



Understanding Title IX and DU's Responsibility

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AGENDA

- **Equal Opportunity Overview**
- **What is TITLE IX?**
- **DU's Responsibilities**
- **Role of the Title IX Coordinator**
- **Board Approved Policy**
- **Prohibited Conduct Defined**
- **Your Role as a Responsible Employee**
- **How to Support a Student**

OVERVIEW OF THE OFFICE OF EQUAL OPPORTUNITY

- The Office of Equal Opportunity, in collaboration with University partners, fosters an environment of equal opportunity for students, faculty, and staff in all aspects of educational programming and employment.
- The Office of Equal Opportunity is responsible for ensuring compliance with the University's anti-discrimination policies and promoting full compliance with all federal, state and local discrimination laws.

TITLE IX

Definition

Any institution receiving federal financial assistance is governed by Title IX, which prohibits discrimination in the course of any educational programming or activities based on an individual's sex.

DU'S RESPONSIBILITIES

- Title IX requires that the institution take immediate action to:
 - Eliminate the harassment
 - Prevent its reoccurrence
 - Address its effects

ROLE OF THE TITLE IX COORDINATOR

- Responsible for oversight of the investigation and resolution of all reports of prohibited conduct under these Procedures.
- Knowledgeable and trained in University policies and procedures and relevant state and federal laws;
- Available to advise any individual about the courses of action available at the University and in the community.
- Available to provide assistance to any University employee regarding how to respond appropriately to a report of prohibited conduct under these Procedures.
- Responsible for monitoring full compliance with all requirements outlined in Procedures.
- Responsible for coordination of training, prevention and education efforts and annual reviews of climate and culture.

BOARD APPROVED POLICY

(in part)

■ Discrimination

- The University will not tolerate unlawful discrimination, harassment, or sexual misconduct of any kind.

■ Title IX

- The University prohibits discrimination on the basis of sex, including sexual misconduct, in its educational programs and activities.

■ Equal Opportunity

- No person shall be discriminated against in any condition of employment or educational opportunity because of race, color, national origin, age, religion, disability, sex, sexual orientation, gender identity, gender expression, marital status, genetic information, or veteran status.

■ Retaliation

- No hardship, loss of benefit, or penalty may be imposed on any student, faculty, or staff as punishment for filing or responding to a complaint of discrimination or harassment, appearing as a witness, or serving as an investigator.

- du.edu/equalopportunity/policies/index.html

PROHIBITED CONDUCT

■ Discrimination

- Differential treatment based on protected status.

■ Harassment

- Prohibited harassment occurs if an environment has been created that is sufficiently severe, pervasive, or persistent so as to unreasonably interfere with a person's work or academic performance and is motivated by a protected status.

■ Sexual Harassment

- Conduct that is sexual in nature
- Conduct that is unwelcome
- Sufficiently serious that it interferes with or limits a student's ability to participate in or benefit from a school's educational program

■ Non-consensual sexual contact

- Intentional sexual touching, however slight, with any object, by any individual upon any individual
- Said contact is without consent or was by coercion, force, or threat
- Consent is a voluntary mutual agreement. It's informed, sober, honest, clear, and involves the word "yes" from each person involved. That means there's discussion and clear communication
- Consent should be freely given: it should never be coerced, be forced, involve pressure, intimidation or threats

PROHIBITED CONDUCT CONT.

■ Sexual Exploitation

Sexual Exploitation occurs when a person takes non-consensual or abusive sexual advantage of another for his/her own advantage or benefit.

■ Physical Misconduct

Physical misconduct occurs when there are any acts causing or likely to cause, bodily harm to any person, regardless of intent. When these acts occur in the context of relationship violence or when the behavior is perpetrated on the basis of a legally protected characteristic, the conduct will be resolved under these Procedures.

■ Stalking

Any act, display or communication that causes substantial injury or distress, or would cause a reasonable person to fear for his or her safety.

■ Retaliation

Retaliation is any act or attempt to retaliate against or seek retribution from any individual or group of individuals involved in the investigation and/or resolution of a report under these Procedures.

■ du.edu/equalopportunity/complaints/index.html

FACULTY & STAFF OBLIGATIONS

- All University faculty or staff members, or other University leaders who have leadership or supervisory responsibilities, or who have significant responsibility for student or campus activities are responsible employees.
- The complaint can be received by any DU employee
- It need not be a formal or written document
- Concerns must be referred to the Title IX Coordinator



PRIVACY VS. CONFIDENTIALITY

- Limited number of DU employees who can maintain confidentiality
- Assure student the report is private
- A complainant can request that her/his name not disclosed in the process
- You are a responsible employee and must report concerns



COMPLAINTS

- Complaint may be raised by:
 - Victim
 - Roommate
 - Teammate
 - Parent
 - Employee
 - Anonymously

- Alleged harasser can be:
 - Employee
 - Another student
 - Third party visiting campus



HOW TO SUPPORT A STUDENT

■ What you can say:

- It seems like you may need someone to talk to and I want to make sure that I get you to the right person so that we can get you the appropriate support.
- I can see that something is troubling you, IF you would like to speak to someone confidentially lets work to get someone on the line . . .
- I am not a confidential reporting source and I am required to notify the Title IX Coordinator of this concern.
- I will make every effort to respect and safeguard your privacy regarding your concern and will only speak with those University employees who “need to know.”
- The Title IX Coordinator can discuss:
 - Resources
 - Interim Measure
 - Reporting options, including requests for anonymity
- Validation and belief **CRITICAL**:
 - I am sorry this happened to you
 - No one deserves to be abused
 - This was not your fault/You did not deserve to be hurt.

HOW TO SUPPORT A STUDENT RESOURCES

■ To learn more about reporting options:

- Title IX Coordinator
Kathryne Grove
2199 S. University Blvd.
Mary Reed Building, RM 422
Phone: [303-871-7436](tel:303-871-7436)

■ Confidential resources on campus:

- Center for Advocacy, Prevention, and Empowerment (CAPE)
2222 S. High Street
Nelson Residence Hall, Room 103
Denver, CO 80210
Phone: 303-871-385
- Health & Counseling Center
2240 East Buchtel Blvd. Suite 3N
Denver, CO 80208
Phone: [303.871.2205](tel:303.871.2205)
- University Chaplain
Driscoll Student Center South, Suite 29
2050 East Evans Avenue
Denver, CO 80208
Phone: [303.871.4488](tel:303.871.4488)

■ Red Folder:

- <http://www.du.edu/studentlife/studentsupport/media/documents/red-folder-online.pdf>

HOW TO SUPPORT A STUDENT CONT.

■ What you can't say:

- There is nothing the University can do.
- I can keep your concern confidential.
- Why did you...?
- You really should have said/done...
- Everything will be okay
- Maybe they misunderstood you
- I am sure they didn't intend to hurt you
- Avoid words like: "need to," "must," "should," "have to"

KEY CONCEPTS RE: TITLE IX

- Zero-tolerance
- Clear consent
- Appropriately sanction
- Support impacted individual
- Confidential campus resources
- Dedicated Title IX Coordinator