

# Title IX Personnel Training Part III

Office of Title IX Compliance and Training  
August 12, 2020

ST MARY'S  
COLLEGE of MARYLAND  
The National Public Honor College



**What's something you're looking  
forward to this week?**

# Outline

## I. Where We Are Now

Basics of Title IX

Changing Title IX Regulations

Key Changes

Definitions of Prohibited Conduct

SMCM Procedures

Appeals

## II. Where We Were Then

2020 Campus Climate Survey

Spring 2020 Case Report

## III. Prevention and You

The Research

Your Role as a Mandatory Reporter

When We Receive a Report

New Stuff in 2020

# OCR Training Requirements

Title IX Coordinators personnel must receive training on:

The definition of sexual harassment ✓

The scope of the College's education program or activity ✓

How to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes, as applicable ✓

How to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias ✓

*34 C.F.R. 106.45(b)(1)(iii)*

## OCR Training Requirements

**Decision-makers** must receive training on any technology to be used at a live hearing and on issues of relevance of questions and evidence, including when questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant.

**Investigators** must receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence.

Any materials used to train Title IX personnel must **not rely on sex stereotypes** and must **promote impartial investigations and adjudications**.

34 C.F.R. 106.45(b)(1)(iii)

## OCR Training Requirements

Training for SMCM Title IX Personnel

- Training by Grand River Solutions - Aug. 5 & 6
- In-house training - Aug. 12

We will conduct make-up training conversations and post training materials on our website, as required by the new regulations

Visit [www.smcm.edu/title-ix/](http://www.smcm.edu/title-ix/) for policies, procedures, and training materials

# Where We Are Now

## Summer 2020

**COVID-19** impact on health, families, economy, jobs, schooling, stress, etc.

**Racial and societal injustice** at the forefront

**New Title IX regulations** released in May to be implemented in August

... And **everything else**

# Basics of Title IX

## Title IX of the Education Amendments of 1972

“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 educational program or activity  
receiving federal financial assistance.”

## Title IX of the Education Amendments of 1972



Once a school has notice of possible sexual harassment, it must take four steps:

**Investigate** what occurred

**End** the harassment

**Remedy** the effects

**Prevent** it from occurring again

## Role of Title IX Coordinator/Title IX Office

Coordinate the College's **compliance with Title IX**, including procedures to address sexual harassment

Coordinate **responses to all reports** of possible sex discrimination

Monitor outcomes, identify and address patterns, and assess effects on campus climate

## Title IX Folks on Campus



**Michael Dunn**  
Director of Title IX  
Compliance and  
Training/Title IX  
Coordinator



**Shannon Jarboe**  
Deputy Title IX  
Coordinator,  
Director of Human  
Resources



**Helen Ann Lawless**  
Title IX Investigator/  
Prevention Specialist



**Derek Young**  
Interim Dean of  
Students, Executive  
Director of Student Life

## Title IX Folks on Campus



**Tressa Setlak**  
Director of Public  
Safety



**Kelly Muldoon**  
Staff Therapist/Sexual  
Assault Advocate



**Erin McDonnell**  
Assistant Athletic Director,  
Senior Woman  
Administrator, Head  
Lacrosse Coach



**More Title IX Team  
Members  
Coming Soon!**

# Changing Title IX Regulations

## Trump-Era Title IX Developments

<b>Sept. 2017</b>	<ul style="list-style-type: none"><li>• Secretary of Education Betsy DeVos addresses Title IX</li><li>• Trump administration releases new interim Title IX guidance, withdrawing most Obama-era guidance</li></ul>
<b>Nov. 2018 - Jan. 2019</b>	<ul style="list-style-type: none"><li>• Trump administration releases new proposed Title IX regulations</li><li>• Notice and comment period - over 124,000 comments received</li></ul>
<b>May 2020</b>	<ul style="list-style-type: none"><li>• Trump administration releases final Title IX regulations</li></ul>
<b>Aug. 2020</b>	<ul style="list-style-type: none"><li>• New Title IX regulations are implemented</li></ul>



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<b>May 2020</b>	<ul style="list-style-type: none"><li>• Trump administration releases final Title IX regulations</li></ul> <p><b><i>We share a message with the campus community and host two open meetings</i></b></p>
<b>Aug. 2020</b>	<ul style="list-style-type: none"><li>• New Title IX regulations are implemented</li></ul> <p><b><i>We host meetings in early August and will continue sharing information</i></b></p>

## Key Changes

## Five Big Questions

What qualifies as sexual harassment prohibited by Title IX?

When must the College respond to sexual harassment?

Who must report sexual harassment incidents to the Title IX Office?

How are formal Title IX investigations resolved?

On which grounds may a party appeal the outcome of a formal Title IX investigation?

## What Qualifies as Sexual Harassment Prohibited by Title IX?

### Current Policy

Policy covers **sexual misconduct**, including sexual and gender-based discrimination, sexual and gender-based harassment, sexual violence, stalking, relationship violence, and retaliation.

### New Policy

Policy covers (1) **sexual harassment that falls under Title IX**, (2) **other forms of sexual harassment**, such as sexual exploitation, and (3) **retaliation**.

# What Qualifies as Sexual Harassment Prohibited by Title IX?

## Current Policy

**Sexual harassment** is: Any unwelcome sexual advance, unwelcome request for sexual favors, or other unwelcome verbal or physical conduct of a sexual nature when:

1. **Submission to or rejection of such conduct** is made, either explicitly or implicitly, **a term or condition** of an individual's employment, evaluation of academic work, or participation in any aspect of a College program or activity;
2. **Submission to or rejection of such conduct** by an individual is used as **the basis** for academic, employment, or activity or program participation-related **decisions** affecting the individual; or
3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance, i.e. it is sufficiently **serious, pervasive or persistent** as to create an intimidating, **hostile**, humiliating, demeaning, or sexually offensive working, academic, residential, or social **environment** under both a subjective and objective standard.

# What Qualifies as Sexual Harassment Prohibited by Title IX?

## New Policy

**Sexual harassment** includes three types of sexual misconduct:

1. **Quid pro quo harassment**: A school employee conditioning an educational benefit or service upon a person's participation in unwelcome sexual conduct
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
3. **Sexual assault, dating violence, domestic violence, or stalking** (as defined by the Clery Act and the Violence Against Women Act)



## What Qualifies as Sexual Harassment Prohibited by Title IX?

The new regulations ***narrow the definition*** of sexual harassment.

However, our policy will still prohibit other forms of sexual harassment.

We can still take action to address conduct that may not meet the new definitions.

The definition of ***consent*** remains the same.

## When Must the College Respond to Sexual Harassment?

### Current Policy

Applies to...

Conduct occurring on SMCM property or at off-campus SMCM events or programs

Any incident between two members of the SMCM community

Off-campus conduct that is likely to have a substantial adverse effect, or pose a threat of danger, to the SMCM community

### New Policy

The College must respond to sexual harassment when:

1. The school has ***actual knowledge*** of sexual harassment
2. That occurred within the school's ***education program or activity***
3. Against a person ***in the United States***.

# When Schools Must Respond to Sexual Harassment

Consistent with Supreme Court precedent and the text of Title IX, a school must respond when:

- (1) the school has **actual knowledge** of sexual harassment;

*Actual knowledge - Notice to a Title IX Coordinator or to an official with authority to institute corrective measures on the school's behalf*

- (2) that occurred within the school's **education program or activity**;
- (3) against a person in the United States.

## Scope of SMCM "Education Program or Activity"

***Education program or activity*** includes

- Locations, events, or circumstances over which the College exercised substantial control over both
  - The respondent and
  - The context in which the sexual harassment occurs
- Also includes any building owned or controlled by a student organization that is officially recognized by a postsecondary institution [like a fraternity house]



## When Must the College Respond to Sexual Harassment?

The new regulations *narrow schools' jurisdiction* to address sexual harassment under Title IX.

However, we will *apply the same policy and procedures* to address:

- Sexual harassment under Title IX and
- Sexual harassment that occurs outside the scope of Title IX (off campus, study abroad, etc).

## Who Must Report Sexual Harassment Incidents to the Title IX Office?

### Current Policy

**Responsible Employees:** "All faculty, coaches, administrators, Resident Assistants/Residence Hall Coordinators, and other student employees/volunteers with a significant responsibility for student welfare."

### New Policy

**Officials with Authority:** "Those employees who, along with the Title IX Coordinator, have the authority to institute corrective measures on behalf of the institution."

## Who Must Report Sexual Harassment Incidents to the Title IX Office?

Current **Responsible Employees** include:

- Title IX Office
- Division of Student Affairs
- Human Resources
- Public Safety
- All Coaches
- Faculty
- RAs, RHCs, OLs

Under **the new policy, the same people** – including all faculty, coaches, administrators, supervisors, Resident Assistants/Residence Hall Coordinators, and other student employees/volunteers with a significant responsibility for student welfare – are required to report sexual harassment to the Title IX Office.



## Who Must Report Sexual Harassment Incidents to the Title IX Office?

Under the new regulations, the College must respond to sexual harassment if employees known as **Officials with Authority** are aware of the issue.

In addition to this new definition, faculty, staff, and student employees like RAs and RHCs are **still required to report** sexual harassment concerns to the Title IX Office.

# How are Formal Title IX Investigations Resolved?

## Current Policy

**Civil rights investigator model:** two investigators conduct an investigation designed to provide a fair, impartial, and reliable gathering of the facts.

Parties review and respond to investigative materials before the Investigators determine the outcome and sanction (if appropriate). Both parties may appeal.

## New Policy

Following an investigation, the new regulations require a **live hearing**, including **cross-examination by the parties' advisers**. Both parties may appeal.

# How are Formal Title IX Investigations Resolved?

## New Hearing Requirements

- After the investigation concludes, parties have 10 days to review all evidence before the investigative report is finalized. Parties also have 10 days to review the final investigative report before the hearing.
- Hearings must be live but not necessarily in the same space.
- Expert witnesses must be allowed.
- Cross-examination must be done directly, orally, in real time, by the adviser. The hearing officer will determine the relevancy of cross-examination questions.
- All complainants are protected from inappropriately being asked about prior sexual history.
- If a party will not sit for cross-examination, their statements will not be considered.
- The College will continue to use the preponderance of the evidence standard.





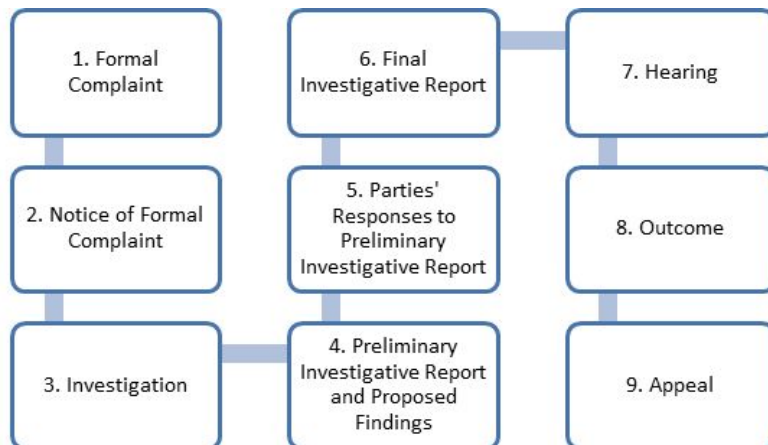
## How are Formal Title IX Investigations Resolved?

All colleges are required to hold *live hearings with direct cross-examination* to adjudicate formal Title IX investigations.

Using best practices in the field, we will work to make sure that this process is done in a fair, sensitive, respectful, and trauma-informed way.

*Supportive measures* are always available, and *informal resolution* processes may be available, even if someone doesn't want to pursue a formal investigation.

## Formal Resolution Process



# On Which Grounds may a Party Appeal the Outcome of a Formal Title IX Investigation?

## Current Policy

1. Specified ***deviations from the prescribed procedures*** that resulted in significant prejudice to the appealing party
2. ***New or significant information*** that could not reasonably be made available at the time of the original investigation
3. The ***sanction*** imposed was not appropriate for the policy violation

## New Policy

1. ***Procedural irregularity*** that affected the outcome
2. ***New evidence*** that was not reasonably available at the time the determination was made, that could affect the outcome
3. Title IX personnel had a ***conflict of interest or bias*** for/against complainants or respondents generally or the specific party, that affected the outcome

# On Which Grounds may a Party Appeal the Outcome of a Formal Title IX Investigation?



The grounds for appeal are mostly the same with two exceptions:

- Parties can't appeal the sanction
- Parties can appeal based on concerns that Title IX personnel had a bias or conflict of interest that affected the outcome



## An Ongoing Process

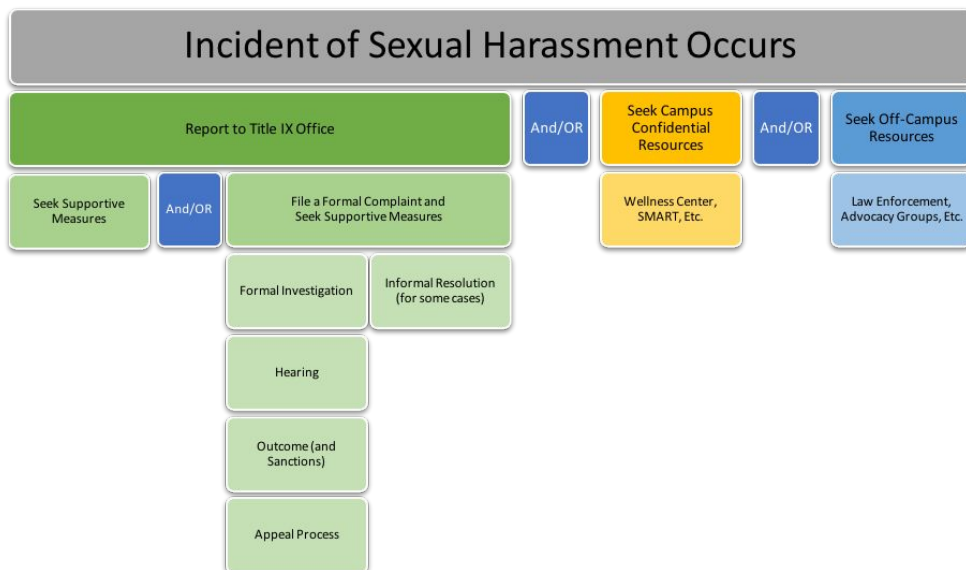
The new regulations go into effect on August 14, 2020.

This year, ***we will implement and learn*** from the new policy.

We will continue to make ***community-informed changes*** to meet the needs of our campus as much as we can.

We'll remain in dialogue about these changes as the academic year unfolds.

## Options and Pathways



# Definitions of Prohibited Conduct

## Prohibited Conduct at SMCM

Title IX Sexual Harassment	Other Sexual Harassment	Retaliation
Includes: <ul style="list-style-type: none"><li>• Sexual harassment</li><li>• Sexual assault</li><li>• Dating violence</li><li>• Domestic violence</li><li>• Stalking</li></ul>	Includes: <ul style="list-style-type: none"><li>• Sexual harassment not under Title IX</li><li>• Gender-based harassment</li><li>• Sexual exploitation</li></ul>	

## Title IX Sexual Harassment

Sexual harassment means conduct on the basis of sex that satisfies one or more of the following:

- (1) An employee conditioning the provision of an aid, benefit, or service on an individual's participation in unwelcome sexual conduct;
- (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 education program or activity; or
- (3) Sexual assault, dating violence, domestic violence, and stalking, as defined below.

## Sexual Assault

**Sexual assault** means an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting ("UCR") system of the Federal Bureau of Investigation. The following UCR definitions apply.

- Sex Offenses, Forcible
  - Forcible rape
  - Forcible sodomy
  - Sexual assault with an object
  - Forcible fondling
- Sex Offenses, Nonforcible
  - Incest
  - Statutory Rape

## Sex Offenses, Forcible

**Forcible Rape** – The carnal knowledge of a person, forcibly and/or against that person's will, or not forcibly or against the person's will in instances where the victim is incapable of giving consent because of their temporary or permanent mental or physical incapacity.

**Forcible Sodomy** – Oral or anal sexual intercourse with another person, forcibly and/or against that person's will, or not forcibly or against the person's will in instances where the victim is incapable of giving consent because of their youth or because of their temporary or permanent mental or physical incapacity.

**Sexual Assault with an Object** – To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or against that person's will, or not forcibly or against the person's will in instances where the victim is incapable of giving consent because of their youth or because of their temporary or permanent mental or physical incapacity.

**Forcible Fondling** – The touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person's will, or not forcibly or against the person's will in instances where the victim is incapable of giving consent because of their youth or because of their temporary or permanent mental or physical incapacity.

## Sex Offenses, Nonforcible

Unlawful nonforcible sexual intercourse.

**Incest** – Nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

**Statutory Rape** – Nonforcible sexual intercourse with a person who is under the statutory age of consent.

## Dating Violence

Dating violence is violence committed by a person

- who is or has been in a social relationship of a romantic or intimate nature with the victim,
- where the existence of such a relationship shall be determined based on a consideration of the following factors:
  - the length of the relationship,
  - the type of relationship, and
  - the frequency of interaction between the persons involved in the relationship.

## Domestic Violence

Domestic violence includes felony or misdemeanor crimes of violence committed

- by a current or former spouse or intimate partner of the victim;
- by a person with whom the victim shares a child in common;
- by a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
- by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the state of Maryland; or
- by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the state of Maryland.

## Stalking

Stalking means engaging in a course of conduct directed at a specific person that would cause a reasonable person to (a) fear for their safety or the safety of others, or (b) suffer substantial emotional distress.

For the purposes of this definition, **course of conduct** means two or more acts, including but not limited to, acts 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** means a reasonable person under similar circumstances and with similar identities to the complainant.

**Substantial emotional distress** means significant mental suffering or anguish that may but does not necessarily, require medical or other professional treatment or counseling.

## Stalking

Stalking behaviors may include, but are not limited to

- abusive and excessive contact and/or monitoring using telephone calls, voice mails, emails, instant messaging, text messages, and/or social media to one's home or work;
- installing spyware on a person's computer or phone without consent;
- trespassing;
- following and/or threatening an individual or a person's friends and relatives;
- driving/walking by a person's home, school, and/or work; or
- vandalizing property.



## Prohibited Conduct at SMCM

Title IX Sexual Harassment	Other Sexual Harassment	Retaliation
Includes: <ul style="list-style-type: none"><li>• Sexual harassment</li><li>• Sexual assault</li><li>• Dating violence</li><li>• Domestic violence</li><li>• Stalking</li></ul>	Includes: <ul style="list-style-type: none"><li>• Sexual harassment not under Title IX</li><li>• Gender-based harassment</li><li>• Sexual exploitation</li></ul>	

## Other Sexual Harassment

Includes acts of Title IX Sexual Harassment that may occur

- Against a person ***outside of the United States*** or
- ***Not within an education program or activity*** of the College
- At College-sanctioned events or programs that take place off campus, including study abroad and internship programs
- Between a complainant and respondent who are both members of the College community, regardless of the location
- Off-campus and is by or against a member of the SMCM community that is likely to have a substantial adverse effect on, or poses a threat of danger to, any member of the SMCM community or SMCM itself

## Other Sexual Harassment

***Gender-based harassment*** – may include acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex stereotyping, even if those acts do not involve conduct of a sexual nature.

## Other Sexual Harassment

***Sexual Exploitation*** – any act which takes non-consensual or abusive sexual advantage of another individual, either for their own advantage or benefit, or for the advantage or benefit of anyone other than the one being exploited. This behavior includes but is not limited to:

- Utilizing any electronics for the purpose of posting or publishing and/or capturing images of a sexual act without the consent or knowledge of the involved parties
- Publishing, recreating, or reproducing images of a sexual act without the knowledge or consent of the parties involved
- Peeping tommery/voyeurism
- Unwanted exposure to pornographic material
- Inducing incapacitation for the purpose of having sex with the incapacitated person regardless if sexual activity actually takes place
- Prostitution of another
- Knowingly exposing another individual to a sexually transmitted infection or virus without that individual's knowledge

## Prohibited Conduct at SMCM

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## Retaliation

Intimidating, threatening, coercing, or discriminating against, or otherwise taking an adverse action against an individual

- for the purpose of interfering with any right or privilege secured by law or College policy relating to Prohibited Conduct, or
- because an individual has made a report, filed a complaint, testified, assisted, participated or refused to participate in any manner in an investigation, proceeding, or hearing related to Prohibited Conduct.

# Retaliation

Adverse actions include but are not limited to

- impeding an individual's academic advancement;
- terminating, refusing to hire, or refusing to promote an individual; or
- transferring or assigning an individual to a lesser position in terms of wages, hours, job classification, or job security.
- Retaliation includes retaliatory harassment.

# Retaliation

Adverse actions, including charges against an individual for violations of other College policies that do not involve sex discrimination or Prohibited Conduct, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or complaint of Prohibited Conduct, for the purpose of interfering with any right or privilege secured by law, constitutes Retaliation.

However, charging an individual with a violation of other College policies for making a materially false statement in bad faith in the course of a proceeding does not constitute Retaliation, provided that a determination regarding responsibility, alone, is not sufficient to conclude that any Party made a materially false statement in bad faith.

The exercise of rights protected under the First Amendment does not constitute Retaliation. The College will keep confidential, to the extent permitted by FERPA, the identity of any individual who has made a report of Prohibited Conduct.

# Prohibited Conduct at SMCM

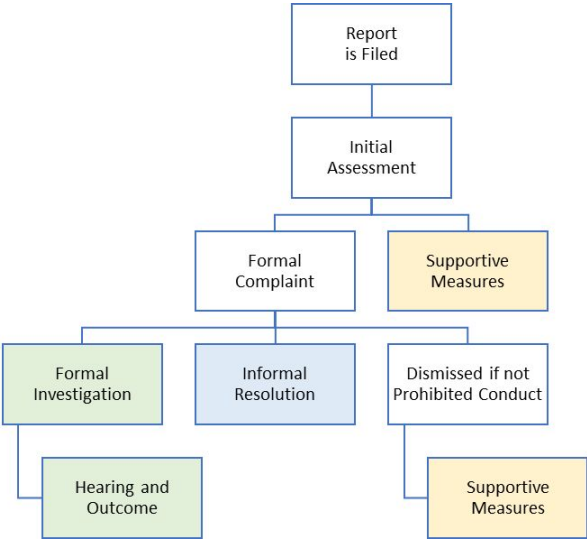
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# SMCM Procedures

# Options and Pathways

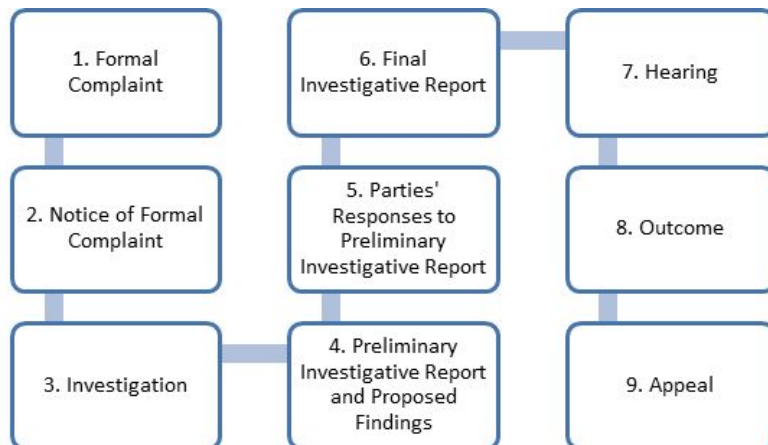


# When the Title IX Office Receives a Report



Informal Resolution	Formal Resolution
A process, such as mediation, that does not involve a full investigation and adjudication	Process by which Investigators gather information and then separate hearing officer determines if the respondent should be held responsible for a Policy violation
A <b>voluntary</b> process that becomes available after a complainant files a formal complaint	Involves a <b>live hearing</b> with cross-examination
<b>Not available</b> for allegations of sexual assault or allegations of Title IX Sexual Harassment against an employee	If a respondent is found responsible, the hearing officer issues <b>disciplinary sanctions</b> , up to and including expulsion for students and termination for employees
A complainant does not waive their right to a formal investigation and adjudication	

## Formal Resolution Process



## Impartiality, Conflicts of Interest, and Bias

An important issue that is now a required basis for appeals:

*Title IX Personnel (Title IX Coordinator, investigators, or decision-makers) had a conflict of interest or bias for or against complainants or respondents generally or individual complainant or respondent that affected the outcome.*

Our roles on campus require good judgment, balance, and sensitivity.

How do you avoid prejudging facts? How are you mindful of potential conflicts of interest? How do we address any explicit or implicit bias?

## Conflicts of Interest

A conflict of interest may arise if the Appeal Officer [or other Title IX personnel] is related to, has a friendship with, or otherwise has had interactions with one of the parties or witnesses that may compromise the fairness or impartiality of the investigation.

If an actual or perceived conflict of interest arises from the involvement of an Appeal Officer, that conflict must be disclosed to all Parties and any potential or actual conflict must be appropriately addressed.

Parties and Title IX personnel should disclose any possible conflicts of interest to the Title IX Coordinator as soon as possible.



# Appeals

## Grounds for Appeal

1. ***Procedural irregularity*** that affected the outcome
2. ***New evidence*** that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome
3. Title IX Personnel (Title IX Coordinator, investigators, or decision-makers) had a ***conflict of interest or bias*** for or against complainants or respondents generally or individual complainant or respondent that affected the outcome

## Role of the Appeal Officer

Appeals will be conducted in an impartial manner by an impartial decision-maker, the Appeal Officer

Appeal officers may be members of the College's Executive Council or may be external Title IX professionals with specific training and experience, appointed for this purpose

Appeal officers must be unbiased and without any conflicts of interest

## Appeals Timeline

- Either party may file an appeal within **five (5) business days** of the date of the Outcome
- The Title IX Coordinator will send a copy of the appeal to the non-appealing Party within **one (1) business day**
- The non-appealing party will have **three (3) business days** to submit a response to the appeal
- The Title IX Coordinator will email a copy of the Outcome, the appeal and any response to the Appeal Officer within **one (1) business day**
- The Appeal Officer will render a written decision on the appeal and send it to the Title IX Coordinator within **fifteen (15) business days**

## Requirements of Appeal Documents

The appeal shall consist of a plain, concise, and complete written statement outlining:

- the grounds for appeal
- all relevant information to substantiate the basis for the appeal, and
- appellant's desired outcome.

The appeal shall not exceed 10 double-spaced pages with a minimum 12-point font (same for the response to the appeal).

Mere dissatisfaction with the Outcome is not a valid basis for appeal.

## Exclusion of Improper Information

The Appeal Officer may exclude any information submitted by the appealing or non-appealing Party if it is not relevant or material to one of the specified grounds for appeal.

If the Appeal Officer excludes information submitted on appeal, the Appeal Officer shall state the basis for exclusion of the information in the Appeal Officer's written decision.

## Burden of Proof

In any request for an appeal, the burden of proof lies with the appealing Party, as the original Outcome is presumed to have been decided reasonably and appropriately.

The Appeal Officer's first considerations:

- Is the appeal is timely filed?
- If so, is the appeal based on one or more of the three grounds?

If either answer is "no," the appeal will be denied.

## Burden of Proof

An appeal is not an opportunity for the Appeal Officer to substitute their own judgment for that of the Hearing Officer merely because the Appeal Officer disagrees with the Outcome.

Appeal decisions are to be deferential to the original Hearing Officer, making changes to the finding only where there is ***clear error***.

## Outcome of Appeal

The Appeal Officer may affirm or alter the Outcome, depending on the basis of the requested appeal.

If the Appeal Officer remands the case, options may include:

- Investigators conducting additional investigation or issuing a revised investigative report
- Hearing officers calling for a new hearing or issuing a revised outcome

The Title IX Coordinator will review the appeal decision for consistency with College policy and practice, and the College's legal counsel will review the appeal decision for legal sufficiency.

Where We Were Then

# 2020 Campus Climate Survey

## Executive Summary

### Survey Topics

- Campus Culture
- Perceptions of Faculty/Staff/Administrators
- Knowledge of Title IX Campus Resources
- Helpfulness of Campus Resources.

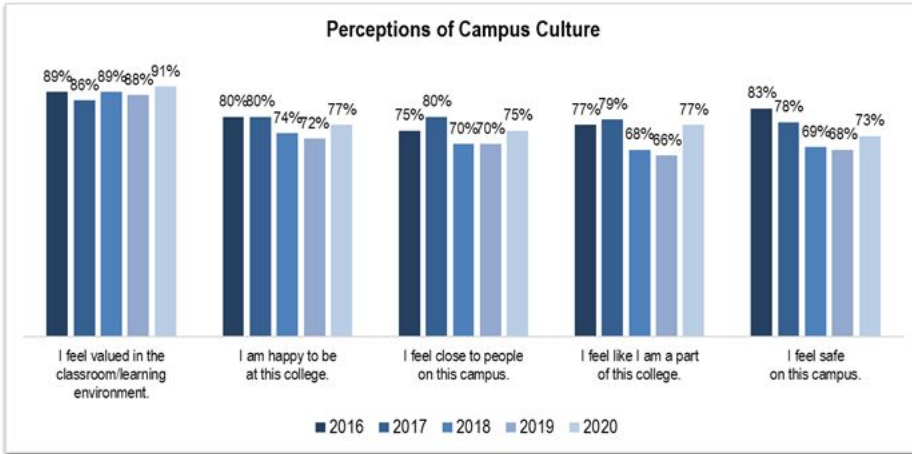


*Student opinions are on a **positive upswing on every survey measure***

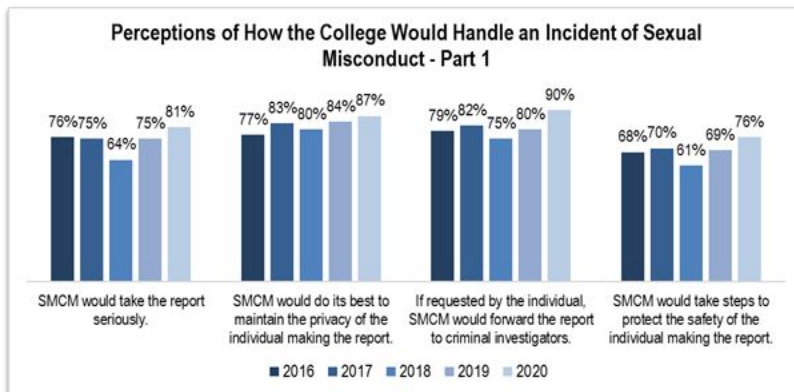


*Perceptions of Title IX-related policies & processes have **substantially improved & reached a five-year high***

# Perceptions of Campus Culture

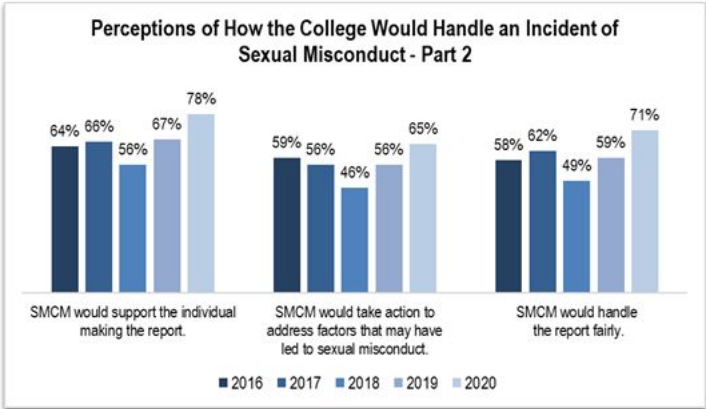


# Perceptions of Title IX-Related Policies & Processes



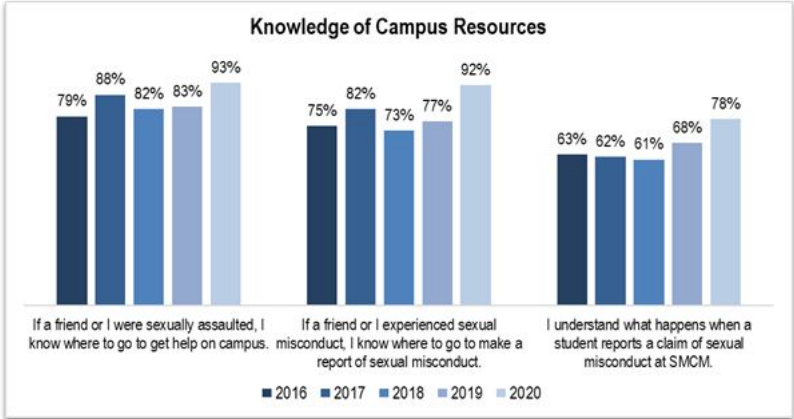
**5-Year Highs**

# Perceptions of Title IX-Related Policies & Processes



**5-Year Highs**

# Knowledge of Campus Resources



**5-Year Highs**



# Executive Summary

# 22%

...indicated that they had **experienced sexual assault or sexual violence** since coming to the College.

This reflects national trends.

## Student Concerns

- Perceptions of Few Consequences for Offenders
- Perception of Mishandling of Cases
- General concerns about safety on campus.

## A MESSAGE TO OUR COMMUNITY

During this spring and summer, we have all been grappling with challenges that impact so many parts of our lives.

We understand that some of our students have been speaking out on social media about campus sexual misconduct concerns. **We hear you, and we are thinking about new ways to serve the campus** through restorative justice practices, new training and communications, and other feedback processes.

**Our doors are always open.** We hope you will partner with us to make our campus the best place it can be, in fulfillment of The St. Mary's Way.

As the summer continues, we'll be sharing more information about the implementation of the **new federal Title IX regulations and other new initiatives**. In preparing for the fall semester, we ask our community to help us answer two important questions:

**What questions do you have about the new Title IX regulations?**  
**What would you like to see from our office this year?**

We hope you'll stay in touch.

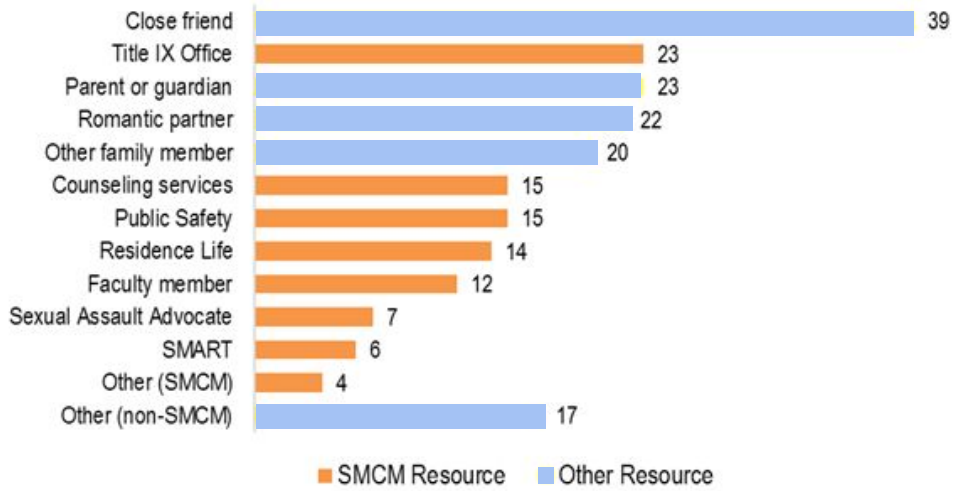
In service,

Michael Dunn  
Director of Title IX Compliance and  
Training/Title IX Coordinator

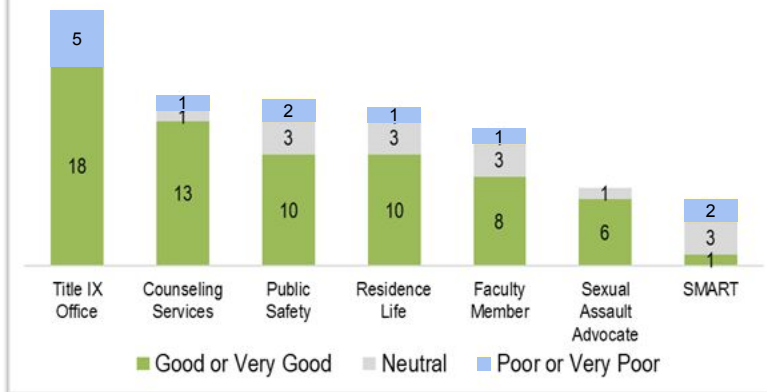
Helen Ann Lawless  
Title IX Investigator/Prevention  
Specialist

@smcmtitleix

### Whom Participants Told about the Incident



### Quality of Help - SMCM Resources



# Spring 2020 Case Report

## Spring 2020 Case Report

The Title IX Office received **14 Title IX reports** (compared to 25 in spring 2019) and **7 non-Title IX reports**

### Sources of reports

- Staff members (7)
- Reporting parties (4)
- Faculty (4)
- Public Safety (2)
- Resident Assistants (2)
- Witnesses (2)

## Spring 2020 Case Report

Issues reported:

- Sexual harassment (4)
- Sexual assault – unknown (3)
- Retaliation (2)
- Non-consensual sexual intercourse (1)
- Dating violence (1)
- Stalking (1)
- Sexual exploitation (1)
- Gender-based harassment (1)
- Non-Title IX issues (7)

## Resolution of Spring 2020 Reports

Proceeded as far as possible given limited information - 7

Informal resolution - 5

Honored request for confidentiality - 2

Non-Title IX issues - 7

# Formal Resolutions 2019-20

This year, the Title IX Office conducted 6 formal investigations (compared to 8 in 2018-19 and 7 in 2017-18)

- 4 investigations resulted in findings of responsible
- 2 investigations resulted in findings of responsible and not responsible

Student sanctions ranged from disciplinary probation to expulsion

## Formal Resolutions Over Time

	2016-17	2017-18	2018-19	2019-20
<b>Number of Cases</b>	11	7	8	6
<b>Findings: Responsible</b>	9	5	7	4
<b>Findings: Not Responsible</b>	2	1	0	0
<b>Findings: Other</b>	0	1 - closed without prejudice	1 - closed without prejudice	2 - mixed findings, responsible and not responsible
<b>Sanctions Range: Students</b>	Included suspension, no-trespass orders	Included suspension	Included suspension, permanent no-trespass order	Included expulsion, permanent no-trespass order
<b>Sanctions Range: Employees</b>	Included termination	Included termination	Included termination	Did not include termination

Prevention and You

The Research

## Sexual Assault and Alcohol

 1 in 5 Women  1 in 2 TGNB

 1 in 16 Men

experience sexual assault in college.

#1

Alcohol is the **#1 drug used** to facilitate sexual assault

50%

50% of college-aged sexual assaults involve alcohol

Source: [collegeparentsmatter.org](http://collegeparentsmatter.org)

## Sexual Assault and Alcohol



Most survivors of alcohol-involved sexual assault **knew their attacker**



Drinking alcohol can **increase aggression** and cause perpetrators to act without thinking.\*



Drinking alcohol lowers inhibitions and makes it **harder to know what's going on**.

Source: [collegeparentsmatter.org](http://collegeparentsmatter.org)

## Sexual Assault and Alcohol



**Bars and parties** are common places where assaults are perpetrated



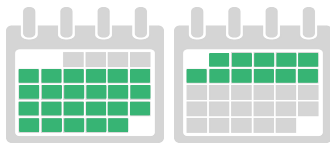
Survivors of alcohol-involved sexual assault **often do not seek help** because they fear being blamed.



**Fewer than 5%** of sexual assaults among college students are **reported to authorities**

Source: [collegeparentsmatter.org](http://collegeparentsmatter.org)

## The Red Zone



Most campus sexual assaults occur during the first **6-8 weeks** of the fall semester

**First-years** are

**2.5X**

more likely to be assaulted by someone



**The week of Halloween** is a particularly high-risk time

**It's on all of us to prevent sexual assault**

<https://now.org/blog/redzone-and-prevention-education-on-college-campuses/>



# Possible Social Factors Relating to COVID-19

- Students may have **missed out on milestone experiences**, like prom or summertime hangouts, that might have exposed them to alcohol and sexual intimacy incrementally in recent months
- Eager for **physical connection after isolation**
- Pressure of making and maintaining **new friends**
- Students may feel like they have to **make up for lost time**
- **Potential for a surge in experiences** that's exaggerated in intensity compared to "typical" circumstances

Source: Jennifer S. Hirsch and Shamus Khan, [Sex, Social Distancing and the Fall Semester](#), Inside Higher Ed, June 22, 2020

# Education, Awareness, and Prevention

The collage features several educational and awareness posters from St. Mary's University:

- SEAHAWKS ASK FOR CONSENT:** A poster with illustrations of a seahawk, a sailboat, and a person, emphasizing the importance of consent.
- BE A SUPERHERO Be an Active Bystander:** A poster featuring a superhero character and instructions: "Directly Intervene", "Distract Either Person", and "Delegate to Others". It includes contact information for Public Safety (240-895-4911) and SMART (301-904-2015).
- EVERFI:** A logo for the EVERFI platform.
- IF YOU EXPERIENCE SEXUAL MISCONDUCT, SUPPORT IS AVAILABLE AND YOU HAVE OPTIONS:** A poster detailing campus resources for sexual misconduct, including the Title IX Coordinator, the Sexual Assault Response Team (SART), and the Center for Gender Equity.
- A CALL TO MEN The Next Generation of Manhood:** An orange poster promoting a program for men.
- BEING A GOOD MAN MEANS...:** A poster featuring Ali Kham, a student leader, with the text: "Trying to treat everyone with core and respect. It means taking responsibility for their actions and working to better themselves as well as others around them."
- HEALTHY RELATIONSHIPS ST. MARY'S WAY:** A poster featuring Lily Pohlans, a student leader, with the text: "To me, a healthy relationship is built on a foundation of trust in which we are aware of and respect each other's boundaries when it comes to intimacy, personal space, school, and other friendships."
- College Bringing in the Bystander:** A logo for the "College Bringing in the Bystander" program.
- one love:** A logo for the "one love" campaign.

# Your Role as a Mandatory Reporter

## What is Your Role?

Under Title IX, College employees with authority to institute corrective measures on the College's behalf are ***required to share*** with the Title IX Coordinator any report of Title IX Sexual Harassment or Other Sexual Harassment they receive or of which they become aware.

For the College, those employees include but are not limited to: all faculty, coaches, administrators, supervisors, Resident Assistants/Residence Hall Coordinators, and other student employees/volunteers with a significant responsibility for student welfare.

***That means you!***

**MYTH:** If a student tells a responsible employee about an assault, the student would have to go through with a full Title IX investigation.

**FACT:** Aside from very few circumstances, the student is in control of what happens after a responsible employee contacts the Title IX Office.

**MYTH:** If someone shares an incident with a responsible employee where the accused person is not affiliated with the College or it happened off campus, the responsible employee doesn't have to report to the Title IX Office.

**FACT:** Responsible employees play a critical part helping to ***connect people to resources*** and ***outline their options***, regardless of whom the accused person is or where the incident occurred.

# Protocols for Mandatory Reporters

Is there an emergency or a need for immediate medical attention?

**Yes** → Call Public Safety immediately (240) 895-4911

**No** → Contact the Title IX Office or Public Safety within 24 hours

**IMPORTANT**

<p><b>Title IX Resource Card</b> Resources and Policies for Responsible Employees</p> <p><b>SEXUAL MISCONDUCT</b></p> <ul style="list-style-type: none"> <li>• Sexual Harassment</li> <li>• Sexual Assault/Rape</li> <li>• Dating Violence</li> <li>• Domestic Violence</li> <li>• Stalking</li> <li>• Sexual Exploitation</li> </ul> <p><b>ST. MARY'S</b> COLLEGE of MARYLAND <small>The National Public Health College</small></p> <p><b>PREVENTION</b></p>	<p><b>If someone tells you they have experienced sexual misconduct:</b></p> <p><b>WHAT TO DO:</b></p> <ol style="list-style-type: none"> <li>1. If someone tells you they have experienced sexual misconduct, offer them support, listen to them, and encourage them to seek help and counseling.</li> <li>2. If the individual's safety is an immediate concern, call 911 or contact Public Safety (240-895-4911).</li> <li>3. Tear this card at the perforation. Keep this half for your information, and provide the other half to the individual who experienced the misconduct.</li> <li>4. Report the incident to Title IX Coordinator Michael Dunn in accordance with the policy listed on the back of this card.</li> <li>5. If you have any questions about the process, call Michael Dunn at 240-895-4105 and/or visit <a href="http://smcm.edu/campus-rights">smcm.edu/campus-rights</a>.</li> </ol>	<p><b>If you have experienced sexual misconduct:</b></p> <p><b>WHAT TO KNOW:</b></p> <ul style="list-style-type: none"> <li>• You are in control.</li> <li>• You have the right to choose whom you will talk to, what resources you will use, what you will say, and when you will say it.</li> <li>• If you choose to share your experience, your disclosure will be taken seriously and you will be treated with dignity.</li> <li>• The College prohibits all forms of sexual or gender-based harassment, discrimination, or misconduct.</li> </ul> <p><b>WHAT TO DO:</b></p> <ul style="list-style-type: none"> <li>• Find a safe place</li> <li>• Seek medical attention</li> <li>• Get emotional help and support</li> <li>• Know that you have options and resources (see reverse)</li> <li>• Consider filing a report</li> </ul>	<p><b>KEEP IN MIND:</b></p> <ul style="list-style-type: none"> <li>• You may request that the College maintain your confidentiality</li> <li>• You have the right to file a Title IX report with the College</li> </ul> <p><b>Title IX Coordinator Michael Dunn:</b> Lucille Clifton House, 240-895-4105, <a href="mailto:mdunn@smcm.edu">mdunn@smcm.edu</a>, <a href="http://smcm.edu/campus-rights">smcm.edu/campus-rights</a></p> <ul style="list-style-type: none"> <li>• You have the right to report a crime to the police</li> </ul> <p><b>St. Mary's County Sheriff's Office:</b> 301-475-8008</p> <ul style="list-style-type: none"> <li>• You have the option to share information confidentially with resources on- and off-campus (see reverse)</li> </ul>
<p><b>If someone tells you they have experienced sexual misconduct:</b></p> <p><b>WHO NEEDS TO REPORT?</b></p> <p>Responsible employees – including faculty, coaches, administrators, Public Safety, and student employees or volunteers with a significant responsibility for student welfare – are required to report to:</p> <p><b>Title IX Coordinator Michael Dunn:</b> 240-895-4105, <a href="mailto:mkdunn@smcm.edu">mkdunn@smcm.edu</a>, Lucille Clifton House</p> <p>Individuals who have legally protected confidentiality are not required to report. If you have questions about whether to report, please call the Title IX Coordinator.</p>	<p><b>WHY YOU NEED TO REPORT:</b></p> <ul style="list-style-type: none"> <li>• To ensure the individual has access to all available resources</li> <li>• To enhance campus safety</li> <li>• To comply with Title IX and other federal regulations</li> </ul> <p><b>WHAT HAPPENS NEXT? THE TITLE IX COORDINATOR WILL...</b></p> <ul style="list-style-type: none"> <li>• Reach out to the individual via email</li> <li>• Make sure the individual is familiar with the full range of options for resolution</li> <li>• Address the need for any interim remedies or accommodations to protect the safety of the individual or the community</li> <li>• Seek the individual's expressed preferences, if any, as to the course of action</li> </ul>	<p><b>If you have experienced sexual misconduct:</b></p> <p><b>CAMPUS RESOURCES:</b></p> <ul style="list-style-type: none"> <li>• <b>Staff Therapist/Advocate Kelly Muldoon</b> (<i>confidential</i>) 240-895-4289, <a href="mailto:kmmuldoon@smcm.edu">kmmuldoon@smcm.edu</a>, Wellness Center</li> <li>• <b>Counseling and Psychological Services</b> (<i>confidential</i>) 240-895-4289, <a href="http://smcm.edu/wellness">smcm.edu/wellness</a>, Wellness Center</li> <li>• <b>Health Services</b> (<i>confidential</i>) 240-895-4289, <a href="http://smcm.edu/wellness">smcm.edu/wellness</a>, Wellness Center</li> <li>• <b>Public Safety</b> 240-895-4911, <a href="http://smcm.edu/publicsafety">smcm.edu/publicsafety</a></li> <li>• <b>Sexual Misconduct Advocacy and Resource Team (SMART)</b> (<i>confidential</i>) (301) 904-2015</li> </ul>	<p><b>COMMUNITY RESOURCES:</b></p> <ul style="list-style-type: none"> <li>• <b>Walden-Sierra, Inc. 24-hr. Crisis Hotline</b> 301-853-6661</li> <li>• <b>St. Mary's Hospital</b> 301-475-8981</li> <li>• <b>St. Mary's County Sheriff's Office</b> 301-475-8008</li> </ul> <p>For more resource information, visit <a href="http://smcm.edu/campus-rights">smcm.edu/campus-rights</a></p>

## Make Sure the Student Understands

1. Your duty to report
2. The student may request confidentiality
3. Confidential resources are available
4. You still have a duty to report even if the student wishes to remain anonymous
5. A student has a right to file a Title IX complaint and/or criminal charge

**IMPORTANT**

**What tips do you have for tackling these conversations?**

## Tips for the Conversation

Listen to the student

Don't be judgmental

Let the student make their own decisions

Respect the student's privacy to the extent possible

Encourage the student to get help

Be present in the conversation

## When We Receive a Report

## After a Report is Filed



Outreach Email

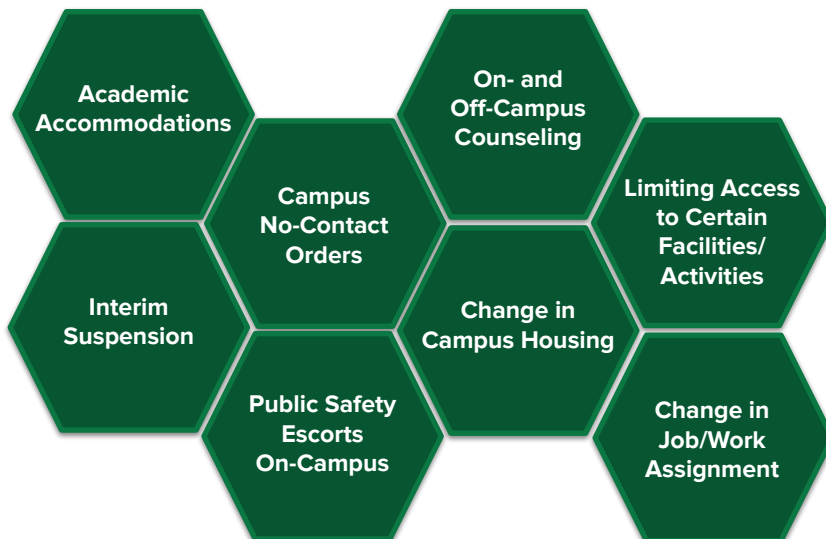


Initial Assessment



Preliminary Meeting

## Supportive Measures



## How to Get Help



### Emergency Response

SMCM Public Safety → (240) 895-4911

St. Mary's County Sheriff's Office → 911 or  
(301) 475-8008

MD State Police Leonardtown Barracks →  
(301) 475-8955



### Health and Safety

St. Mary's Hospital → (301) 475-8981

Calvert Memorial Hospital → (410) 535-4000

SMCM Health Services → (240) 895-4289

## How to Get Help

### Confidential Resources

Kelly Muldoon, SMCM Staff Therapist /Advocate → (240) 895-4289

SMCM 24/7 Counseling Helpline → 240-895-4200

SMCM Counseling Services → (240) 895-4289

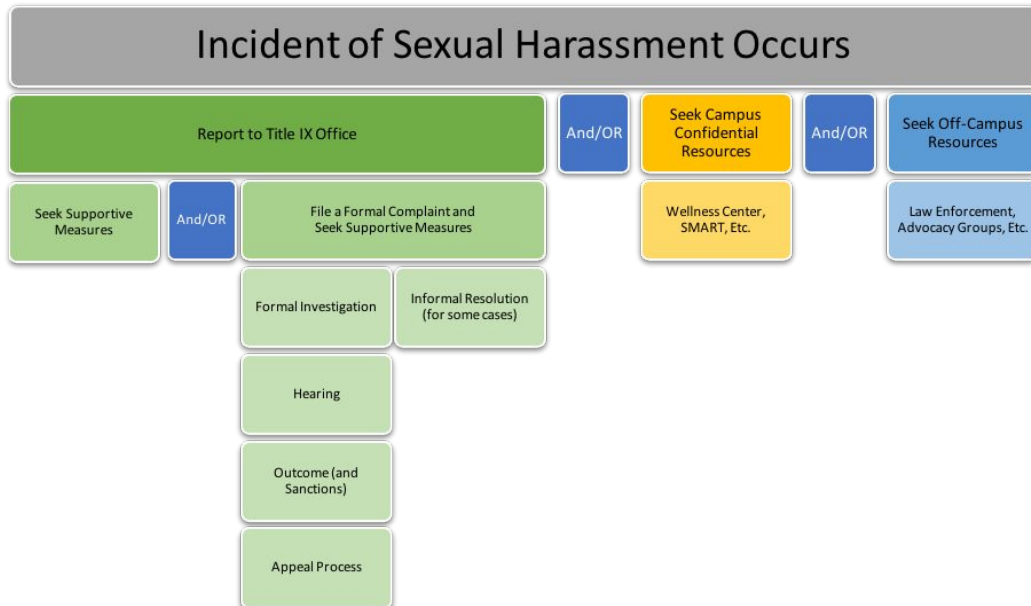
SMART 24-Hour Hotline → (301) 904-2015

RAINN National Sexual Assault Hotline → 1-800-656-4673





# Options and Pathways



## Key Points About Our Process

- If you decide to make a report, ***you are in control***
- Your disclosure will be taken seriously, and you will be treated with ***dignity***
- We encourage you to ***report to law enforcement***, and we will help you work with them if you choose to do so
- Reporting to the Title IX Office ***does not automatically start*** an investigation
- If you do move forward with an investigation, it will be ***prompt, fair, and private***
- Reporting Title IX issues enable the College to ***stop*** misconduct, ***prevent*** its recurrence, and provide ***remedies*** like support and protection

**IMPORTANT**

# New Stuff in 2020

## Updates

***Everfi online trainings*** for first-years, new transfers, and juniors start Aug. 17

Now hiring a ***Title IX Fellow*** and ***A Call to Men Fellow***. Check out HireSMCM Job numbers 6679 and 6680!

***A Call to Men*** and other ongoing prevention education and community-building

***SMP Fund*** - we offer grant funding to support St. Mary's Projects on topics relating to sexual violence prevention and engaging men and boys to prevent violence. Visit [www.smcm.edu/title-ix](http://www.smcm.edu/title-ix) for more information!

**Ongoing prevention work...**



@smcmtitleix



Follow us on  
**Instagram**

### Safer Sexting


- Check in with your partner before turning up the heat 🔥
- Always ask before sending a steamy picture 📸
- Create a space where people feel comfortable saying no to sexting 🗣️
- Know the laws around sharing explicit content 📄

SMary's

### BEING A GOOD MAN MEANS...

"Knowing when to listen to constructive criticism and when to laugh off the haters."

**MITCHELL BEVERAGE**  
*Entrepreneur Magazine '20*



SMary's

### TITLE IX COMMUNITY CONVERSATION

## YOUR VOICE MATTERS

TODAY AT 4PM - LINK IN BIO

SMary's

### HEALTHY RELATIONSHIPS ST. MARY'S WAY

WHAT DO YOU VALUE IN A HEALTHY RELATIONSHIP?

- IS THIS OKAY?
- WHAT ARE YOU INTO?
- DO YOU LIKE THAT?
- HOW DOES THAT FEEL?
- WANT TO KEEP GOING?
- CAN I KISS YOU?

**CONSENT IS AS SWEET AS CANDY**  
Consent is about communication and it's easier than you think!


SMary's

HEALTHY RELATIONSHIPS ST. MARY'S WAY

WHAT DO YOU VALUE IN A HEALTHY RELATIONSHIP?

"To me, an important part of healthy love is supporting and believing in each other. Healthy relationships are important to me because I think everyone deserves to feel truly, deeply loved and supported."

- Rebecca Mologu  
SGA President



SMary's

# Thank You!

## Office of Title IX Compliance and Training

Lucille Clifton House

[www.smcm.edu/title-ix](http://www.smcm.edu/title-ix)

### Michael Dunn

Director of Title IX Compliance and Training/Title IX Coordinator  
[mkdunn@smcm.edu](mailto:mkdunn@smcm.edu)

### Helen Ann Lawless

Title IX Investigator/  
Prevention Specialist  
[hlawless@smcm.edu](mailto:hlawless@smcm.edu)