SEXUAL MISCONDUCT & TITLE IX 101

August 2020
Amy Perkins, Asst. Dean of Students
Sandy McGhee, Asst. Dean of Students/ Director of SHCS
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 Title IX 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

<table>
<thead>
<tr>
<th>Dean Perkins</th>
<th>Dean McGhee</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Administrator</td>
<td>• Victim Advocate</td>
</tr>
<tr>
<td>• Complaint intake; determines jurisdiction</td>
<td>• Provides and coordinates care and support to alleged victim as well as any necessary medical treatment</td>
</tr>
<tr>
<td>• Oversees prompt, fair, and impartial investigation and resolution of Complaints filed with the College</td>
<td>• Partners with others to help provide supportive measures</td>
</tr>
<tr>
<td>• Helps to coordinate supportive measures</td>
<td></td>
</tr>
</tbody>
</table>

* 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 of 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 drugs at the time of the incident, whether the incident was consensual, and any other relevant details.
RC complaint: Informal Resolution

1. TIX Coord. meets with Complainant and Respondent, individually
2. TIX Coord. assigns investigators
3. Investigation concludes; report reviewed by TIX Coord.
4. Parties agree to resolution; TIX Coord. must approve
5. Mediation facilitated by professionally trained mediator
6. Complainant requests IR; Respondent agrees
RC complaint: formal resolution

TIX Coord. meets with Complainant and Respondent, Individually

Coord. assigns investigators

Investigation concludes; reports reviewed

Outside Hearing Officer adjudicates case

Outcome
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?