

December 3, 2020
Human Resources with
Attorney Steve Metzger

2020 Title IX Regulations impact on Loyola's policies

mandated reporter awareness

Highlights (changes) to the Harassment and Discrimination Policy

Highlights of Loyola's August 2020 Policy	Items over and above new 2020 Title IX Regulation
Now an umbrella policy with two procedures for cases of sexual harassment: one for Title IX cases and one for non-Title IX cases	Regulations require only one procedure under Title IX
The policy continues to cover sexual misconduct on or off campus including study abroad	Regulations do not cover off campus sexual misconduct
Added student quid pro quo sexual harassment under the new policy	Regulations limit quid pro quo to employees only
Added Title IX Intake Officers, authorized to receive reports, provide supportive measures, assist the complainant with the formal complaint process	Intake officers are not required.
Formal written complaints must be signed by the complainant; and, received and signed by the Title IX Coordinator before a formal investigation can begin.	
No religious exemption taken	Regulations allow for a religious exemption
No change to the standard of evidence, which is the Preponderance of Evidence	Regulations allow for Clear and Convincing Evidence

Highlights (changes) to the Harassment and Discrimination Policy

Highlights from the August 2020 Policy	Items over and above new 2020 Title IX Regulation
The impact statement is permissible for employees (in addition to students)	Regulations do not require impact statements
Continued broad spectrum of Mandated Reporters (formerly called “responsible employees”)	Regulations allow for a limited number of mandated reporters which could limit the number of reports received
Advisors are permissible for students– and now for employees under non-Title IX sexual harassment cases involving students	Employee advisors are not required for non-Title IX sexual harassment cases involving students
Live hearing are now conducted for employee Title IX cases, with trained independent hearing officers. Cross examination is by advisors. Audio or audiovisual recording or transcript of any live hearing is made available to the parties	
Sixty business days to adjudicate a claim, with extensions allowed for good cause	Regulations require a “reasonable” timeframe
Materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process will be made available for inspection	

Title VII, Title IX, VAWA

Sexual and gender-based misconduct

Title VII prohibits harassment and discrimination based on certain protected classifications, including sex, and the failure to take appropriate action to address sexual harassment in the workplace. Under Title VII, the law creates a duty to report for employees who supervise other employees (although all employees are encouraged to make reports) and applies to employers with 15 or more employees.

Title IX prohibits sex discrimination, including sexual harassment, in federally funded education programs. The Violence Against Women's Act (VAWA) layered on additional protections for victims of domestic violence, dating violence, sexual assault, or stalking. VAWA protections are available equally to all individuals, not just women.

The University is obligated to investigate sexual harassment, domestic violence, dating violence, sexual assault, or stalking incidents, provide a prompt and effective remedy, and take measures to prevent incidents of sexual harassment and misconduct.

"Sex" in this context includes sexual orientation and gender discrimination.

Mandated Reporters

What are they?

Mandated Reporter means an employee of the University who is obligated by policy to share knowledge, notice, and/or reports of harassment or discrimination including any form of sexual misconduct, and/or retaliation with the appropriate Title IX Coordinator or Deputy Coordinator

Who are they?

- Any University administrator and/or staff with supervisory responsibilities
- Faculty Member
- Campus Police
- Athletic Coach or Athletic Trainer
- Graduate Resident Coordinator
- Resident Assistant

Reference: Policy 8.8.8 Reporting Sexual Misconduct

Loyola's policy regarding Mandated Reporters

When a complainant gives notice to a Mandated Reporter, the University is on notice that they should have known about the sexual harassment or misconduct. Mandated Reporters must inform a Title IX Coordinator if they have knowledge of actual or suspected sexual harassment or discrimination, and/or any form of sexual misconduct

When a person other than a complainant makes a report, the appropriate Title IX Coordinator (or designee) will contact the complainant to discuss the report and whether they wish to proceed with a formal complaint

Disclosures in climate surveys, classroom writing assignments, discussions or group presentations, in conversations heard indirectly among students in a hallway, human subjects research, or at events such as "Take Back the Night" marches or speak-outs do not provide notice that must be reported to the Coordinator by employees, unless the complainant clearly indicates that they desire a report to be made or seek a specific response from the University

Importance of Reporting

- Ensures that anyone affected by sexual misconduct receives the support they need
- Ensures the University responds appropriately to alleged prohibited conduct
- Individuals may disclose issues of misconduct to you
- Potential reasons for reporting issues to you
 - The person is looking for help and may have safety concerns
 - Need someone to confide in, but does not make to seek action
 - The incident has negatively impacted their academics or employment
 - The incident has impacted their interactions with you or colleagues

Confidentiality

In order to make informed choices, it is important to be aware of confidentiality and mandatory reporting requirements. Mandated Reporters are NOT confidential resources, as they have a duty to report

If someone begins to confide in a Mandated Reporter about an incident that sounds like it may be sexual harassment or discrimination or any form of sexual misconduct, the Mandated Reporter must notify the person early on that they are NOT a confidential resource, as they have a duty to report incidents to University officials

Let the person know there are resources on campus who may maintain confidentiality – meaning they are not required to report actual or suspected discrimination or harassment to University officials. If they prefer to talk to a confidential resource, offer them options without any obligation to inform officials unless they request that the information be shared

If they wish to continue talking to you about the alleged incident, they will do so knowingly that you must report it to a Title IX Coordinator

Keep all information confidential except to report the information to the Title IX Coordinator



Reflection

How do you gently interrupt the person to let them know of your mandated reporting role?

What to do when someone tells you about an incident

CONFIDENTIALITY

- Move to a confidential area if others are in earshot
- Inform them that you are not a confidential resource, and of your duty to report the incident
- If they decide to tell you about the incident, continue...

What to do when someone tells you about an incident

LISTEN AND RESPOND

CONFIRM the person's safety

- If they are not safe, help them with a plan to get to a safe place

PROVIDE nonjudgmental support

- **Avoid questions that suggest blame or show doubt**
- Do not probe beyond what someone is comfortable sharing
- Respond with compassion and sensitivity
- Note the complainant and respondent names, what happened, others involved, and any details shared about the incident
- You may provide requested support such as an extension on an assignment, or excuse an absence

What to do when someone tells you about an incident

SEEK ASSISTANCE if the person shows signs of trauma

Contacts:

Melissa Lees, Sexual Violence Prevention, Education, and Response
Coordinator, Women's Center

Melissa can be reached at 410-617-6769

Any Title IX Coordinator

Public Safety

Some signs of Trauma

Signs and symptoms of a person who has experience trauma range widely from crying, to numbness, to denial, and everything in between

Watch for

Possible responses to trauma.

- Emotional: Feelings of anger, fear, sadness, and shame. Feeling overwhelmed or feeling numb.
- Physical: Sleep disturbances; gastrointestinal, cardiovascular, neurological, musculoskeletal, respiratory, and dermatological disorders; urological problems; and substance use disorders.
- Cognitive: Overreactions to situations; excessive guilt; idealizations; delusions; hallucinations; intrusive thoughts/memories; triggers/flashbacks; disassociation.
- Behavioral: Self-medicating, compulsive behaviors (such as overeating); impulsive behaviors; risk taking; self-injury.

What to do when someone tells you about an incident

REFER

- REVIEW reporting options with the student (including the right to file a report with law enforcement and the right to file a complaint with the Title IX Coordinator)
- DIRECT the student to on-campus support resources, such as the counseling center
- PROVIDE the student with the Notice of Rights and Options, including on and off campus resources

Notice of Rights and Options is a Quick Link on the Title IX website

<https://www.loyola.edu/department/title-ix>

What to do when someone tells you about an incident

REPORT

- **EXPLAIN** to the student that the Title IX Coordinator will contact them to discuss their reporting options and resources

After the person leaves your office

- **CONTACT** the Title IX Coordinator to report the incident

Confidential Reporting Options

Melissa Lees, Sexual Violence Prevention, Education, and Response Coordinator, Women's Center
Melissa can be reached at 410-617-6769

A counselor or psychologist in the Counseling Center at 410-617-227

Clergy acting in their pastoral role

The Student Health Center can be reached at 410-617-5055

The Employee Assistance Program (EAP) through Kepro, 24/7 for Employees at 1-800-765-0770

Reports made to a licensed counselor, clergy acting in their pastoral role, a treating health care provider, or the Sexual Violence Prevention, Education, and Response Coordinator are confidential and will not be reported for investigation without the student's permission unless an imminent threat exists

Confidential Resources

- TurnAround 24 hours a day at 443-279-0379
- House of Ruth 24 hours a day at 410-889-7884
- Sexual Assault /Domestic Violence 24-hour hotline for Baltimore and Carroll Counties at 410-828-6390

Victims are encouraged to seek medical assistance in cases of sexual assault. Upon request, campus police will provide transportation to Mercy Hospital, designated as one of the city's rape treatment centers.

Reports can also be made anonymously or identified using methods outlined below. The University's ability to investigate or act upon anonymous reports may be limited

- Anonymous Information Form, found at <https://www.loyola.edu/departments/public-safety/anonymous-information-form>
- EthicsPoint, found at <https://secure.ethicspoint.com/domain/media/en/gui/18799/index.html>
- Bias Related Behaviors Report, found at www.loyola.edu/reportbias
- Sexual Violence, Relationship Violence or Stalking Report found at https://cm.maxient.com/reportingform.php?LoyolaUnivMD&layout_id=4

Title IX Coordinators

Title IX Coordinator for the University:

Kathleen Parnell Associate Vice President for Human Resources
5000 York Road 410-617-1350 kmparnell@loyola.edu

Title IX Deputy Coordinator for Students:

Katsura Kurita, Assistant Vice President for Student Development
110 Jenkins Hall 410-617-5646 kkurita@loyola.edu

Title IX Deputy Coordinator for Faculty, Staff & Administrators:

Karen Feeley Director Employee Engagement
5000 York Road 410-617-1345 kafeeley@loyola.edu