Title IX Training
Part 1: Title IX Response

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August 2020
Background

- Apply to students and employees.
- Impose more detailed process requirements than previous guidance.
Regis responds to all reports.
An institution MUST respond where:

- It has **Actual Knowledge**.
- That occurred within its **Educational Program or Activities**.
- The conduct occurred against a person on the U.S.

- MAY respond beyond these circumstances.
Actual Knowledge

• Of Sexual Harassment.
• To the Title IX Coordinator or other official with authority to institute corrective measures.
  o Do not need a list.
  o Examples: Dean of Students, Assoc. VP of Human Resources, Cabinet members, supervisors.
  o Not just an official who is obligated to forward a report.
Educational Program and Activity

- Locations, events, or circumstances;
- The institution exercises substantial control, and;
- Over the Respondent (alleged offender) and the context in which the Sexual Harassment occurs.
- Including buildings owned or controlled by an officially recognized student organization.
What are Regis’ Educational Programs and Activities?
Educational Program and Activity?

- Two students in a residence hall room.
- Two employees in the break room.
- Clinical Placement at a local hospital.
- Group of students supervised by a clinical faculty member.
- Supervision by a preceptor employed by hospital.
- Two students meet at a party in a residence hall room and begin consuming alcohol.
- Leave together and go to Respondent’s apartment.
- Apartment shared by multiple Regis students.
- Known as the “Chess Team” apartment every year.
- Employees meet at the grocery store.
- To buy supplies for the pep rally.

Substantial control?

Over Respondent and circumstances of Sexual Harassment?
Educational Program and Activity?

• Science Club trip – an official Regis student organization
• To the Association of University Science Clubs annual conference.
• Club president and faculty advisor make all arrangements (plane, passports, hotel).
• Regis pays for everything.
• Each student pays on their own

• Hotel room: faculty/employee chaperones assign the rooms, actively check on students throughout evening.
• “Pick a room and I’ll see you in the morning.”
• Party in the room. Reporting Party meets Respondent who attends another college.

• Conference ends at 4:00, club dinner at 6:00 – unscheduled time in between.
• Respondent helps Reporting Party finalize Club’s Annual Awards to be given out at dinner.
• Reporting Party always wanted to visit the XYZ Museum, Respondent goes with them.
<table>
<thead>
<tr>
<th>On Campus?</th>
<th>Off Campus?</th>
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<tbody>
<tr>
<td>• Classrooms</td>
<td>• Athletics trips, competition at other institutions</td>
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<td>• Residence halls, and individual rooms</td>
<td>• Extracurricular activities</td>
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<td>• Office and workspace</td>
<td>• Attending conferences</td>
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<td>• Dining hall</td>
<td>• Clinical / fieldwork placements</td>
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<td>• Athletics facilities</td>
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<td>• Dental Center</td>
<td>• Online academic platforms</td>
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<td>• Regis North</td>
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Conduct occurred against a person in the U.S.

• Strict geographic limitation – where was an individual located when they experienced Sexual Harassment?

• Excludes:
  o Study Abroad.
  o Travel to international conferences.
Basic Content of the Title IX Response

• Equal treatment of the parties.
• Supportive Measures.
• Notice re: the Formal Complaint process.
Supportive Measures

- To restore/preserve access to Educational Programs or Activities without unreasonably burdening the other party.
- To protect the safety of the involved parties or of the educational environment.
- To deter Sexual Harassment.
- Must be non-disciplinary, non-punitive.
- Individualized services, reasonably available.
- Without fee or charge.
- E.g.: counseling, changes to work/class schedule, leaves of absence.
Regis responds to all reports and investigates Formal Complaints.
Formal Complaints

- Signed document that alleges Sexual Harassment and requests an investigation.
- Submitted by an individual who is attempting or actually participating in the institution’s Educational Programs or Activities, i.e. current or prospective student, employee, or community member.
- Cannot be anonymous.
- Title IX Coordinator can initiate independent of a Reporting Party.
  - Will consider Reporting Party’s wishes and factors such as the presence of: violence, threats, use of weapons, repeat offenders.
Formal Complaints – MUST Dismiss

• Would not amount to Sexual Harassment, even if proved to have occurred.
• Did not occur within an Educational Program or Activity.
• Did not occur against a Reporting Party in the U.S.

• Response via other code of conduct/set of rules remains possible.
Formal Complaints – MAY Dismiss

- Reporting Party withdraws Formal Complaint.
- Respondent is no longer enrolled by or employed by the institution.
- Circumstances prevent gathering of enough evidence to make a final determination.
Comparison

Report

• Respond to all with Supportive Measures and notice re: how to file Formal Complaint.
• No discipline of alleged Respondent.
• Depending on nature of Supportive Measures, Respondent may not be made aware.

Formal Complaint

• Subset of all Reports.
• Initiates Investigation and Hearing process.
• Can lead to punishment/discipline of alleged Respondent.
• Respondent is informed.
• Supportive Measures remain available.
Emergency Removals

• May remove a Respondent from the Educational Program or Activity where:
  o Individualized safety/risk analysis of a particular Respondent and the specific circumstances.
  o Immediate threat to physical health or physical safety.
  o Threat arises out of the Sexual Harassment allegations.

• Removal can be immediately challenged.
Administrative Leave – Employees Only

- Remains an option if there is a Formal Complaint.
- According to standard HR practice.
- Not for student employees.