the Title IX website for more information.