

2016 BRINGING ADMINISTRATORS TOGETHER CONFERENCE

Title IX: Understanding Reporting Requirements, Rights and Resources

Date: April 14, 2016 Time: 11:30 a.m.

UIC UNIVERSITY OF ILLINOIS
AT CHICAGO

UIC

Lincoln Hall

707 South Morgan Street

Please ...

- Avoid side conversations.
- Ask questions at any time
- Sign the attendance roster.
- Complete the evaluation at the end of the workshop.
- Turn on your phones 😊 for a survey

Presenter

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Title IX Coordinator

Office for Access and Equity

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Learning Objectives

- Increased awareness of Title IX reporting obligations
- Increased knowledge of confidential and other available resources
- Increased understanding of what to expect when a report is made to the Title IX Coordinator

Title IX

“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 educational program or activity receiving federal financial assistance.”

Title IX of the Education Amendments of 1972
Implementing Regulations at:
20 U.S.C. § 1681 & 34 C.F.R. Part 106

Title IX

- Title IX of the Education Amendments of 1972 is a federal law intended to end sex discrimination in all areas of education
 - Non-discrimination based on sex or gender to all recipients of federal funds, both public and private institutions
 - Scope includes program equity, such as in athletics, and also to sexual and gender based harassment
 - U.S. Department of Education, Office of Civil Rights regulates and issues clarifications

www2.ed.gov/about/offices/list/ocr/docs/shguide.html

Dear Colleague Letter: Title IX Reformulation April 2011



- Sexual violence is a form of sexual harassment
- ... A single instance of rape is sufficiently severe to create a hostile environment
- Serves as the basis for discrimination

Aftermath of sexual violence and sex or gender-based harassment



Disruption in sleep,
depression, anxiety, loss of
appetite, isolation, triggers
mental health issues

Lack of concentration,
nightmares, panic attacks,
fear, anger, PTSD...



Types of Sexual Misconduct

- Gender Harassment
- Sexual Harassment
- Sexual Violence/Misconduct

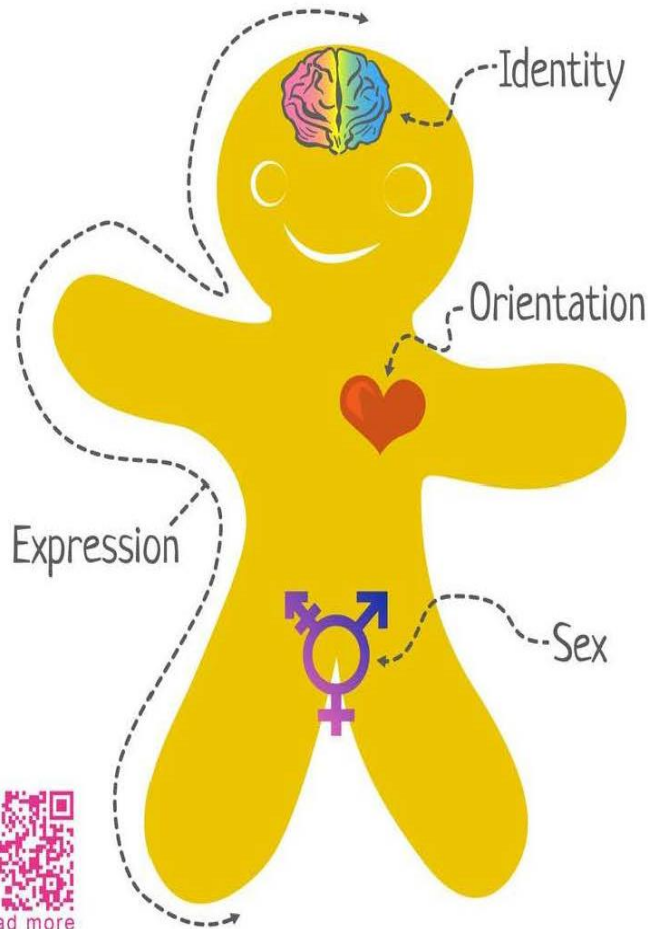
Gender Harassment

- Based on real or perceived biological sex (Male, Female, Intersex)
- or Gender (individual's gender identity, e.g. masculine, feminine, transgender, gender queer, gender non-conforming...)
- Not conforming to gender stereotypes

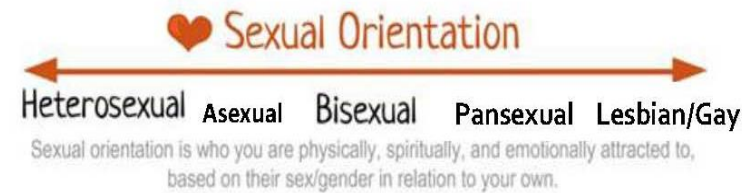


The Genderbread Person

by www.ItsPronouncedMetrosexual.com



Ask me what pronoun I prefer?
He, She, They, Them, Ze, Zer???



Sexual Harassment

2 types:

1. Hostile Environment
2. Quid Pro Quo

Hostile Environment

1. Unwelcome/offensive
2. Verbal or physical conduct based on sex
3. Severe or pervasive
4. Denies or limits a person's ability to participate in or benefit from a school's educational program or impact's an employee's work performance

Quid Pro Quo

When the submission or rejection of sexual advances are used as the basis for employment or educational decisions

- Assumes a power differential
- Advances are unwelcome even if the target of harassment engages in the sexual behavior

Types of Sexual Violence/Misconduct

Dating/Domestic Violence



Flowers + Jealousy + Apologies + Blame + Flattery + Threats = Love?

It isn't love when your partner continually has to apologize for treating you badly. Jealousy, blaming and threats are signs the beginning phase of an unhealthy and/or abjectly abusive relationship. The Campus Advocacy Network can help you identify options.

If you or a friend needs help, call the Campus Advocacy Network. Together we CAN find a way.

802 University Hall
312-413-8206
www.uic.edu/campusadvocacy.html
UIC University of Illinois at Chicago

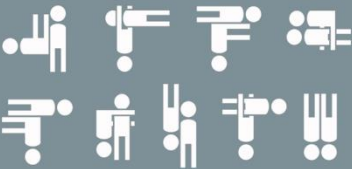
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This project was supported by Grant No. 2002-WA-BX-0011 awarded by the Violence Against Women Office, Office of Justice Programs, U.S. Department of Justice. Points of view in this document are those of the author and do not necessarily represent the official position or policies of the U.S. Department of Justice.

Stalking and Cyber stalking



No matter how you like it, it's not sex without consent.



Sex without consent is rape.

Sex without consent is rape. Consent requires that both parties are fully conscious, able to give consent, and have communicated a positive response. Sex no matter how you like it, your partner needs to say yes.



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Sexual Assault

Key to an Effective Response: Responsible Employee

Responsible Employees are defined as anyone having the authority or responsibility to respond to disclosures of sexual violence

or who student's perceive as having the authority or responsibility to report sexual harassment to school officials.

Deliberate Indifference

- OCR requires that a college or university may be held accountable for harassment of students if any person perceived to be a responsible school employee was put on notice and took no corrective action
- The courts, imposes liability when a school official with authority to take corrective action fails to respond, or is deliberately indifferent
- 42 U.S. Code § 1983 - Civil action for deprivation of rights provides the means to enforce the rights of an aggrieved person against school officials, teachers or other individuals in their personal capacity

UIC's Policy Considers all Employees Responsible Employees

- It should be made clear to staff and faculty their duties as Responsible Employees
- should know the role play in reporting



Informed Consent (OCR, 2014)



1. Employees and students need to be informed of your role to report
2. When necessary interrupt
3. Tell the individual about confidential resources (i.e. Campus Advocacy Network, Employee Assistance Services or Counseling Center)

Role of Responsible Employee

- Listen
- Be a support
- Connect to Resources
- Provide Resources Handout
- Report to your supervisor
- **Contact the Title IX Coordinator**



Campus Advocacy Network 413-8206



WE BELIEVE YOU.

The Campus Advocacy Network's advocates are experts in understanding the dynamics of sexual assault, domestic violence, dating violence and stalking. We have extensive knowledge of on and off campus systems and agencies in which you can access resources. We provide a safe and confidential environment for you to share your story.

You are the expert about your situation, and we will support your work to regain control over your life and begin healing from your experience.

Our services are free and confidential.

Advocacy services are available to students, faculty and staff. We are welcoming to all gender identities and are sensitive to how culture and other social identities can shape your experience with violence.

IT'S NOT YOUR FAULT.

Many survivors of interpersonal violence blame themselves for being the victim of sexual assault, domestic or dating violence or stalking. They can get messages from others that convey that they were somehow responsible for what was done to them.

It is never the victim's fault

Nothing you did caused this to happen and nothing you could have done would likely have prevented it.

Advocates are not counselors but we provide a safe, supportive and confidential environment where you can talk, ask questions, figure out what you want to do and how to restore your life.

YOU HAVE OPTIONS.

Advocacy staff will identify the options available to you based on the specifics of your situation. We explain the processes and evaluate the benefits and drawbacks of each option, and then help you navigate those options that **you choose**.

Examples of Services

- Safety planning
- Coordinating with State's Attorney's Office, Police and Dean of Students' Office
- Reporting to UIC police or area law enforcement
- Explaining and assisting in obtaining an Order of Protection (OP/CNOC)
- Requesting, preparing for and accompanying to a student conduct hearing
- Requesting academic accommodations
- Identifying potential Financial Aid options and referrals to appropriate FA staff
- Escorting you to classes
- Assisting with emergency housing
- Providing referrals to on and off campus resources
- Assistance making a Title IX report

This is not a comprehensive list. For other options and resources please contact an advocate to discuss your needs.

Who do you report to?

Chief of Police
Kevin Booker



Title IX Coordinator
Rebecca Gordon



OR

Why is reporting to the police optional?



- We are required to assist in reporting to the police
- Reporting to the Title IX Coordinator is not optional unless you are a designated confidential resource

Once the school is put on notice for...

Sexual or Gender based
Harassment or violence



Interim safety measures

Stop
Prevent



No Contact



No Retaliation



Interim Suspension or
Administrative Leave

Police Investigation



- Title IX investigation can be delayed to prevent interfering with active evidence collection
- Title IX investigation cannot be delayed until the completion of the criminal proceedings

Title IX Investigation



Thorough

Reliable

Impartial

Prompt

Equitable

Rights for Both Parties

- Receive policy and process in writing
- Have a support person, union representative, legal counsel for both parties, or an advocate for the complainant
- Present witnesses and corroborating information
- Review the Investigative Report and provide corrections, clarifications, and rebuttals
- Finding letter submitted in writing simultaneously to both parties

Evidence evaluated based on Preponderance Standard



- More likely than not
- 50% plus a feather

Confidentiality



- OCR strongly supports confidentiality (OCR, 2014)
- The Title IX Coordinator can make the determination to take confidential reports or not reveal the name of the Complainant
- Exception is when there is individual or campus risk

Remedy Effects

Victim has a right to reasonable remedies

1. Academic Accommodations
2. Academic support like tutoring
3. Access to Counseling Services



Title IX Process

Title IX Review

- Investigation
- Confidentiality Requests
- Interim safety measures
- Academic accommodation requests

Title IX Findings

- Does the information support a policy violation
- Based on preponderance of evidence
- 50 % plus a feather

Employee Action or Student Conduct Hearing

- Sanctions based on Title IX Findings
- Appeals

Sanctions

- Educational
- Coaching and Counseling
- Reassignment of Duties
- Reprimands
- Sanctions short of discharge
- Suspension with or without pay
- Suspension pending discharge
- Request to Resign
- Dismissal, Discharge, or termination of contract



Campus Policies

1. University Wide: Sex Discrimination, Sexual Harassment and Sexual Misconduct
<http://oae.uic.edu/UnlawfulDiscrimination/Policies.htm>
2. Campus Level: Sexual Misconduct Policy
www.uic.edu/depts/cas/sexualmisconduct/
3. Campus Violence Prevention Policy
4. Annual Security and Fire Safety Report
<http://www.uic.edu/securityreport/>
5. Student Code of Conduct
6. ANCRA
<http://www.uic.edu/depts/oae/docs/Protection%20of%20Minors.pdf>

Question

