

Dickinson

Title IX Specialist Training

Presented by:

Kat Matic, TIX Coordinator;

Stephen Winn, Assistant TIX Coordinator;

Jared Boyer, Investigator and Research Specialist

Theo Nugin, Counselor and Trauma Prevention Education Coordinator

Stern Great Room

5/25/23



WELCOME

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Title IX – It's On Us

The U.S. Department of Education's Office for Civil Rights (OCR) enforces, among other statutes, Title IX of the Education Amendments of 1972. Title IX protects people from discrimination based on sex in education programs or activities that receive Federal financial assistance. Title IX states that:

- 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.

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Access, Safety and Inclusivity

The role of Title IX is to ensure **equal access** to education and **foster a safe and inclusive campus environment.**

Test

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Meet TIX!

Office of Title IX and Sexual Respect
May 2023

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Meet TIX!

Some HOW and WHY
For TIX Specialists...

Office of Title IX and Sexual Respect
May 2023

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The Title IX Team



- Kat Matic, Title IX Coordinator
- Stephen Winn, Assistant Title IX Coordinator
- Jarod Boyer, Investigation & Research Specialist
- Theo Nugin, Therapist/Counselor/Outreach Specialist
- Dickinson TIX Specialists
- Every Dickinson Community Member. Please!*

We really
can't do it
without you.



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Title IX Specialists – Many Hats

- Formal Complaint Investigator
- Hearing Panelist
- Appointed Hearing Advisor for Complainant or Respondent



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Rules & Rights Dictated by Federal Law

Title IX of the Education Amendments of 1972 protects people from discrimination based on sex in education programs or activities that receive federal financial assistance.



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Rules & Rights Dictated by Federal Law

Title IX of the Education Amendments of 1972 protects people from discrimination based on sex in education programs or activities that receive federal financial assistance.

AND it gives the community
and the institution
the opportunity and incentive
to do the right thing.



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What is covered under TIX?

“...an institution that receives Department funds must operate its **education program or activity** in a nondiscriminatory manner free of discrimination based on sex, including sexual orientation and gender identity.”

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Equity under Title IX

Recruitment

Admissions

Counseling

Financial assistance

Athletics

Discipline

Employment

Sex-based harassment

- sexual assault

- dating violence

- domestic violence

- stalking

- treatment of pregnant and parenting students

- treatment of LGBTQ+ students

OCR Definition of Sexual Harassment

Three types of conduct that each qualify as sexual harassment:

- (1) *quid pro quo* (“this for that”) behavior;
- (2) 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; and
- (3) Clery Act crimes, including sexual assault, dating violence, domestic violence, or stalking (commonly known as Violence Against Women Act or VAWA crimes).

Any conduct that does not fall under *quid pro quo* or constitute a VAWA crime must be **severe and pervasive** to be considered Title IX sexual harassment.

In contrast, other federal laws like Title VII consider conduct to be sexual harassment if it is severe or pervasive. This means that conduct—such as a single comment or even a physical act—that is severe but not pervasive would not be considered “Title IX sexual harassment.”

TIX Jurisdiction

- In the United States
- In Dickinson College's educational program or activity

(including locations, events, or circumstances over which Dickinson exercises substantial control over both the respondent and the context in which the sexual harassment occurs)



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Sexual Harassment & Misconduct Policy

Framework & Rights dictated by federal government (OCR)

Standards, procedures, outcomes and implementation crafted by the entire Dickinson community and described in our own policy



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Sexual Harassment & Misconduct Policy

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TIX Specialist's handbook for definitions and process while investigating and adjudicating.



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Presidential Working Group on TIX

Kat Matic, Title IX Coordinator (Co-Chair)

George Stroud, VP and Dean of Student Life (Co-Chair)

Debra Hargrove, VP Human Resource Services

Dennette Moul, Director of Human Resource Services

Stephen Winn, Assistant Title IX Coordinator

Jared Boyer, Investigation and Research Specialist

Emily Weideman, Associate Director, Residence Life and Housing

Dee Danser, Assistant Vice President, Compliance and Chief of Public Safety

Lauren Strunk, Executive Director, Wellness Center

Theo Nugin, Counselor and Trauma Prevention Education Coordinator

Catrina Hamilton-Drager, Senior Associate Provost for Academic Affairs

Joel Quattrone, Director of Athletics

Matt Richwine, Head Women's Softball Coach

Kim Masimore, Senior Woman Administrator, Assistant Athletic Director; Head Women's Lacrosse Coach

Todd Nordgren, Director, Office LGBTQ Services

Tara Fischer, Dean and Director of Academic Advising

Jessee Vassold, Assistant Director of Student Leadership

Robert Boyle, Professor of Physics and Astronomy

Rachel Jacobs, Assistant Professor of Political Science and International Studies

Katarina Swendrowski, Student – Class of 2024

Sofia Perrone, Student - Class of 2025

Sonyta Bun, Student – Class of 2025

Advisor: Vincent Champion, VP and General Counsel

and YOU !!!



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and YOU !!!



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Title IX Office serves:

Dickinson College **students** and **employees** who have **experienced** sexual or gender-based harassment or discrimination

Dickinson College **students** and **employees** who have been **accused** of sexual or gender-based harassment or discrimination.

Faculty and staff to whom a person has disclosed such an incident.

Parents and friends of students in these categories.



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Dickinson College **students** and **employees** who have **experienced** sexual or gender-based harassment or discrimination

Dickinson College **students** and **employees** who have been **accused** of sexual or gender-based harassment or discrimination.

Faculty and staff to whom a person has been sexually harassed or discriminated against in an incident.

Parents and friends of students in need of support.

The TIX rules and policy are meant to serve **BOTH** the Complainant **AND** the Respondent



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But we don't ...

We don't make the rules but can go beyond what is required by federal regulations (and we do!)

We don't make the decision – TIXC, Investigators are impartial & support both C and R equitably. Panel makes decision.

We are not a victim advocate, counselor nor a judge.

We don't treat Respondents punitively based on allegations.

We don't contact parents/guardians.

We don't share details with anyone except need-to-know.

We don't hide things from the community or the public, but we need to uphold privacy of parties.

We don't turn a blind eye – all reports are reviewed, processed & recorded.

Prohibited Conduct

Sexual Harassment

Sexual Assault

Fondling

Incest

Statutory Rape

Dating Violence

Domestic Violence

Stalking

Gender-Based Harassment

Sexual Exploitation

Harm to Others

Harassing Conduct

Retaliation

Complicity

Prohibited Relationships by Persons in Authority

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What happens after a report is made?

Incident reported



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graph TD; A[Incident reported] --> B[Information reviewed by TIX Coordinator (TIXC)]; B --> C[TIXC sends email to individual and offers to meet to discuss options/resources];
```

Information reviewed by TIX
Coordinator (TIXC)

TIXC sends email to individual and
offers to meet to discuss
options/resources



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Incident Report Screening & Sorting

- Does it meet jurisdiction for Title IX?
- If proved, would the behavior constitute violation of the policy?

If not, how do we best help?

Referrals:

Department of Public Safety
Student Conduct
Human Resource Services
Provost
Law Enforcement



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Outreach & Intake Meeting

Outreach – Email to Complainant
Rights & Resources
Offer to help

Intake Meeting
Rights & Resources
Support Services
Process Options

An advisor is welcome at any meeting



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Outreach & Intake Meeting

Outreach – Email to Complainant

Rights & Resources

Offer to help

Intake Meeting

Rights & Resources

Support Services

Process Options

Investigators typically get preliminary information from the intake meeting notes at the start of an investigation

An advisor is welcome at any meeting



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Support Coordination

- No-Contact Directives
- Changes in class schedule, including the ability to transfer course sections or drop a course
- Rescheduling of exams and assignments
- Providing academic support services, such as tutoring
- Change in work schedules or job assignments
- Change in living arrangements
- Limiting an individual or organization's access to certain College facilities or activities pending resolution of the matter
- Providing an escort to ensure safe movement between classes and activities
- Providing counseling services and help scheduling
- Providing medical services
- Change in student status, such as voluntary leave of absence



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Notice Letters

Allegations clearly defined for both Complainants and Respondents:

- **Who** is making allegation (Complainant cannot be anonymous if they request process).
- **Date/Location** of incident
- **Description** of incident
- What **prohibited conduct** could behaviors fall under

The Title IX Coordinator will provide the parties with **written notice** disclosing the allegations and information regarding the formal resolution process.

Respondents & Complainants have the **right to Notice** and reasonable **time to prepare** before any Title IX interview.



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Notice Letters

Allegations clearly defined for both Complainants and Respondents:

- **Who** is making allegation (Complainant cannot be anonymous if they request process).
- **Date/Location** of incident
- **Description** of incident
- What **prohibited conduct** could behaviors fall under

The Title IX Coordinator will provide the complainant with a copy of the allegations and information regarding the investigation process.

Respondents & Complainants have the right to be heard and to be treated fairly. **prepare** before any Title IX interview.

Investigators will get copies of the Notice Letters – they are fundamental to the purpose of the investigation

New Allegation = New Notice!



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Formal Complaint Resolution

Complainant gets to choose resolution type
(rare exceptions - TIXC will sign formal complaint).

Two paths to resolution of FC:

- 1) Investigation & Hearing; or
- 2) Conciliation Resolution (Informal Resolution)

All outcomes available regardless of process

All processes are - Fair, Objective, Timely



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Formal Resolution Timelines

Investigation & Hearing: months

Investigation	30-60 days
C, R Draft review & comments	10 days
Finalize Investigation Packet	10 business days
Panel Packet Review	10 business days
Hearing	1 day (11 th day)
Notice of outcome	5 business days
Appeal Period	5 business days
Notice of Appeal to C, R	
C, R Response to Appeal	5 business days
Appeal Outcome	10 business days

Informal Resolution: typically, 2 weeks

2022-2023 a (Preliminary) Lookback

77 Reported Events

10 Insufficient Information to Pursue

21 Complainants unresponsive to Outreach

30 Complainants Requested No Further Action

41 files referred to Residential Life/Student Life

12 files referred to Human Resources

7 files referred to CARE Team

6 Formal Grievance Complaints

6 Formal Grievance Complaints

- 1 Formal Resolution requested (Investigation/Hearing)
- 5 Informal Resolutions requested
- 4 Informal Resolutions completed
- 2 Complaints Withdrawn

Allegations

- 1 Harm to Others
- 1 Sexual Assault
- 5 Fondling
- 2 Stalking

Outcomes

- No Contact Agreements
- Housing Restriction and Relocation
- Probation

- Apology
- Course Withdrawal
- Counseling

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How to report:

Online

<https://www.dickinson.edu/titleix>

Title IX Coordinator:

Kat Matic

titleix@Dickinson.edu

matick@Dickinson.edu

717-254-8316

Department of Public Safety:

717-245-1111

Carlisle Police:

911

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You Are Not Alone

Dickinson Sexual Violence Hotline

(717) 609-4244

Employees Assistance Program

(717) 243-1896

Kat Matic, Dickinson Title IX Coordinator

(717) 254-8316

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You Are Not Alone

Dickinson Sexual Violence Hotline
(717) 609-4244



Employees Assistance Program
(717) 243-1896

Kat Matic, Dickinson Title IX
(717) 254-8316

TIX is neutral and objective for both Complainants and Respondents so cannot serve as a Victim Advocate.

Dickinson contracts with Carlisle YWCA for confidential hotline and victim advocacy services!

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Some Takeaways

The Sexual Harassment and Misconduct Policy will be invaluable for definitions and procedures.

You are not alone – please just ask.

Dickinson really cannot do it without you.
Thanks for your help!

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Review Test Answers








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Is it TIX or Not?



Is this case TIX or not?

	Who is the Complainant?	Student/Employee Non-Affiliate
	Is the Complainant in a program?	Participating in /attempting to participate in educational program Not
	Who is the Respondent?	Student/Employee Non-Affiliate
	Where did the conduct occur?	In US Outside US
	Where did the conduct occur?	On campus Off campus with control over the context/respondent Off campus without control over context/respondent Off campus (w/o control but within program)
	Do TIX prohibited conduct definitions apply?	Definitions Do apply Definitions Do Not apply
	Threshold – Severe, Pervasive and Objectively Offensive	

Sexual Harassment Jurisdiction

Our student/employee
(must be participating
in or attempting to
participate in our
educational programs)

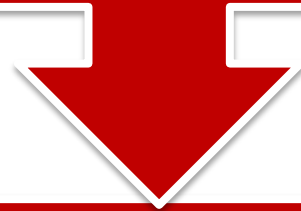
Occurred in the United
States

Occurred in the
context of educational
programs or activities

We have substantial
control over the
Respondent

It's On Us – Sexual and Gender-Based Harassment


While the Title IX Coordinator must dismiss allegations that do not meet the jurisdiction of the College, or where the misconduct allegations do not meet the definitions within the policy, those concerns may be referred by the Title IX Coordinator to other offices/departments for their review and resolution through procedures consistent with other College policies.




The Title IX Coordinator or designee may refer allegations to other offices, including but not limited to the Division of Student Life, Human Resources and the Provost and Dean of the College's Office.

It's On Us

TIX Coordinator maintains records for a period of seven years – including:



Any actions, including support services, taken in response to a report or formal complaint of sex discrimination/harassment.



In referral or dismissal, TIX Coordinator includes a statement documenting the basis for the College's conclusion that its response to a Report or Formal Complaint was not deliberately indifferent.

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Formal Grievance Complaint

- Signed Formal Complaint
- Only Complainant or TIX Coordinator can sign
- Complainant must be participating at the time of filing



TIX Notice (for Formal & Informal)

*Provide sufficient time to prepare (typically 2 days). Not in NOI, but part of fair practices.

Identity of the party alleging the conduct

Sufficient detail of the alleged conduct

Prohibited conduct within policy

Date/location of incident

Right to an Advisor of choice

Presumed not responsible

False statements

Retaliation is prohibited

*Any new, additional allegations during process that were not known before the Notice was sent.



Breaking the Silence: Trauma-Informed Care on Campus

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What's your role?

Title IX Personnel

Title IX Coordinator

Investigator

Decision-Maker

Informal Resolution Facilitator

Title IX Coordinator

Reviews reports, determines jurisdiction and if alleged behavior falls under TIX prohibited conduct.

Considers any safety concerns and needs to report to other departments or agencies.

Offers and coordinates support services.

Explains options to file a Formal Grievance Complaint and/or Police report, if applicable.

Drafts/sends TIX related Notices.

Designates Investigators, Informal Facilitator or Hearing Panel members (whichever is applicable).

Assigns an Advisor of the institution's choice for the live hearing if a Party does not have an Advisor.

Oversees process, including live hearing procedures and appeal if any, but is **not** the decision-maker regarding the outcome of the allegations.

Investigators



Interviews Complainant, Respondent,
Witnesses



Gather evidence



Writes the investigative report

Decision-Makers

Decision Makers can only serve 1 role in a case.

Emergency Removal/Administrative Leave

Reviews info. gathered and makes a determination if a removal or leave is necessary.

Hearing Panel Members

Reviews the investigation report and evidence

Manages the hearing (ask questions of parties, oversees cross-examination by advisors, and decides on relevancy of questions)

Decides outcome and issues the Outcome Letter

Appeal Officials

Reviews all evidence, the investigation report, and any appeal letters.

Reviews evidence, information gathered, and any appeal letters for removal)

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Advisors

- The Complainant and Respondent have the right to choose an advisor of their choice.
- The advisor can be present throughout the process but is not required until a live hearing.
- The advisor conducts cross-examination at the hearing.
- The advisor receives a copy of the evidence and investigation report.
- If a party does not have an advisor for the live hearing, the institution must provide one.

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Parties

Complainant

Respondent

Witnesses

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Unpacking the Definitions



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The 'Older' Definition of Rape

“The carnal knowledge of a female forcibly and against her will.”

What's wrong with this definition?

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The Current Definition

“Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.”

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**When (What year) do you think
the definition of rape changed?**

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In December 2013

In Dec. 2013 the F.B.I changed their definition of Rape.

The new definition shatters our old cultural focus that rape can only occur to a **woman and by force** - to a new understanding and focus that **rape can occur to any person when there is LACK OF CONSENT!**

The focus turned to asking the initiator of sexual activity how did they gain consent, for each and every sexual act?

Definition of Sexual Harassment

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;

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**;

Sexual assault
Fondling
Dating violence
Domestic violence
Stalking
Incest
Statutory Rape

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Sexual Harassment - Quid Pro Quo

What access was affected?

What was the aid, benefit, or service?

Employment: benefits, promotions, location, hiring/firing, salary, other privileges

Education: access, membership, grades, admission, awards, housing, resources, support

How was it conditioned?

Was is communicated directly?, implied, stated, written, was there physical behavior?



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Hostile Environment

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.**

Unwelcome (sex/gender-based discrimination/harassment)

+

Conduct (severe, pervasive and objectively offensive)

+

Access impact (on education/employment)



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Severe

Physical acts, touching

Threats

Witnesses, public nature

Characteristics of complainant and respondent (power dynamics)

How many complainants?

Nature of the behavior – frequency (repeated/ongoing), duration
intensity of incidents.

Impact on access



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Pervasive

Prevalence and widespread nature of the harassment

Number of incidents/frequency and recurrence

Number of witnesses, participants, complainants

Private or public area?

Is there a pattern of ongoing or systematic harassment rather than isolated incidents?

Are there different types of behaviors?

Analyze power dynamics (are there significant imbalances of power that may contribute to the pervasiveness of sexual harassment).

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Objectively offensive

Complainant Subjectivity – Is the behavior unwelcome/subjectively offends them?

Objectively – whether, standing in the shoes of complainant, the conduct would be offensive to a reasonable person.



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Sexual Assault

Sexual Assault is the penetration or attempted penetration, no matter how slight, of the vagina or anus, with any body part or object, or oral penetration or attempted penetration by a sex organ of another person, without consent of the victim.

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Fondling

Fondling is the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim.

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Dating Violence

Dating violence includes any act of violence or threatened act of violence, including sexual or physical abuse or the threat of such abuse, committed by a person who is or has been involved in a sexual or dating relationship with that person. It may involve one act or an ongoing pattern of behavior.

Dating violence can encompass a broad range of behavior, including, but not limited to threats, assault, property damage, violence or threat of violence to oneself, one's sexual or romantic partner or to the family members or friends of the sexual or romantic partner.

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Domestic Violence

Domestic violence includes any act of violence committed by a current or former spouse or intimate partner of the person; by a person with whom the individual shares a child in common; by a person who is cohabitating with or has cohabitated with the complainant as a spouse or intimate partner; by a person similarly situated to a spouse of the complainant; or by any other person against an adult or youth against whom the complainant is protected under Pennsylvania's domestic and family violence laws.

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Stalking

Stalking is engaging in 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. For the purposes of this definition, (a) course of conduct means two or more acts, including, but not limited to, acts in which the stalker 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; (b) reasonable person means a reasonable person under similar circumstances and with similar identities to the victim; and (c) substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

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Incest

Incest is non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.



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Statutory Rape

Statutory Rape is non-forcible sexual intercourse with a person who is under the statutory age of consent.

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Consent cannot be given due to...

Force

Incapacitation



Force

Physical force: hitting, pushing, holding, pinching, leaning on, carrying, obstructing exit, display or use of any weapon

Intimidation: an implied threat; Intimidation is the act of instilling fear in someone as a means of controlling that person.

Threat: an overt threat; A threat is an expression of intent to do harm or act out violently against someone or something. Threats may be verbal, written, drawn, posted on the Internet or made by gesture.

Coercion: is an undue amount of pressure.



Threats

The threat of a negative consequence may cause someone to submit to sexual activity

If you do not have sex with me, I'll hurt you

If you don't have sex with me, I'll break up with you

I'll hurt your best friend



Intimidation

- Cornering or blocking
- Using physical presence in an intimidating manner
- Taking a person's cell phone; destroying property
- Intimidation, on the other hand, may “threaten” a benefit. “If you have sex with me, I’ll make sure you get that job.”



Coercion

Coercion is defined as an unreasonable amount of pressure to engage in sexual activity

In coercion, sexual advances are unwanted and push past a person's boundary

Lines can be blurry (force, intimidation, coercion, persuasion)



Analyzing Coercion

Duration – over what period of time/how long

Frequency – how many times

Isolation

Intensity

Alcohol & Drugs

How AODs can impact our investigations

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Amnesty Policy

Students who share information with the College about sexual or gender-based misconduct allegations will not face disciplinary action due to their use of alcohol or other drugs at or near the time of an incident.

The College encourages reporting and seeks to remove any barriers to reporting by making the procedures for reporting transparent and straightforward, by prohibiting retaliation and by providing amnesty for individuals who experience or share information about prohibited conduct.

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Where is the line of consent with AODs?



If someone used AODs, can they give consent?

If someone is incapacitated, can they give consent?

Incapacitation

Incapacitation is the state beyond drunkenness

The person cannot explain who, what, where, when, how

There may be some or large time gaps in memory

Incapacitation is subjective: weight, sex, food consumption, sleep, other prescription drugs

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Incapacitation

Incapacitation is the physical and/or mental inability, whether temporary or permanent, of an individual to make rational, reasonable decisions, or judgments regarding one's well-being or welfare.

Possible causes of incapacitation:

Drugs

Alcohol

Disability

Sleep

Prescription medication

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Incapacitation Effects

Unconscious

Physically helpless

Blackout

Lacks understanding

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Consent

If there is force – there is no consent

If there is incapacitation – there is no consent

But you can't stop your investigation there – you must gather all the relevant evidence.



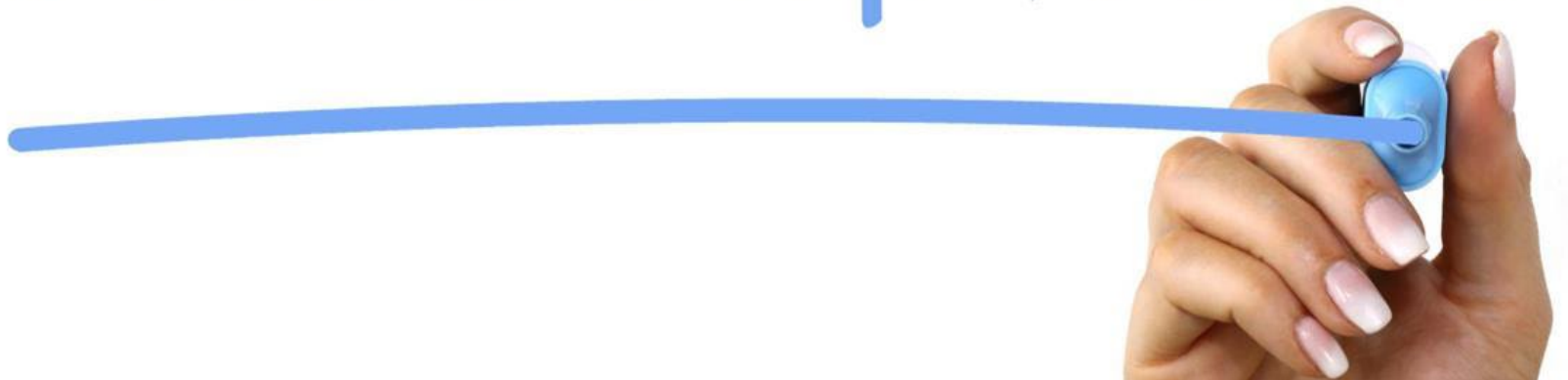
Consent is...

- **Informed** - parties have information and understanding of sexual activity;
- **An Agreement** – between participants to engage in sexual activity. Consent must be clearly and freely communicated. A verbal and affirmative expression of consent can help both you and your partner to understand and respect each other's boundaries. When sexual activity is agreed upon, it can be withdrawn through clear words or actions;
- **Freely given** - there is no pressure, coercion, intimidation, threat, or force; and
- **Mutually understandable** - parties express in words or actions their willingness or agreement to sexual activity.

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You Have a Case!

INVESTIGATION



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Fair, Equitable & Objective Hats please...

Develop your Questions!

Consider

What form of misconduct is being investigated? (Use your policy)

Is there evidence? If so, what type?

What questions do you have?

Where are the “holes?”

What information is consistent in the case?

What information is inconsistent?



“Require institutions to provide for a prompt, fair, and impartial disciplinary proceeding in which: (1) Officials are appropriately trained and do not have a conflict of interest or bias for or against the accuser or accused.”

VAWA regulations state that “procedures for institutional disciplinary action...***be conducted by officials, who, at a minimum, receive annual training*** on the issues related to dating violence, domestic violence, sexual assault, and stalking and on how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability.”

VAWA Provisions



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Burden of Proof

Preponderance of the Evidence: This burden of proof is the most common standard used in civil cases. We use it in our policy.

It requires the party making a claim to present evidence that is more likely than not to be true, or that tips the scales slightly in their favor.

In other words, if the evidence presented by one side is more persuasive or convincing than the evidence presented by the opposing side, that side has met the burden of proof.

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Thank you!