

# What You Need to Know About Title IX

PRESENTED BY:

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Director of International Student Services/Title IX Coordinator

# Presentation Learning Objectives

- To understand what Title IX is
- To understanding what and whom Title IX legislation covers
- What are Walsh University's policies and procedures?
- How can I report an incident?
- What is your responsibility?
- What resources are available?
- Process



# What is Title IX?

*“ 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.”*

Title IX of the Education Amendments of 1972  
Implementing Regulations at:  
20 U.S.C. § 1681 & 34 C.F.R. Part 106

# Walsh University's Statement on Sexual Misconduct



Walsh University prohibits all forms of sexual misconduct and interpersonal violence, including, but not limited to sexual harassment, sexual assault, domestic violence, dating violence, stalking, retaliation and other forms of interpersonal violence or sex discrimination, otherwise called Prohibited Conduct. Such conduct violates Walsh University's values and can cause disruption to the living, learning and work environment of students, employees, University volunteers, and other community members.

# Who does Title IX cover?

Title IX protects ALL students, faculty, staff and university volunteers from sexual misconduct, including sexual harassment.

- Male or Female
- Individuals of Different Sexual Orientation/Identities
- Different Races/National Origins, including International
- Pregnant and Parenting

# What rights are afforded under the Title IX legislation?

Students, Faculty, Staff and University Volunteers have the right to:

- Be free from all types of sexual misconduct including sexual assault, domestic violence, dating violence, stalking, or severe, pervasive, & objectively offensive sexual harassment
- Bring forward a complaint in good faith
- Be informed of complaint procedures and options for resolution
- Expect a complaint to be thoroughly investigated, if they so choose\*
- Receive *Supportive or Interim Measures* to aid in resuming of educational activities while deciding next steps
- Be advised of outcome of any investigation
- Be free from retaliation

# Who is the Current Title IX Coordinator and what is her role in the process?

**The Title IX Coordinator**

**Kristi Campbell**

**Director of International Student Services**

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**330.490.7105**



# What does the Title IX Coordinator do?

The University Title IX Coordinator oversees and provides leadership for Walsh University's Title IX activities. Some of the many responsibilities include:

- Disseminate/implement Walsh University policies & procedures on Title IX
- Oversee training initiatives for the campus community on Title IX
- Serve as a resource for the community
- Oversee initial investigations of complaints
- Work closely with Deputy Coordinators



# Roles and Responsibilities

## Investigator

- Investigates formal complaints
- Prepares investigative report

## Advisor

- Advises complainant or respondent
- Questions and cross examines parties and witnesses

## Decision-maker(s)

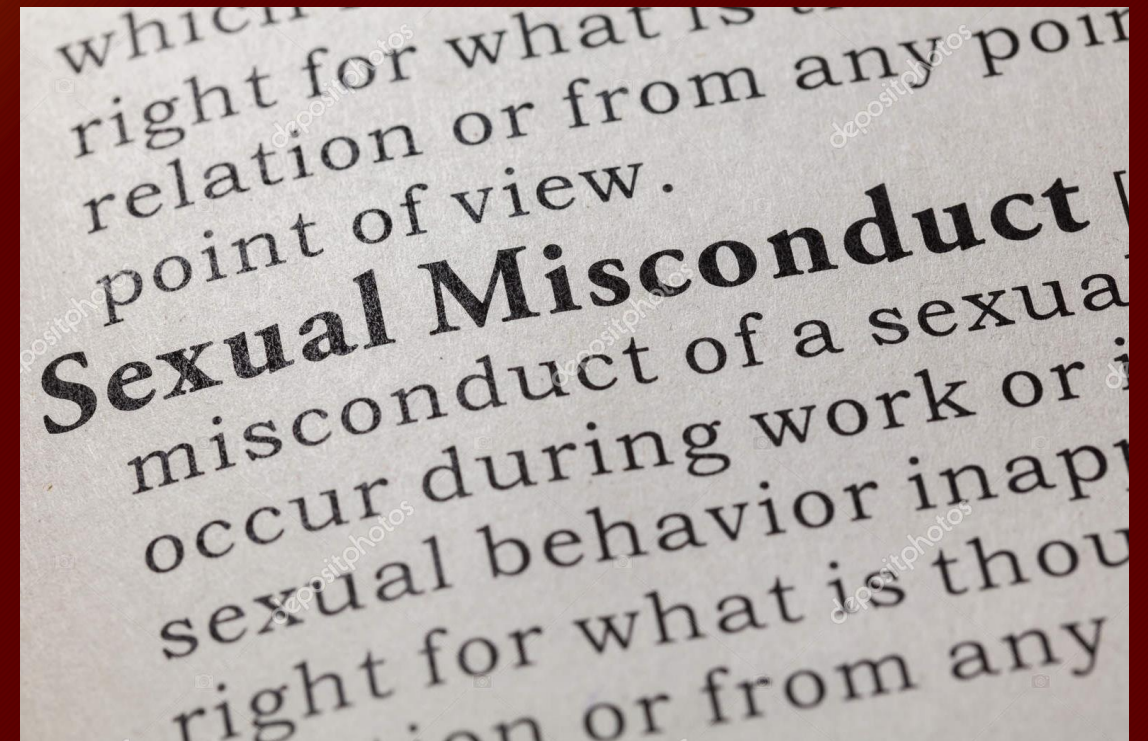
- Individual or panel presiding over hearing
- Makes determination of responsibility

## Decision-maker(s) Appeal

- Individual or panel presiding over appeal
- Issues written decision

# Types of Sexual Misconduct Covered by Title IX

- Sexual Harassment
- Sexual Violence
- Domestic/Intimate Partner/Dating Violence
- Stalking
- Sexual Exploitation



# Sexual Harassment



Means conduct on the basis of sex that satisfies one or more of the following:

- An employee of the recipient conditioning the provision of an aid, benefit, or service of the recipient on an individual's participation in unwelcome sexual conduct (i.e., *Quid pro quo*); or
- 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 recipient's education program or activity; or;
- "Sexual assault" as defined in 20 U.S.C. 1092(f)(6)(A)(v), "dating violence" as defined in 34 U.S.C. 12291(a)(10), "domestic violence" as defined in 34 U.S.C. 12291(a)(8), or "stalking" as defined in 34 U.S.C. 12291(a)(30).

# Sexual Violence

Sexual Violence is intentional physical sexual abuse committed against a person's will or consent. Sexual violence includes rape, sexual assault, and sexual battery.



# Domestic or Dating Violence

Domestic or Dating Violence is force or threat of force that results in injury (physical, sexual, verbal and/or psychological):

- The act is committed by a person such as a family member, spouse, or household member
- It can include a current or former spouse;
- It can include a person which the victim is cohabitating or has cohabitated;
- It can include someone a person is currently dating or had been dating.



# Stalking

- *Title IX Stalking*: Conduct on the basis of sex that constitutes a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others or suffer substantial emotional distress. Stalking includes cyberstalking, which utilizes electronic formats such as the internet, social networks, social media apps, blogs, texts, cell phones and other devices. Stalking may include behavior that occurs outside the context of a relationship. And for the purposes of this definition:
  - Course of conduct means two or more acts, including, but not limited to, acts in which the respondent 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; or,
  - Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.



# Sexual Exploitation

Is knowingly, intentionally or purposefully taking advantage of the sexuality of another person without consent or in a manner that extends the bounds of consensual sexual activity without the knowledge of the other individual for any purpose, including sexual gratification, financial gain, or personal benefit. Examples of Sexual Exploitation include:

# Sexual Exploitation

- Observing another individual's nudity or sexual activity or allowing another to observe consensual sexual activity without the knowledge and consent of all parties involved;
- Voyeurism;
- Non-consensual streaming of images, photography, video, or audio recording of sexual activity or nudity, or distribution of such without the knowledge and consent of all parties involved;
- Non-consensual recording of individuals in locations in which they have a reasonable expectation of privacy, such as restrooms or locker rooms, regardless of whether the images captured reveal sexual activity or nudity;
- Prostituting another individual;
- Exposing one's genitals in non consensual circumstances;
- Removal of a condom, without consent, during sexual intercourse;
- Knowingly exposing another individual to a sexually transmitted infection or virus without that individual's knowledge; and
- Inducing incapacitation for the purpose of making another person vulnerable to nonconsensual sexual activity, e.g., by using alcohol or other drugs (such as Rohypnol or GHB).



Who has a duty to report disclosed incidents of sexual misconduct?

# Who has a duty to report disclosed incidents of sexual misconduct?

**ALL RESPONSIBLE EMPLOYEES!**

A Responsible Employee is any employee who

- 1) has the authority to take action to address sexual misconduct, OR
- 2) who has been given the duty to report to appropriate officials of an institution about incidents of sexual misconduct, OR
- 3) who an employee that someone could reasonably believe has this authority or responsibility.



# Who are considered to be *Responsible Employees?*

- All Faculty and Staff (full and part time)
  - Includes adjuncts/grad assistants
- Identified Campus Security Agents (CSAs)
- Resident Assistants and Peacemakers (RAs)
- University Volunteers



(Walsh University Title IX Website, 2021)

SO BASICALLY EVERYONE-WITH A FEW EXCEPTIONS!!!

# Who are considered On-Campus Confidential Resources?

☐ Health Services Washington Square Aultman Now | 6525 Market Ave. N., North Canton | (330) 363-8680

☐ Associate Chaplain | Father Louis Bertrand Lemoine, O.P. | (330) 490-7076 | Chapel Office #108

- Note: An ordained member of the clergy or a member of an institute of consecrated life (i.e. priest, deacon, minister, and religious sisters and brothers) who is recognized by a religious order or denomination as someone who provides confidential pastoral counseling or spiritual direction may serve as a confidential resource only while operating in their professional capacity of providing religious or spiritual advice (i.e. during a private pastoral counseling meeting etc.). If the member of the clergy or institute is made aware of crimes or offenses outside of their professional capacities, such as member of clergy with a dual professional role at the university (i.e. instructor, coach, club/org. advisor, etc.), they are considered mandatory reporters in these instances.

This pastoral confidentiality, which is subject to certain limits (see "F. Confidentiality and Support" below), is distinct from the unique secrecy (the "seal") of the Sacrament of Penance, also known as "Confession" or the "Sacrament of Reconciliation." In the Catholic Tradition, the Sacrament of Penance provides an absolutely confidential forum, the secrecy of which admits of no exceptions whatsoever or in any circumstance.

☐ Moira Hill- Victim Advocate | (330) 452-1111 | 9:00-5:00 | TW | Hannon 205

Students & Staff from an initial consultation

☐ Counseling Services | David Campus Center (Suite 104) | (330)490-7348

- Francie Morrow, LPCC-S | Executive Director of Counseling and Health Services
- Lisa Lutz, LPCC-S | College Counselor
- Megan Rhoads, LPC | College Counselor
- Megan Huston, LPC | College Counselor



# As a *Responsible Employee*, what are the consequences, if I don't report?

- ❑ Termination of all or part of Walsh University's federal funding. This includes grants, subsidies, and other program funds from the federal government (FINANCIAL AID).
- ❑ Students, employees, or university volunteers can bring lawsuits against Walsh University, which can result in millions of dollars in judgments or settlements.
- ❑ Depending on outcome, it can also impact personal employment status.



# Responsible Employees' Questions & Answers

# What information do I need to report to the Title IX Office?

- Name(s) of person(s) who experienced the sexual misconduct (typically called the *Complainant*)
- Name of the person who committed the sexual misconduct (typically called the *Respondent*)
- Names of any witnesses
- Relevant facts regarding the alleged incident (including the date, time, and location)
- Whether the Complainant requested confidentiality.
- Whether the Complainant requested no action be taken.



# If someone comes to me to disclose, how do I tell them I can't keep it confidential?

Its important to have transparency! You don't want anyone to think you manipulated them into disclosing such sensitive and private information, knowing you couldn't keep it confidential. That's why telling the person at the beginning is crucial. Below are a couple of phrases you could use:

*“I have an ethical responsibility to ensure that I get this information to the Title IX office on campus so you are connected to the appropriate support system, but that doesn't obligate you to file an official report”*

Or

*“I have a responsibility to share this information with our Title IX office, who works to remedy and prevent incidents of sexual misconduct on campus. They can provide more information regarding your options. That said, you are not required to utilize their services if you choose not to”.*



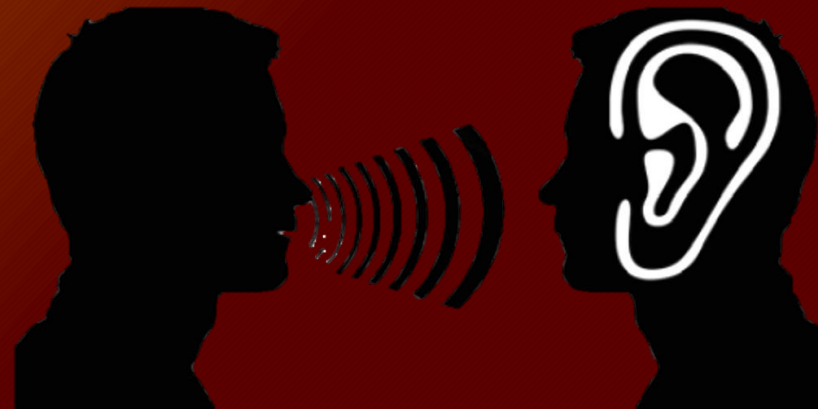
# How do I navigate a conversation with someone who comes to me to disclose an incident of sexual misconduct?

## AVOID JUDGEMENT

- Avoid statements that indicate that you do not believe the person.
- Avoid statements and comments about possible outcomes.
- Avoid potential re-victimization by directing the person to the Counseling Center or the specified on and off campus resources.

## LISTEN

- ❑ It is critical that you listen, are present, avoid judgment, and do not blame the person for what happened.



## UNDERSTAND CONFUSING EMOTIONS

- ❑ The person may feel a variety of confusing emotions like panic, helplessness, guilt, shame, numbness, or denial.
- ❑ The person's flat or emotionless display after an incident of sexual misconduct strikes many as being an inappropriate response. However, such a reaction is the result of natural painkillers released by the body in response to trauma.

# Caring Cavalier Amnesty Policy

The Caring Cavalier Amnesty Policy is focused on empowering students to support the health and well-being of themselves and others. Any student coming forward to report incidents involving sexual assault, dating violence, domestic violence, stalking, and/or a medical emergency will be granted amnesty by the Student Conduct and Community Standards Office and will not be subject to violations of the University's alcohol and/or substance abuse policies that occurred at or near the time of the alleged incident(s)

The Caring Cavalier Amnesty Policy provides amnesty for violations of the student code of conduct as it relates to alcohol and/or substance abuse policies only. Students will be required to meet with a representative from the Student Conduct and Community Standards Office to provide further information about the incident(s). Students may be required to participate in online education, reflection assignments, and/or assessment and treatment referrals.

## What happens once a *Responsible Employee* has provided the information to the University?

- ❑ The University has a legal obligation to outreach to the survivor and provide them with the options for addressing the concerns brought forth.
- ❑ The Complainant has right to take no action, except in cases of **Imminent Threat**, where the University has determined there is an overarching safety concern to the whole of campus, and they must move forward with or without the information from the survivor.
- ❑ If the Complainant chooses to file a formal complaint/report, the University must conduct an Investigation that is *IMPARTIAL, THOROUGH, PROMPT, AND EQUITABLE THAT WILL AID IN PREVENTING A REOCCURENCE, MINIMIZE EFFECT ON SURVIVOR AND COMMUNITY, AND END THE DISCRIMINATION.*

# What are the reporting options for someone who disclosed an incident of sexual misconduct?

- Talk with the Office of Title IX regarding interim/supportive measures (no formal report required)
- File an Formal Report
  - Informal or Formal Process
- File criminal complaint with Walsh University Police.
- File no official report and request no supportive measures



# What are Interim/Supportive Measures?

In the case of domestic violence, dating violence, sexual assault, gender-based misconduct, stalking, retaliation and other forms of sex discrimination, the Title IX Coordinator (or designee) may use their administrative discretion and take immediate action to assist the Complainant in resuming educational activities while deciding the next steps, if any, to pursue against a Respondent or while awaiting the results of a resolution process. Supportive measures include but are not limited to:

- *Providing an escort*
- *Changing the Complainant or Responding Party's class schedule or room assignment in the residence halls*
- *Arranging academic accommodations*
- *Waiving the service fee for on-campus health center services*
- *Issuing no contact orders (NCOs)*
- *Limiting the responding party's access to campus, facilities and activities*
- *Implementing other appropriate educational or prevention strategies to address the environment in which the offense took place.*
- *Responding party being placed on interim suspension (in consultation with Admin.)*

# Importance of Accountability

While often there is not enough evidence for a prosecutor to file criminal charges, we don't shy away from investigating and creating solutions for the students-Why?

To promote a safe campus for all students, faculty, staff, and university volunteers and be in compliance with federal law.





**POP  
QUIZ**

## 1. \*Which of the following types of harassment and discrimination does Title IX not protect against?

- a) Quid pro quo sexual harassment
- b) Relationship violence
- c) Racial discrimination
- d) Discrimination against pregnant or parenting students or employees

## 2. Why is Title IX important?

- a) It reduces financial and reputational risks of institutions.
- b) It requires institutions to provide equal athletic opportunities for students.
- c) It requires institutions to take corrective actions when made aware of incidences of sexual harassment, sexual assault and sex discrimination.
- d) All of the above.



**A faculty member is video chatting with a student, who asks, regarding an assignment, when to use terms like, “sexual assault” and “rape”, and whether the two are interchangeable. The student then says that part of their confusion arose from an unreported incident that happened on campus. What should the faculty member do?**

- a) Address the incident by thanking the student for saying something, tell them that help is available and offer to connect the student with support and confidential resources that are available on campus or in the community. The faculty member should also follow any other reporting or response procedures set forth by the institution.
- b) The faculty member should not respond to the student, but address the incident mentioned to the institution, since there is a duty to report.
- c) The faculty member should respond to the student but only address their question. Afterwards, the faculty member should report the incident to the Title IX coordinator but not inform the student of that decision.

# Practice...

You have built a strong trust with one of your students on campus. One day, they come to you—visibly overwhelmed with emotion—and ask to speak with you confidentially about something that happened to them. They explain something very serious has happened to them on campus but don't want to share anything with you unless you assure them what they share will be kept in confidence.

**How would you approach this situation? What are your next steps?**

# Even More Practice...

Two first-year students are sitting outside of your office talking at a very loud volume. You recognize one is Emily - who is very active in programming and serves in a student leadership role on campus. You overhear Emily talking about how scary her weekend was, but she was afraid to go to Campus Police about what she had experienced on Saturday. She revealed she had been at a party over the weekend and had been drinking heavily—which was why she didn't want to file a police report, since she is underage. When she was leaving the party, a stranger approached behind her and pulled out a knife on her, demanding she hand over her wallet. She handed it over, fearful they would use the knife against her.

**How would you approach this situation? What are your next steps?**

# Another Scenario...

A group of Walsh students has just returned from a study-abroad program in Europe. One of those students is someone you had built a positive relationship with prior to their participation in the program. After returning to campus, they come see you in your office to share something “very important” with you. They share while they were away and after a night out on the town, one of their Walsh peers had gone back to their apartment and tried to kiss them. After saying they did not want to be touched, their peer forcibly grabbed their breasts, telling them to lighten up.

- **How would you approach this situation? What are your next steps?**

# Title IX Team Members

## Title IX Coordinator

Kristi Campbell

### Deputies

Christina Paone  
TK Payton  
David Gramlich  
Jennifer Hoffner

### Informal Resolution Facilitators

Kristi Campbell (i)  
Michelle Bemiller

### Investigators

Rachel Hosler  
Carmela Bendetta

### Sexual Misconduct & Interpersonal Violence Hearing Board

Chair-Chase Senk  
Vanessa Freiman  
Meredith Sodik  
Roger Herstine

### Advisors

Katie Connell  
Gary Jacobs  
Elissa Prazer

### Appeals

Beth Ware  
Rebecca Coneglio  
Bryan Badar

# PRESENTATION REFERENCES

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