

Title IX: Sexual Harassment

What do I need to know and why?

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Why is this topic important?

- Of 98,411 reports filed with the EEOC in 3 years of harassment of some type, 27,291 specifically alleged sexual harassment.
- Employees and Students have significant rights under Title IX when they have been subject to sexual harassment and there are high stakes for employers and educational institutions for not honoring those rights
- There are high consequences for not addressing. Individuals who have been impacted by sexual harassment have experienced health concerns like loss of sleep, depression, and panic attacks; loss of jobs and/or educational pursuits, and PTSD. (Hidden Effects of Sexual Harassment/N.Spector)
- **“Over time, a hostile work environment (or school environment) can erode a person’s self esteem, career confidence, spill over into an individual’s personal life, affecting their relationships and quality of life.”** (Feb 12, 2024, SHRM, Matt Gonzales)

What is sexual harassment?

- **Quid Pro Quo Sexual Harassment-** “this for that” and always involves a person that has power over another because it is about using that power to grant or withhold a benefit. One incident can be enough to prove QPQ
- **Hostile Environment Sexual Harassment-** unwelcome conduct, determined by a reasonable person to be so severe and pervasive and offensive that it denies the person access to a program or activity (i.e. the place feels hostile and I am changing my behavior because of it)

Title IX: Sexual Harassment Also Includes:

- Sexual Assault
- Dating Violence
- Domestic Violence
- Stalking

What does Quid Pro Quo look like, sound like or feel like?

- Quid Pro Quo Scenario

What does hostile environment look like, sound like or feel like?

- <https://youtu.be/bkJwvFV9KMQ>
- <https://youtu.be/1xmEJ6KieKA>

Actual Cases in the Legal World

Impact?

- Touching Under Pretext
- Marlene not leaving Marty alone, and he's not interested (break room, probing questions about personal life; constant requests to go out after work)
- Kendra, receptionist, and the local delivery driver; unrelenting attention, gifts, flowers, flirting
- New student Alex and the “who can turn Alex?” challenge on social media

Common Responses from Respondents

- She smiled and laughed about it.
- He never came right out and said he didn't want to go out with me; he kept saying "not dating anyone right now."
- Don't most people meet their "one and only" at work? Did you meet your spouse at work?
- The boss never said it was wrong and he heard the joking.
- Everyone likes compliments. It's a fact.
- I joke with all my students, did any one else complain? She is misinterpreting everything; she has issues.

Title IX Reporting

- As a complainant or a bystander, you can report to:
 - **Employee Matters- Mike Markoe**, Executive Director of HR/Title IX Coordinator – Employees; <https://www.hagerstowncc.edu/docs/hcc-discriminationharassment-complaint-form>
 - **Students Matters**, Christine Ohl-Gigliotti, Dean of Students, Title IX Coordinator – Students; <https://www.hagerstowncc.edu/student-affairs/sexual-misconduct-procedures>
 - Remember, as a bystander, gossiping about it is not supporting the potential victim; it can actually add to the trauma. Think about how best to offer support to someone in a way that empowers and shows you care.

Our Responsibility

- Any member of the HCC community with knowledge or has reason to suspect an individual is violating Title IX is expected to report it to the appropriate Title IX Coordinator.
- Another requirement for employees is referring a student to the Dean of Students if they have shared they are pregnant or may need pregnancy related accommodations.
- We all play a part in creating and maintaining a safe and welcoming environment for students, staff and faculty.

Investigation

- The Investigation will commence no later than 7 calendar days from receiving the complaint
- Complainant/Respondent and individuals that may have knowledge of the matter will be interviewed
- Supportive measures and protections are provided to both parties during the process (EAP for Employees/ Student Services or Advisor for Students)
- Parties are directed not to have contact with one another
- Parties are directed to keep the process confidential, outside of discussing with their representative/advisor
- Employees (complainant/respondent) are generally placed on administrative leave or telework pending the outcome of the investigation

Investigation

- Students are provided alternatives to being in class together, if applicable
- Parties are informed about the status of the investigation during the process
- Parties will be offered the right to review his/her statement to ensure accuracy
- Parties have the right to a formal grievance process before imposing any discipline
- Parties may seek an informal resolution where applicable
- The investigator will evaluate remedies such as discipline, training, reassignment of classes/work assignment
- **Goal: A college campus that feels welcoming, supportive and safe and a process to ensure that outcome.**

What does this have to do with me?

- Work Culture is Our Responsibility
- “Toxic workplaces drain all the energy and excitement of employees and replace it with fear.” (M. Shoss, Professor, Organizational Psychologist, University of Central Florida)

Reflection

- Based on this training, please respond to the following questions in written format and submit to Mike Markoe, Executive Director of Human Resources.
- 1. What were 3 key points in the training that you found particularly interesting or important to understand ?
- 2. What segment of the training caused you to pause and reflect? Explain.
- 3. The last video talked about everyone having a responsibility to ensure a safe and welcoming culture. What is one thing you can commit to doing that would add to a positive work culture in your department?