



# Sexual Misconduct Training



# To access the SWTJC Employee Handbook:

1. Log onto [swtjc.edu](http://swtjc.edu)
2. Click “About SWTJC”
3. Scroll down to “Handbooks”
4. Click “Policy Manual”





# Sexual Harassment Orientation

# Summary of Employer's Obligations:

1. To ensure that employees are aware that sexual harassment is prohibited.
2. To provide a means to allow alleged victims to bring their complaints to the attention of appropriate college personnel; and
3. To take prompt, remedial and corrective action when sexual harassment comes to their employer's attention.

# What is Sexual Harassment?



Unwelcome sexual requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment
2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or
3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating hostile or offensive environment.

# Types of Sexual Harassment



- **Quid Pro Quo-“This for That”**  
The most well defined and least common form of sexual harassment
- **Offensive or Hostile Environment**  
Vast majority of cases fall into this category

# QUID PRO QUO:

conditioning employment benefits upon providing sexual favors to a supervisor or another person who controls the benefits.

Example: A suggestion by a supervisor or professor that sexual involvement with him/her would improve the employee's chance of promotion or the student's chance for a good grade.

## Offensive or Hostile Environment:

- Repeated Unwanted behavior or conduct of a sexual nature that has the effect of unreasonably interfering with an individual's work or academic performance or creating an offensive work or academic environment. Does not need to involve loss of economic benefits.





# What Constitutes an Offensive or Hostile Environment?

- Isolated remarks by a supervisor?

Probably not, unless it is an outrageous remark or sanctioned by management

- Isolated remark by a co-worker?

No, unless it is sanctioned by management.

- Hostile environment is generally found where the conduct of one or more individuals creates an intimidating, abusive environment. This can include teasing and taunting, off-color humor, unwelcome touching and other behavior that “spoils” the workplace or academic environment.



# Texas penal code



§ 42.07. HARASSMENT. (a) A person commits an offense if, with intent to harass, annoy, alarm, abuse, torment, or embarrass another, he:

(1) initiates communication by telephone, in writing, or by electronic communication and in the course of the communication makes a comment, request, suggestion, or proposal that is obscene;

(2) threatens, by telephone, in writing, or by electronic communication, in a manner reasonably likely to alarm the person receiving the threat, to inflict bodily injury on the person or to commit a felony against the person, a member of his family or household, or his property;

(3) conveys, in a manner reasonably likely to alarm the person receiving the report, a false report, which is known by the conveyor to be false, that another person has suffered death or serious bodily injury;

(4) causes the telephone of another to ring repeatedly or makes repeated telephone communications anonymously or in a manner reasonably likely to harass, annoy, alarm, abuse, torment, embarrass, or offend another;

(5) makes a telephone call and intentionally fails to hang up or disengage the connection;

(6) knowingly permits a telephone under the person's control to be used by another to commit an offense under this section; or

(7) sends repeated electronic communications in a manner reasonably likely to harass, annoy, alarm, abuse, torment, embarrass, or offend another.

(b) In this section:

(1) "Electronic communication" means a transfer of signs, signals, writing, images, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photo-electronic, or photo-optical system. The term includes:

(A) a communication initiated by electronic mail, instant message, network call, or facsimile machine.

(B) A communication made to a pager.

(2) "Family" and "household" have the meaning assigned by Chapter 71, Family Code.

(3) "Obscene" means containing a patently offensive description of or a solicitation to commit an ultimate sex act, including sexual intercourse, masturbation, cunnilingus, fellatio, or analingus, or a description of an excretory function.

(c) An offense under this section is a Class B misdemeanor, except that the offense is a Class A misdemeanor if the actor has previously been convicted under this section.

§ 42.072. STALKING. (a) A person commits an offense if the person, on more than one occasion and pursuant to the same scheme or course of conduct that is directed specifically at another person, knowingly engages in conduct, including following the other person, that:

(1) the actor knows or reasonably believes the other person will regard as threatening:

(A) bodily injury or death for the other person;

(B) bodily injury or death for a member of the other person's family or household; or

(C) that an offense will be committed against the other person's property;

(2) causes the other person or a member of the other person's family or household to be placed in fear of bodily injury or death or fear that an offense will be committed against the other person's property; and

(3) would cause a reasonable person to fear:

(A) bodily injury or death for himself or herself;

(B) bodily injury or death for a member of the person's family or household; or

(C) that an offense will be committed against the person's property.



(b) An offense under this section is a felony of the third degree, except that the offense is a felony of the second degree if the actor has previously been convicted under this section.

(c) In this section, "family," "household," and "member of a household" have the meanings assigned by Chapter 71, Family Code.

# Characteristics and Dynamics of Sexual Harassment

- Usually involves a power differential
- Definitely unwanted, unwelcome behavior
- Usually repeated behavior
- Most harassment goes unreported
- Incidents of harassment are as high as 30% of female undergraduates and as high as 23% of women faculty members
- The vast majority of individuals who believe that they have been harassed only want to stop it, not to bring formal charges or punish
- Many people who offend or harass will stop when told
- Certain behavior would be harassment to some but not to others
- Harassers typically are not “perverts”, are all ages, races, occupations; often respected, talented, well-liked

# Examples of Conduct or Behavior “Of A Sexual Nature”

- Verbal Conduct:

- Remarks about physical characteristics (e.g. comments about body parts)

- Derogatory comments about women

- Sexual attention (e.g. discussion of dating, sex lives, preferences, asking for dates)

- Sexual jokes or humor

- Propositions (any type)

- Lewd Remarks

# Examples of Conduct or Behavior “Of A Sexual Nature”

- Nonverbal Conduct:

Suggestive or insulting noises

Leering

Whistling

Gazing

Sneering

Making obscene gestures

Exposing oneself



# Examples of Conduct or Behavior “Of A Sexual Nature”

- Physical Conduct:

Touching any part of another’s body, especially in a suggestive manner.

Grabbing/pinching

Back rubs or shoulder massages

Coerced sexual intercourse



# Examples of Conduct or Behavior “Of A Sexual Nature”

- Written (Including electronic communications and e-mail):

Love notes or letters

Suggestive comments on memos

Graffiti



# Examples of Conduct or Behavior “Of A Sexual Nature”

- Visual:
  - Social Media
  - Explicit pictures (e.g. pin-ups)
  - Photocopies of private body parts
  - Explicit films
  - Sex toys





Students should note that recent changes have been made to [Texas Penal Code 21.15](#) dealing with [Improper Photography](#). The Texas Court of Criminal Appeals has ruled recently that portions of this law are unconstitutional. To summarize, a person does not have a reasonable expectation of privacy when they are out in public or in public view. Certain aspects of the law do remain in tact regarding a person's expectations of privacy in locations such as changing rooms, shower rooms, locker rooms, and the like.



# Consensual Relationships



- Consensual Relationships do not constitute sexual harassment, but all consensual defenses are closely scrutinized and supervisor-subordinate consensual relationship are suspect.
- When these relationships go sour then there is a potential that the subordinate claims that the relationship was not consensual and may constitute a quid pro quo claim.
- The courts take a look at these relationships from who has the power and control.

# Texas Penal Code - Section 1.07. Definitions

"Consent" means assent in fact, whether expressed or apparent.

**REMEMBER:** The age of consent for sexual activity in Texas is 17 years old. The age of consent to participate in commercialized sexual activity (topless dancer, posing nude in a magazine, etc.) is 18 years old. As with many laws in Texas, there are always exceptions.

Southwest Texas Junior College  
232501

EMPLOYEE WELFARE  
DIA

FREEDOM FROM DISCRIMINATION, HARASSMENT,  
AND RETALIATION  
(LOCAL)



Reports of discrimination based on sex, including sexual harassment, may be directed to the Title IX coordinator. The College District designates the following person to coordinate its efforts to comply with Title IX of the Education Amendments of 1972, as amended:

**Name:** Oscar S. Garcia

**Position:** Human Resources Coordinator

**Address:** 2401 Garner Field Road, Uvalde, TX 78801

**Telephone:** (830) 591-7330



Title IX is a portion of the United States Education Amendments of 1972, Public Law No. 92-318, 86 Stat. 235 (June 23, 1972), codified at 20 U.S.C. sections 1681 through 1688, co-authored and introduced by Senator Birch Bayh; it was renamed the Patsy Mink Equal Opportunity in Education Act in 2002, after its House co-author and sponsor. It states (in part) that:

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.



# Sexual Assault Awareness and Prevention





# Texas penal code



§ 22.011. SEXUAL ASSAULT. (a) A person commits an offense if the person:

(1) intentionally or knowingly:

(A) causes the penetration of the anus or sexual organ of another person by any means, without that person's consent;

(B) causes the penetration of the mouth of another person by the sexual organ of the actor, without that person's consent; or

(C) causes the sexual organ of another person, without that person's consent, to contact or penetrate the mouth, anus, or sexual organ of another person, including the actor; or

(2) intentionally or knowingly:



(A) causes the penetration of the anus or sexual organ of a child by any means;

(B) causes the penetration of the mouth of a child by the sexual organ of the actor;

(C) causes the sexual organ of a child to contact or penetrate the mouth, anus, or sexual organ of another person, including the actor;

(D) causes the anus of a child to contact the mouth, anus, or sexual organ of another person, including the actor; or

(E) causes the mouth of a child to contact the anus or sexual organ of another person, including the actor.

(b) A sexual assault under Subsection (a)(1) is without the consent of the other person:

(1) the actor compels the other person to submit or participate by the use of physical force or violence;

(2) the actor compels the other person to submit or participate by threatening to use force or violence against the other person, and the other person believes that the actor has the present ability to execute the threat;

(3) the other person has not consented and the actor knows the other person is unconscious or physically unable to resist.

## § 22.021. AGGRAVATED SEXUAL ASSAULT

(A) The person:

(i) causes serious bodily injury or attempts to cause the death of the victim or another person in the course of the same criminal episode;

(ii) by acts or words places the victim in fear that death, serious bodily injury, or kidnapping will be imminently inflicted on any person;

(iii) by acts or words occurring in the presence of the victim threatens to cause the death, serious bodily injury, or kidnapping of any person;

(iv) uses or exhibits a deadly weapon in the course of the same criminal episode;

(v) acts in concert with another who engages in conduct described by Subdivision

(1) directed toward the same victim and occurring during the course of the same criminal episode; or

(vi) administers or provides flunitrazepam, otherwise known as rohypnol, gamma hydroxybutyrate, or ketamine to the victim of the offense with the intent of facilitating the commission of the offense;

(B) the victim is younger than 14 years of age; or

(C) the victim is an elderly individual or a disabled individual.

(c) An aggravated sexual assault under this section is without the consent of the other person if the aggravated sexual assault occurs under the same circumstances listed in Section 22.011(b).

An offense under this section is a felony of the first degree.

# Making a Difference

## Your Role in Sexual Violence Prevention **on Campus**





# Introduction

The story:

- In 1964, 38 people witnessed the rape and murder of Kitty Genovese outside of her NYC apartment.
- The attack lasted for over half an hour.
- No one intervened.



# Introduction

Two women were leaving a house party on their campus when they noticed a group of men gathered near a closed door. When they moved near, the door opened and they saw a woman inside, naked with a group of men. She looked very drunk. The women called 911.





# What is Sexual Violence?

- Any sexual act without consent.
- Consent cannot be obtained when someone is:
  - A minor
  - Incapacitated due to alcohol or drugs
  - Has certain disabilities
- Includes rape, fondling, grabbing someone sexually, sexual harassment, stalking, domestic and dating violence, and many other behaviors.

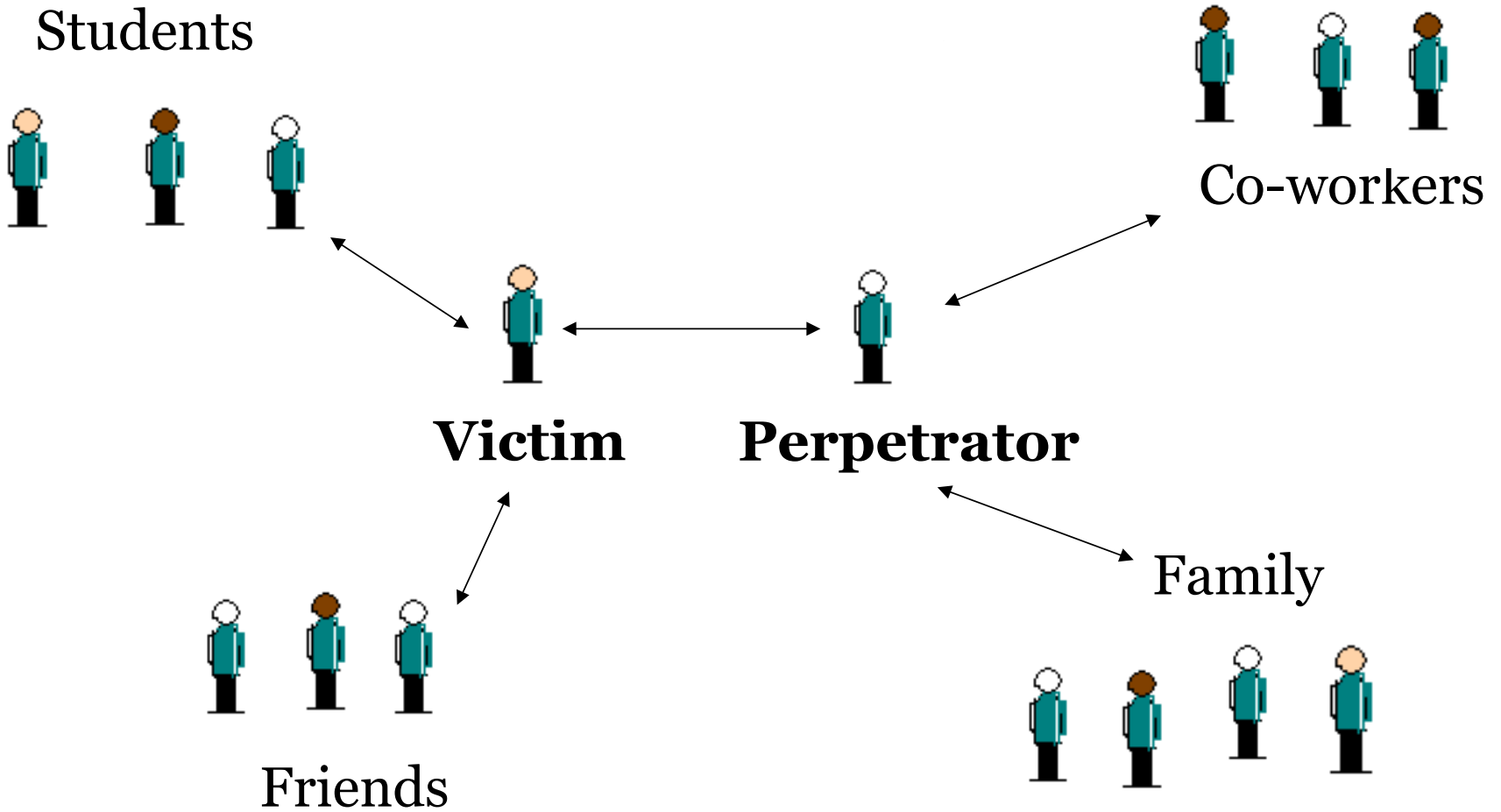
# What is Sexual Violence?

- **1 in 6 women** and **1 in 33 men** will be victims in their lifetime.



Source: (Tjaden and Thoennes, 2000)

# Who is Impacted?





# What might it look like?

Two students kiss  
in the quad.

A professor sends out an  
email with a “blonde joke”  
to students.

A woman leads a guy who  
looks really drunk upstairs  
during a party.

A group of guys at a  
house party make  
comments about a  
woman’s body as she  
walks by.

A man grabs a  
stranger’s behind  
in a bar.

# Range of Behaviors

Healthy, age-appropriate, mutually respectful, safe

Mutually flirtatious, playful

Situation- or age-inappropriate or non-mutual

Harassment

Sexually abusive and violent





# What can I say or do?

“Do you need help?”

“Can I walk you home?”

“Are you alright?”

“Do you want me to call someone for you?”

“Should I call the police?”

“Do you want me to talk to so-and-so for you?”

“What can I do to help you?”

“Is everything OK?”



# What can I say or do?

“What you said earlier really bothered me...”

“I don’t like what you just did.”

“I know you well enough to know that you would not want to hurt someone...”

“I wonder if you realize how that feels/comes across.”

“How would you feel if someone did that to your sister?”

“I am saying something because I care about you...”



## On Your Campus

- What is my school's sexual misconduct policy? How can it be improved?
- How can I work with my campus newspaper to make sure they talk about this crime appropriately?
- What services are available to victims of sexual violence on my campus?



# IF YOU COME IN CONTACT WITH AN ALLEGED VICTIM OF A SEXUAL ASSAULT:

1. Call 911.
2. DO NOT let the victim change clothes.
3. DO NOT let the victim bathe or shower.

Most Sexual Assault victims will feel “dirty” and “violated” after the attack. The natural response is to bathe and change clothes to cleanse themselves after the attack. Valuable biological evidence can be lost and potentially hamper prosecution efforts due to the loss of this evidence.

An abstract painting with warm, textured brushstrokes in shades of brown, orange, and teal. A faint, light-colored diamond shape is overlaid on the right side of the image, framing the text.

# REMEMBER:

Sexual Assault (Rape) is NOT a crime of passion. Instead, it is a crime of violence. The attacker is intending to “force their will” and establish control over their victim by way of intimidation and humiliation. As you have seen, force may be used either physically or by use of some type of weapon, or both.



# Dating Violence

**Dating Abuse** or **Dating Violence** is defined as the perpetration or threat of an act of violence by at least one member of an unmarried couple on the other member within the context of dating or courtship. It is also when one partner tries to maintain power and control over the other through abuse/violence. This abuse/violence can take a number of forms: sexual assault, sexual harassment, threats, physical violence, verbal, mental, or emotional abuse, social sabotage, and stalking. It can include psychological abuse, emotional blackmail, sexual abuse, physical abuse and psychological manipulation.

Dating violence crosses all racial, age, economic and social lines. The Center for Relationship Abuse Awareness describes dating abuse as a "pattern of abusive and coercive behaviors used to maintain power and control over a former or current intimate partner".



[stoprelationshipabuse.org](http://stoprelationshipabuse.org)





# And Remember This:

There is no differentiation in the law or college policy with regards to heterosexual or homosexual relationships. Gender specific language is not used and the law and policies are designed to protect all equally. Personal bias or opinions regarding another person's lifestyle should not be a determining factor in your decision to take action if you feel the situation calls for it.

# Let's Practice





# Imagine...

- As you enter a residence hall at your college, you see a couple stumbling down the hallway. Their hands are all over each other in a clearly sexual way. A few minutes later, you hear a struggle, then loud voices and yelling coming from the room they entered.

*(Adapted from Banyard, Plante, and Moynihan, 2005)*



# Discussion Questions

- What did you see or hear that concerns you?
- How does the situation affect you?
- Someone else?
- What are the risks if you act? Is it dangerous?





# Discussion Questions

- What are my options?
- Can I talk with someone else in a more appropriate position to do something?
- Are there any other resources I need?

# Take-Home Points

- **You** have a role to play in preventing sexual violence.
- There are many opportunities all day long to make a difference in small ways.
- There are many ways to speak up or take action, not just one “right” way.
- Always consider the consequences; if there is immediate danger, call **911**.

\*You can also contact the SWTJC Campus Police Department 24/7 directly at **830-279-1861**.

# Resources



- National Sexual Violence Resource Center (NSVRC)
  - Toll Free Phone: 1-877-739-3895
  - Email: [resources@nsvrc.org](mailto:resources@nsvrc.org)
  - Website: [www.nsvrc.org](http://www.nsvrc.org)



# Questions?





# Robert Armstrong

## Academy Coordinator

Middle Rio Grande LEA

Adjunct Instructor  
Central Texas COG

Reserve Deputy Sheriff  
La Salle County SO

[txsb3486@yahoo.com](mailto:txsb3486@yahoo.com)   [jarmstrong@swtjc.edu](mailto:jarmstrong@swtjc.edu)

830-591-4158

