

TITLE IX INTAKE OFFICER TRAINING

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OVERVIEW OF TRAININGS

- Hearing Panel Member, Advisor, and Title IX Intake Officer Training (Friday, September 18- 11 AM – 12:30 PM)
- **Title IX Intake Officer Training (Friday, September 25- 10 AM –12 PM)**
- Advisor Training (Thursday, October 1- 2 - 4 PM)
- Hearing Panel Member Training (Friday, October 9- 2 – 4 PM)
- Combined case study (Friday, October 16- 2 – 4 PM)

- SUNY SCI online trainings due October 16.



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OVERVIEW OF TODAY

- Introductions
- Role and Expectations of Title IX Intake Officers
- Notice of Rights and Options
- Review of Title IX Grievance Process = Options
- Forms and Documentation for Safety and Supportive Measures
- Wrap up



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INTRODUCTIONS

- Share Name, Title & Office
- Name ONE responsibility or expectation of the Title IX Intake Officer



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ROLE OF INTAKE OFFICER

1. Provide information on T9 Grievance Process
2. Explain reporting options
3. Offer Supportive Measures
4. Assess for safety
5. Act with impartiality, fairness and without bias
6. Document, document, document



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COMMON TERMS

- Complainant = reporting individual/ victim/ injured party
 - If 3rd party – write down name of Complainant
- Respondent = Responding party/ accused/ “alleged perpetrator”
- Parties – refers collectively to Complainants and Respondents



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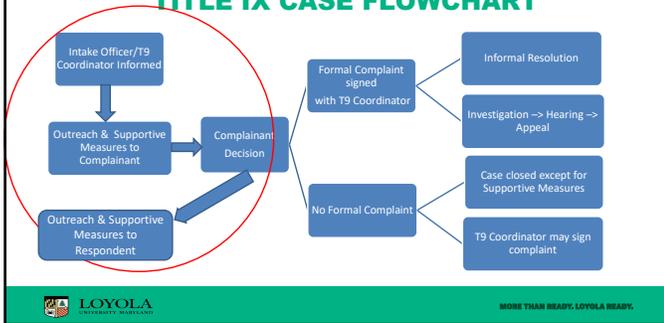
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NOTICE OF RIGHTS AND OPTIONS

- Rights of victims (preserving evidence)
- Resources & Supportive Measures
- Reporting Options –on campus and off campus = Police
- Confidentiality v. Privacy
- Disciplinary Procedures
 - ✓ Preponderance of Evidence
 - ✓ Advisors of Choice
 - ✓ Sanctions

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TITLE IX CASE FLOWCHART



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TITLE IX GRIEVANCE PROCESS

1. Definition of Sexual Harassment
2. Dismissal of Formal Complaints
3. Consolidation of Complaints
4. Supportive Measures
5. Emergency Removal
6. Notice Requirements
7. Investigations & Evidence Gathering
8. Informal Resolution
9. Evidentiary Standard
10. Hearings – Live, Cross Examination, Appeal

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1. DEFINITION OF SEXUAL HARASSMENT UNDER TITLE IX

Sexual harassment means conduct **on the basis of sex** that satisfies one or more of the following:

1. An employee of the recipient conditioning the provision of an aid, benefit, or service of the recipient on an individual's participation in unwelcome sexual conduct;
2. Unwelcome conduct determined by a reasonable person to be **so severe, pervasive, and objectively offensive** that it effectively denies a person equal access to the recipient's education program or activity;
3. "Sexual assault" as defined in 20 U.S.C. 1092(f)(6)(A)(v), "dating violence" as defined in 34 U.S.C. 12291(a)(10), "domestic violence" as defined in 34 U.S.C. 12291(a)(8), or "stalking" as defined in 34 U.S.C. 12291(a)(30).



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MORE DEFINITIONS

Sexual Assault is the penetration, no matter how slight, of the vagina or anus, with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.

Fondling is the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim.

Incest is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

Statutory Rape is sexual intercourse with a person who is under the statutory age of consent.



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STILL MORE DEFINITIONS

Dating Violence: Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.

Domestic Violence: A felony or misdemeanor crime of violence committed by a current or former spouse or intimate partner of the victim, may share a child in common; or by any other person against an adult or youth complainant protected from those acts by domestic or family violence laws of Maryland.



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STALKING DEFINITION

Stalking is defined as engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

- **Fear for the person's safety or the safety of others; or**
- **Suffer substantial emotional distress**

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OUTSIDE OF TITLE IX BUT STILL VIOLATIONS

Harassment under this section means unwelcome verbal, written or physical conduct based on sex, sexual orientation and/or gender identity, that has the purpose or effect of unreasonably interfering with an individual's work or education (including living conditions) or that creates an intimidating, hostile or offensive environment.

Sexual exploitation means taking non-consensual or abusive sexual advantage of another person for one's own advantage or benefit or for the advantage or benefit of anyone other than the person being exploited. Examples include but are not limited to non-consensual photography, video-, or audio- recording of sexual images or activity, distributing images of sexual activity without consent, allowing others to observe a consensual sexual act without the prior knowledge or consent of all involved parties, and voyeurism.

Student Quid Pro Quo Sexual harassment is a form of harassment that consists of unwelcome sexual advances, requests for sexual favors, or other verbal, written, or physical conduct of a sexual nature when a student of the University conditions the provision of an aid, benefit, or service of the University on an individual's participation in the unwelcome sexual conduct.

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2. DISMISSAL OF FORMAL COMPLAINTS



Must Dismiss:

- Behavior does not constitute sexual harassment
- Did not occur in educational program or activity
- Not in the United States



May Dismiss:

- Complainant withdraws formal complaint
- Respondent no longer enrolled/employed
- Insufficient evidence



Dismissed case may be adjudicated under the Sexual and Gender-Based Misconduct Policy

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3. CONSOLIDATION OF COMPLAINTS

Multiple Respondents

More than one complaint against one or more respondents

Cross complaint



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4. SUPPORTIVE MEASURES

Counseling

Health

Sexual Violence Response Coordinator

Visa and immigration assistance

Extensions of deadlines or other academic adjustments

Modifications of work or class schedules

Campus Escort services

No Contact Orders

Legal assistance

Leave of Absences

Relocation of Residence Hall Room

Increased security and monitoring of certain areas



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5. EMERGENCY REMOVAL

- Individualized safety and risk analysis
- Immediate** threat to physical harm
- Notice and Opportunity to challenge



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6. NOTICE REQUIREMENTS

- Grievance process info
- Sufficient details and sufficient time prepare
- Identities of the parties for alleged conduct
- Date, time and location of incident
- Respondent is presumed not responsible
- Advisors of Choice
- False statements prohibited
- Updates as needed
- Other: Accommodations for Disability and Criminal process
- **Retaliation strictly prohibited**

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7. INVESTIGATION AND EVIDENCE GATHERING

- Fact-Finding by Investigator
- Parties and Witness Interviews
- “Gag Orders” Prohibited
- Advisors of Choice
- Notice for meetings
- Right to Inspect Evidence
- Investigation Report
- University has burden of proof



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8. INFORMAL RESOLUTION

- Option after Formal Complaint is filed.
- Voluntary by both parties
- Any party may revert back to formal process.
- Not allowed for employee/student matters.
- Not permitted for sexual assault cases.

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9. EVIDENTIARY STANDARD

Preponderance of the Evidence

- ❖ More likely than not
- ❖ 50% and a feather

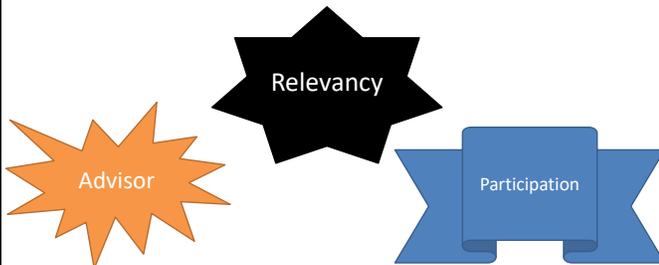
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10. LIVE HEARINGS

- “Single investigator” model is now prohibited
- In person or virtual
- Must be recorded or transcribed, with recording or transcript available to parties for inspection and review

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10. CROSS EXAMINATION IN TITLE IX



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10. DECISION MAKER'S WRITTEN DECISION

Decision-maker(s) must issue written determination that

- Identifies allegations
- Describes procedural steps
- Includes findings of fact
- Includes conclusions applying facts to alleged violations
- Includes rationale for conclusion regarding each allegation
- Describes appeal procedures



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INTAKE FORM

Documents:

- ✓ Incident information
- ✓ Health and Safety Measures
- ✓ Supportive Measures discussed and offered
- ✓ Policy and Procedures
- ✓ Acknowledgement by Complainant w/ copies
- ✓ Copy to appropriate Title IX Coordinator



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INTAKE MEETING FORMAT

- Introduce yourself & share role as Intake Officer
- Provide information on
 - Reporting options – on and off campus
 - Grievance process – difference between in T9 and out of T9
 - Assess for health and safety
 - Offer Supportive Measures
 - Implement Supportive Measures



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IMPLEMENTATION SUPPORTIVE MEASURES

- ✓ Referral to specific offices – call when individual is in office, if appropriate.
- ✓ Call Public Safety – for transportation to SAFE program
- ✓ If safety is a concern, contact Women’s Center or Counseling Center for lethality assessment
- ✓ Residence hall room changes and lock changes call Evan Huckfeldt – 410-617-5081



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IMPLEMENTATION SUPPORTIVE MEASURES

- ✓ Academic accommodations – contact Katsura Kurita 410-617-5646
- ✓ Tutoring – refer to Tutoring Services or Molly Fredette – 410-617-2623
- ✓ Leave of absences – complete Change of Registration Form and Leave of Absence Form. Then send forms to Janice Vohrer in the Dean of Undergraduate and Graduate Studies office – 410-617-5547
- ✓ Visa issues for international students contact Sunanda Bhatia – 410-617-2910



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IMPLEMENTATION SUPPORTIVE MEASURES

- ✓ Reasonable safety accommodations- Public Safety – Adrian Black– 410-617-2863
- ✓ Change in work assignment/office/hours – consult Karen Feeley at 410-617-1345
- ✓ No Contact Letters – Use template and consult Katsura/Karen for proper completion and follow up.



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WRAP UP

- ❖ If you don't know, please consult with Katsura or Karen
- ❖ It's okay to offer a follow up meeting
- ❖ Provide your contact information in a follow up email
- ❖ Keep track of all correspondence with parties.
- ❖ Questions or Concerns



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