

Title IX Update

November 3, 2014
Title IX Task Force



UAF Steps

14 Feb 2014

1. Unified procedures for sexual misconduct
 - Update definitions
 - Code of conduct procedures in compliance with Title IX
 - Civil rights investigations for all incidents of sexual misconduct including relationship violence
2. Identification of "responsible employees" and "mandated reporters"
 - OCR holds university accountable if any person believed to be a responsible school employee was put on notice and took no corrective action
 - **BOR Policy** Supervisors and faculty will promptly respond to complaints of sexual harassment to determine what, if any, remedial action may be warranted. **In resolving sexual harassment complaints, supervisors and faculty will seek advice and guidance from the affirmative action officer or harassment prevention advisors.** University employees and students must cooperate fully with efforts to resolve complaints brought to their attention.
3. Appoint Title IX coordinator & deputies in writing
4. Database tracking system with access for critical personnel
5. Training and awareness
 - Coordinator, deputies and investigators
 - Training for students, faculty and staff on their rights and responsibilities
 - Climate survey/focus groups regarding sexual misconduct
 - Develop a resource guide for survivor
 - Marketing plan
 - Update student handbook
6. MOU between UAF and local law enforcement that allows for sharing of reports
7. Review campus police records for past two years - investigate/remedy



2014 Milestones

- March
 - Title IX Task Force
- April
 - OCR & White House Guidance
- May
 - UA Audit Letter
- June
 - UA Submission of Documents to OCR
- July
 - UA Second Submission of Documents to OCR
 - Investigator Training
- July, August & September
 - Training for faculty, staff & students
 - Awareness & Marketing Campaign
- October
 - OCR Visit



OCR Audit Feedback

“I wanted to pass along my thanks for the efforts made by you and your staff to prepare for our recent on-site visit to your campuses. From the outstanding publicity on campus and online about the OCR visit to the hospitality shown to OCR staff with the focus group refreshments and the amazing Yu’pik dancers at UAA, we could not be more impressed and thankful for your contributions to the success of our visit.”

Gary D. Jackson
Director, OCR
Seattle Office



OCR Verbal Feedback

“truly just reviewing”

“everything there is fine, nothing bothered us”

- First system audit for OCR Seattle Office
- Focus group turnout - the best OCR has experienced
- Bethel - an amazing experience
- Tenor at UAF different with lots of discussion about ‘mandatory reporting’

“we had your back on that; that’s not going to change”



Unified Procedures

“policies are not harmonized across campuses”

Accomplished

- Developed interim procedure
- Developed templates
 - Victim & Accused Rights
 - Gatekeeper Format
 - Risk Analysis
 - Remedies
- UA System Collaboration

Pending

- Update BOR Policy
 - Reporting obligation
 - Remedies
 - Sexual harassment
 - Language
 - Timeframes
 - Code of conduct
 - Appeals One-level with grounds
 - Due process error
 - New material info
 - Bias by investigators
 - Sanctions
 - Reviewer expectations
- Designated GC attorney



UAF Title IX Appointments

Staff & Coordinators

- Mae Marsh, TIXC 2/26/14
- Ana Richards, TIXC 7/12
- Siri Slater, Investigator 10/14
- Kevin Calderara, Investigator 10/14

- Anita Hartmann, DTIXC, 7/14/14
- Don Foley, DTIXC, 7/14/14
- Andrea Schmidt, DTIXC, 7/14/14
- Jamie Napolski, DTIXC, 7/14/14

Contacts

- Martha Whiting, Chukchi, 7/14/14
- Kelson Phillips, Chukchi, 7/14/14
- Mary Pete, Kuskokwim, 7/14/14
- Casie Stockdale, Kuskokwim, 7/14/14
- Kacey Miller, Northwest, 7/14/14
- Sandra Long, Bristol Bay, 7/14/14
- Dianna James, CTC, 7/14/14
- Adding SFOS Juneau & Seward

Bystander Training

- Keith Mallard, Bystander Training Coordinator



Tracking System

Unified tracking system that includes students & employees

- Presently
 - UAF & UAS - Co-Co (Adirondack Conduct Coordinator)
 - UAA - Advocate
 - » Limited to student information
 - » Only used by “Care Team”
- UA Systems is researching



Awareness

Accomplished

- Marketing materials
 - Brochures
 - Posters
 - Buses
- Student radio
- UA Systems KTOO articles
- Student handbooks
- Syllabi language
- Articles
- Orientations
- Web
- Safety Fair
- Starvation Gulch

Pending

- On-going articles
- Resource Guide
- Catalogue
- Email
- Employee handbook
- Conduct dry-run on how to report with programs
- Admissions website
- Dec 9 FWA Sexual Assault Team



Training

Accomplished

- TIX Appointees
 - Investigator Training, July 23-25
 - UA, UAF, UAA, UAS
 - FERPA on-line
 - Co-co
 - Webinars
 - AK Governor's Council on DV Philadelphia Conference
- Staff & Faculty
 - Over 60 presentations
 - 94% completed
- Student
 - Orientation
- Community Outreach
 - ANDVSA
 - IAC
 - Rotary
 - Magistrates
 - Alaska State Troopers

Pending

- Student Training
 - ASUAF (Classroom presentations, student clubs)
 - On-Line
- By-stander/Green Dot Task Force
- Collaboration w/school districts



Climate Survey

- UA Institutional Research
 - White House Tool as baseline
 - Implement November 2014
- Follow up required by each campus
 - Analysis
 - Action plan



MOU's

Accomplished

- Victim Services Agencies
 - ANDVSA MOU
 - Grants
 - Materials
 - Training
- Police
 - AST Colonel
 - AST Western Alaska
 - Local police at rural campuses

Pending

- IAC Collaboration
 - Victim Advocate
 - Bystander Intervention
- Local Police
 - Fort Wainwright & ROTC
 - City of Fairbanks
 - City of North Pole
 - Eielson



“Mandatory Reporting”

Disclosure

1. Confidential
 - UAF Health & Counseling
 - ANDVSA agencies
 - ?? Victim Advocate ??
2. Title IX
 - Victim can request confidentiality
3. Law enforcement

Reporting

- Mandatory or mandated reporters
 - Minors
 - Harm to self or others
 - Vulnerable adults
- Confidential employee
 - Statutory/Professional License
 - ?? Designated ??
- Responsible employee



Title IX Coordinator

- OCR states Title IX Coordinator must have knowledge of
 - Requirements of Title IX
 - School's policies & procedures
 - All reports and complaints raising Title IX issues throughout the school



Responsible Employee

OCR 2001 & 2014 Questions and Answers

Provides that a responsible employee is any employee:

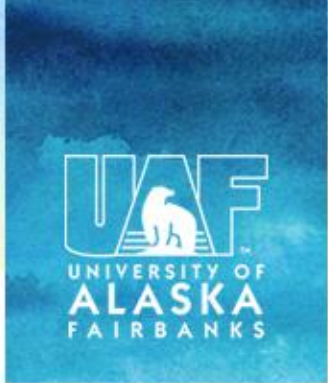
- Who has the authority to take action to redress the harassment
- Who has the duty to report to appropriate school officials sexual harassment or any other misconduct by students or employees
- Any individual who a student could reasonably believe has this authority or responsibility



BOR R04.02.022

Employee Responsibility

“Supervisors and faculty will promptly respond to complaints of sexual harassment to determine what, if any, remedial action may be warranted. In resolving sexual harassment complaints, supervisors and faculty will seek advice and guidance from the affirmative action officer or harassment prevention advisors.”



OCR Q&A

School must respond to notice

- Direct notice examples
 - Student informs Title IX
 - Student, parent, friend or other individual may have reported an incident to a teacher, principal, campus law enforcement, staff in the office of student affairs, or other responsible employee
 - A teacher or dean may have witnessed the sexual violence
- Indirect notice examples
 - Member of the local community
 - Social networking sites



What to report

- For incidents of possible student-on-student sexual violence
 - All relevant details
 - Name(s) of the alleged perpetrator(s)
 - Student who experience the alleged sexual violence
 - Other student involved
 - Other relevant facts
 - Date
 - Time
 - Location



Title IX Disclosure Requests for Confidentiality

- Disregarding requests can have a chilling effect and discourage other students from reporting
- Requests are taken seriously
- All reasonable steps will be taken to honor requests of confidentiality and protect the student
- Overrides of confidentiality will be limited



Factors to Consider

- Risk of the alleged perpetrator committing additional acts of sexual or other violence
- Sexual violence complaints about the same perpetrator
- Perpetrator history of violence and arrests
- If the perpetrator threatened further violence
- If the sexual violence was perpetrated with a weapon
- The age of the student subjected to the sexual violence



Before a student reveals...

What should a responsible employee tell a student who discloses an incident of sexual violence?

Answer: Before a student reveals information that he or she may wish to keep confidential, a responsible employee should make every effort to ensure that the student understands:

- (i) the employee's obligation to report the names of the alleged perpetrator and student involved in the alleged sexual violence, as well as relevant facts regarding the alleged incident (including the date, time, and location), to the Title IX coordinator or other appropriate school officials,
- (ii) the student's option to request that the school maintain his or her confidentiality, which the school (e.g., Title IX coordinator) will consider, and
- (iii) the student's ability to share the information confidentially with counseling, advocacy, health, mental health, or sexual-assault-related services (e.g., sexual assault resource centers, campus health centers, pastoral counselors, and campus mental health centers).



Questions