

Title IX Training for Public Safety

*This training is a brief summary of Rose- Title IX
Policy and Procedures. [The full policy and procedures
can be found here.](#)*

What is Title IX

Agenda (I promise this is not as overwhelming as the list makes it appear!)

What is Title IX

Conditions for a Formal Title IX Complaint

Mandatory Reporters

When a Report is Received

Supportive Measures

Filing of a Formal Complaint

Dismissal of a Formal Complaint

Process (overview)

Consent

Retaliation

Campus Resources

Things to Think About

What is Title IX: 2020 Final Rule

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 effective as of August 14, 2020.

These provisions necessitated changes to Rose- policies and procedures. This was true for the majority of, if not all, colleges and universities across the country.

Changes in the provisions limited the scope of what defines sexual harassment. Changes also allow the accused to cross-examine their accuser. Critics feel that these changes made an already difficult process more traumatic for those who are victims of sexual harassment.

Education officials continue to review and update regulations.

Conditions for a Formal Title IX Complaint

Sexual Harassment

- Ø **Quid Pro Quo**

- Ø **Unwelcome conduct of a sexual nature**

- Ø **Sexual Assault**
 - Ø Rape
 - Ø Fondling
 - Ø Incest
 - Ø Statutory Rape

- Ø **Dating Violence**

- Ø **Domestic Violence**

- Ø **Stalking**

1. **Quid Pro Quo.** An employee (including student employees) conditions educational benefits on participation in unwelcome sexual conduct.
2. **Unwelcome Conduct of Sexual Nature** that a reasonable person would determine is so severe, pervasive, and objectionably offensive that it effectively denies equal access to the educational program or activity.
3. **Sexual Assault Dating Violence, Domestic Violence, or Stalking** to include rape, fondling, incest, and statutory rape.

Conditions... Formal Title IX Complaint

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

Ø

respondent.

Ø The conduct must occur in the United States.

The Title IX Coordinator is required to dismiss the reported grievance if allegations do not meet Title IX Conditions.

However, dismissal does not preclude action under other policies s (en-US)5c,.s1fr, (und 5

Title IX Applies To...

Title IX applies to the following relationships:

Student to Student

Employee to Student

Student to Employee

Employee to Employee

Mandatory Reporters

Federal guidelines encourage schools to respect the autonomy of Complainants to allow them some control over when and if alleged sexual harassment is reported and investigated.

Rose-Hulman has designated certain individuals as mandatory reporters.

If a student or employee chooses to inform any of the following mandatory reporters of allegations of sexual harassment, the mandatory reporter must report the allegations to the Title IX Coordinator.

The Title IX Coordinator

Vice President of Student Affairs and Dean of Students

Vice President for Human and Environmental Services

The Ombudsperson Committee

Public Safety Officers

All employees in a supervisory role are mandatory reporters of complaints made by employees under their supervision.

Mandatory Reporters – Minor Children

In compliance with state and federal laws, Rose-Hulman strictly prohibits child abuse, neglect, and sexual abuse of minors by faculty, staff, students, independent contractors, or volunteers.

Individuals suspecting abuse of a minor must immediately report the suspected abuse to the Title IX Coordinator.

Indiana law also requires mandatory reporting for suspected child abuse or neglect to authorities. Failure to report suspected child abuse or neglect is a Class B misdemeanor. All faculty and staff are mandatory reporters if the person is a minor.

Rose-Hulman will immediately investigate all reports of abuse of minors, and Rose-Hulman will inform law enforcement and/or the Indiana Department of Child Services of all reports of child abuse or neglect, including sexual abuse. Rose-Hulman will also report all reported incidents to United Educators.

When A Report is Received

Upon receiving notice of an alleged sexual harassment, the Title IX Coordinator will:

Contact the Complainant to discuss the availability of supportive measures.

Inform the Complainant of the availability of supportive measures without the filing of a Formal Complaint.

Explain to the Complainant the process of filing a Formal Complaint.



Filing a Formal Complaint

A Formal Complaint is a document filed by a Complainant or signed by the Title IX

Dismissal of a Formal Complaint

Federal law requires that a formal complaint is dismissed if jurisdictional requirements are not met.

The Title IX Coordinator may dismiss the Formal Complaint or any allegations of the Formal Complaint, if at any time during the investigation or hearing:

- Ø The Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the Formal Complaint or any allegations in the Formal Complaint.
- Ø The Respondent is no longer an enrolled student or employed by Rose-Hulman.
- Ø Specific circumstances prevent Rose-

Process... Rights of Both Parties

Rose-Hulman offers non-disciplinary, non-punitive individualized support services to the Complainant and Respondent before, during, and after a Formal Complaint of Sexual Harassment is Filed.

A fair and equitable grievance process.

An advisor of choice.

Consent

Knowing, voluntary, and clear mutual agreement

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Not Consent When...

Person has not given consent (previous slide).

Person is incapable because of a mental, developmental, or physical disability.

Force is used or threatened.

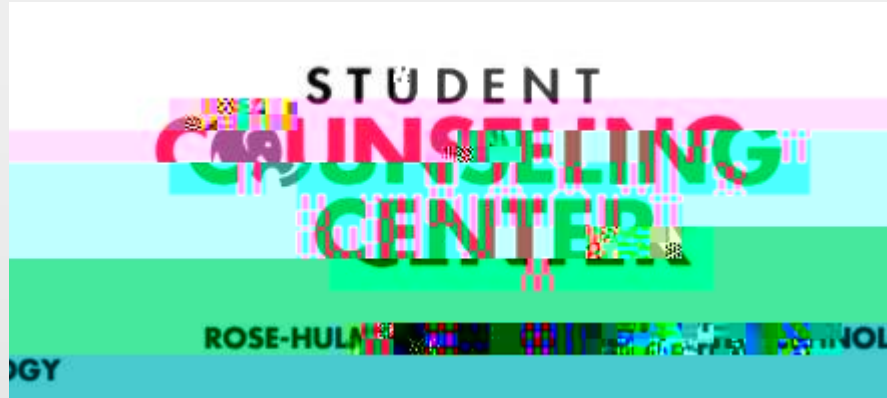
Person is *incapable* of giving consent due to judgment inhibiting intoxication.

Person is not *sufficiently conscious* to give consent.

Person is not old enough to legally give consent.

Campus Resources

Confidential



Health Services

Non-Confidential Resources

Residential Life Staff
Student Affairs Staff
Faculty
Staff

Things to Think About ...

Complaints vs. Reports vs. Teachable Moments vs. Violation Numbers

These situations are usually very complicated and highly emotional for both parties.

There are two sides to every story and the sides can be VERY different.

Due to a commitment to privacy for both parties, much information cannot be shared. This can often cause frustration to those who are supporting each party.

It is important to remain supportive, keep an open mind, and remain neutral.

Offer resources.

Kristen Loyd and Kyle Rhodes are always available for questions and concerns.