

Title IX Information for Internship, Practicum, Student Teaching, Service Learning and Study Abroad Students, & Supervisors

Title IX protects ESU individuals from discrimination based on sex, and sexual misconduct, in any educational program or activity. Sexual harassment and sexual misconduct are prohibited by Title IX. ESU takes its Title IX obligations seriously and works to foster an environment for students that is free of sexual harassment and sexual misconduct.

"We are committed to working with community partners that collaborate with our students to foster a learning and on-the-job environment that is built on respect and free of sexual harassment and sexual misconduct. Whether a student's learning setting is in a classroom, is off-site as part of an intern or externship, student teaching experience, other University off-campus involvement, or simply part of a student's experience at ESU, ESU's duty under Title IX does not change." - Dr. Doreen Tobin, ESU Vice President for Student Affairs and Title IX Coordinator

What is Title IX?

Title IX is a federal law that extends from the Education Amendments of 1972.

This aspect of the law specifically prohibits Discrimination on the basis of sex. It sets forth the basic principle that students should be free to participate fully in their educational experiences regardless of their sex.

Sexual harassment, sexual misconduct, and sexual violence are experiences that violate the intent of Title IX.

What are Sexual Harassment, Sexual Misconduct, and Sexual Violence?

Sexual Harassment: Unwelcome physical, behavioral, environmental, verbal, and social media conduct of a sexual nature, with a sex-based discriminatory effect.

Sexual Violence: Sexual assault, relationship violence, domestic violence, stalking including cyber stalking, exhibitionism, voyeurism, verbal and/or physical abuse of a sexual nature or threats thereof.

<http://www4.esu.edu/about/administration/president/procedures/PO2013002P.cfm>

ESU complies with Title IX and takes action to respond to acts of sexual harassment, sexual misconduct, and sexual violence.

What does this mean for a student on an internship, practicum, student teaching, service learning or study broad experience?

Processes may be different at each site. A Student's First Step: Contact your ESU Field Director, who will advise you.

ESU students have rights related to ESU's administration of Title IX regulations. However, if a student experiences sexual harassment, sexual misconduct, or sexual violence while in an internship, practicum, student teaching, service learning or study abroad experience, the site has the responsibility to respond to a complaint. Through ESU, students have the following rights:

- A fair, impartial, and prompt investigation of the complaint
- Protection from further discrimination, while the investigation is happening, and after, to assure that the academic environment is free of hostility
- **Privacy protection throughout the investigation process
- Identification of witnesses who can attest to the alleged discriminatory behavior
- To be notified of any updates, delays and outcomes regarding the investigation and any pertinent sanctions; the right to appeal the outcome/imposed sanctions. There is no specific policy to differentiate an appeal of a determination from an incident that occurred at a field placement site. The President would still be the arbiter of the appeal. As the investigation has already concluded, the appeal would be from the investigative document with follow ups as necessary from the President. This would be done without a specific appeal process for placement sites.
- Protection from retaliation. Reporting sexual harassment/sexual violence will not impact a student's ESU standing
- An informal process for sexual harassment cases
- Filing civil or criminal complaints outside of the processes of the University

*If there is reason to believe that a student has sexually assaulted another individual and the University has sufficient information to file a student conduct referral, disciplinary action will be taken by the University student conduct system regardless of whether the case is pursued by the survivor or under state, criminal, or civil codes. The ESU Student Handbook outlines the University student conduct process and it can be accessed at:

http://www4.esu.edu/students/documents/pdf/student_handbook.pdf.

For more information, contact the Office of Student Conduct and Community Standards, (570) 422-3461. Possible University sanctions for sexual assault include, but are not limited to, removal from University housing, suspension, and/or expulsion from the University.

**This pertains to the survivor's interaction with counselors, clergy and healthcare workers; the University has the right to share information about the incident with others who have a need to know, e.g. the University's Student Conduct Office, University investigators, local police, state police.

Information for Off-Site Supervisors

Although ESU students are off-site during their intern/externships, the requirement to maintain a discrimination-free and sexual misconduct-free experience is applicable. The University requires that off-site supervisors assure that all of its employees and clients treat ESU students professionally and respectfully. There are some behaviors that are disrespectful and if allowed to continue could lead to charges of sexual harassment. Examples:

- Inappropriate jokes of a sexual nature or related to gender-specific traits, e.g. verbal, via email or an email attachment, on posters, through text messaging, in any form of social media, and during an off-duty lunch or event)
- Using inappropriate nicknames such as "honey," making comments about physical appearance such as "hot," or asking questions about wardrobe such as "What do you wear to bed?" or "What do you wear to work out?"
- Sexual innuendos including compliments on appearance, dress, or physique
- Eye contact, looks, or glances of a sexual nature
- Physical touching, e.g. hugs, back/shoulder rubs, flicking/patting/lightly touching the butt or breast, brushing up against a student who is typing or working
- Repeatedly standing too closely to a person

Care should also be taken to ensure that the real or perceived authority of placement site employees is not used in a way that would make a student feel the need to engage in unwanted activity in order to receive future academic benefits. Examples include:

- Asking a student (who may be counting on one for work, a special project, a recommendation, a reference, etc.) for a date, a personal phone number, or to engage in off-duty activities one-on-one
- Trying to spend personal time with a student under the guise of completing a "work project" after working hours or by asking questions such as "Do you have a boyfriend/girlfriend/significant other," "What are your plans tonight," or "Do you want to get a drink?"
- Asking a student to spend time outside of the professional environment in which one interacts with him or her
- Emailing/texting/posting on social media sites messages of a personal affection, requests to socialize/date, or inappropriate pictures
- Flirting or focusing on gender factors when interacting with the student

Some of these behaviors may seem obviously inappropriate, but care must be taken to safeguard all individuals in compliance with ESU's expectation that the environment remain focused on respect and free from sexual harassment and sexual misconduct. If you see, hear of, or receive a report of behavior that violates this expectation, as an ESU Site Supervisor, you are required to intervene with the placement site to have an alleged perpetrator immediately replaced by another individual, and to act as an advocate for the student. ESU Site Supervisors must also immediately contact ESU's Title IX Coordinator at: (570) 422-3463, 121 Reibman Administration Building, East Stroudsburg University, East Stroudsburg, PA 18301. Support student academic endeavors and professional goals by building and maintaining respectful relationships.

ESU POLICY:

This policy applies to all ESU employees, students, volunteers, contractors and agents; all ESU educational programs, activities, opportunities and benefits; all persons participating in or accessing ESU-sponsored programs and activities.

Policy Title: Sexual Harassment & Title IX Compliance
Policy Number: ESU-PO-2013-002
Effective Date: December 5, 2013

Adopted Date: December 5, 2013
Last Reviewed: September 12, 2014
Amended: September 12, 2014

Related Policies: PASSHE Board of Governors': Social Equity (http://www.passhe.edu/inside/policies/BOG_Policies/Policy%202009-03.pdf),
ESU Sexual Harassment Policy (<http://www4.esu.edu/about/policies/list/policies/po2011004.cfm>)

ESU PROCEDURE:

Procedure Title: Sexual Harassment & Title IX Compliance
Policy Number: ESU-PO-2013-002
(<http://www4.esu.edu/about/policies/list/policies/po2013002.cfm>)
Effective Date: December 5, 2013

Review Date: September 12, 2014
Division: Office of the President
Responsible Office: Office of the President

When Medical & Psychological Attention is Needed

The survivor should seek assistance from the nearest hospital emergency room if the alleged assault occurred within the last seventy-two hours. Evidence should be preserved. It can be gathered to conduct medical-legal (forensic) examinations even if the survivor prefers not to prosecute at the time. This step is important so that s/he receives proper assessment and treatment for physical injuries that may have been sustained in the assault. It is also important to determine the survivor's risk of sexually transmitted diseases or pregnancy and take preventive measures. Counseling services are available to the survivor at ESU Counseling and Psychological Services, 2nd Floor of the Flagler-Metzgar Building, (570) 422-3277. A change in academic and/or living arrangements can be provided when the survivor's safety or well-being is jeopardized.

Requests for Accommodations

Survivors of sexual harassment, sexual misconduct, or sexual violence encounters at a study abroad, internship, practicum, student teaching, or service learning site may need accommodations to complete or adjust the academic experience. All accommodations must be requested and approved through the Title IX Coordinator or his/her designee. These may include: site reassignments, modified expectations, transportation accommodations, and/or working group adjustments.

Additional University Contact Information

Vice President Student Affairs and Title IX
Coordinator: Doreen Tobin
Reibman Administration Building
(570) 422-3463 (570) 422-3410 (Fax)

University Police
Hemlock Suites Smith Street, Ground Floor
(570) 422-3064 Fax: (570) 422-3677 911 (Emergencies)

Lehigh Valley Hospital-Pocono
206 E Brown St, East Stroudsburg, PA 18301
(570) 421-4000

Counseling & Psychological Services
Flagler Metzgar Center, 2nd Floor
(570) 422-3277

OASIS: Office of Accessible Services Individualized
for Students (Disability Services)
341 Hoeffner Science and Technology Center
(570) 422-3268 Fax: (570) 422-3898

Director of Employee Relations and Compliance:
Lonnie Allbaugh
Ground Floor - Reibman Administration Building
(570) 422-3656

Director of Human Resources Management
Teresa Keyek-Fritsche
Room 105, Reibman Administration Building
(570) 422-3422

Women's Center
411 Normal Street
(570) 422-3957

SEXUAL HARASSMENT/SEXUAL VIOLENCE SURVIVOR SUPPORT INFORMATION

Sexual assault is a serious violation of the University's expectations and student code of conduct. The University recognizes that sexual assault may cause severe physical and/or emotional consequences for the survivor. Medical and mental health resources and preventive education are available to provide assistance. Title IX of the Educational Amendments of 1972 prohibits discrimination based on sex. Sexual harassment of students, which includes acts of unwelcome physical, behavioral, environmental, verbal, and social media conduct of a sexual nature, with a sex-based discriminatory effect are forms of sex discrimination prohibited by this federal law.

When incidents of sexual harassment or sexual violence occur and are reported to campus security authorities, ESU takes swift and effective steps to end sexual harassment and sexual violence. Retaliation against individuals reporting sexual harassment and/or sexual violence will not be tolerated and will be addressed through the appropriate University process (University Police, Student Conduct, Human Resources, Title IX Coordinator). Questions about ESU's Title IX policy and protocol can be directed to Dr. Doreen M. Tobin, ESU's Title IX Coordinator, Vice President for Student Affairs, at: (570) 422-3463, 121 Reibman Administration Building.

For More Information: <http://www4.esu.edu/titleix/index.cfm>