



Avila University Title IX

Presented by:

Title IX, Campus Safety, and Eagles Aware





Key Presentation Points

- What is Title IX and Clery
- Changes to Title IX
- Definitions
- Formal Title IX Complaint
- Reporting
- Supportive Measures

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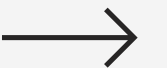




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Please Practice Self Care

This topic can be uncomfortable and/or difficult for many individuals.





What is Clery?

- Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act Federal Law passed in 1990.
- Updated via Violence Against Women Act (VAWA) Reauthorization 2013.
- A Campus Security Authority includes not just Campus Police and Public Safety staff, but also an official of an institution who has significant responsibility for student and campus activities, such as any person who has the authority and the duty to take action or respond to particular issues on behalf of the institution.

Mandated to report felony crimes on-campus:

Homicide, sexual assault, aggravated assault, robbery, burglary, motor vehicle theft, arson, and hate crimes based on a protected class.



What is Title IX?

Title IX is a federal civil rights law passed as part of the Education Amendments of 1972. This law protects people from discrimination based on sex in education programs or activities that receive Federal financial assistance. Title IX states that:

“No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.”

Sex discrimination harassment, assault, and violence are forms of prohibited discrimination under Title IX and are expressly prohibited by Avila University




On May 6, 2020, the U.S. Department of Education unveiled a Final Rule changing how colleges and universities must handle allegations of sexual misconduct, harassment, and assault under Title IX of the Education Amendments of 1972, effective as of August 14, 2020




Under the Final Rule, Title IX regulations recognize that sexual harassment, including sexual assault, is unlawful sex discrimination.

Title IX Final Rule


Examples of Notable Provisions




Revised definition of the types of sexual misconduct covered by ED's Title IX rules



Added emphasis on equal rights of parties




Presumption respondent did not violate policy unless and until a determination is made after hearing



Revised procedural parameters including

- Triggers for institutional responsibility
- Notice requirements
- Proceeding with investigations
- Appeals
- Informal resolution



Live hearing including:

- Cross-examination by party advisors
- Relevance rulings by decision maker
- Allowable expert witnesses



Definitions Under The Final Rule

Responsible Party:

Avila designee(s) with the authority to take corrective action on the part of the institution and who may receive actual knowledge of a grievance or allegation.

Respondent:

An individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

Complainant:

An individual who is alleged to be the victim of conduct that could constitute sexual harassment.

Actual Knowledge:

Is defined as notice of sexual harassment or allegations of sexual harassment to a recipient's Title IX Coordinator or any official of the recipient who has authority to institute corrective measures on behalf of the recipient, or to any employee.

Types of Conduct Covered Under Title IX

01

Sexual Harassment

Quid Pro Quo
Verbal
Physical
Electronic

02

Sexual Assault

Rape
Fondling
Incest
Statutory Rape

03

Dating/Domestic Violence

Sexual
Physical
Emotional

04

Stalking

05

Retaliation

Conditions for a Formal Title IX Complaint



Under the Title IX Final Rule, sexual harassment/misconduct claims must meet **one of the following three conditions to qualify for a formal Title IX Complaint:**

#1

An employee of the recipient (the University) conditioning the provision of an aid, benefit, or service of the recipient on an individual's participation in unwelcome sexual conduct."

Often called Quid Pro Quo

#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 school's education program or activity."

Often called "hostile environment".

Must be based on sex and meet all three measures: severe, pervasive, and objectively offensive.

#3

"Sexual assault, dating violence, domestic violence, or stalking (as those offenses are defined in the Clery Act and the Violence Against Women Act, expressly including sexual assault, dating violence, domestic violence, and stalking."

Title IX now includes the Clery Act/VAWA definitions of dating violence, domestic violence, and stalking.



Additional Conditions for a Formal Title IX Complaint

In addition the following two conditions must also be met to qualify for a formal Title IX Complaint:



The conduct must occur within the context of an “Educational Program or Activity” for which the institution exercises control over the Respondent.



The conduct must occur in the United States.



What Happens When Reports Don't Meet Title IX Conditions?

- ✓ **Mandatory dismissal of a reported grievance is required if allegations by the complainant do not meet the Title IX conditions.**

- ✓ **However, dismissal does not preclude action under other Academy policies and processes as outlined in the:**
 - Student Conduct Policy
 - Faculty Handbook
 - Employee Handbook



To Whom Does Title IX Apply?

➤➤➤ Student to Student

➤➤➤ Student to Employee

➤➤➤ Employee to Employee

➤➤➤ Employee to Student



Who Is Required To Report?

Institutional Official (IO)

Designated employees in a leadership or supervisory position, or who have significant responsibility for the welfare of Students or Employees.

Who Does That Include?

The University considers IOs to be directors, deans, vice presidents, other administrators with supervisory responsibilities, campus safety, faculty, and human resources.

What About Everyone Else?

Though they are not IOs, all other University employees are expected to report all known information concerning the incidents of Sexual Misconduct of which they become aware to the Title IX Coordinator.



Who Is Required To Report?

RAs

Resident Assistants are expected to report all known information concerning the incidents of Sexual Misconduct of which they become aware to the Title IX Coordinator.

What About Other Student Employees?

Student employees are strongly encouraged to report all known information concerning the incidents of Sexual Misconduct of which they become aware to the Title IX Coordinator.



Title IX Coordinator

Darby Gough, Associate Vice President of Student Development and Success

darby.gough@avila.edu

816-501-3748

Title IX Investigators

Chris Roberts, Manager of Campus Safety

Jason Baldwin, Director of Student Life

Lindsay Beardall, Science Laboratory Manager

Ryan Meyer, Graduate Admissions Representative

Shawn Summe, Director of Athletics

Nancy Burford, Director of Human Resources

Meet The Title IX Team





On-Campus Confidential Resources

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Dave Armstrong

david.armstrong@avila.edu

816-501-2423

Sara Eckinger

sara.eckinger@avila.edu

816-501-2909

University Counselor....

Coming soon

Campus Conduct Hotline

866-943-5787



What To Report?

Conduct that occurred and where it occurred (if shared)

Conduct that was directed at or impacted a University employee, student, or other campus community member

Report details and specifics of what was shared with you



Upon Receipt of Grievance Report

When a Title IX grievance report is received by the Title IX Coordinator:

The Title IX Coordinator will promptly reach out to the Complainant, or whomever submitted the report, and gather further information.

The Complainant will be offered support measures, whether or not a Formal Complaint is filed.

The Complainant will be offered the opportunity to submit a Formal Complaint and the grievance process will be reviewed.





➤➤➤ The Final Rule defines “supportive measures” as individualized services reasonably available that are non-punitive, non-disciplinary, and not unreasonably burdensome to the other party while designed to ensure equal educational access, protect safety, or deter sexual harassment/misconduct.

➤➤➤ **Examples of Supportive Measures Include:**

- Rescheduling academic assignment or tests
- Transferring to another course section
- Mutual “No Contact Orders”
- Change in work or housing location
- Campus escort services
- Extensions of deadlines or other course-related adjustments

Supportive Measures





Although anyone may report a sexual misconduct grievance, the University must have a signed Formal Complaint provided to the Title IX Coordinator to proceed with the grievance procedure. The Formal Complaint must be signed by the Complainant.

Note that a Formal Complaint may be signed by the Title IX Coordinator only for limited reasons, such as an overall safety concern for the Avila community

Title IX Formal Complaints



When a Title IX Formal Complaint is Filed

●

A written notice will be provided to both the Complainant and the Respondent.

●

The Respondent must receive notice with sufficient time to prepare for an initial meeting and the notice must state that the Respondent is presumed not responsible, may have an Advisor, and may inspect and review any evidence collected

●

The Respondent will be offered Supportive Measures which are non-disciplinary in nature

●

Respondent has the choice to accept Supportive Measures except for mutual “No Contact” orders or interim actions of emergency removal or administrative leave.

Title IX Grievance Procedure



Informal Resolution:

Except for allegations that an employee harassed a student, an informal resolution process is allowed if both parties agree in writing

Either party may withdraw from the informal process and resume the grievance procedure

Formal Grievance Procedure:

If a Formal Complaint is not resolved through informal resolution, a live hearing is required



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The evidentiary stand used for Avila's Title IX Grievance Procedure is that of Preponderance of evidence, "More likely than not" standard of proof. This is met when there is a greater than 50% chance of the fact(s) being true.

All steps of the Grievance Procedure will be conducted with impartiality and the Respondent will be deemed not responsible unless proven to be responsible based on the evidentiary standard.

Standard of Evidence and Impartiality



Tips for Institutional Officials (IO)

- ✓ **Discuss your obligation to report on the first day of class.**
- ✓ **Reporting is not discretionary for IOs. The obligation to report sexual harassment and misconduct is not discretionary.**
- ✓ **Be upfront with the individual about the information you will be required to share, with whom, and why.**
- ✓ **When necessary, sensitively interrupt students to inform them of your role.**
- ✓ **It's okay to acknowledge that the responsibility to share information can be difficult.**
- ✓ **Listen respectfully and believe the individual.**
- ✓ **Say something like, "I'm so sorry that you have to go through this". "You are not alone"**



Tips Contd.

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- The University only expects you to report what you have been told; you do not need to, and should NOT, mediate or investigate.
- Under no circumstances may any employee, department, organization, or division of the university attempt to resolve unilaterally a complaint of sexual misconduct, dating/ domestic violence and stalking that is required to be reported under university policy.
- The IO must always notify the Title IX Coordinator, who will determine the correct response. →



Questions?

Thank you for your committment to fostering a learning, working, and living environment where all members of our community can thrive, free from power-based violence.