



NEBRASKA
WESLEYAN
UNIVERSITY



D. STAFFORD
& ASSOCIATES

REPORTS OF SEX-BASED HARASSMENT

Receiving and Responding

August 16, 2022



WHAT DOES TITLE IX MEAN TO YOU?



Sex-Based Harassment: Agenda

- Who does this impact?
- Why do we care?
- How do you respond?
- Where do you report?
- What happens from here?

THE WHO

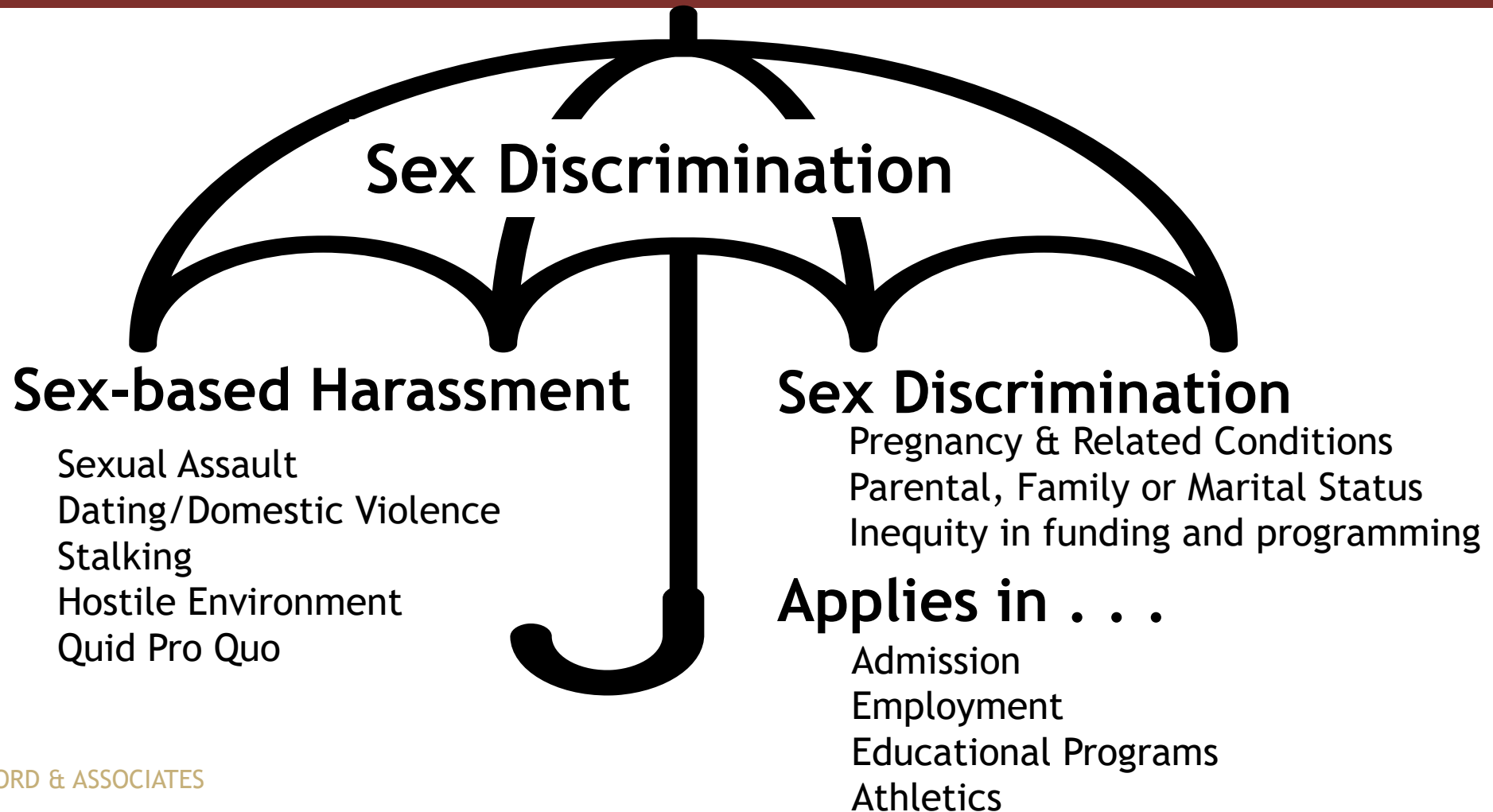
The scope of Title IX
and the populations it
protects



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.

Scope of Title IX



Applies to K-12 and Higher Education

Applies to students and employees

Students don't violate—schools do

**IMPORTANT
REMINDERS!**

Sex-Based Prohibited Conduct



Quid Pro Quo

Hostile
Environment

VAWA
Offenses

Retaliation

Title IX Sexual Harassment



Must Address
“Title IX”
Defined Reported
Behaviors



Must Dismiss
“Non-Title IX”
Behaviors



May address
“Non-Title IX” in
other policy

Why we have
multiple
policies

SIDEBAR:
THE CLERY
ACT AND VAWA



Key Requirements of the Clery Act



Collect, classify, and count crime reports/statistics



Public disclosures



Publish Annual Security Report



Submit crime statistics to the Department

Key Requirements (part 2)



Provide educational programs and campaigns on dating/domestic violence, sexual assault, & stalking (DV/DV/SA/S)



Have procedures for institutional disciplinary action for DV/DV/SA/S



If you have a campus police or security department: Publish Daily Crime Log



If you have residential facilities: Fire Log, Fire Safety Report, Missing Persons Procedures

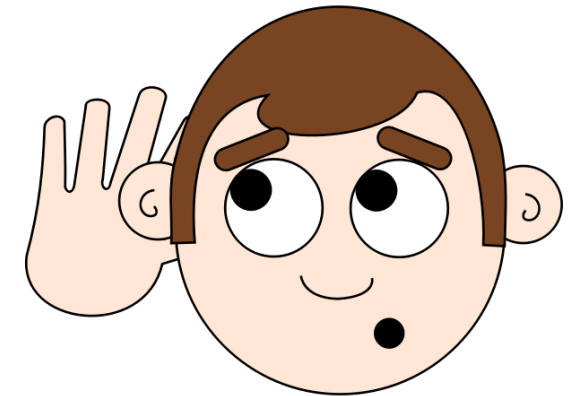
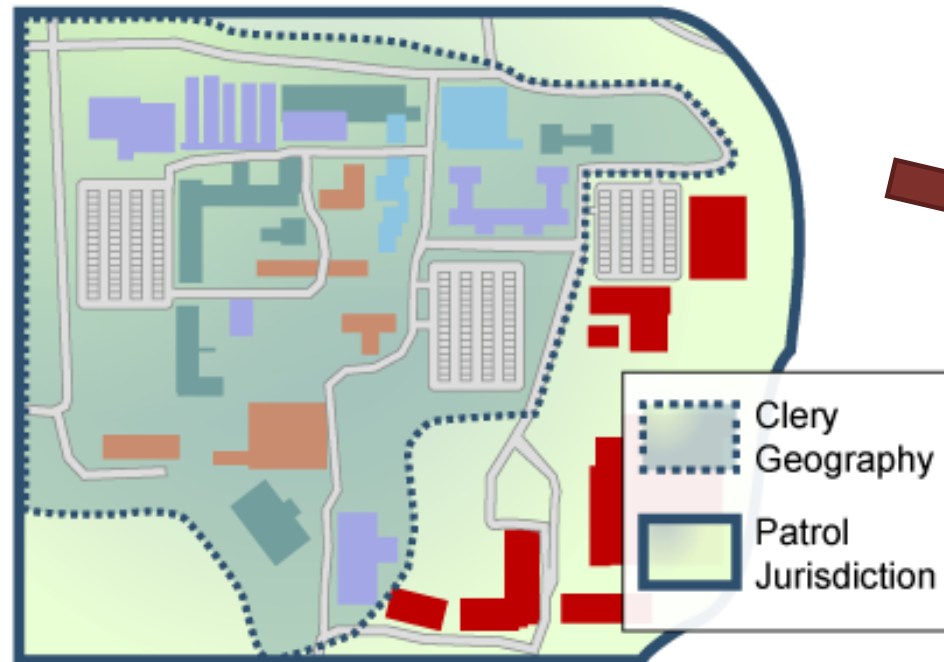
Clery Crime Counting—3-part test



Clery Reportable Crime

Clery Geography

Campus Security Authority (CSA)



Clery Reportable Crime Categories



■ Primary Crimes

- Murder/Manslaughter
- Robbery
- Aggravated Assault
- Burglary
- Motor Vehicle Theft
- Arson

■ VAWA Offenses

- Sexual Assault
- Dating Violence/Domestic Violence
- Stalking

■ Arrests and Referrals for Disciplinary Action

- Liquor Law Violations
- Drug Law Violations
- Weapon Law Violations

■ Hate Crimes

- Primary crimes +
- Larceny-Theft
- Simple Assault
- Intimidation
- Destruction/Vandalism/Damage of Property

VAWA Offenses



Rape



Fondling



Incest



Statutory
Rape



Dating
Violence



Domestic
Violence



Stalking



OUR POLICY

THE WHY

The impact of discrimination on education

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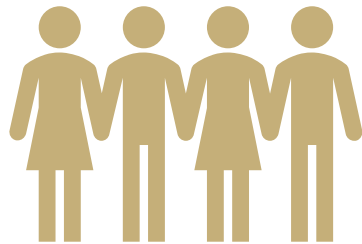
“equal access to
the recipient’s
education
program or
activity”

“My professor said
in class, ‘Even girls
can learn this.’”

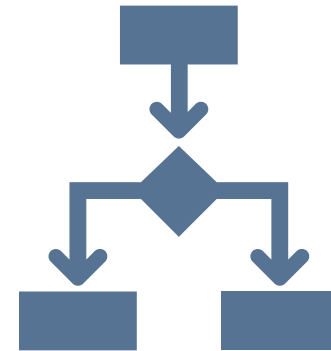
“I’m afraid I’m
going to run into
him when I walk
across campus.”

“I never know
when she’s going to
make another post
or try and contact
me again.”

Outreach from Title IX



Offer Supportive Measures



Explain Options

Supportive Measures



Counseling

Extensions of
deadlines or other
course-related
adjustments

Modifications of
work or class
schedules

Campus escort
services

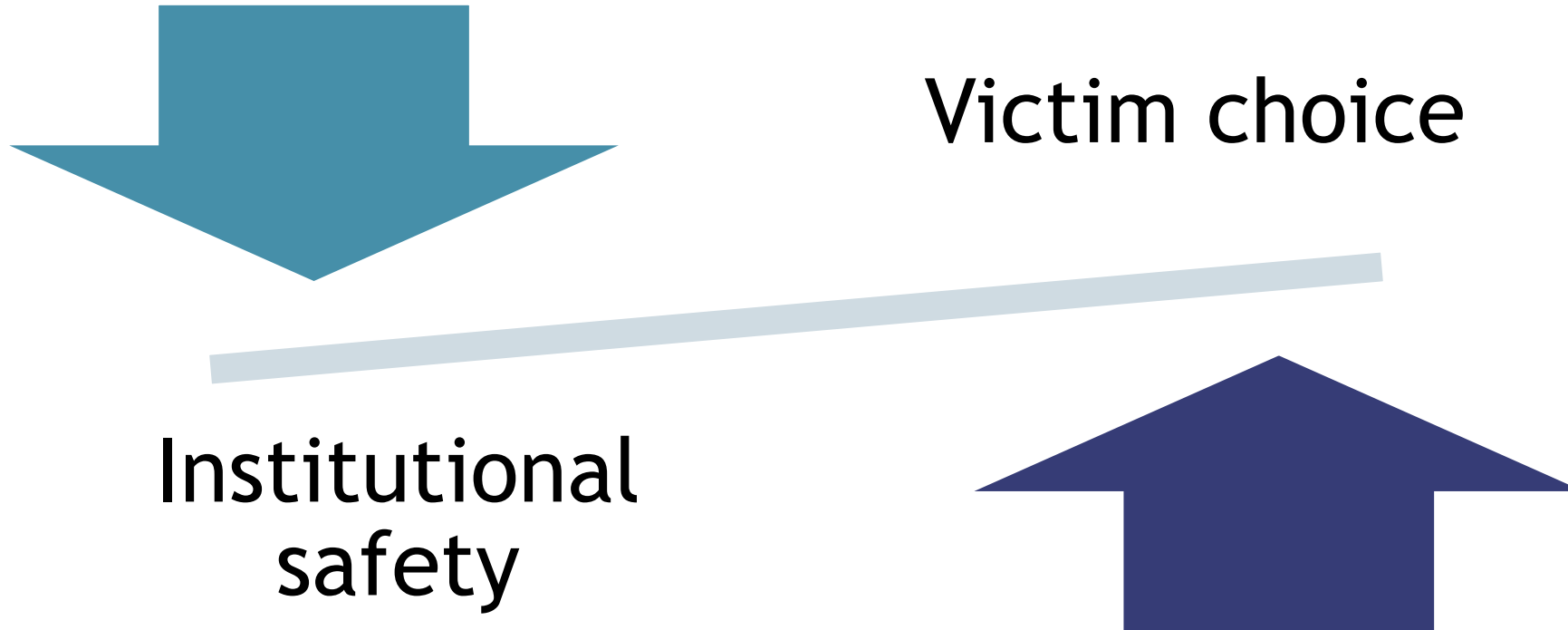
Mutual restrictions
on contact
between the
parties

Changes in work or
housing locations

Leaves of absence

Increased security
and monitoring

Title IX Response to Report



Sidebar: Clery again...



Do we have requirements to discharge under the Clery Act?



Timely Warning



Emergency
Notification



Crime Statistics

“I have
something I
need to talk
to you
about...”



THE HOW

Responding to
disclosures in
impactful ways



Looking for information



Asking for help



Want someone to listen

Why the
disclosure?

How do we respond?



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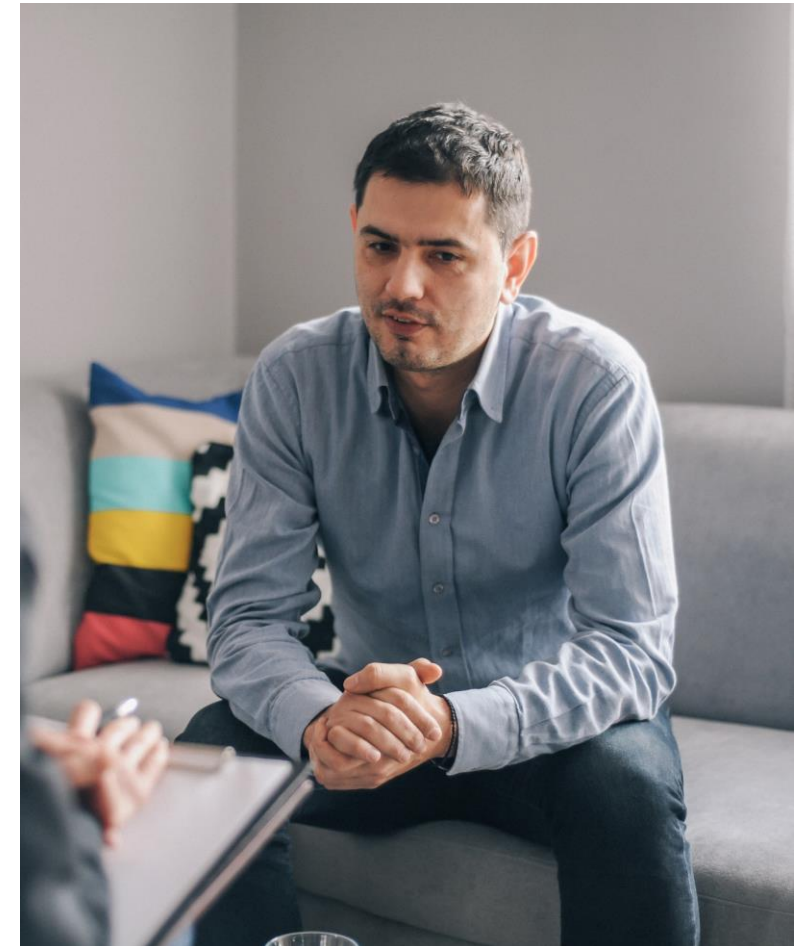
NOT CONFIDENTIAL BUT
PRIVATE



PRIORITIZE SAFETY



LET THEM LEAD



What we are not...



INVESTIGATORS



DECISION-MAKERS



THERAPISTS

Other Considerations



When don't we have notice?



Should we follow up?



How do we respond without judgement?

THE WHERE

Notifying the school
and closing the loop



“Actual Knowledge”



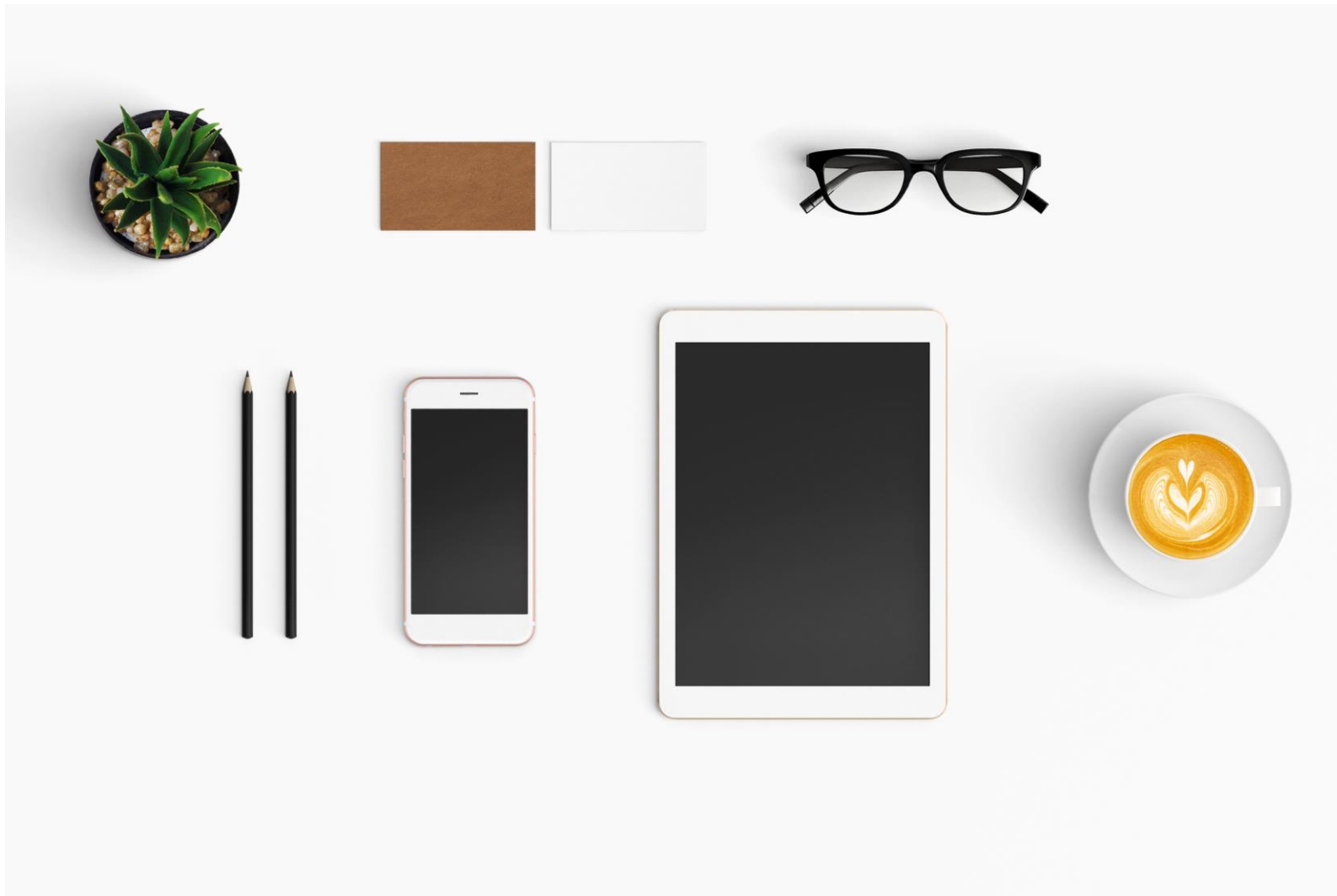
TITLE IX COORDINATOR



OFFICIAL WITH
AUTHORITY



CLERY COMPLIANCE

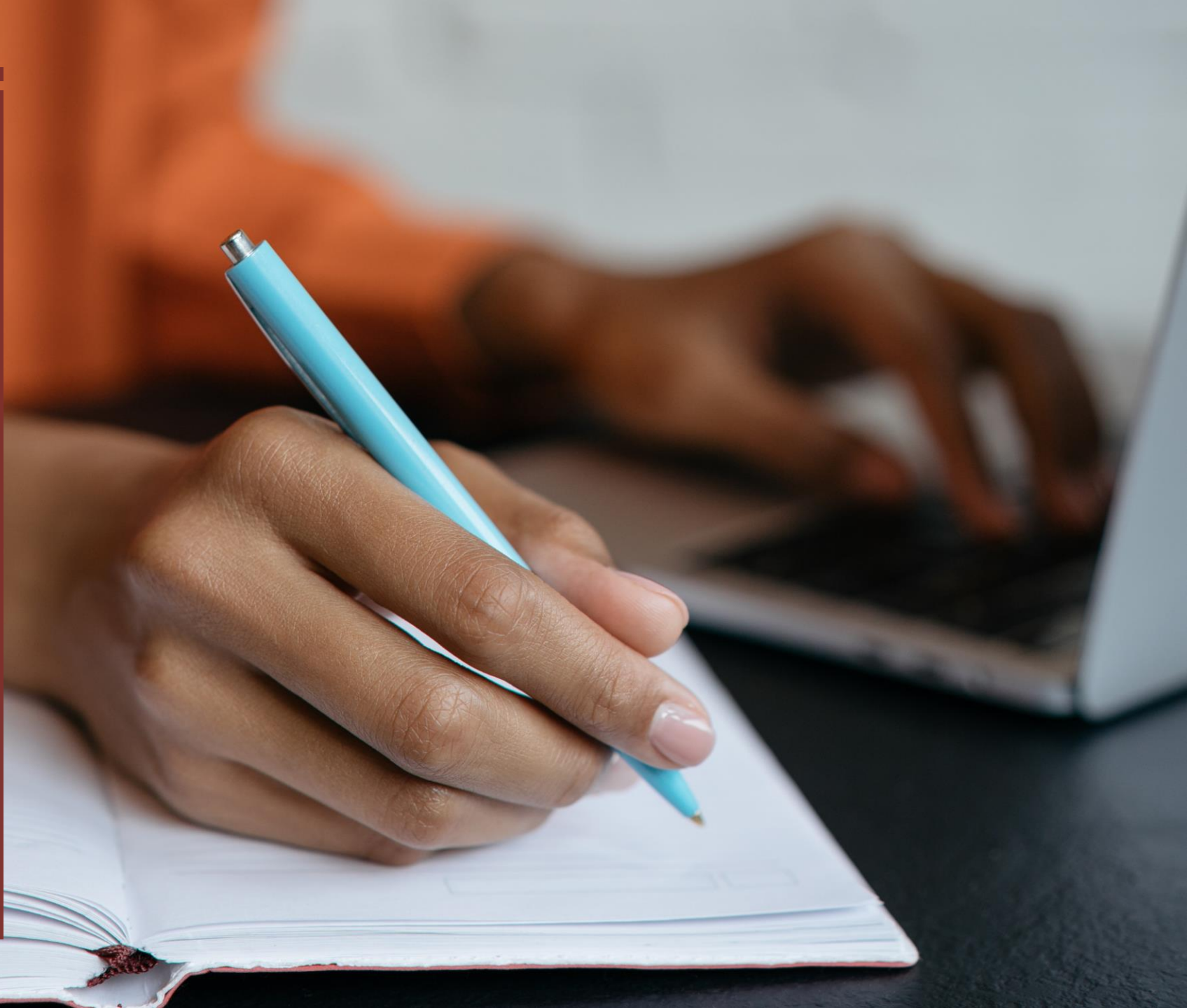


OUR REPORTING OPTIONS

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THE WHAT

Next steps in the
process



Options for Complainants



Report Only

- Supportive Measures
- *but* Title IX coordinator may “sign” a complaint

Informal Resolution

- Both parties and school agrees
- Not when involving student and employee

Formal Resolution

- Signed formal complaint
- Investigation
- Review/Hearing

Steps in the Formal Process





OUR PROCESS

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Case Study: Coffee Conversation

You are having coffee with a student to discuss a project. During the coffee a faculty member, Mr. Smith enters the coffee shop, and the student has a visible negative reaction and gathers his stuff to leave. He whispers to you that Mr. Smith is a “sexual predator” and should not be allowed to teach here. He says he is too upset to talk about it right now but will tell you about it “someday.”



Case Study: Advising discussion

A student in an organization you advise tells you that she was raped by another student, gives the other student's name, and states that it happened at an off-campus apartment. She doesn't want you to “do anything”—just wants it to be on your “radar” since she has fallen behind in her work and wants you to know why.

