

# SEXUAL MISCONDUCT & TITLE IX 101

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# Session Goals

- Provide overview of RC's Sexual Misconduct Policy & Title IX requirements
  - *Highlight major changes to policy resulting from new federal regulations*
- Identify key resources on campus
- Attain better understanding of process and comfort with role

# Acknowledgements

- Investigation of former Title IX Coordinator
  - *Interim TIX Coordinator = Aaron Fetrow, VP for Resource Development*
- Challenging subject matter ahead



# Title IX & Sexual Misconduct

- Created in 1972 OCR-DOE; Designed to prevent sexual discrimination
  - *Federal law that protects students from sex-based discrimination in educational programs receiving federal funds to ensure that all students have access to equality in education*
  - *Wide range of protections offered*
- Key Provisions: sexual harassment; equal opportunities in athletics; discrimination in STEM courses or programs; discrimination based on pregnancy

# April 2011 Dear Colleague Letter

- Designate a Title IX Coordinator
- Take immediate action to investigate allegations
- Take prompt steps to end sexual misconduct
- Protect the complainant
- Publish notice of non-discrimination & provide grievance procedure
- Preponderance of evidence standard
- Parity of rights (appeal; notification of outcome)

*\*New regulations proposed in 2019; Final Rule released May 2020*

# New Regulations May 2020

- Federal deadline for implementation is August 14, 2020
- Significant changes to 2011 guidance: evidence, mandatory reporter designations, investigative model, definition of actionable conduct, scope of authority/duty to adjudicate, cross-examination, advisors, hearing format/venue
- **Bottom line:** new regulations offer greater due process protections for the respondent and limits the scope of TIX authority

# Key changes in new regs

- Narrower definition of harassment
  - *Final rule uses Supreme Court's Davis definition of harassment "severe and pervasive and objectively offensive" versus "severe or pervasive," which was recommended in Obama guidance*
  - *No longer explicitly covers sexual exploitation*
  - *Quid pro quo harassment now defined only as employee to student*
- Schools only required to investigate under TIX if sexual harassment occurs in a school's "educational program or activity" and "in the USA"
  - *TIX no longer applies to off-campus activities unless occurring at college-sanctioned event/program or in a college-owned building; in this case, the complaint must be dismissed under TIX*
  - *RC will continue to offer supportive measures to victims of off-campus misconduct, but will have to adjudicate through Student Conduct or complainant can pursue criminal complaint with law enforcement*

# RC's Sexual Misconduct Policy

- Policy available on RC's website: A-Z index → Sexual Misconduct Policy
  - *Hard copies available in DoS office*
- Sexual Misconduct Policy covers:
  - *Sexual Harassment*
  - *Dating Violence/Domestic Violence*
  - *Stalking*
  - *Sexual Assault/Sexual Violence*

*\*when misconduct occurs within school's locus of control, as newly defined*



# Role of Assistant Deans

Dean Perkins	Dean McGhee
<ul style="list-style-type: none"><li>• Administrator</li><li>• Complaint intake; determines jurisdiction</li><li>• Oversees prompt, fair, and impartial investigation and resolution of Complaints filed with the College</li><li>• Helps to coordinate supportive measures</li></ul>	<ul style="list-style-type: none"><li>• Victim Advocate</li><li>• Provides and coordinates care and support to alleged victim as well as any necessary medical treatment</li><li>• Partners with others to help provide supportive measures</li></ul>

\* Both partner on trainings and educational programming

# Reporting

- When campus mandatory reporters learn of sexual misconduct involving students, they must report to Deputy Title IX Coordinator, Amy Perkins.
  - *Mandatory reporters v. confidential resources*
- When Deputy TIX Coord. receives report, she will...
  - *Schedule initial meeting with complainant (alleged victim) and victim advocate to review criminal reporting process, RC's Sexual Misconduct Policy, RC's support services and off-campus resources, RC's complaint process, and supportive measures available prior to or absent of a Complaint.*

# Typical Supportive Measures Provided

- No-Contact Orders
- Campus Safety escort
- Changing on-campus housing to different location
- Changing on-campus work assignments
- Permitting temporary absence from the College
- Providing counseling services
- Providing academic accommodations:
  - *Rescheduling classwork, assignments, or exams*
  - *Arranging for victim to take incomplete*
  - *Moving class sections*
  - *Providing alternative course completion options*

# Complainant wishes to report to law enforcement

- Campus Safety can assist with this process OR complainant can contact Salem Police Dept. directly
- Complainant can also choose to submit RC Complaint
  - *Case will not be investigated or adjudicated until criminal process concludes*

# Complainant wishes to submit RC complaint

**EXHIBIT C**  
**ROANOKE COLLEGE SEXUAL MISCONDUCT POLICY AND PROCEDURES**

**SEXUAL MISCONDUCT COMPLAINT FORM**

Today's date: \_\_\_\_\_

**Information Regarding the Complainant:**

Name of the Complainant: \_\_\_\_\_

Complainant's Phone Number: \_\_\_\_\_

The Complainant is (please check one):  
 a faculty member                       a student  
 a staff member                               not affiliated with the College

For faculty, staff, & students, indicate whether  current or  former

**Information Regarding the Respondent:**

Name of the Respondent: \_\_\_\_\_

The Respondent is (please check one):  
 a faculty member                       a student  
 a staff member                               not affiliated with the College

For faculty, staff, & students, indicate whether  current or  former

**Information Regarding the Alleged Sexual Misconduct:**

**Time and date of the alleged Sexual Misconduct:** \_\_\_\_\_

**Location of the alleged Sexual Misconduct:**

on campus: \_\_\_\_\_

off campus: \_\_\_\_\_

**Witnesses or third parties who may have information regarding the alleged Sexual Misconduct:**

\_\_\_\_\_

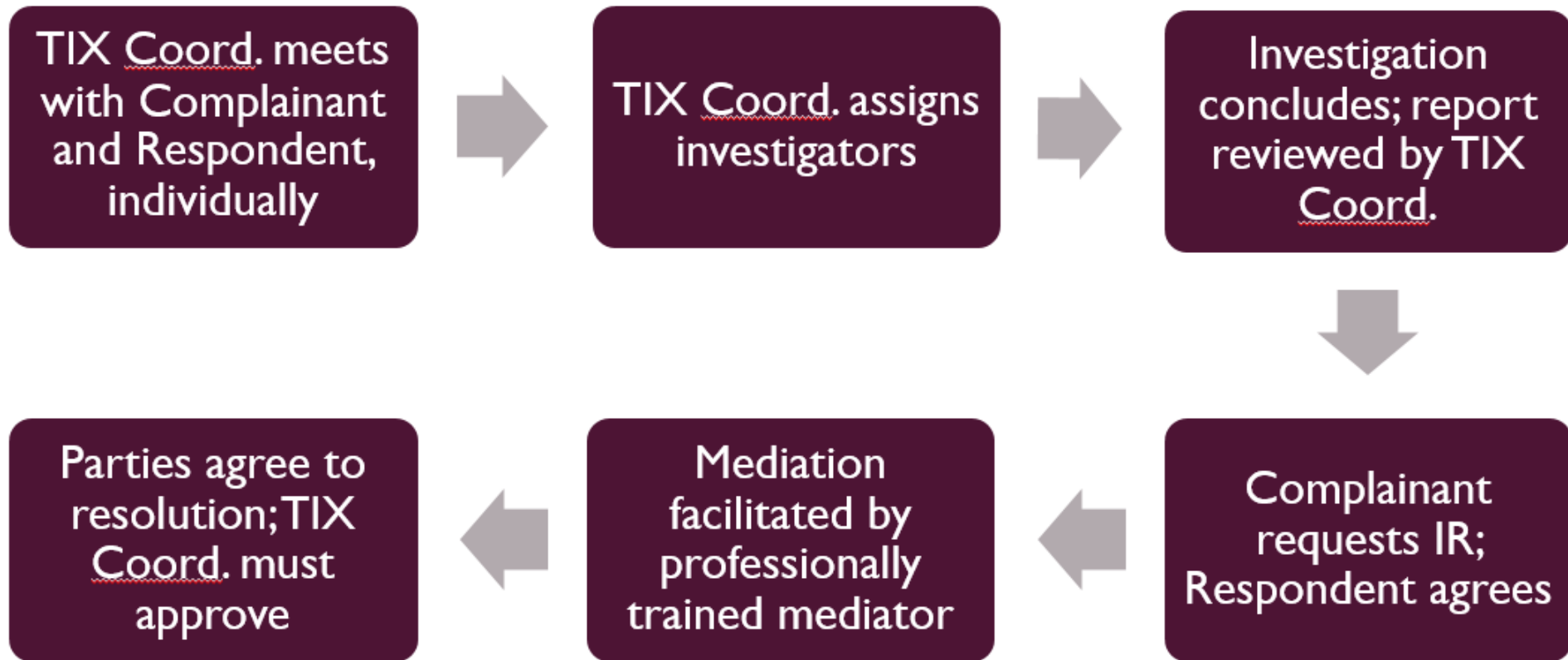
\_\_\_\_\_

\_\_\_\_\_

**Please provide a brief description of the alleged Sexual Misconduct:**

*You may wish to consider including, among other things, some or all the following information in your description: the gender of the parties, the relationship between the parties, whether one or more of the parties were under the influence of alcohol or*

# RC complaint: Informal Resolution



# RC complaint: formal resolution



# Sexual Misconduct at RC

- 2016-2017
  - 9 reports; 4 formal complaints; 4 hearings (3R; 1NR)
- 2017-2018
  - 4 reports; 0 formal complaints; 0 hearings
- 2018-2019
  - 15 reports; 3 formal complaints; 1 withdrawn; 2 hearings (2NR); 1 interim suspension
- 2019-2020
  - 16 reports; 1 formal complaint; 1 mediation



# Empathy Exercise

- Imagine your last sexual encounter/sexual fantasy...

# What should RA/GRMs do if...

- A resident or other student shares he/she is a victim of sexual misconduct.
  - *Assess if there is immediate danger – if not...*
  - *Kindly affirm student, but before allowing him/her to continue sharing, remind them of your duties as mandatory reporter*
    - If they wish to continue telling you their story: listen, affirm, and offer support; promptly report to TIX Coord.
    - If they do not wish to continue telling you their story: advise them of campus resources and offer to escort them; promptly report to TIX Coord.
- What about when a personal friend or student known outside of RA/GRM role shares with you?

# How can RAs/GRMs help?

- Supporting and guiding residents
- Resource referral
- Programming
- Supporting campus initiatives with your presence and participation
- Being good role models
  - *Promote healthy relationships*
  - *Condemn rape culture*

Questions/Comments?