



WHAT DO YOU MEAN BY “MANDATORY”?

Title IX Office
Fall 2020



This training will cover:

UNION.EDU

Your responsibilities and obligations as a Responsible Employee at Union College:

- **Who:** “Responsible Employees” of the College
- **What:** reportable instances of gender-based misconduct
- **Where:** Communicating disclosure to fulfill your obligations
- **When:** defining “knew or should have known”
- **Why:** support services & institutional accessibility

RESPONSIBLE EMPLOYEE

All College employees, including faculty, staff, and administrators, **except confidential resources** are identified as “responsible employees,” and have a responsibility for student and employee welfare. “Responsible employees” are required to share with the Title IX Coordinator or a Deputy Title IX Coordinator any report of conduct prohibited by Title IX or the College’s Gender-based Misconduct Policy they receive or of which they become aware. *Having a wide-range of individuals that can support a student in making a report of conduct prohibited by Title IX ensures that students can approach an employee they know and trust.*

RESPONSIBLE v. MANDATORY

- **A mandatory reporter** is a person whom, because of their profession or licensure, is required **by law** to report instances of abuse, harm, or violence to law enforcement because of their contact with populations generally deemed “vulnerable.”
- **A responsible employee** is an employee whom, because of their employment contract, is required by **institutional policy** to report known or suspected instances of abuse, harm, discrimination, or violence to the institution by which they are employed.

TITLE IX

20 U.S.C. § 1681 & 34 C.F.R. PART 106 (1972)

“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 educational program or activity receiving federal financial assistance.”

EQUALITY VERSUS EQUITY



In the first image, it is assumed that everyone will benefit from the same supports. They are being treated equally.



In the second image, individuals are given different supports to make it possible for them to have equal access to the game. They are being treated equitably.



In the third image, all three can see the game without any supports or accommodations because the cause of the inequity was addressed. The systemic barrier has been removed.



Policy Violations & Charges:

- Sexual Harassment
- Aiding or Facilitating
- Dating Violence
- Domestic Violence
- Intimidation
- Non-consensual sexual contact (indecent assault and battery)
- Non-consensual sexual intercourse (rape)
- Sexual exploitation
- Stalking
- Voyeurism
- Retaliation
- Discrimination based on: sex, gender, sexual orientation, identity
- All areas and aspects of campus life!

Policy Highlights:

- Students have the right to drive their own process with few exceptions: (1) incident is so egregious, the College must act; (2) non-isolated incident and College must act to protect community
- Governs students, and activities affecting access (on- or off-campus)
- Students are entitled to support service (i.e. interim measures) regardless of their participation in an investigation.
- When an investigation goes forward, Two trained investigators are assigned.
- Student have the right to know the charges against them and the incidents related to those charges.

Investigators meet with witnesses, collect evidence.

- Parties are entitled to advisors, who can attend all meetings/programs.

WHAT IT SOUNDS LIKE/LOOKS LIKE...

- **Disclosures come to light in many different ways:** conversation, course discussion, written reflections, a byproduct of other events or concerns.
- **The language you're likely to see is not what the policy says:** relationship descriptions, conduct or activity, dynamics

GATEKEEPING

- You do not need to believe the disclosure being made.
- You do not have to know the reach of the impact of the incident being disclosed.
- You do not need to provide an investigative report.
- It is essential that you recognize that you are responsible for sharing what you know.

I do not believe what the student is saying and thus I do not want to “get anyone in trouble”. In fact, I think the allegation is ridiculous. Do I still have to report?

Sexual Assault is a
crime. Shouldn't I
report it to local police
or Campus Safety
Department instead of
the College?

I know this student pretty well. Can I help them resolve the matter instead of reporting it?



WHEN: TIMELINE FOR REPORTING

- If a student reports an incident of gender-based misconduct directly to you, a report should be made as soon as the student's safety and wellness has been secured.
- If a student-staff members makes a third-party report to you, you should also complete an incident report as soon as you are able to confirm the affected person's safety and wellness has been secured.
- The sooner the information is communicated, the swifter action is that can be taken and the more quickly student services and interim measures – if needed – can be instituted.
- Lapses in report times can cause evidence to be lost/destroyed, memories to fade, and stall interim measures that may be put in place.

REPORTING MECHANISMS

- [Title IX & Gender-based Misconduct Reporting Form](#)
- In-person communication with the Title IX Coordinator or a Deputy Title IX Coordinator
- Students vs. Employee reports
- Email

THE WHY:

Report:

- Communication of misconduct
- Phone, in-person, email, on-line
- Responsible Employees
- Interim measures
- Support services/range of responses
- Safety, health, and wellness are being addressed
- Coordinator/Deputy Coordinator

Investigation:

- Formal process, always the same
- Two assigned investigators
- Results in “responsible” or “not responsible” finding with disciplinary outcomes or sanctions
- Collection of evidence, statements

SAFETY OF THE COLLEGE COMMUNITY

REQUIRES ACTION WHEN:

- Predatory
- Patterned
- Threats
- Violence
- Weapons
- Minors

OUR PARTNERSHIP MATTERS:

- Student-employee relationships
- Privacy rather than confidentiality is a promise you can keep
- Access to a wider-range of services for longer period of time
- Communications in the best interest of the student
- Redirecting to appropriate resources benefits your relationship

Questions?

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Visit Our Website:

Union.edu/titleix