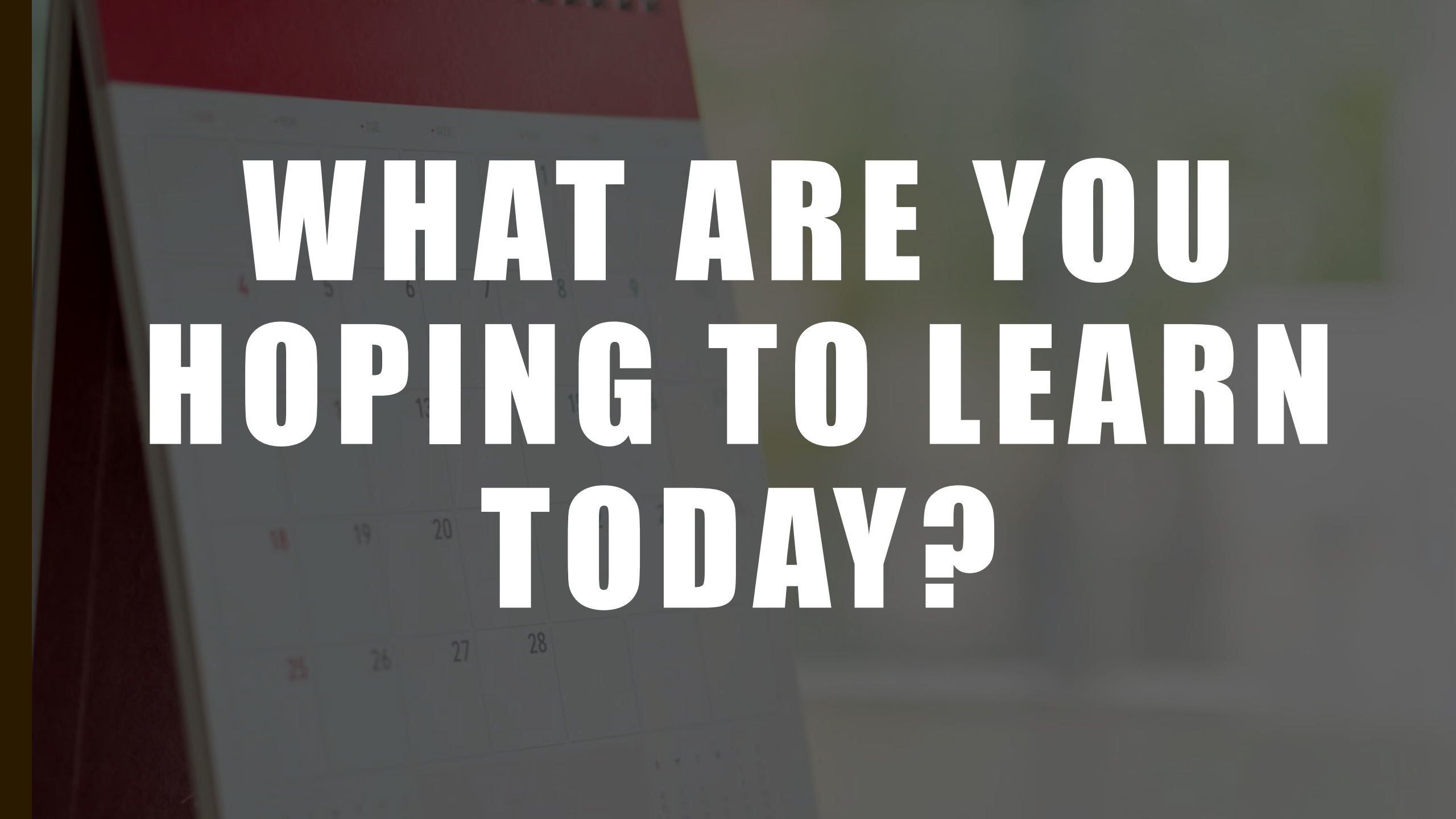


TITLE IX TRAINING



A calendar page is visible in the background, showing dates from 4 to 28. The text is overlaid in a large, bold, white font on a dark grey background.

**WHAT ARE YOU
HOPING TO LEARN
TODAY?**

**WHAT ARE THE
MAJOR
CHANGES?**



OFFICE OF TITLE IX COMPLIANCE STAFF

Title IX Coordinator

Deputy Title IX Coordinator

Confidential Advisor

Title IX Investigator

Title IX Advisor

Title IX Adjudicator

Title IX Appellate Officer



TITLE IX COORDINATOR

- Oversees the investigation and resolution of all reports of sexual harassment so that they are handled in a prompt and equitable manner;
- As necessary, appoints deputy coordinators and investigators who will be trained in state and federal laws that apply to matters of Title IX sexual harassment, as well as University policy and procedure;
- Facilitates investigator trainings;
- Meets with any individual, whether a complainant, a responding party, or a third party, to discuss supportive measures, resources, and procedural options on and off campus;
- Emergency removal of a party as an interim measure may be invoked after the University conducts an individualized safety and risk analysis and determines that the physical health or safety of any student or individual arising from the allegations of sexual harassment justifies removal.
- Ensures prompt and equitable resolutions that comply with all requirements and timeframes specified in the complaint procedures;
- Oversees on-going and annual climate checks, tracking, and monitoring of sexual harassment allegations on campus;
- Keeps archives of all records related to cases for a minimum of seven years, per requirements of the Clery Act;
- Oversees all training, education, and prevention efforts.

DEPUTY TITLE IX COORDINATOR

serves as the investigator for sexual harassment reports that involve an employee of Roosevelt University. The Deputy Title IX Coordinator will investigate and submit an investigation report to the Title IX Adjudicator assigned to the case.

CONFIDENTIAL ADVISOR

- a person affiliated with the university who provides emergency and ongoing support to Roosevelt University students, staff, and faculty who are survivors of sexual violence. **The Illinois Preventing Sexual Violence in Higher Education Act grants confidential advisors the right to provide confidential services to and have privileged, confidential communications with survivors.** Thus, the advisor is not a “responsible employee” who would be otherwise obligated to report the sexual violence.
- Annually, Confidential Advisors receive a minimum of 6 hours of training.
- They assist survivors by providing reporting options and possible outcomes, sharing resources and services, informing survivors of their rights and the University’s responsibilities regarding orders of protection and no contact orders, help the survivor understand the sexual harassment investigatory process.
- Upon the survivor’s request, the Confidential Advisor is able to liaise with campus officials, community-based sexual assault crisis centers, and local law enforcement, as well as assist with securing interim protective measures and accommodations for the survivor.

TITLE IX INVESTIGATOR

responsible for facilitating the investigatory process when a potential act of sexual harassment has taken place. The investigator seeks, analyzes, and interprets all evidence. Additionally, the investigator meets with and interviews witnesses, parties to the complaint, and other entities with knowledge concerning the case. Resultantly, the investigator will submit an investigation report to the Title IX Adjudicator.

TITLE IX ADVISOR

an advisor who assists the complainant or respondent during investigations and live hearings, in which the advisor will ask and answer questions presented during the cross examination. Title IX Advisor's are available for either party, reporting or responding, if that party is unable to secure an advisor on their own.

TITLE IX ADJUDICATOR

- responsible for conducting a live hearing in which each party has the opportunity to cross examine the opposing party. Additionally, the Title IX Adjudicator is responsible for providing a written determination of an individual's responsibility on the basis of the University's standard of proof. The Title IX Adjudicator will make this determination after review of the information gathered in the investigation and hearing.

TITLE IX APPELLATE OFFICER

Appeals may be granted if...

- Procedural irregularity that affected the outcome of the case. The appealing party must demonstrate that the irregularity was more than a harmless error but was in fact a prejudicial error;
- New evidence has become available, that was not available at the time of the formal TIX hearing, and could have had an effect on the outcome of the case;
- Conflict of interest or bias by the university TIX staff affected the outcome;
- The sanction(s) are thought to be disproportionate to the violation(s)

**WHICH ONES ARE
YOU CONFIDENT IN?
MANY OF US MAY
HAVE TO SERVE IN
DUAL CAPACITIES**

**ARE THERE ROLES THAT YOU ARE APPREHENSIVE
ABOUT**

**WHEN
INFORMATION IS
RECEIVED, IS IT A
REPORT OR
COMPLAINT**

REPORT V. FORMAL COMPLAINT

- Report from Responsible Employee
 - Responsible Employee is generally one who:
 - (a) has the authority to take action to redress sexual harassment,
 - (b) has been given the duty of reporting incidents of sexual harassment to the Title IX Coordinator, or
 - (c) a student could reasonably believe has this authority or duty.
- Report from eyewitness
- Report from victim wanting to remain anonymous
- Formal Complaint
 - Must be from the victim, OR
 - Filed by the Title IX Coordinator as the complainant

TIX COORDINATOR'S FORMAL COMPLAINT FACTORS

- Whether there have been other sexual harassment complaints about the same alleged perpetrator;
- Whether the alleged perpetrator has a history of arrests or records from a prior school indicating a history of violence;
- Whether the alleged perpetrator threatened further sexual harassment or other violence against the victim or others;
- Whether the sexual harassment was committed by multiple perpetrators;
- Whether the sexual harassment was perpetrated with a weapon;
- Whether the individual who experienced sexual harassment is a minor;
- Whether the University possesses other means to obtain relevant evidence of the sexual harassment (e.g., security cameras or personnel, physical evidence); and
- Whether the complainant party's report reveals a pattern of coercion (e.g., via illicit use of drugs or alcohol) at a given location or by a particular group.

JURISDICTIONAL ELEMENTS OF A FORMAL COMPLAINT

- Must be participating, or seeking to participate in an educational program or activity, in the United States
 - Occurred at another campus
 - Occurred in student's apartment off campus, non-residential
 - Occurred in Wabash Residence Hall
 - Occurred off campus, at the Homecoming Dance
 - Occurred at sporting event, at the opposing team's campus
- Must be reported by the victim, or the TIX Coord.
- Must have occurred in a building that the institution has control or ownership of

**EXAMPLES: COULD THEY BE
INVESTIGATED UNDER NEW FORMAL
TIX GRIEVANCE PROCEDURES?**

On Friday June 5th, 2020, [REDACTED] commented on a picture (attached to this email) I posted on my Instagram story. He commented saying "Can you do CPR on me? with laughing faces), I replied with "Im sure my boyfriend won't be okay with it", he replied with "Ehh... its one time offer.. you might wanna take it.." and "lol". I replied with "not now not ever". He replied with "Lmaoo you couldn't play along. Since when are you taken anyways?". I replied with "For 3 years". He replied with "Goodluck homies!" and I replied with " I don't need luck I'm good lol you might need it".

This comment was innuendoes and sexually suggestive which I personally take it as sexual misconduct. He is even saying I should be taking him up on his offer which is beyond my comprehension. His comments made me very angry and I spoke to my brother about the incident. He advised me to delete [REDACTED] from my social media account and avoid any communication with him. So, I did. I deleted him from both Snapchat and Instagram.

[REDACTED] [REDACTED] He has my number and we are in a WhatsApp group with the rest of the E-board members: [REDACTED]

On Friday June 12th, [REDACTED] texted me on my cellphone (attachment 4). Attachment 5 is a screenshot from a conversation on our E-board WhatsApp group. He is being unprofessional and rude since the Instagram incident. Even in the WhatsApp thread, you can see how one of my E-board members called him out on his comment. I have worked with [REDACTED] for few terms and the unprofessional texts he has been sending didn't start until AFTER the Instagram incident.

I have talked to [REDACTED] today via zoom to discuss my options and it would be great if you could keep her in the loop.

As a woman, I need to report [REDACTED] for his behavior, so he is not doing the same thing to other women. I keep asking myself what I said or done for him to think it is okay to make those sexual remarks. I've had many classmates who saw the same exact picture but commented asking if I can tell them the name of the place where I received the CPR training or how much I paid for it. None of them made any remarks like [REDACTED] I

Was contacted by the alum on April 23, 2020 at 1:50PM EST. I asked if we could schedule a time to speak on the phone and we settled on a time. The call took place with the alum on April 24, 2020 at 2PM EST.

INCIDENT DETAILS:

- Event took place in April of 2018 in AUD 1080.
- student was in the graduate program at the time of the incident.
- was interested in perhaps performing a crystal flute during her upcoming recital.
- ██████████ was speaking about his collection of flutes. He mentioned various types of flute in his collection. She reported that he say “wood flutes, ancient flutes, crystal flutes, and a skin flute”
- this student was not a native English speaking and was unclear on what he meant by “skin flute” - her assumption was that “it was a flute made out of or with leather.”
- ██████████ stated that there are many “skin flutes”... “all men have one”
- in the summer of 2019, this student was speaking with a friend and mentioned this flute collection. The friend was a native English speaker and informed her what was meant by “skin flute”
- student spoke with her sister at the time of the incident, but her sister also isn't a native English speaker.

OTHER ITEMS:

- also mentioned that there were many times with ██████████ would touch her shoulders, arms, and legs. I asked if this was to help with correct a posture problem while playing the flute, she said “no”
- mentioned that looking back, a the majority of the lessons (45min of the 60min lesson) were spent with ██████████ talking and telling stories.

- [REDACTED] has always talked to me and a lot of my friends whenever we go to the cafeteria. At first I did not really mind so I was nice and just talked to him. On at least two separate occasions he even asked me for my snapchat or other social media. I always just kind of lied and said I didn't have a snapchat and never gave him my information. There were a lot of times where he would come and talk to me and I would politely try to signal that I wasn't really interested. There was one time I even came home from work and I was complaining about my feet hurting. He offered to "come over and give me a foot massage". I could not tell if he was joking or not so I didn't report any of this stuff. I was just kind of in denial or not really noticing how inappropriate he was being with me and many other girls. I was not planning on reporting him until I experienced what happened on the 29th. I was coming home from grocery shopping with my roommate, [REDACTED], and he was in the lobby talking to a security guard as we walked into the building. He was joking around with us per usual and motioned for us to give him a hug. I just jokingly was pretending to be mad at him for whatever he was joking with us about and brushed it off, thinking that it would be the end of our interaction. [REDACTED] and I scanned to get into the building and we were waiting for the elevators to go back to our room when [REDACTED] walked through the scanners to come talk to us. We were there and he was joking with Jules about wanting to hug her and she brushed it off but denied it. Then he said "I don't want you anyways" and then he hugged me, I gave him like a half hug and patted his back because I froze and was uncomfortable, and then he kissed me on the cheek. I was extremely, extremely uncomfortable with the entire encounter but unfortunately I didn't really say much and just brushed it off. Finally, the elevator came and [REDACTED], myself, and another student got in. We all discussed it on the way up to our rooms and were all very uncomfortable with the situation. I waited a bit to report it because I was unsure if I wanted to go through this entire process. I wish I could just move on and not be uncomfortable but I am constantly worried that he will come up to me anytime I go into the cafeteria. I have been trying to go with my roommates every time I go because I am so uncomfortable with the possibility of having to talk to him or confront him about this situation. As a resident of the Wabash building, I don't think that I should have to deal with being uncomfortable in my own home/environment and I would like something to be done about it. I have heard from plenty of girls that he has made them uncomfortable in the past and I have a lot of concerns about him.

THINGS TO CONSIDER

New Threshold

- Allegation of sexual harassment is determined by a reasonable person to be so *severe, pervasive, and objectively offensive* that it effectively denies a person equal access to the school's education program or activity; an employee of the school conditioning the provision of an aid, benefit, or service of the school on an individual's participation in unwelcome sexual conduct; or sexual assault, dating violence, domestic violence, or stalking as those terms are defined in VAWA.

Jurisdictional Component

- Current participant, or seeking to participate in educational program
- On premises in which the university owns, or has substantial control
- Took place in the U.S.

COMPLAINT DISMISSAL

- Complaints that do not meet the definition of sexual harassment, or do not fall within the boundaries of the jurisdictional elements must be dismissed under Title IX
- If dismissed, we must document the rationale using the internal reporting form.
- However other university policies may address this
 - Student Code of Conduct
 - Policy prohibiting discrimination, harassment, and bullying
 - Professional Code of Conduct

SUPPORTIVE MEASURES

- Who has the authority to issue supportive measures?
- Can supportive measures be offered prior to the filing of a formal complaint?
- When must supportive measures be offered to responding party?
- What are the key elements of supportive measures?
 1. Supportive measures are non-disciplinary in nature
 2. reasonably available without fee or charge
 3. and are designed to restore or preserve equal access to the University 's educational programs and activities
 4. without unreasonably burdening the other party.
- What type of supportive measure might be considered an unreasonable burden?

SUPPORTIVE MEASURES

- Is interim removal allowed?
 - The TIX Coordinator may interimly remove a student on an emergency basis
 - provided that an individualized safety and risk analysis, determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal,
 - and provides the respondent with notice and an opportunity to challenge the decision immediately after the removal.
 - After receiving notice of an interim removal, the respondent(s) will have (5) university business days to submit their appeal.

INFORMAL RESOLUTION

TIX Coordinator manages/facilitates

Both parties must agree

Either party may withdraw agreement and initiate formal grievance procedures, anytime before a formal resolution has been reached

If dissatisfied with formal grievance procedure they may request formal grievance procedures.

Not available for instances involving an employee

This option is available if

- (i) a formal complaint is filed
- (ii) the University determines, in its discretion, that such a process would be appropriate;
- (iii) all parties agree to participate;
- (iv) a final determination has not been made in the formal TIX investigation;
- (v) and the University has provided the parties with the required written notice of the allegations and also describing the parameters of the informal resolution process.

FORMAL GRIEVANCE PROCEDURE

- Initial Conference w/ each party
 - Sexual Misconduct Checklist
 - Initial Statement
 - Ask for witness
- Interview Witnesses
- Summarize all statements and send to party for verification.
- Once investigation is complete, provide investigation report to both parties and advisors with at least 10 days to review and respond
- Investigation report must be completed at least 10 days prior to the hearing
- If the investigation reaches 90 days, the investigation must close and the report is submitted to the adjudicator – the hearing still must be scheduled after the parties have had at least 10 days to review
 - If there is additional information the parties want considered, they may submit it at the time of appeal, if applicable.

INVESTIGATION

- REFRESHER from last week
- What's the purpose of the investigation?
- How Trauma may show up in an interview
 - Silence, laughter,
- Remember we don't want character witnesses
- Lets role play

HEARING

- Popcorn Read Along 😊
- Let's Practice
 - Kanye West
 - Kanye's Advisor
 - Kim Kardashian
 - Kim's Advisor, Likely named Kris Jenner
 - TIX adjudicator

ISSUES OF RELEVANCE

DETERMINATION PROCESS

- See the example of the summary of findings rationale
- Preponderance of the evidence standard
- Is it more likely than not that a violation occurred based on the definition of the act
 - Reread the definition
 - What evidence is applicable to the definition
 - Is there any evidence that increases one party to 51%
 - Is consent present at each and every encounter

APPEALS

- 4 Grounds for Appeal
 - Procedural irregularity that affected the outcome of the case. The appealing party must demonstrate that the irregularity was more than a harmless error but was in fact a prejudicial error;
 - New evidence has become available, that was not available at the time of the formal TIX hearing, and could have had an effect on the outcome of the case;
 - Conflict of interest or bias by the university TIX staff affected the outcome
 - The sanction(s) are thought to be disproportionate to the violation(s)
- When must an appellant submit their appeal?
 - 7 university business days after the summary of findings is sent to the parties
- Must the appellate officer meet with every witness and party to the case?
- How many days does the appellate officer have to render a decision on the appeal?