

Title IX: Sexual Misconduct Update

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“Augusta University does not discriminate on the basis of sex or gender in any of its education or employment programs and activities. Augusta University will not tolerate sexual misconduct, which is prohibited, and which includes, but is not limited to, **domestic violence, dating violence, sexual assault, sexual exploitation, sexual harassment, and stalking.**”

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Title IX Requirements/Guidelines

- Mandatory Reporting for universities and educational programs:
 - Administrator, supervisor, faculty member, or other person in a position of authority who is not a Privileged Employee.
 - Student employees such as; teaching assistants, residential assistants, student managers, orientation leaders
- Education, prevention and outreach to students, faculty & staff
- Title IX policy, process and procedures are required to be fair, equitable, timely and transparent (including Interim Measures)
- Mandatory training for Title IX Coordinators, Investigators and Hearing Panel members
- Campus Climate surveys

Why is Title IX Important?

- Eliminate sexual misconduct and dating/domestic violence:
 - Retaining student or employee
 - Provide resources/support
- Prevent its recurrence
- Address its effects-response must be prompt and equitable
- Prevent and address retaliation
- A University violates Title IX if it “has notice” of a sexually hostile environment and fails to take immediate and effective corrective action

Title IX Incident Reporting

Title IX options:

- Confidential Reporting: individual may report confidentially as a **patient** to Counseling and Psychological Services, the Health and Wellness Center, and/or private counselor, physician, or mental health provider (***disclosure to a University Employee, Faculty, Adjunct Faculty, or Representative may not guarantee confidentiality***)
- File a criminal complaint with law enforcement officials
- File a report with the Title IX Coordinator
- File an anonymous report with the Title IX Coordinator

Title IX applies to “educational programs” of recipient of Federal funds

- Doe v. Mercy Catholic Medical Center, 850 F.3d 545 (3rd Cir. 2017)
- Resident brought a complaint that she was being sexually harassed by a Medical Center employee
- Hospital argued that it was private healthcare organization, not an educational institution (did not receive federal student aid monies, did not issue credits or degrees)
- Court pointed to Hospital receipt of Medicare monies, affiliation agreements with Drexel U, nature of residency programs as “educational program” (lectures, ACGME)
- Title IX governs “educational programs and activities” of a recipient of Federal funds, even private hospital

Title IX Reporting

- *Augusta University Police, (706) 721-2914 or (706) 721-2911. For crisis response and criminal investigation, contact Augusta University Police and/or **local law enforcement***
- ***Title IX Coordinator: Michele Reed, Office of Compliance and Enterprise Risk Management, 706-721-0901 or micreed@augusta.edu***

Title IX Investigators:

- Gina Thurman, Assistant Dean of Students
- Debra Arnold, Director, Employee Relations
- Angie Baker, Director Testing and Disability Services
- James Mayes, Academic Advisor

AU Title IX Implementation

- Prevention/Education
 - Online sexual misconduct training
 - Undergrad students=1003 registered, 909 completed)
 - Employees=6020 registered, 5680 completed
 - Adjunct Faculty, Offsite Employees
 - Workshops, Seminars and Professional Development Sessions
 - Presidents Cabinet, Provost Cabinet, Deans, Athletic Dept and Coaches, Student Government, Academic Departments, Greek Life, Clubs/Orgs, RA's
 - MCG Adjunct Faculty and Offsite AU Locations

Title IX Coordinator Role

- Oversight and compliance for allegations/incidents; work with University Police, Counseling, Residential Life, Deans office and all key stakeholders
- Provides prevention, education and training for students, faculty and staff in collaboration with campus departments and divisions
- Provides training and professional development for Investigators, key stakeholders
- Provides leadership and direction for Title IX system, policy, process and case management
- Review investigation findings and recommendations, convene Hearing Panel, facilitate Hearing Panel or Administrative Hearing (as appropriate)
- Campus climate surveys and ensure due process

Role of Title IX Investigator

- Gather facts and information when an allegation/incident occurs
- Interview complainant and complainant witnesses
- Interview respondent and respondent witnesses
- Determine and if reasonable cause that a Title IX violation may have occurred
- Create a findings report and document information which would substantiate an allegation

Role of Title IX Hearing Panel

- The Hearing Panel will be conducted by the Title IX Coordinator and/or his/her designee(s).
- The Hearing Panel must be composed of at least three (3) members.
- The investigator shall not serve on the Panel.
- Faculty and Staff will comprise membership of the Panel
- Ask relevant questions and listen to determine whether or not a violation of Title IX occurred. Deliberate and decision making

Key Issues and Questions

Interactive Activity

The definition of sexual harassment includes the following:

- A. Unwelcome or unwanted nonverbal or verbal comments
- B. Impacts ability to concentrate or complete academic or work requirements
- C. Based on sex or gender stereotypes
- D. All of the Above

Interactive Activity

Mandatory reporting for Title IX is required for:

- A. Graduate Assistants
- B. Staff and RAs
- C. Full-time, Part-time, and Adjunct Faculty
- D. Orientation leaders and Volunteers
- E. All of the above

Interactive Activity

Consent is NOT defined as:

- A. Mutually agreed upon sexual activity
- B. Active , not passive
- C. Permission given freely by words or actions
- D. Silence or lack of resistance
- E. All of the above

Interactive Activity

Reporting sexual misconduct can be done by:

- A. Calling 911
- B. Contacting the Dean or Title IX Coordinator
- C. Completing incident report form on Title IX Website
- D. CARE report (AU campus)
- E. All of the above

Interactive Activity

An incident of sexual misconduct/Title IX may be reported if:

- A. Off campus
- B. During study abroad experience
- C. The incident occurred a year ago
- D. By a third party report
- E. All of the above

Interactive Activity

A student or employee may change their mind at any point when deciding what to do with an allegation/incident:

- A. Yes
- B. No

Interactive Activity

Interim measures include:

- A. Classroom adjustments
- B. Office relocation
- C. Temporary suspension from classes or work
- D. Letters of no contact
- E. All of the above

Questions?
