



**DISCRIMINATION |
HARASSMENT | TITLE IX: THE
LAW AND UNIVERSITY POLICY**

**LaShun McGhee
INTERIM TITLE IX COORDINATOR**

VISIT THE TITLE IX WEBSITE!



www.valpo.edu/titleix

- Reporting Options
- Resources
- Policies

LEARNING OUTCOMES

- Familiarize you with Title IX & Nondiscrimination Laws and Policies
- Familiarize you with Title IX & Nondiscrimination resources and supports on and off campus
- Execute reporting procedures

TITLE IX & DISCRIMINATION COMPLAINT COORDINATOR

- Neutral administrator for any Discrimination or Title IX claims by members of the University community
- Assure University's processes and procedures related to claims are in compliance with the law
- Train members of the University community on Title IX and Anti-Discrimination laws and policies

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Interim Title IX Coordinator

WHAT IS MY ROLE AS AN INVESTIGATOR FOR TITLE IX & DISCRIMINATION ISSUES?

When you start to receive a report that may fall into Title IX:

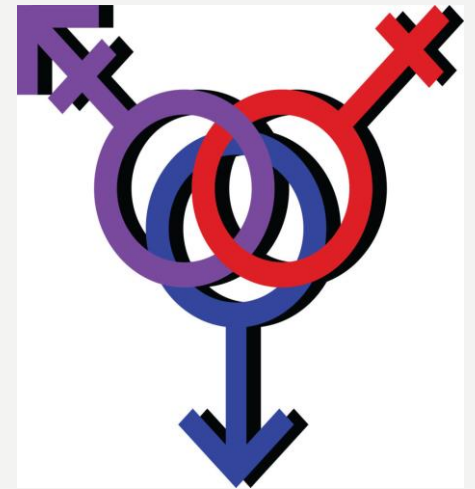
1. Offer a support person: Natalie Muskin-Press in SAAFE (for students), a friend, advocate from the Caring Place, or a Discrimination Complaint Adviser. Reschedule if needed.
 - Immediate or after-hours assistance: 219.386.3128
 - SAAFE.office@valpo.edu
2. (Police Only) Determine whether you are receiving the report on an administrative basis, criminal basis, or both
3. Take a thorough report according to regular procedure
4. Provide the “What You Need to Know” handout to complainant
5. Ensure case write-up is flagged for sharing the administrative files

What is Title IX?

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 education program or activity receiving Federal financial assistance.”

- Protection from discrimination based on sex
- In education programs or activities that receive Federal funds

Valpo Policy: Harassment and Sexual Misconduct Policy



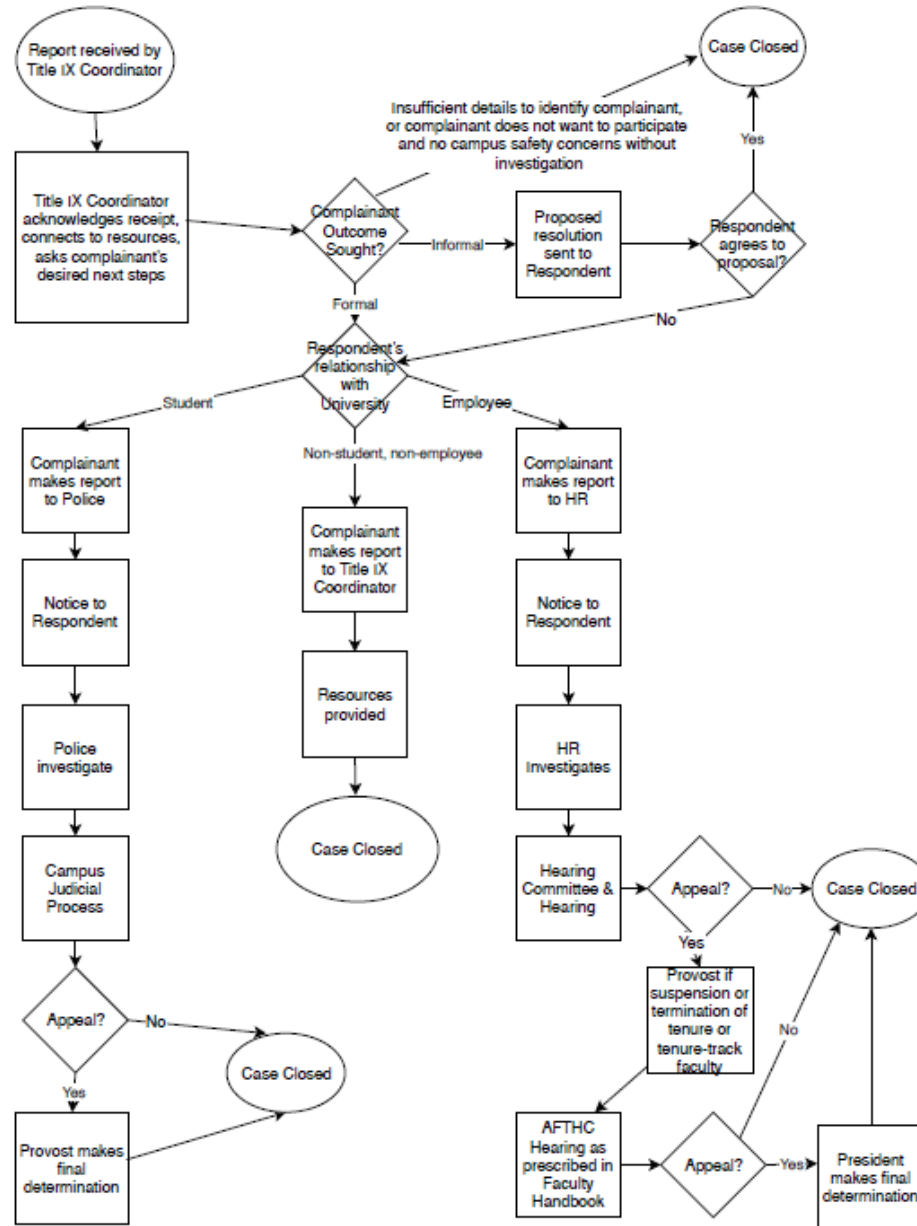
Sexual Misconduct Prohibited Under Valpo Policies

- **Dating/Domestic Violence:** violence within dating/former dating relationship
- **Sexual Assault:** unwanted touching of private areas
- **Sexual Harassment:** unwanted gender-based comments/behavior
- **Sexual Violence:** violent behavior that is sexually motivated
- **Stalking:** continual unwanted contact

EXAMPLES OF BEHAVIOR PROHIBITED BY TITLE IX AND VALPO POLICIES

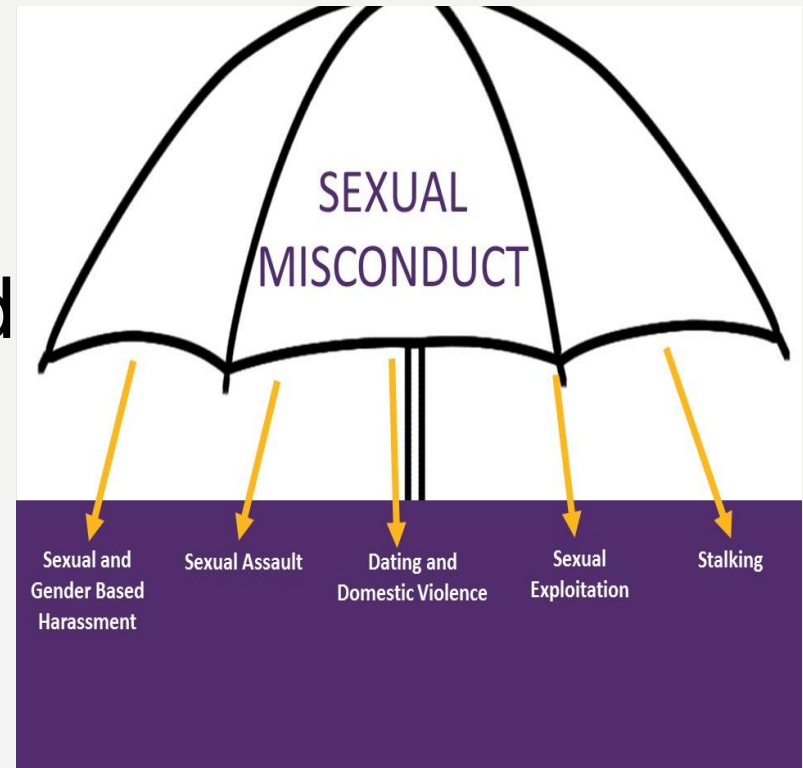
- Requests for sexual favors in exchange for better grades or job duties
- Unwanted propositions for sexual activity
- Intrusive touching (pats, hugs, squeezes, or pinches), whistling, leering, brushing against the body
- Suggestive, insulting, or obscene comments or gestures of a sexual nature, unwanted sexual comments about a person's body, or derogatory comments about a person's sex, gender identity or expression, or sexual orientation
- Sharing explicit photos without consent
- Showing up at someone's work, classes, or home unannounced. Texting, calling, emailing repeatedly without response
- Rape

Title IX Case Management



Jurisdiction – Sexual Misconduct

- On campus
- Online
- Off-campus
University-Sponsored
Program or Activity
- Off-campus with on-
campus effects



REPORT PROTECTIONS:

- Protection from retaliation:
 - Individuals will not face retaliation for making a good faith report
 - Retaliation will be addressed in a separate claim from the original complaint, with separate proceedings and separate disciplinary action
 - Recklessly false information is subject to discipline
- Drug & alcohol violation amnesty

Support Resources: Confidential vs. Non-Confidential

Confidential

Resources: will not disclose your report to the police or the Title IX Coordinator without your permission



Non-Confidential

Resources: are *mandated* to share your report with the Title IX Coordinator



SUPPORT RESOURCES: CONTACTS

CONFIDENTIAL

On Campus: Students

- Sexual Assault Awareness & Facilitative Education Office (SAAFE)
 - (M-F, 8-5): 219.464.6860
 - Emergencies/after hours: 219.386.3128
- Counseling Center (M-F, 8-5) 219-464-5002
- University Pastors (M-F, 8-5) 219-464-5093
- Student Health Center (M-F, 8-12, 1-4:30)
219-464-5060

On Campus: Employees

- EAP 800-538-3543

Off Campus: Everyone

- The Caring Place: 219-464-2128
- Porter Hospital Emergency Room

NON-CONFIDENTIAL

On Campus: Everyone

- [Online Form](#)
- Title IX Coordinator
 - Title9@valpo.edu
 - 219-464-6370
- Discrimination Complaint Advisers
- Valparaiso University Police: 219-464-5430

ONLINE REPORTING FORM

Title IX

Title IX Coordinator

The Title IX Coordinator is appointed by the President and is responsible for monitoring, advising, and overseeing all complaints involving discrimination, harassment, and sexual misconduct such as sexual harassment, sexual violence, dating violence, domestic violence, and stalking, as well as identifying and addressing any patterns or systemic problems that arise during the review or administration of any aforementioned complaints. The Title IX Coordinator is also responsible for assessing the campus climate, coordinating any remedial or interim measures, and providing training and education to campus community members.

The Title IX Coordinator is available to meet and provide assistance to individuals who believe they have been a target or victim of discrimination, harassment, or sexual misconduct, but the *Title IX Coordinator is not an emergency contact person* that provides immediate assistance for anyone who is a victim of sexual misconduct or is a victim of a crime. The Title IX Coordinator is adequately trained to deal with issues arising from discrimination, harassment, or sexual misconduct on campus, has a thorough understanding of the grievance processes, and is available as a general resource in addition to overseeing the administration of a discrimination, harassment, and sexual misconduct complaint processes.

CONFIDENTIAL SUPPORT SERVICES

For confidential support services, please contact the **SAAPE Office** who provides services to victims of sexual misconduct such as sexual harassment, sexual violence, dating violence, domestic violence, and stalking. Contact Paula Dranger at the SAAPE Office at 219.464.6860 or Paula.Dranger@valpo.edu. For emergencies, call 219.929.7087.

Other confidential support services include:

- Counseling Center – 219.464.8000 or counseling.center@valpo.edu
- University Pastors – 219.464.8098
- Student Health Center – 219.464.5060
- National Sexual Assault Hotline – 800.656.HOPE

NON-CONFIDENTIAL RESOURCES

Non-confidential resources include:

- Title IX Coordinator
- Valparaiso University Police
- Office of Residential Life
- Office of Student Affairs
- Faculty
- Instructors
- Resident Assistants
- Administrative Staff

If you report an incident of discrimination, harassment, or misconduct to a non-confidential party, the non-confidential party will protect your privacy by limiting the people with whom he or she shares what you tell them. However, non-confidential resources cannot guarantee **complete confidentiality**, as they must promptly notify the University's Title IX Coordinator about the basic facts of discrimination, harassment, or sexual misconduct incidents. University employees may notify the Title IX Coordinator of such incidents by completing the **Title IX Intake Form**.

EMERGENCIES

Contact Valparaiso University Police Department at 219.464.5480 or proceed to the Porter Hospital emergency room. During the daytime 8:00 a.m. – 12:00 p.m. and 1:00 p.m. – 8:00 p.m. hours, Monday through Friday, students may also contact the Counseling Center at 219.464.8000 or the Sexual Assault Awareness and Facilitative Education (SAAPE) Office at 219.464.6789. For incidents of sexual violence that take place after hours, contact 219.929.7087 for immediate assistance.

For more information look at our **Nondiscrimination, Harassment, and Sexual Misconduct Policy (PDF)** or contact a **Discrimination Complaint Advisor (PDF)**.

FORMS

☰ Title IX Office Intake Form

☰ Informal Complaint Form

☰ Formal Complaint Form

☰ Formal Complaint Response Form

Discrimination, Harassment & Sexual Misconduct - Intake Form (Valparaiso University)

DIRECTIONS:

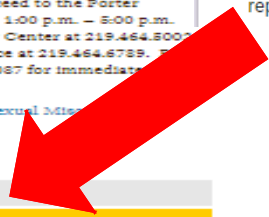
Please read the University's Nondiscrimination, Harassment, and Sexual Misconduct Policy ("Policy"):

<http://www.valpo.edu/general-counsel/files/2018/03/2018.02.27-NONDISCRIMINATION-HARASSMENT-SEXUAL-MISCONDUCT-POLICY-APPROVED-BY-PRESIDENTS-COUNCIL-ON-3-6-18.pdf>

This Form is intended to provide some basic information to the Valparaiso University Assistant General Counsel and Title IX Coordinator regarding a potential violation of Title IX or the above-referenced Policy. Submitting this form does not constitute filing a university complaint (formal or informal) under the Policy. The Assistant General Counsel and Title IX Coordinator will review the information you provide and determine next steps. If necessary, you or other individuals named in this Form may be contacted. The University will not tolerate retaliation of any kind against an individual for using this Form to report a potential violation of Title IX or the Policy.

RESPONSIBLE EMPLOYEES (Mandatory Reporters):

Any "responsible employee" may use this Form to fulfill their mandatory obligation to promptly report incidents of discrimination, harassment or sexual misconduct.



Victims' Rights & Options

- Survivors of sexual misconduct have the following options...
 1. Take no action
 2. File a University Complaint
 3. File a criminal complaint
 4. Speak with Confidential Resources
 5. Seek interim accommodations
 - Housing adjustments (students)
 - No contact orders (Everyone)
 - Academic adjustments (Everyone)
 - Employment adjustments (Everyone)



Sexual Misconduct Sanctions



- Oral or written reprimand
- Required attendance at a harassment/discrimination sensitivity program
- Oral or written warning
- Transfer or change of job, class, residential assignment, or location, including removing the person from being in a position to retaliate or further harass or discrimination against the complainant
- Suspension, probation, termination, dismissal, expulsion, or removal from campus, or
- Other action Valparaiso deems appropriate
- Visa termination
- Criminal Charges

PREVENTATIVE MEASURES

- Employees
 - Orientation Training
 - Online training
 - In-Person training available
- Students
 - Mandatory online training
 - In-Person training available
 - Additional student-centric training through the SAAFE office



WHAT WILL THE TITLE IX COORDINATOR DO WITH MY REPORT?

- **Acknowledge that I received the report.** Unless I ask you to assist in managing ongoing issues, or a student signs a FERPA waiver to update you on their case, this is likely the only thing you will hear from me.
- **Email alleged complainant.** I provide options and connect them to the SAAFE Office if they want to talk about options confidentially.
Complainant does not have to respond to my email, and will not face consequences for failing to respond.
- **Follow up or close out.**
 - **Close:** no complainant participation, no ongoing safety concerns, cannot identify complainant/respondent
 - **Follow up:** connect to resources, assist in case management, supervise judicial process/hearings, provide interim accommodations, explain options or next steps

SCALE OF TITLE IX RESPONSE

No Referral:
Support with
Interpersonal
Problem-solving

Supervisor/Dean of Students:
Inappropriate, but not severe,
persistent or pervasive.

Title IX: Severe, Persistent, Pervasive

When to use:
incorrect reporting area,
incorrectly inferring intent from another's actions (bumped into someone)

When to use: Reprimand and educational response is likely to stop the behavior before it becomes a pattern
Types of cases covered:

- Stray remarks that are not a pattern
- Behavior that is likely to stop if a clear boundary is set (hugging, back rubs, texting, etc)

When to use: Used when the individual may need to be removed or have significant limitations on their ability to participate in the community.
Types of cases covered:

- Sexual violence
- Dating violence
- Stalking
- Severe, persistent, pervasive sexual harassment

DIFFERENCES BETWEEN A CRIMINAL AND ADMINISTRATIVE INVESTIGATION

ADMINISTRATIVE

- **Parties:** complainant & respondent
- **Sanctions:** Administrative
- **Investigation:** Neutral investigation only—no analysis
- **Information flow:** through the Dean of Students or Title IX Coordinator

CRIMINAL

- **Parties:** plaintiff & defendant
- **Sanctions:** Criminal
- **Investigation:** Evidence gathering, information analysis, theory development and validation, reasonable ground to arrest and charge a suspect
- **Information flow:** through the Police Department to the victim

POINTERS FOR INVESTIGATING IN A NEUTRAL ADMINISTRATIVE CAPACITY

- Avoid conclusory language in police reports
 - Instead of “he proceeded to rape her” use direct quotes or describe the behaviors
 - Then the respondent “removed XXX’s clothes, and had sex with her”
 - Then the respondent said he inserted his penis into her vagina. He said he was “not sure if she was awake or not.”
- Provide resources to all parties
 - Complainants get SAAFE advocates, anyone can have a support person in the room
- Avoid investigative practices that will not appear facially-neutral
 - Not appropriate to conduct hours-long investigations, keep someone isolated, force appearances for any reason
- Professionalism: Schedule Appointments, proof-read communications, set deadlines, communicate progress regularly
- Thoughtfully frame questions

PRACTICE TIPS: FRAMING THE QUESTION

- Sometimes the questions have to be asked – but do so with sensitivity
- Open-ended questions are good: let the witness tell you the story
- Can be specific
- Frame the question: when, where?
 - Specific, open-ended, framed: “I want to focus on the 10 minutes you were sitting on the couch.”
 - **Instead of: What were you thinking?**
 - Try: I would really like to understand what was happening in that moment? Can you walk me through the thoughts running through your head, if you had any in that moment? What were you feeling?

PRACTICE TIPS: FRAMING THE QUESTION

- Why didn't you just leave? *What happened next? How did you get home?*
- Why didn't you tell anyone right away? *Did you talk to anyone about it?*
- Why didn't you go to the police? *Were you able to talk to the police?*
- Why didn't you tell him/her to stop? *Gather the surrounding details*
- What were you wearing? *Typically not relevant*
- Why were you drinking? *Were you drinking? (gather in the details)*
- Why did you leave the party with him/her? *Gather the surrounding details*
- What did you think was going to happen? *Gather the surrounding details*
- Did you fight back? *Gather the surrounding details*

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Questions may be directed to
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