

MITCHELL COLLEGE TITLE IX PROCESS

AGENDA

- Quick Review
- Definitions
- Roles
- Process
- Communications

QUICK REVIEW

- Title IX and History
- Definitions
 - Mandatory Reporter, Respondent, Complainant, Confidentiality, Retaliation, etc.
 - Potential Violations and terms
- Title IX and Pregnancy
 - Schools must excuse absence due to pregnancy for as long as doctor deems necessary; Student must be allowed to return to the same academic and extracurricular status as before medical leave.
 - Any special services provided to students with temporary medical conditions must be afforded to pregnant students
 - Medical certification can only be requested if it is requested for other medical conditions including physical and mental health

ESSENTIAL COMPLIANCE ELEMENTS

- Mitchell ***MUST*** take immediate and appropriate steps to investigate what occurred.
- Mitchell ***MUST*** take prompt and effective action to
 - Stop the harassment
 - Remedy the effects
 - Prevent the recurrence

MITCHELL COLLEGE SEXUAL MISCONDUCT POLICY AND PROCESS DEFINITIONS

- 1. Quid Pro Quo Sexual Harrasment:** An employee of the College conditioning the provision of an aid, benefit, or service of the College on an individual's participation in unwelcome sexual misconduct.
- 2. Sexual Harrasment:** Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to any of the College's education programs or activities.
- 3. Sexual Assault:** Any sexual act directed against another person, withouth the consent of the victim, including instances where the victim is incapable of giving consent. Sexual assault can occur between individuals of the same of different sexes and/or genders. This includes Rape, Fondling, Incest, Statutory Rape

MITCHELL COLLEGE SEXUAL MISCONDUCT POLICY AND PROCESS DEFINITIONS

4. Stalking: A pattern of actions or course of conduct directed at a specific person that would cause a reasonable person to feel fear for their safety or the safety of others, or suffer substantial emotional distress. For the purpose of this definition, the following further definitions apply:

- **Course of conduct:** two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.
- **Reasonable person:** a reasonable person under similar circumstances and with similar identities to the victim
- **Substantial emotional distress:** significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment and counseling.

MITCHELL COLLEGE SEXUAL MISCONDUCT POLICY AND PROCESS DEFINITIONS

Dating Violence: Violence committed by a person who is or has been in a social relationship in a romantic or intimate nature with the victim. The existence of such a relationship will be determined based on the reporting party's statement and consideration of the length of the relationship, the type of relationship and the frequency of interaction between the persons involved in the relationship. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.

Domestic Violence: Includes felony or misdemeanor crimes of violence, on the basis of sex, committed by: a current or former spouse or intimate partner.....

Retaliation under this policy: Retaliation is prohibited by this Policy. Retaliation includes intimidation, threats, coercion, or discrimination against any individual, including through third parties and /or legal counsel, for the purpose of interfering with any right or privilege protected by this policy, or because the individual made a report or complaint of misconduct, or testified, or refuse to participate, etc.

TITLE IX PROCESS ROLES

1. **Title IX Coordinator:** Responsible for monitoring the overall implementation of Title IX for the College and coordinates institutions compliance with Title IX in all areas covered by the implementing regulations.
2. **Deputy Title IX Coordinator(s):** Often serve as investigators or supervise investigations for complaints involving respondents which align with their specific population.
3. **Title IX Decision Makers:** Preside over hearings; monitor the questioning and cross-examination process and identify irrelevant questions.
4. **Title IX Appeal Decision-Maker:** similar to Decision maker, but for appeals.

TITLE IX PROCESS ROLES

2. **Informal Resolution Facilitator:** work with involved parties to establish trust by listening to parties' needs, propose various resolution options, and ultimately aim to reach an agreeable solution
3. **Title IX Administrators:** include all of the aforementioned positions and must perform their duties free from bias, sex or gender-based stereotypes or conflicts of interest.
4. **Advisors:** Individuals selected by participants to serve as a silent support. Advisors are only allowed to speak during a formal hearing procedure for cross-examination.

TITLE IX PROCESS ROLES

1. **Complaint filed**
2. **Intake Meeting** – reviews process, rights and discuss supportive measures with both complainant and respondent. Complainant decides if he/she would like to follow formal process or informal resolution (some cases informal resolution would not be allowed).
3. **Title IX Preliminary Determination** – if accusations are found true, would actions be a violation of Title IX?
 - a. If no, the complaint is referred to student conduct
 - b. If Yes, Title IX Coordinator sends formal notice of complaint and assigns an investigator
4. **Investigation Occurs**
 - a. During Investigation both parties are allowed to review each other's statements and have 5 days to respond

TITLE IX PROCESS ROLES

5. Investigation Report Sent

- a. both parties and Advisors are sent a copy of the report and are allowed 10 business days to review in advance of the formal hearing occurs
- b. Title IX Coordinator may determine additional investigation is required and if so a second report would need to be submitted.

6. Title IX Coordinator supplies each party with final investigative report

7. Formal Hearing Occurs

8. Title IX Council makes determination; Both parties notified of findings and related sanctions (if applicable).

9. Both parties are given 7 days to appeal the decision. The letter of appeal would be shared with both parties.

10. Appeal can take up to 14 days.

TITLE IX: CONSENT DOES THIS COUNT?

Scenario A:

Kelly and Andy meet at a party. They spend the evening dancing and getting to know each other. Kelly convinces Andy to come up to Kelly's room. From 11:00pm until 3:00am, Kelly uses every line Kelly can think of to convince Andy to have sex, but Andy adamantly refuses. Kelly keeps at Andy, and begins to question Andy's religious convictions, and accuses Andy of being "a prude." Finally, it seems to Kelly that Andy's resolve is weakening, and Kelly convinces Andy to touch Kelly's genitals. Andy would never had done it but for Kelly's incessant advances. Kelly feels that the seduction was successful and that Andy wanted to do it all along but was playing shy and hard to get. Why else would Andy have come up to Kelly's room alone after the party? If Andy really didn't want it, Andy could have left.

TITLE IX: CONSENT DOES THIS COUNT?

Scenario B:

Ryo and Casey are dating. Casey is uncertain about whether they should have sex, but Ryo is persuasive and finally obtains Casey's voluntary agreement. As they engage in sex, Casey says "wait – stop – that hurts." Ryo nonetheless continues for several more minutes, ignoring Casey. Afterwards, Casey is upset. Ryo apologizes, but says they were past the point of interruption.

TITLE IX: CONSENT DOES THIS COUNT?

Scenario C:

Sidney and Harper are dating. On several occasions they are physically intimate, but within limits set by Sidney, who is opposed to having sex at this stage of their relationship. One night, when they are being intimate within their mutually agreed upon boundaries, Harper begins to cross them. Sidney expresses concern, but Harper is encouraging, saying, "It will be okay just this once." Sidney replies, "We shouldn't do this," but continues to touch Harper in an intimate way. As Harper initiates sex, Sidney says, "This is a bad idea," and begins to cry, but embraces Harper and the two proceed to have sex.

TITLE IX: DOES THIS COUNT

Scenario D:

Devin and Ansley are engaging in a consensual sexual encounter. Devin begins to intensify the level of contact and moves quickly from touching and kissing to penetration with fingers. Ansley responds by pulling away slightly, moving Devin's hands and saying, "Hey, hold on; I'm not sure." Devin cooperates briefly but then intensifies the contact once more. Ansley inches backwards and then becomes still. Devin proceeds to have sex with Ansley.

IS IT TITLE IX?

Scenario A:

Tom and Sally are students attending a Mitchell College basketball game. Tom makes a sexual comment about Sally's breasts. Sally tells Tom to stop making the comments but he keeps taunting her. Sally then goes and tells her RA about the unwelcome taunts that were made by Tom.

IS IT TITLE IX?

Scenario B:

Melanie, a student at Mitchell, was recently hired at Michael's Dairy. After a few shifts she complained to the manager about one of the supervisors being overly harsh and focusing a great deal of attention on her. The manager decided not to Melanie on the same shift as Marco and things improved.

This past weekend, when Melanie arrived for her shift, she was surprised to find that she and Marco would be closing along with another worker Marsha. Wary, but needing the hours, Melanie works her shift. Marco was again very critical of Melanie, but also began to make comments about her and female customers commenting about how much women love him. He also commented about some bruises on Melanie's arm stating "Your boyfriend must have really banged you hard last night. I see you like it rough!" and laughed.

Marsha overheard the comment and told Marco he was being unprofessional. Marco brushed off the comment and went back to work. Melanie pulled Marsha to the side and thanked her for interceding. Marsha responded – No need to thank me. Marco is tends to be inappropriate until you put him in his place. He makes comments about my body all the time. Melanie decides to file a sexual harassment complaint.

REPORTING

- Title IX Coordinator – Dr. Alicia Martinez, Dean, Student Experience and Belonging (860) 701-7708
- Deputy Coordinator (Employee) – Scott Barnes, HR Generalist (860) 701- 3529
- Deputy Coordinator (Students) – Alexandria Donkor, Director of Residence Life, Policy and Conduct (860) 701- 5045
- Deputy Coordinator (Athletics) – TBD, Associate Athletic Director/SWA (208) 282-4503

Questions? Comments?