



TITLE IX

Session 3: Determining the Correct Procedure to Utilize

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Agenda & Learning Outcomes

- Ability to understand and identify which procedure to utilize and under which policy



Refresher on Title IX Regs

Types of Title IX Sexual Harassment

- ✓ Any instance of *quid pro quo* harassment by a school employee*
- ✓ Any instance of sexual assault (defined by Clery), dating violence, domestic violence, or stalking (defined by VAWA statute). These statutory definitions are somewhat different from the current definitions in UMS Policies and the Conduct Code, which are from the Clery regulations.*
- ✓ Unwelcome conduct that a reasonable person would find so severe, pervasive, and objectively offensive that it denies a person equal educational access (*Davis Definition*)

Must Dismiss under Title IX

- ✓ The conduct alleged in the formal complaint does not meet the definition of Title IX sexual harassment
- ✓ Did not occur in the school's education program or activity
- ✓ Did not occur in the United States

*The final rule notes that incidents of *quid pro quo* harassment and the Clery/VAWA offense ***do not*** have to be evaluated for severity, pervasiveness, offensiveness, or denial of equal education access, because such misconduct sufficiently deprives a person of equal access.

Sexual Harassment Occurring in a School's Education Program or Activity

- Applies to persons in the United States and Federally funded education programs or activities.
- Schools must respond to sexual harassment when it occurs in the United States and in the school's education program or activity.
- Education program or activity includes locations, events, or circumstances over which the school exercised substantial control over both the respondent and the content in which the sexual harassment occurred. Includes any building owned or controlled by an officially recognized student organization (ex: Greek Life)
- If these criteria are not met – then we follow our traditional SCC and EOCP

Mandatory Reporting Response Obligations

Definitions



- **Complainant** – an individual *who is alleged to be the victim* of conduct that could constitute sexual harassment
- **Respondent** – an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment

Mandatory Reporting Response Obligations Definitions Cont'd

- **Formal Complaint** – document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting an investigation of the allegation of sexual harassment



Mandatory Reporting Response Obligations Definitions Cont'd

- **Supportive Measures** – are individualized services reasonably available, non-punitive, non-disciplinary, and not unreasonably burdensome to the other party while allowing for equal educational access, safety protections, and/or to deter sexual harassment
- Supportive measures and remedies are based on what is reasonable in light of circumstances; is not used to second guess the institution's disciplinary decisions, but requires the institution to offer supportive measures, and provide remedies to a complainant whenever a respondent is found responsible

Informal Resolution



- Allowable at the institutions discretion
- Facilitators conducting informal resolutions must be well trained
- Ability to offer and facilitate informal resolution options, such as mediation, or restorative justice, so long as:
 - Both parties must give voluntary, informed, written consent to attempt informal resolution

Case Study A - Morabo

- Morabo is a first year, second semester student.
- Morabo speaks with their RA/CA regarding a situation that occurred last semester
- Morabo stated that they were drinking and smoking at an off campus Phi Vimle Phi party and Kivik brought them home
- Kivik spent the night in Morabo's dorm room
- Kivik was going to sleep on the floor but Morabo woke up to Kevik fondling them
- Morabo's roommate came home and Kivik immediately got up and left.
- Morabo has class with Kivik and they have to work together on a group project

Morabo Cont'd

- Is not sure if they want to file a formal complaint
- Does not want to be in the same class or group project with Kivik
- Morabo is having difficulty living in their dorm room this semester as it is the same room as last semester
- Morabo is thinking about leaving school
- Morabo has not spoken to Kivik and once they were assigned to group Morabo stopped attending class

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Case Study B - Vimle

- Vimle is an adjunct professor in psychology
- Vimle is new to the area and goes out with some colleagues for drinks
- Vimle begins developing a close relationship with one of the tenured professors in the department
- Vimle gets a message from the Dean asking Vimle to assist in Karlstad's research grant
- Vimle is excited as they feel like Professor Karlstad is a great mentor
- Vimle would love to be a full time faculty member and feels this will add to their resume

Case Study B – Vimle Cont'd

- Karlstad sees a lot of potential in Vimle and is very interested in Vimle's ideas and values
- Karlstad is glad to have Vimle join their research
- Karlstad and Vimle have many coffee breaks and lunch's together discussing personal stories, work, and a variety of things
- Vimle begins to develop strong feelings for Karlstad
- One evening as Karlstad is heading home from work when they run into Vimle
- Vimle and Karlstad decide to go out for dinner
- After dinner Vimle asks to go home with Karlstad, Karlstad agrees

Case Study B – Vimle Cont'd

- Karlstad and Vimle spend the night together and engage in consensual sex
- Their relationship continues and they engage in consensual sex at Karlstad's house off campus several times
- Vimle tells another colleague about their relationship with Karlstad, recounting their most recent sexual encounter
- This information gets back to Karlstad and they are very upset with Vimle
- Karlstad tells Vimle their personal relationship is over and from now on they are to remain working colleagues and nothing more
- Vimle is devastated and wishes to file a complaint as they feel they are working in a hostile environment

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Case Study C - Fanbyn

- Fanbyn is a first semester senior, living off campus
- Fanbyn only has a few courses left to graduate and is looking to apply to graduate school
- Fanbyn has a good relationship with their Advisor. Their Advisor has been encouraging them to apply for graduate school
- Fanbyn get's a text message from their Advisor asking to meet
- Fanbyn agrees and heads over to their Advisor's office
- The Advisor, Stensele sees great potential in Fanbyn and thinks they would be a great addition to the graduate program at Monsters University

Case Study C – Fanbyn Cont'd

- Stensele recently connected with a colleague who has transferred to Monster's University
- Stensele explains to Fanbyn that a colleague who is very well known is now working at Monster's University
- Stensele tells Fanbyn that they would be willing to make a call to their colleague if Fanbyn spent the weekend with them
- Stensele tells Fanbyn it would be a send off to remember and that they have already booked a cabin off the coast of Nova Scotia
- Fanbyn agrees but is having second thoughts
- Fanbyn explains all of this to you and asks what they should do

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Case Study D - Baylow

- Baylow is a second semester, first year student majoring in nursing
- Baylow's lab partner constantly talks about the weekends events, going into details of their sex life
- Baylow is tired of hearing about it and it is starting to make them feel uncomfortable
- Baylow comes to you to discuss the situation

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Case Study E – Effie

- Effie is taking an online class and goes to campus to study twice a week
- Every time Effie has gone to campus they run into two other people who always comment about Effie's appearance
- The two individuals are students but not in Effie's online class
- Effie has told them to stop but it has continued for the last three weeks
- Today Effie went to campus and the two individuals said some sexual comments about her gender identity
- Effie reports these interactions to the Deputy Title IX Coordinator

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Case Study G – Porter

- Porter is a high school senior who is interested in attending the University
- Porter alleges they were sexually assaulted by Sorinella last summer before Sorinella enrolled in the University
- Porter reports this information to you

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Case Study H – Wyndahl

- Wyndahl is a second semester, Junior and decided to take a course that has a travel component to it
- Wyndahl finishes the lecture portion of the courses and attends the travel abroad portion with the faculty member and 22 other students
- Wyndahl and some other students are exploring the nightlife near their hostel house
- Wyndahl goes to a bar with 7 other students
- While at the bar Wyndahl grabs the breast and butt of another student
- The other student reports this to the faculty member the next morning
- You then get a call from the faculty member later that day

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Case Study I – Paxberry

- Paxberry is a staff member who works with a lot of students
- Paxberry recently ran into one of their students at a local restaurant and bought a couple rounds of drinks and chatted with the students
- All the students were of age
- Paxberry disclosed that they had a crush on a coworker to the students while they were feeling tipsy and sharing conversation
- The next week Paxberry noticed that this coworker was avoiding them and thought it was odd
- Paxberry then realized the student had disclosed to their coworker that Paxberry had a crush on them
- Paxberry would like to file a complaint with you

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Case Study J – Caitbrook

- Caitbrook came to campus to visit a friend
- During the visit Caitbrook was groped by another person while walking in downtown Fort Kent
- Caitbrook is thinking about apply to UMFK but now rumors are floating around about her and she is fed up
- Caitbrook's friend told her that three other students keep talking about them and think Caitbrook got what they deserved for dressing the way that they did
- Caitbrook knows the names of the three student who have said these things
- Caitbrook would like to file a complaint against them

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Case Study K – Southern

- Southern is a teaching assistant in the Bio-Chy program at Monster's University
- Southern's classes are all online and so are the classes they teach
- Southern decides to head to your campus and hang out with some friends for the weekend
- Southern runs into a familiar name and immediately associates it with one of their students
- Southern goes back to a room on campus and engages in consensual sex with that student
- Southern is wrapping up the first exam when they notice that the student did not do so well

Case Study K – Southern Con't

- Southern reaches out to the student and offers tutoring sessions for their class
- On the next exam the student does really well
- The student stops attending tutoring sessions and doesn't have any further personal contact with Southern
- On the 3rd exam the student fails
- The student then reports this information to you

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Case Study L – Windon

- Windon is a first semester, first year who is currently quarantining in their room, with their roommate
- Windon often walks around the room nude and takes extra time getting dressed
- Windon and their roommate seem to get along really well
- Windon and their roommate get cleared for COVID and are allowed to go out an about
- Windon's roommate begins talking to the RA/CA about their concerns of Windon being naked in the room

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Case Study M - Castle

- Castle is an AA working in a Dean's office on campus
- They recently reported that they have been experiencing unwanted sexual comments by the Dean
- The Dean is a well known person on campus and in the community
- Castle has called in sick many times due to the behavior and is reluctant to come back to work after Covid
- You meet with Castle thinking you are discussing Covid when they tell you they would rather continuing working from home due to the Dean's behavior
- Castle then mentions that the Dean sent text messages to them saying they missed them and can't wait to see them back in the office

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Case Study N - Crosley

- Crosley works in dining and is preparing “to-go” meals when their coworker says they want to show them something
- Crosley watches the video and they both laugh and continue about their day
- Crosley works with this coworker regularly and they often share videos back and forth
- Okada is filling in for one of the dining supervisors one day and notices Crosley and the other coworker laughing
- Okada smiles and walks past
- Crosley then takes photos of Okada and begins to show the other coworker, many of the photos are of Crosley’s personal areas

Case Study N – Crosley Con't

- Crosley continues to take videos and share them
- The coworker comes to you because they are starting to feel very uncomfortable about the photos and doesn't know what to do

It's Time for a Comfort Break!

