

# CEDARVILLE UNIVERSITY

## TITLE IX TRAINING

SEPTEMBER 25, 2020



# Agenda

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- Themes
- Helping Our Community Trust Our Process
- Overview of your Policy/Process
- Mandatory Reporting
- Intake
- Supportive Measures
- Handling Formal Complaints
- How You Can Help

# ***Posting these Training Materials***

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- Yes, you may post these slides.
- The University is required by §106.45(b)(10)(i)(D) to post materials used to train Title IX personnel on its website

# *Themes*

# Themes



- Title IX meant to ensure equitable access, regardless of sex
- We have an obligation to protect our community – including both parties
- Transparency in the process encourages participation, reduces stress, and increases trust in the outcome
- Use the language of the policy, not language of criminal law

# Themes



Use THIS...	Not THIS!
Complainant	Victim Survivor
Respondent	Perpetrator “The Accused”
Report or Complaint	Allegation
Responsible	Guilty
Not Responsible	Innocent or Not Guilty

- Be incredibly mindful not to prejudge the outcome of the case
- Base decisions on evidence, not your “gut”
- Remember your role in the process:
  - Mandatory reporter?
  - Campus Safety Authority?
  - Not: Investigator or Decision-Maker

***Helping Our Community  
Trust Our Process***



# Roles

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Title IX requires all matters relating to sex to go through a **single person**: the Title IX Coordinator.

The Coordinator has all the resources but needs all the information.

You can help!

Title IX requires all disciplinary concerns regarding sex to go through a **single process**: your Title IX Policy.

**In order to discipline** for matters relating to sex, we must follow the policy.

# ***Transparency***

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The Policy is transparent.

It lists the steps to follow so the parties know what will happen next.

This helps them prepare and feel in control.

# ***Sanctioning***

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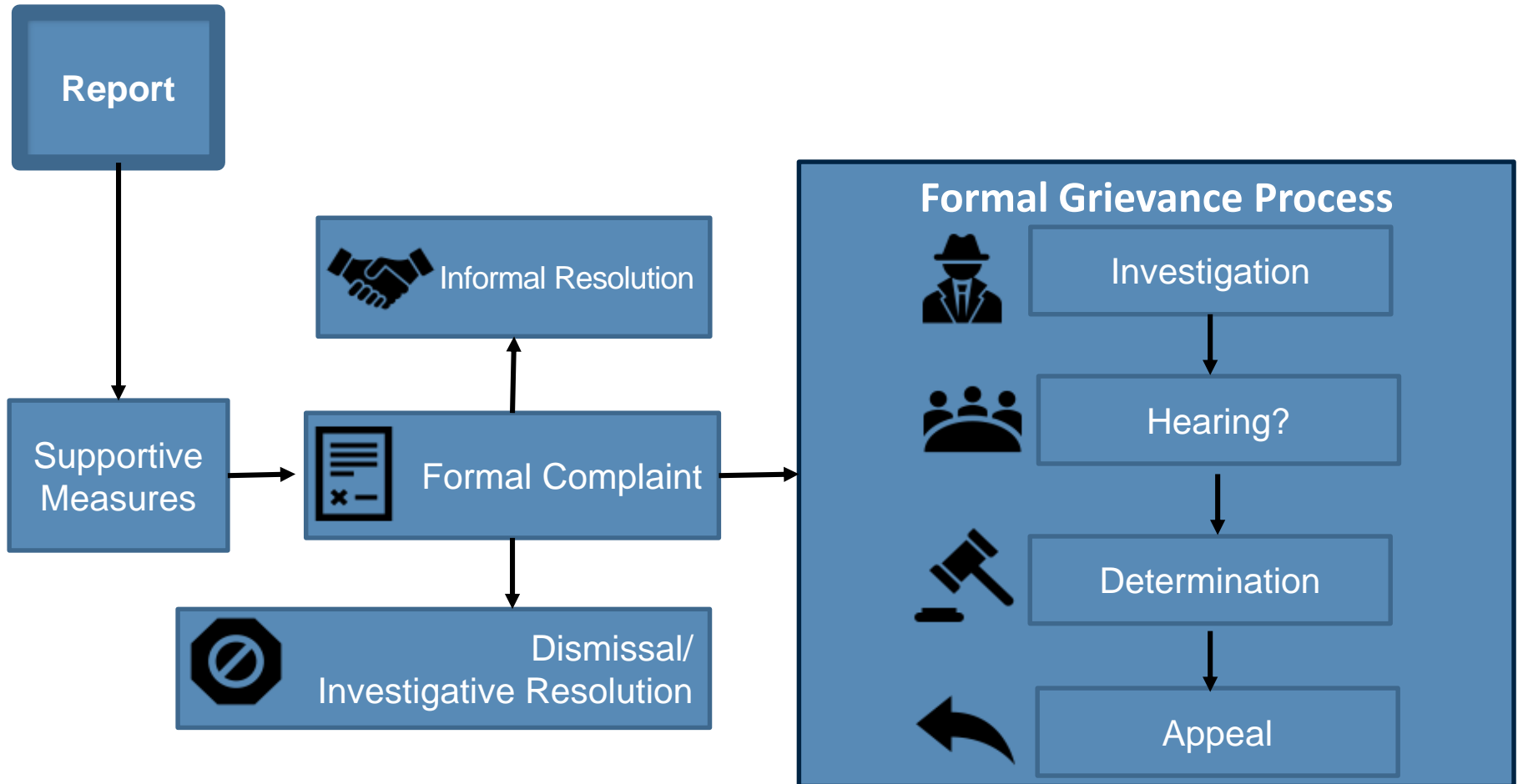
All sanctions for sex-related violations must come as a result of following the Policy.

Sanctions can help protect the community, correct behavior, and prevent future misconduct.

They can also leave room for redemption.

# ***Overview of Your Policy Process***

# Overview of the Process



# ***Mandatory Reporting***

# Q&A



- Who is a mandatory reporter?
  - **You!**
- What must you report?
  - **All information** regarding potential Prohibited Conduct.
- Can I make a report without giving the student's name?
  - Not if you know the student's name. You must report **all information** that you know.



# Q&A



- How do I make a report?
  - In writing to the Title IX Coordinator
- Can you make a mandatory report anonymously?
  - No. You must provide all known information, including your name and any other names that are relevant.

# Q&A

- What if the thing:
  - happened a long time ago?
  - didn't happen on campus?
  - involves misconduct by someone who graduated already?
  - constitutes child abuse and the person is now an adult?
  - involves someone I know couldn't have done it?

**Make the report.**

# Q&A

- **But why?**
  - Receiving an email with supportive options later may be good timing.
  - Not everyone absorbs all their options the first time they hear them.
  - Follow-up in writing can be helpful for them to save for when needed.
  - Your information may be the last “piece of the puzzle.”

# Q&A



- A student told me something that I need to report. How do I tell them that I have to make a mandatory report?
- “I am a mandatory reporter, so I am required to report this to the Title IX Coordinator. The Coordinator will contact you and ask if you want to meet, but you don’t have to respond. Do you want to be here when I make the report so you can get more information about your options while we’re together?”

# Q&A



- How do I let students know I'm a mandatory reporter if I don't think they understand my role?
  - “You should know I'm a mandatory reporter, so if you tell me something about sexual misconduct, I'm going to have to make a report to the Title IX Coordinator. That just means they'll contact you to see if you want to meet to discuss resources and options, but you don't have to meet. If you don't want that to happen, then let's look at the list of confidential resources and see if that might be a better place for you to get support.”

# Q&A



- How do I support students without becoming their *de facto* counselor?
  - “I’m glad you feel comfortable talking with me, and I’m here to support you. But I also recognize that I am a mandatory reporter and I’m not a professional counselor here at the University. Our counselors have access to more resources and can give you a confidential place to talk through some of the things you are thinking and feeling. You can keep sharing with me, but have you thought about using their services?”

# Q&A

- We can go together to see the Title IX Coordinator if you like? (Let's see if she's available to talk right now.)
- Do you feel safe? (We can call campus security, a Dean, etc. to get some protective measures in place if the Title IX Coordinator isn't available immediately.)

# Q&A



- What if I am not sure if I should make a report?
  - Call the Title IX Coordinator and ask if you should make the report, or
  - Make the report anyway.



# ***Intake***

# ***Overview of the Process: Supportive Measures***

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- Non-disciplinary and non-punitive
- Individualized
- “As reasonably available”
- Without fee or charge to either party
- Available at any time (regardless of whether a formal complaint is filed)

# ***Overview of the Process: Supportive Measures***

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Designed to:

- ***restore or preserve access*** to the University's education program or activity, without unreasonably burdening the other party;
- protect the safety of all parties and the University's educational environment; and
- deter sexual harassment

# ***Overview of the Process: Supportive Measures***

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- Counseling
- Extensions of deadlines (course-related adjustments)
- Modifications of work/class schedules
- Campus escort services
- Mutual contact restrictions
- Changes in work or housing locations
- Leaves of absence
- Increased security and monitoring of certain areas of the campus
- “and other similar measures”

# ***Overview of the Process: Supportive Measures***

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Role of the TIXC upon receiving a report:

- promptly contact the complainant to discuss the availability of supportive measures,
- consider the complainant's wishes with respect to supportive measures,
- inform the complainant of the availability of supportive measures with or without the filing of a formal complaint

# ***Overview of the Process: Supportive Measures***

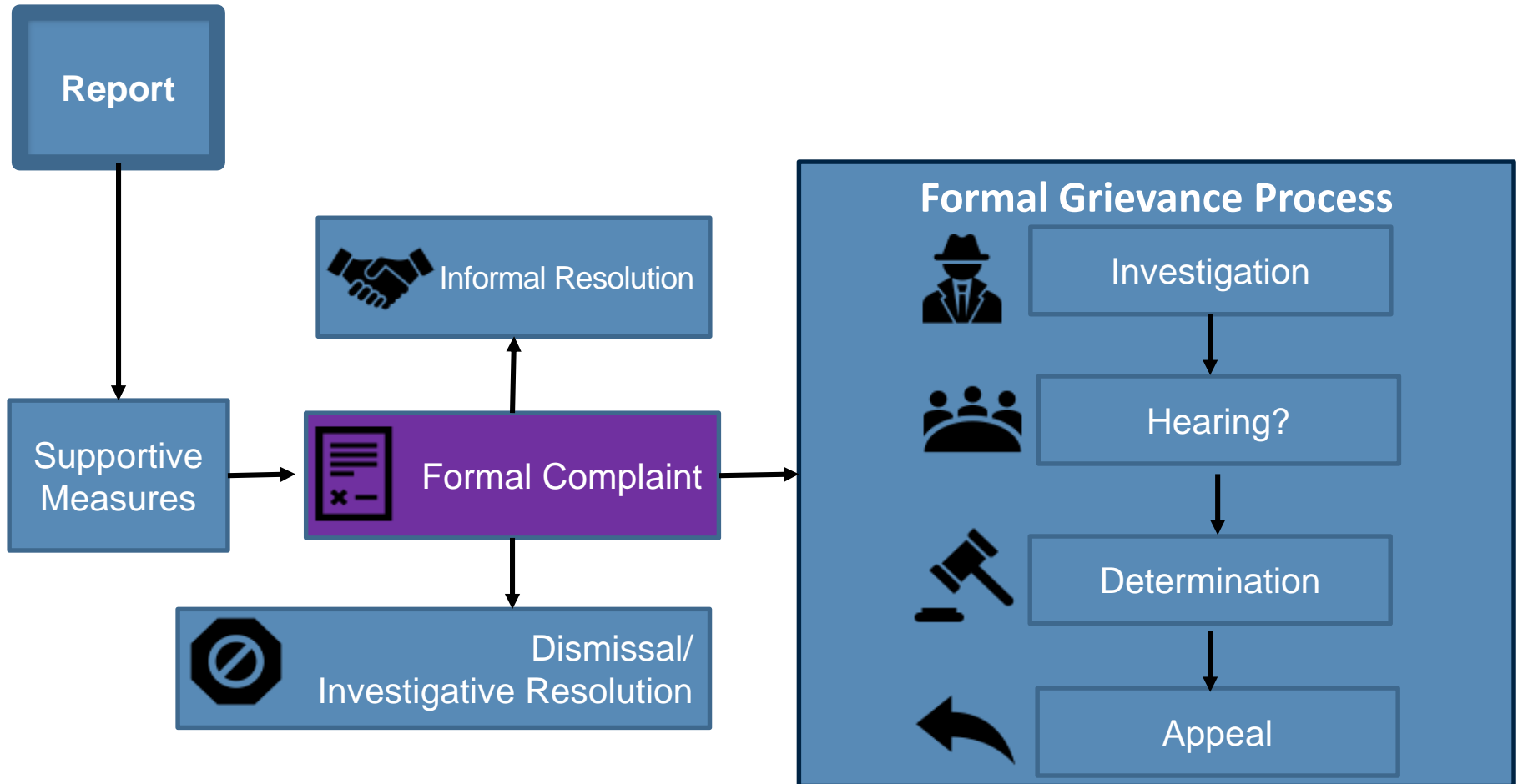
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- Must maintain confidentiality to the greatest extent possible
- Note: Title IX Coordinator may ask you to help with accommodations and may not be able to tell you all the details as to *why*.

# ***Formal Complaints***

# Overview of the Process





# ***Overview of the Process: Formal Complaint***

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Once a Formal Complaint is filed, there are four possibilities:

- Informal Resolution
- Formal Grievance Process (Hearing)
- Mandatory Dismissal from Hearing Process and Resolution through Investigative Process
- Formal Complaint is withdrawn



# ***Overview of the Process: Formal Complaint***

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Complainant makes the first decision as to whether to pursue informal resolution or begin the investigation.

If the Complainant wishes to pursue informal resolution, the Respondent decides whether to participate. If they decline, the investigation begins.



# ***Overview of the Process: Formal Complaint***

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Things to know about investigations:

- No one has to participate in the investigation
- The information that is gathered will be shared with both parties
- If a case goes to hearing, witnesses should plan to testify (but cannot be forced to do so)
- Our investigators have no subpoena power. Instead they have a super power: asking nicely.



# ***Overview of the Process: Formal Complaint***



What cases get hearings? Must meet all four:

- ✓ Complainant is currently participating or attempting to participate in University program/activity
- ✓ Complainant was in the U.S.
- ✓ Conduct occurred within University program/activity
- ✓ Conduct may constitute Sexual Harassment (Title IX)



# ***Overview of the Process: Formal Complaint***



Decisions are **based on the evidence**, not gut feelings, statistics, or concerns about the impact of a particular decision on a person's life.

The Respondent is always **presumed not responsible** for a policy violation unless and until a **preponderance of the evidence** demonstrates that the Respondent is responsible for violating the policy.



# ***How You Can Help***

# Things To Do

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- ✓ Get trained. We are always learning to be better.
- ✓ Recognize your role.
- ✓ Make mandatory reports.
- ✓ Be supportive of all individuals that are participating in the process.
- ✓ Be patient when complainants may not feel comfortable moving forward right away.



# Things To Do

- ✓ Coordinate supportive measures through the Title IX Coordinator so she can keep good records.
- ✓ Don't prejudge cases, claims, or people.
- ✓ Report retaliation.





# Questions?