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

LaShun McGhee
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

Report received by Title IX Coordinator

- Title IX Coordinator acknowledges receipt, connects to resources, asks complainant’s desired next steps

Complainant Outcome Sought:

- Informal
- Formal

Complainant makes report to:

- Police
- Title IX Coordinator
- HR

Case Closed

- Insufficient details to identify complainant, or complainant does not want to participate and no campus safety concerns without investigation

Respondent’s Relationship with University:

- Student
- Employee
- Non-student, non-employee

Complainant makes report to:

- Police
- Title IX Coordinator
- HR

Resources provided

Hearing Committee & Hearing

- Appeal?
  - Yes
    - President makes final determination
  - No
    - Provost makes final determination

Case Closed

- Notice to Respondent
- Police investigate
- Campus Judicial Process

Case Closed

- Notice to Respondent
- Resources provided
- HR investigates

Case Closed

- Appeal?
  - Yes
    - President makes final determination
  - No
    - Provost makes final determination

AFTHC Hearing as prescribed in Faculty Handbook
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
Discrimination, Harassment & Sexual Misconduct - Intake Form (Valparaiso University)

DIRECTIONS:

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 discriminate 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)
- Incorrectly reporting sexual violence

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
WHAT IS MY ROLE AS A POLICE OFFICER FOR TITLE IX ISSUES?

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1. Offer a support person: Natalie Muskin-Press in SAAFE, a friend, advocate from the Caring Place, or a Discrimination Complaint Adviser. Reschedule if needed.
   - Immediate or after-hours assistance: 219-929-7087
   - Natalie.Muskin-Press@valpo.edu

2. 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
THANK YOU!

Questions may be directed to LaShun.McGhee@valpo.edu