TITLE IX PERSONNEL TRAINING OVERVIEW

New regulations and refreshers
AGENDA

1. Definitions
2. Scope
3. Reporting
4. Serving Impartially and Compassionately
5. The Role of the Advisor
6. Resources

= change due to new regulations
DEFINITIONS
CONSENT

› The affirmative, actively given, unambiguous and voluntary agreement to engage in a specific sexual activity during a sexual encounter.

› There are many reasons why someone may not be able to consent. Please review policy.
SEXUAL HARASSMENT

- Unwelcome conduct that is: severe, pervasive, and objectively offensive.
- If a complaint or incident does not meet the threshold of this definition, it cannot be pursued through Title IX. It may be pursued through conduct/HR.
SEXUAL MISCONDUCT

- Sexual harassment, sexual assault, intimate partner violence, stalking
PROTECTED CLASSES

- Race
- Color
- National origin
- Sex
- Gender
- Gender identity
- Gender expression
- Disability
- Age
- Religion
- Veteran status
- Marital status
- Pregnancy
- Parental status
- Sexual orientation
- Genetic information
- Any other legally protected status
SCOPE
This Policy extends to University employment, education, programming, benefits, and admission.

This Policy applies to sexual misconduct in any Regis University programs or activities, in the United States, whether such programs or activities occur on-campus or off-campus. This includes locations, events, or circumstances over which the Regis University exercises substantial control over both the Respondent (or accused) and the context in which the conduct occurs, and any building owned or controlled by a student organization that is officially recognized by the University.
SCOPE OF EDUCATION PROGRAMS AND ACTIVITIES (CONT.)

- No change to Clery geography
- If an incident does occur within jurisdiction, and cannot be pursued through Title IX, it may be pursued through conduct/HR
REPORTING
# Actual Knowledge and Responsible Employees

**Actual Knowledge**

- Legally, schools will only be “on notice” if the Title IX Coordinator or an official with authority to institute corrective measures on the recipient’s behalf has actual knowledge.

- The school does not have to trigger response obligations unless there is actual knowledge.

**No change for Regis**

- Employees at Regis will remain “Responsible Employees”, meaning they must report to the Title IX Coordinator, preferably through the Bias Incident Report form or similar form.

- No change to Clery Campus Security Authority either
SERVING IMPARTIALLY AND COMPASSIONATELY
SERVING IMPARTIALLY: CONFLICT OF INTEREST

- If there is any alleged or identified conflict of interest, notify Carole
  - e.g. prior relationship that invites bias
SERVING IMPARTIALLY: PREJUDGMENT OF FACTS

› Conscious and unconscious
› Maintain professional neutrality
› Start by believing both parties
› Equity in conduct
› Mitigating prejudgment and bias
  › Check in with yourself
  › Questions to ask
  › Process with trusted, impartial party
SERVING COMPASSIONATELY: NORMAL RESPONSE TO A TRAUMATIC EVENT

- Existing trauma
- How trauma manifests
- Reaction does not indicate innocence or guilt
SERVING COMPASSIONATELY: RESPONDING IN A TRAUMA-INFORMED MANNER

- Safety, Control, Calm, Care
- Intersectionality of identities
ROLE OF THE ADVISOR
RIGHTS

- All parties still have the right to an Advisor of their choosing
- Parties can change their advisor at any time (with notice)
- Advisors must be provided by the school if a party does not have one
  - Regis cannot compel anyone to be an advisor if they do not want to
  - Regis cannot bar anyone from being an advisor if they are the party's choice
ROLE OF THE ADVISOR

- May assist with navigating and understanding the investigation process
  - May seek clarification regarding the investigation process
  - May ask procedural or process questions
- May be a support during each portion of the investigation process and any associated meeting or interview

**Must** conduct cross examination during a hearing
POLICY AND PROCESS

- Timeliness
- Preliminary Inquiry
- Supportive Measures
- Informal resolution OR formal complaint
- Investigation
- Hearing
- Discipline and Sanctions
- Appeal
TIMELINESS

- We will endeavor to complete the Title IX process (from complaint filed to case closed) within 60-90 days.
The EO & Title IX Coordinator or designee will conduct a preliminary inquiry to determine whether there is reasonable suspicion that the allegations, if found to be true, would be a violation of our policies, and therefore, warrant a full investigation.

If formal investigation is not warranted, the EO & Title IX Coordinator will work with parties for alternative resolutions.
SUPPORTIVE MEASURES

- The Final Rule defines “supportive measures” as individualized services reasonably available that are non-punitive, non-disciplinary, and not unreasonably burdensome to the other party while designed to ensure equal educational access, protect safety, or deter sexual harassment.

- The Final Rule evaluates a school’s selection of supportive measures and remedies based on what is not clearly unreasonable in light of the known circumstances, and does not second guess a school’s disciplinary decisions, but requires the school to offer supportive measures, and provide remedies to a complainant whenever a respondent is found responsible.
INFORMAL RESOLUTION OR FORMAL PROCESS
INFORMAL RESOLUTION

- If both parties are willing and it is deemed appropriate by the University, Informal Resolution can be available for complaints of sexual misconduct and parties may voluntarily seek resolution of a complaint informally.
- Any informal resolution must be agreed upon by both parties.
- Informal resolutions may involve, but are not limited to, mediation, educational programming, and/or direct communication.
FORMAL COMPLAINT

- Can be filed with the Title IX Coordinator in person, by mail, by e-mail, using Maxient, using the reporting form.
- Must include a signature from complainant or Title IX coordinator
If, following a Preliminary Inquiry, the EO & Title IX Coordinator or designee determines an investigation should proceed, the University will conduct a fair, impartial and prompt investigation.

The Respondent is presumed not responsible until and unless evidence shows otherwise through the inquiry, investigation, and hearing.

The timeframe to complete an investigation can vary and the EO & Title IX Coordinator will provide written notice to the parties regarding the status of the investigation.
- Hearings must be live and recorded
- Opportunity for cross examination required - conducted by Advisor
- Witness live testimony required

**Hearing Officers**

- Relevant question management
  - Rape Shield protection
- Technology operations and management
Regis University uses a evidence standard of preponderance of the evidence.

Being found responsible for a violation of this policy will result in disciplinary action. Discipline and sanctions are decided by the decision-making body. The decision-making body reserves the right to broaden or lessen any range of recommended sanctions in the case of serious mitigating circumstances or egregiously offensive behavior.
Neither the initial hearing officers nor any appeals body or officer will deviate from the range of recommended sanctions unless compelling justification exists to do so. Decisions are made with consideration of the severity of the incident, and any previous disciplinary violations.

Possible sanctions include but are not limited to:

- Assigned education or training
- Suspension and/or administrative leave
- A requirement for assessment for fitness to return or administrative meeting before re-entry into academic programming or employment.
- Expulsion and/or termination
To exercise the right of appeal, complainants or respondents must petition the appellate officer within five business days after receiving the written notification of the sanctions imposed.

Grounds for an appeal:

- A procedural irregularity occurred that significantly impacts the outcome of the hearing decision;
- The sanction imposed is grossly disproportionate to the offense (including any consideration of the student’s prior offenses);
- Title IX personnel had a conflict of interest or bias that affected the outcome of the matter;
- Newly discovered evidence could affect the outcome of the matter if presented
RESOURCES
CONFIDENTIAL ON CAMPUS

VICTIM ADVOCACY & VIOLENCE PREVENTION
Alison McCarthy
Serves students, employees, and visitors
Coors Center room 124B
303.458.4029 & 720.307.4809
amccarthy001@regis.edu

OFFICE OF COUNSELING AND PERSONAL DEVELOPMENT
Serves some students
Coors Center room 114
303.458.3507

CENTER FOR COUNSELING & FAMILY THERAPY
Serves students and employees
500 E. 84TH Ave., Thornton, CO 80229
303.964.5786

STUDENT HEALTH SERVICES
Serves students
Coors Center room 114
303.458.4153

UNIVERSITY MINISTRY AND JESUITS
Serves students and employees
Student Center room 214
303.458.4153
NON-CONFIDENTIAL ON CAMPUS

EQUAL OPPORTUNITY & TITLE IX
Carole Goddard
Serves students, employees, and visitors
Main Hall suite 204
303.964.6435
cgoddard001@regis.edu

HUMAN RESOURCES
Serves employees
West Hall room 107
303.458.4161
HRinfo@regis.edu

THE OFFICE OF THE DEAN OF STUDENTS
Serves students
Student Center room 223
303.458.4086

campus safety
Serves students and employees
Regis Square suite 28
303.458.4122
safety@regis.edu
CONFIDENTIAL OFF CAMPUS

THE BLUE BENCH
www.thebluebench.org
24-hour sexual assault hotline:
303.322.7273

SAFEHOUSE DENVER
www.safehouse-denver.org
24-hour domestic violence hotline:
303.328.9989

ROCKY MOUNTAIN CRISIS PARTNERS
www.metrocrisisservices.org
24-hour crisis intervention services:
1.844.493.TALK (8255)

DENVER HEALTH HOSPITAL
www.denverhealth.org
303.602.3007
Thank you!