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## TITLE IX: FOUR ESSENTIALS FOR FACULTY


Peter G. Land | Franczek Radelet P.C. | [pgl@franczek.com](mailto:pgl@franczek.com)  
Scott L. Warner | Franczek Radelet P.C. | [slw@franczek.com](mailto:slw@franczek.com)



## LEARNING OUTCOME


### After participating...

...you will be able to comply more effectively with Title IX regulations as a faculty member.




## ■ AGENDA


- Intersections of Title IX and the faculty role
- 4 things every faculty member needs to know about Title IX
  - (1) Institutional policies & procedures and mandates for reporting
  - (2) How faculty can help students navigate the reporting & investigation process
  - (3) Resources available for assisting students & others
  - (4) How to support Title IX compliance efforts inside & outside the classroom
- Final Q&A



## ■ FACULTY ROLE



- Title IX = federal law that prohibits all types of sex discrimination
- Requires institutions to adopt detailed policies and procedures
- Requires institutions to educate community, including faculty members
- Requires “responsible employees” to report
- Requires everyone to know what to do if receive report or hear about concern
- Faculty play a crucial role



## CRYSTAL BALL?



- Recent articles: President Trump likely to scale back enforcement
  - Greater deference to institutions?
  - Narrow scope of investigations?
  - More decisions favoring institutions?
- Archive/revise current guidance (as President Bush and President Obama have done)?

## FUTURE?

- Eliminate public list of open investigations, less publicity?
- Eliminate OCR, decrease funding, not defend litigation vs. OCR guidance?

**CAVEAT:** The Clery Act likely is not going anywhere and state laws often mirror existing Title IX standards –

**NEED TO KNOW HOW TO COMPLY**

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## 4 THINGS EVERY FACULTY MEMBER NEEDS TO KNOW ABOUT TITLE IX



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## #1 ESSENTIAL - INSTITUTIONAL POLICIES, PROCEDURES, & MANDATES FOR REPORTING



#1  
ESSENTIAL



Understand Required Policies & Procedures and Potential Liability Issues for Faculty Reporting Obligations



POLICY =  
CULTURAL  
SHIFT

RESOURCES

- Alcohol Information
- Annual Security and Fire Safety Report
- Report a Student of Concern
- Report Incidents of Bias/Hate
- Report Allegations of Sexual Assault, Dating/Domestic Violence and Stalking
- Staff Directory
- Contact Us

FEATURED LINK

**IT'S ON**

**Sexual Assault Summary Report 2014**

OTHER LINKS

- University Health Services
- University Housing
- University Police
- McBurney Disability Center
- International Student Services
- Center for Leadership and Involvement
- Multicultural Student Center
- LGBT Campus Center
- Associated Students of Madison
- Center for the First-Year Experience
- Veteran Services

<https://www.students.wisc.edu/dos/o/reporting-allegations-of-sexual-assault-datingdomestic-violence-and-stalking/>

Reporting Allegations of Sexual Assault, Dating/Domestic Violence and Stalking

The Dean of Students Office/Division of Student Life is committed to providing an environment that is free of sexual misconduct, stalking, and dating and domestic violence in any form. We are dedicated to creating a safe and secure campus that allows students, faculty, staff and third parties the right to learn, work and live. These standards apply to all regardless of sex, gender or sexual orientation.

Get Help Now

If you need immediate emergency assistance or to report a crime, call 911. To reach the University of Wisconsin Police, call (608) 264-2677.

For 24/7 confidential consultation with a health care provider or counselor, students may call University Health Services at 608 265-5600 (option 9).

To contact UW-Madison's reporting and complaint advisors or a Title IX coordinator, email Tonya Schmidt for a response during business hours.

Faculty, staff, teaching assistants, and others who work directly with students at UW-Madison are required by law to report first-hand knowledge or disclosures of sexual assault. When a victim of sexual assault discloses his or her experience to you, please complete the sexual assault reporting form.

Messages from the Dean of Students

Sexual assault survey results  
Read the Task Force Report

Know the Resources

Any conversations you have with the following resources are **confidential**:

- University Health Service (UHS)
- Dane County Rape Crisis Center
- Domestic Abuse Intervention Services (DAIS)
- More information on Victim Rights and Resources

The following resources have **reporting obligations**:

- Dean of Students
- UW Police
- University Housing

Video About Reporting

## HIGHER ED CONTEXT



- Remains one of the most challenging and high-profile issues in higher education.
- Lots of recent federal guidance on addressing the problem of sexual misconduct on college campuses
  - Sexual/relationship violence = sexual assault, sexual violence, dating violence, domestic violence, stalking
  - Not just a police matter
- All faculty need to have a basic understanding

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## HIGHER ED CONTEXT

Faculty members . . .

- Have close relationships on campus
- Wear “multiple hats” (instructor, advisor, etc.)
- Don’t just work/interact 9-5
- Interact with students, not just fellow employees
- Have a key role to play when it comes to Title IX

 **ACADEMIC**  
IMPRESSIONS 12

## TITLE IX REQUIREMENTS

- Appointment and training of Title IX coordinator(s)
  - OCR: ideally a full time job
- Dissemination of:
  - notice of non-discrimination that prohibits sex discrimination
  - grievance and investigation procedures that treat all parties equitably

## TITLE IX REQUIREMENTS

- Prompt and equitable investigation and resolution of all complaints/suspected violations (even if complainant does not want to come forward)
  - “Knew or should have known”
  - What if a dean or department chair knows?
  - What if a faculty member knows?

## TITLE IX REQUIREMENTS

- Immediate action to eliminate any discrimination or harassment, prevent its recurrence, and address its effects
  - Address off-campus sexual harassment if it may impact educational setting
  - Interaction with law enforcement in sexual assault/sexual violence cases
- Remedies and other corrective measures - at conclusion of process



## VAWA


- VAWA reauthorization - signed March 7, 2013
- Amended Clery Act to require reporting of statistics for additional crimes
- New investigation and procedural requirements for sexual violence, domestic violence, dating violence, stalking
- Protects both students and employees





**TITLE IX vs. VAWA**

- VAWA did not alter Title IX obligations:
  - Must comply with VAWA/Clery Act and Title IX if participate in federal student aid programs
- Title IX:
  - Prohibits all forms of sex discrimination
  - Includes sexual assault
- Clery:
  - Continues focus on reporting crimes crime prevention programs
  - Covers broader range of conduct



**KEY ROLES**



- Title IX Coordinator(s)
- Other Reporting Channels
  - Public Safety/Campus Police
  - Student Health/Counseling
  - Human Resources/EEO
- “Responsible employees”
- Confidential Advisors/Resources
- Off-campus Resources



## TITLE IX COORDINATOR



- Implement and monitor Title IX compliance
- Coordinate training, education, and communications regarding policies and procedures
- Field inquiries on Title IX and policies and procedures - serve as resource for faculty/employees



## TITLE IX COORDINATOR

- Ensure reports/complaints are handled through consistent practices and standards
- Review reports/complaints received to identify and address any patterns or systemic problems
- Keep confidential log of complaints to identify students or employees with multiple complaints against them



## REPORTING - WHEN, WHAT, WHO?



- Reporting Obligations
  - Faculty responsibilities
  - Staff responsibilities
  - Student vs. Faculty vs. Staff issues can cause confusion about who should be informed
  - How “certain” does problem need to be?
- Faculty = understand or know who to ask before receiving complaint



## REPORTING OBLIGATIONS

What Categories of Conduct MUST be Reported?

- Sex Discrimination/Sexual Harassment
- Sexual offenses, including sexual assault
- Sexual misconduct
- Domestic violence
- Dating violence
- Stalking
- Retaliation



## REPORTING OBLIGATIONS

Who is “responsible” for reporting?

- “Responsible employees”
- Usually all faculty and staff

Resistance

- Understandable instinct - “too personal”
- Dangerous to institution
- Need to embrace as part of role on campus



## REPORTING OBLIGATIONS

Reporting Channels - who to tell?

- Title IX Coordinator
  - Deputy Coordinators
  - Investigators
- Others?
  - Dean of Students
  - Provost
  - HR Director
- “Does this depend on who is harassing whom?”



## REPORTING OBLIGATIONS

Reporting DOES NOT equal JUDGMENT

- Faculty just expected to facilitate flow of information to Title IX Coordinator, who will make judgments
- Not all reports lead to investigations
- Not “betraying” confidence or “initiating complaint”
- NOT JUST DISCIPLINARY - help complainant access resources



## REPORTING OBLIGATIONS

Hypo: Student Cindy meets weekly with her thesis advisor to discuss research and writing progress. Cindy arrives visibly upset and, when asked if she is okay, shares that she thinks her boyfriend “may have assaulted me” over the weekend. She does not want to “make a big deal” of it because she’s not sure exactly what happened and doesn’t want to hurt him

*DO YOU KNOW WHAT TO DO?*

*What if reported during class discussion?*



## REPORTING OBLIGATIONS

### Confidentiality/Privacy

- Confidential Recipients (counselors)
- Everyone else:
  - Complainant = in control (mostly)
    - Discretion to remain anonymous
    - Dictates school's next step
  - Exceptions
    - Interfere with safety of others
    - Title IX Coordinator decides
    - Faculty CANNOT MAKE THIS CALL



## REPORTING OBLIGATIONS

### Confidentiality/Privacy -- Reporting

- "Why report if no investigation?"
  - Interim measures (victim support services, change housing or classes)
  - Increased monitoring - prevention
  - Target educational efforts
- "Can Complainant change his/her mind?"
  - YES, no matter how much later



## REPORTING OBLIGATIONS

Confidentiality/Privacy -- Reporting

- Even if not “confidential,” very important to protect “privacy” as much as possible
- Do not tell others after reporting
  - NOT EASY
  - PREPARE



## REPORTING OBLIGATIONS

Hypo: Student Cindy says to advisor:

- “Please do not tell anyone about this. I’ve been thinking about going to the police, but I’m just not ready yet.”
- “My mom will kill me if she learns this”
- “I don’t want to have to face him”
- “Others say this is his m.o., but I know better”

*DO YOUR COLLEAGUES KNOW HOW TO RESPOND?*



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## #2 ESSENTIAL - HOW FACULTY CAN HELP STUDENTS NAVIGATE REPORTING & INVESTIGATION PROCESS



### #2 FACULTY MEMBER ESSENTIAL



- Helping students navigate reporting and investigation process
  - Multiple different possibilities
  - Accept responsibility
  - Learn about process and nuances - not remotely intuitive
- Institutional goal: safety of students requires faculty involvement






## ■ HELPING STUDENTS NAVIGATE

Students often confide in faculty first:

- Understand basics of the new processes - BE READY
- Have easy access to documents explaining how things work
- Rights and Responsibilities - help students understand
- Compassion still allowed - but not always that easy




## ■ HELPING STUDENTS NAVIGATE

Step-by-Step Approach (if receive complaint)

- Disclose your role AND need to report
- Care for the individual
- Connect the person with resources
- Report if you are required to do so

What if Respondent talks to you?

- They have complaints you need to report?
- More and more common
- Burgeoning area of litigation



## HELPING STUDENTS NAVIGATE

What to do (more specifically):

- Offer to meet as soon as possible
- Listen, but don't make survivor tell story unless you are investigator
- Notify of Options:
  - Report to law enforcement in sexual assault/violence cases
  - Seek counseling or other support resources on or off campus
  - Contact confidential resources if complete confidentiality desired
  - UP TO THE COMPLAINANT!!



## HELPING STUDENTS NAVIGATE

Confidentiality: advising complainant upfront, before information is revealed

- Obligated to report names, facts
  - Option to request confidentiality, which school will consider
  - Confidential recipient available - not you
  - Option to report to law enforcement
  - Provide information about resources
- RECOMMEND: "cheat sheet" listing this information in easily understood manner



## HELPING STUDENTS NAVIGATE

### Procedures

- Understand basics
- Investigation or “hearing”
- Potential outcomes
- What information shared at the end?
- Who is available to answer questions about these issues?

## HELPING STUDENTS NAVIGATE

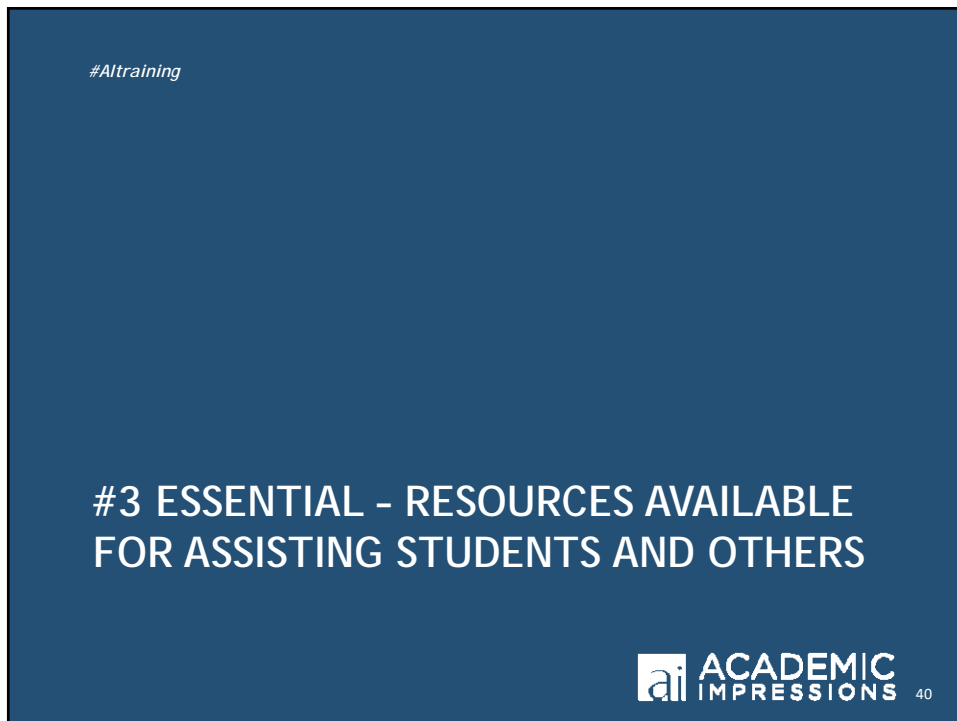
### Process is NOT just disciplinary

- Help complainants access resources
- Protect campus and increase safety
- Identify trends that are problematic
- Change culture



**?** QUESTIONS

**ai** ACADEMIC IMPRESSIONS 39



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**#3 ESSENTIAL - RESOURCES AVAILABLE  
FOR ASSISTING STUDENTS AND OTHERS**

**ai** ACADEMIC IMPRESSIONS 40

### #3 DEPARTMENT CHAIR ESSENTIAL



#### Connecting students & others with resources

- Understand what on- and off-campus resources are available to help students and employees
- Know where to go for help and where to tell others to go for help
- Connecting with resources is key to compliance and to helping others in need



### #3 FACULTY MEMBER ESSENTIAL



#### On-campus resources

- Title IX Coordinator(s)
- Health service
- Counseling center
- Rape crisis center
- Student affairs
- Campus safety/police
- Provost, Deans, Department Chairs



### #3 FACULTY MEMBER ESSENTIAL



#### Off-campus resources

- Local hospitals
- Community rape crisis center
- Local health providers/counselors
- Local law enforcement

### #3 FACULTY MEMBER ESSENTIAL

Does your institution have a web page that lists resources?

Smith College:

[http://www.smith.edu/sao/sexualassault\\_resources.php](http://www.smith.edu/sao/sexualassault_resources.php).

Michigan State University:

<http://endrape.msu.edu/resources/>

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## #4 ESSENTIAL - HOW TO SUPPORT TITLE IX COMPLIANCE EFFORTS INSIDE AND OUTSIDE THE CLASSROOM



### #4 FACULTY MEMBER ESSENTIAL



#### What can faculty do?

- Review policies and procedures
- Know who your Title IX Coordinators are
- Know who your confidential reporting sources are
- Know what other resources are available on- and off-campus



## #4 FACULTY MEMBER ESSENTIAL

### What can faculty do?

- Have a plan if you receive a report of sexual assault or hear about a possible sexual assault
- Have a plan if a student or colleague contacts you with a question or a concern
- Work with the Title IX Coordinator to arrange training



## WRAPPING UP

### Faculty Perspective on Title IX

1. Helping address sexual misconduct issues is part of every faculty member's role
2. Faculty members cannot do it alone
3. Faculty members should educate themselves and be prepared







## QUESTIONS



## EVALUATION

# Thank you!

Please remember to complete the event evaluation.  
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quality of our programs.

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