

# Title IX Personnel Training

Office of Title IX Compliance and Training  
Fall 2021



## Outline

Basics of Title IX

2020-21 Title IX Reports

The Research

2021 Campus Climate Survey

Education, Awareness, and Prevention

New Stuff in 2021

Definitions of Prohibited Conduct

Your Role as a Mandatory Reporter

Options and Pathways

Appeals

## OCR Training Requirements

Title IX Coordinators and personnel must receive training on:

The definition of sexual harassment ✓

The scope of the College's education program or activity ✓

How to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes, as applicable ✓

How to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias ✓

34 C.F.R. 106.45(b)(1)(iii)

## OCR Training Requirements

**Decision-makers** must receive training on any technology to be used at a live hearing and on issues of relevance of questions and evidence, including when questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant.

**Investigators** must receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence.

Any materials used to train Title IX personnel must **not rely on sex stereotypes** and must **promote impartial investigations and adjudications**.

34 C.F.R. 106.45(b)(1)(iii)

# OCR Training Requirements

Training for SMCM Title IX Personnel

- Training by Grand River Solutions (August)
- In-house training (September)

We will conduct make-up training conversations and post training materials on our website, as required by the new regulations

Visit [www.smcm.edu/title-ix/](http://www.smcm.edu/title-ix/) for policies, procedures, and training materials

## Basics of Title IX

## Title IX of the Education Amendments of 1972

“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 educational program or activity  
receiving federal financial assistance.”

## Title IX of the Education Amendments of 1972



Once a school has notice of possible sexual harassment, it must take four steps:

**Investigate** what occurred

**End** the harassment

**Remedy** the effects

**Prevent** it from occurring again



# Sexual Harassment

## Prohibited Conduct

Sexual Harassment  
Gender-Based Harassment  
Sexual Assault  
Sexual Exploitation  
Stalking  
Relationship Violence  
Retaliation

## Who

May occur between  
strangers, friends, acquaintances,  
people in a dating or sexual  
relationship, etc.

May be committed by or against  
a person of any gender  
identity/expression  
or any sexual orientation

## Role of Title IX Coordinator / Title IX Office

Coordinate ***compliance with Title IX***, including sexual harassment procedures

Coordinate ***responses to all reports*** of possible sex discrimination

Monitor ***outcomes, patterns, and campus climate***

## Title IX Folks on Campus



**Michael Dunn**  
Assistant Vice President of  
Equity and Inclusion /  
Title IX Coordinator



**Shannon Jarboe**  
Assistant Vice  
President of Human  
Resources / Deputy  
Title IX Coordinator



**Helen Ann Lawless**  
Assistant Director  
Title IX Office

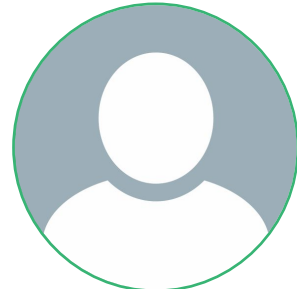
## Title IX Folks on Campus



**Derek Young**  
Interim Dean of Students /  
Executive Director of  
Student Life



**Kelly Muldoon**  
Staff Therapist /  
Sexual Assault  
Advocate



**???**  
Athletics Dept.

## Title IX Folks on Campus



**Tressa Setlak**  
Director of Public Safety



**Kelsey Bush**  
Chief Diversity Officer



**Dr. Jerri Howland**  
Vice President for  
Student Affairs

## Title IX Folks on Campus



**Colette Nortman**  
Title IX Intern



**Jannah Mawuli**  
Title IX Intern



**Justin Karolyi**  
A Call to Men Intern

# The Research

## Sexual Assault on College Campuses

During their time in college, one in two trans and non-binary folx, one in five women and one in 16 men are sexually assaulted.

**1 in 2**  
TGNB Folx



**1 in 5**  
Women

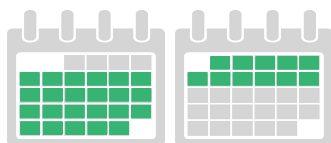


**1 in 16**  
Men



Source: [collegeparentsmatter.org](http://collegeparentsmatter.org)

## The Red Zone



Most campus sexual assaults occur during the first **6-8 weeks** of the fall semester

First-years are

**2.5X**

more likely to be assaulted by someone



**The week of Halloween** is a particularly high-risk time

**It's on all of us to prevent sexual assault**

<https://now.org/blog/redzone-and-prevention-education-on-college-campuses/>

## Possible Social Factors Relating to COVID-19

- Students may have **missed out on milestone experiences**, like prom or summertime hangouts, that might have exposed them to alcohol and sexual intimacy incrementally in recent months
- Eager for **physical connection after isolation**
- Pressure of making and maintaining **new friends**
- Students may feel like they have to **make up for lost time**
- **Potential for a surge in experiences** that's exaggerated in intensity compared to "typical" circumstances

Source: Jennifer S. Hirsch and Shamus Khan, [Sex, Social Distancing and the Fall Semester](#), Inside Higher Ed, June 22, 2020

# Education, Awareness, and Prevention

# Education, Awareness, and Prevention

SEA HAWKS  
ASK FOR  
CONSENT

SEMARY'S COLLEGE OF MEN  
PREVENTION

BEING A GOOD MAN MEANS...

"Trying to treat everyone with care and respect. It means taking responsibility for their actions and working to better themselves as well as others around them."

ALI KHAN  
Hanging Gardens BDC  
Convener Summer 20

SEMARY'S COLLEGE OF MEN  
PREVENTION

EVERFI

A CALL TO MEN  
The Next Generation of Manhood

College  
Bringing in the  
Brystander

one love

SEMARY'S COLLEGE OF MEN  
PREVENTION

IF YOU EXPERIENCE  
SEXUAL MISCONDUCT,  
SUPPORT IS AVAILABLE  
AND YOU HAVE OPTIONS

SEMARY'S College of Men is a commitment to providing an educational, living, and working environment free from all forms of harassment and discrimination for all members of the community. The College prohibits all forms of sexual or gender-based harassment, discrimination, or misconduct.

**FOR IMMEDIATE ASSISTANCE**

**For Help Now:**  
Police Office: 202-691-4111 | <http://www.semary.edu/policies>  
SE Mary's Office: 202-691-4111 | 202-691-4111  
Housing Office: 202-691-4111 | 202-691-4111  
Housing Office: 202-691-4111 | 202-691-4111

**FOR MAKE A REPORT TO THE COLLEGE**

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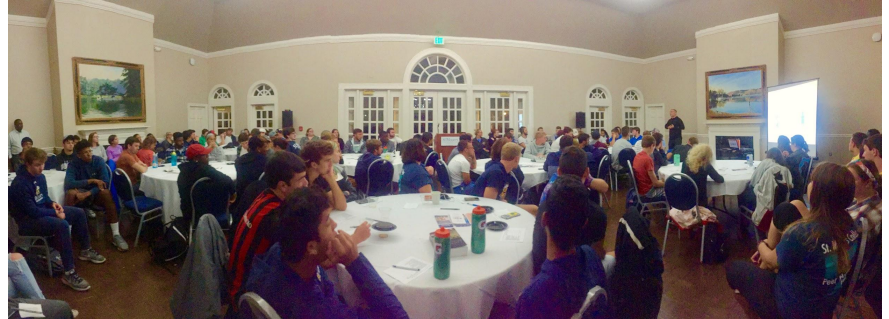
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SEMARY'S COLLEGE OF MEN  
PREVENTION





@smcmtitleix



Follow us on  
*Instagram*

## Safer Sexting

- Check in with your partner before turning up the heat 🔥
- Always ask before sending a steamy picture 📸
- Create a space where people feel comfortable saying no to sexting 🗣️
- Know the laws around sharing explicit content ⚖️



## BEING A GOOD MAN MEANS...

"Knowing when to listen to constructive criticism and when to laugh off the haters."

MITCHELL BEVERAGE  
*Economics Major '20*



## TITLE IX COMMUNITY CONVERSATION

**YOUR  
VOICE  
MATTERS**

TODAY AT 4PM - LINK IN BIO



**CONSENT IS AS SWEET AS CANDY**

Consent is about communication and it's easier than you think!



## HEALTHY RELATIONSHIPS ST. MARY'S WAY WHAT DO YOU VALUE IN A HEALTHY RELATIONSHIP?

"To me, an important part of healthy love is supporting and believing in each other. Healthy relationships are important to me because I think everyone deserves to feel truly, deeply loved and supported."

- Rebecca Malaga  
*SQA President*



# Definitions of Prohibited Conduct

## Prohibited Conduct at SMCM

Title IX Sexual Harassment	Other Sexual Harassment	Retaliation
Includes: <ul style="list-style-type: none"><li>• Sexual harassment</li><li>• Sexual assault</li><li>• Dating violence</li><li>• Domestic violence</li><li>• Stalking</li></ul>	Includes: <ul style="list-style-type: none"><li>• Sexual harassment not under Title IX</li><li>• Gender-based harassment</li><li>• Sexual exploitation</li></ul>	



## Title IX Sexual Harassment

Sexual harassment means conduct on the basis of sex that satisfies one or more of the following:

- (1) An employee conditioning the provision of an aid, benefit, or service on an individual's participation in unwelcome sexual conduct;
- (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 education program or activity; or
- (3) Sexual assault, dating violence, domestic violence, and stalking, as defined below.

## Sexual Assault

***Sexual assault*** means an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting ("UCR") system of the Federal Bureau of Investigation. The following UCR definitions apply.

- Sex Offenses, Forcible
  - Forcible rape
  - Forcible sodomy
  - Sexual assault with an object
  - Forcible fondling
- Sex Offenses, Nonforcible
  - Incest
  - Statutory Rape

## Sex Offenses, Forcible

**Forcible Rape** – The carnal knowledge of a person, forcibly and/or against that person's will, or not forcibly or against the person's will in instances where the victim is incapable of giving consent because of their temporary or permanent mental or physical incapacity.

**Forcible Sodomy** – Oral or anal sexual intercourse with another person, forcibly and/or against that person's will, or not forcibly or against the person's will in instances where the victim is incapable of giving consent because of their youth or because of their temporary or permanent mental or physical incapacity.

**Sexual Assault with an Object** – To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or against that person's will, or not forcibly or against the person's will in instances where the victim is incapable of giving consent because of their youth or because of their temporary or permanent mental or physical incapacity.

**Forcible Fondling** – The touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person's will, or not forcibly or against the person's will in instances where the victim is incapable of giving consent because of their youth or because of their temporary or permanent mental or physical incapacity.

## Sex Offenses, Nonforcible

Unlawful nonforcible sexual intercourse.

**Incest** – Nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

**Statutory Rape** – Nonforcible sexual intercourse with a person who is under the statutory age of consent.

# Dating Violence

Dating violence is violence committed by a person

- who is or has been in a social relationship of a romantic or intimate nature with the victim,
- where the existence of such a relationship shall be determined based on a consideration of the following factors:
  - the length of the relationship,
  - the type of relationship, and
  - the frequency of interaction between the persons involved in the relationship.

# Domestic Violence

Domestic violence includes felony or misdemeanor crimes of violence committed

- by a current or former spouse or intimate partner of the victim;
- by a person with whom the victim shares a child in common;
- by a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
- by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the state of Maryland; or
- by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the state of Maryland.

# Stalking

Stalking means engaging in a course of conduct directed at a specific person that would cause a reasonable person to (a) fear for their safety or the safety of others, or (b) suffer substantial emotional distress.

For the purposes of this definition, **course of conduct** means two or more acts, including but not limited to, acts 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.

**Reasonable person** means a reasonable person under similar circumstances and with similar identities to the complainant.

**Substantial emotional distress** means significant mental suffering or anguish that may but does not necessarily, require medical or other professional treatment or counseling.

# Stalking

Stalking behaviors may include, but are not limited to

- abusive and excessive contact and/or monitoring using telephone calls, voice mails, emails, instant messaging, text messages, and/or social media to one's home or work;
- installing spyware on a person's computer or phone without consent;
- trespassing;
- following and/or threatening an individual or a person's friends and relatives;
- driving/walking by a person's home, school, and/or work; or
- vandalizing property.

## Prohibited Conduct at SMCM

Title IX Sexual Harassment	Other Sexual Harassment	Retaliation
Includes: <ul style="list-style-type: none"><li>• Sexual harassment</li><li>• Sexual assault</li><li>• Dating violence</li><li>• Domestic violence</li><li>• Stalking</li></ul>	Includes: <ul style="list-style-type: none"><li>• Sexual harassment not under Title IX</li><li>• Gender-based harassment</li><li>• Sexual exploitation</li></ul>	

## Other Sexual Harassment

Includes acts of Title IX Sexual Harassment that may occur

- Against a person ***outside of the United States*** or
- ***Not within an education program or activity*** of the College
- At College-sanctioned events or programs that take place off campus, including study abroad and internship programs
- Between a complainant and respondent who are both members of the College community, regardless of the location
- Off-campus and is by or against a member of the SMCM community that is likely to have a substantial adverse effect on, or poses a threat of danger to, any member of the SMCM community or SMCM itself

## Other Sexual Harassment

***Gender-based harassment*** – may include acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex stereotyping, even if those acts do not involve conduct of a sexual nature.

## Other Sexual Harassment

***Sexual Exploitation*** – any act which takes non-consensual or abusive sexual advantage of another individual, either for their own advantage or benefit, or for the advantage or benefit of anyone other than the one being exploited. This behavior includes but is not limited to:

- Utilizing any electronics for the purpose of posting or publishing and/or capturing images of a sexual act without the consent or knowledge of the involved parties
- Publishing, recreating, or reproducing images of a sexual act without the knowledge or consent of the parties involved
- Peeping tommery/voyeurism
- Unwanted exposure to pornographic material
- Inducing incapacitation for the purpose of having sex with the incapacitated person regardless if sexual activity actually takes place
- Prostitution of another
- Knowingly exposing another individual to a sexually transmitted infection or virus without that individual's knowledge

## Prohibited Conduct at SMCM

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## Retaliation

Intimidating, threatening, coercing, or discriminating against, or otherwise taking an adverse action against an individual

- for the purpose of interfering with any right or privilege secured by law or College policy relating to Prohibited Conduct, or
- because an individual has made a report, filed a complaint, testified, assisted, participated or refused to participate in any manner in an investigation, proceeding, or hearing related to Prohibited Conduct.

# Retaliation

Adverse actions include but are not limited to

- impeding an individual's academic advancement;
- terminating, refusing to hire, or refusing to promote an individual; or
- transferring or assigning an individual to a lesser position in terms of wages, hours, job classification, or job security.
- Retaliation includes retaliatory harassment.

# Retaliation

Adverse actions, including charges against an individual for violations of other College policies that do not involve sex discrimination or Prohibited Conduct, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or complaint of Prohibited Conduct, for the purpose of interfering with any right or privilege secured by law, constitutes Retaliation.

However, charging an individual with a violation of other College policies for making a materially false statement in bad faith in the course of a proceeding does not constitute Retaliation, provided that a determination regarding responsibility, alone, is not sufficient to conclude that any Party made a materially false statement in bad faith.

The exercise of rights protected under the First Amendment does not constitute Retaliation. The College will keep confidential, to the extent permitted by FERPA, the identity of any individual who has made a report of Prohibited Conduct.



## Prohibited Conduct at SMCM

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## Your Role as a Mandatory Reporter

***Mandatory Reporters*** are required to share with the Title IX Office any report of:

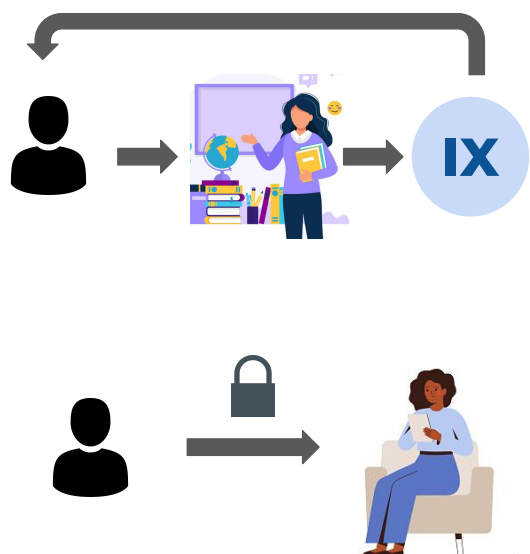
- sexual harassment,
- sexual violence,
- stalking, or
- relationship violence

## Mandatory Reporters

***Mandatory Reporters:*** Faculty, coaches, administrators, RAs/RHCs, Public Safety personnel, and other student employees/volunteers with a significant responsibility for student welfare

All Mandatory Reporters are required to share with the Title IX Office (that's us) any report of sexual harassment, sexual violence, stalking, or relationship violence

***Exception:*** The counseling and medical staff and student groups at the Wellness Center are ***confidential resources***



# Protocols for Mandatory Reporters

Is there an emergency or a need for immediate medical attention?

**Yes** → Call Public Safety immediately (240) 895-4911

**No** → Contact the Title IX Office or Public Safety within 24 hours

**IMPORTANT**

## Many Ways to File a Report

File a report through Advocate or at [www.smcm.edu/title-ix](http://www.smcm.edu/title-ix)

Email [mkdunn@smcm.edu](mailto:mkdunn@smcm.edu) or [hlawless@smcm.edu](mailto:hlawless@smcm.edu)

Call Public Safety (240) 895-4911

Stop Michael at Chipotle

Stop Helen Ann at the ARC



**MYTH:** If a student tells a responsible employee about an assault, the student would have to go through with a full Title IX investigation.

**FACT:** Aside from very few circumstances, the student is in control of what happens after a responsible employee contacts the Title IX Office.

**MYTH:** If someone shares an incident with a responsible employee where the accused person is not affiliated with the College or it happened off campus, the responsible employee doesn't have to report to the Title IX Office.



**FACT:** Responsible employees play a critical part helping to ***connect people to resources*** and ***outline their options***, regardless of whom the accused person is or where the incident occurred.

### Title IX Resource Card

Resources and Policies for Responsible Employees

#### SEXUAL MISCONDUCT

- Sexual Harassment
- Sexual Assault/Rape
- Dating Violence
- Domestic Violence
- Stalking
- Sexual Exploitation

**If someone tells you they have experienced sexual misconduct:**

**WHAT TO DO:**

- If someone tells you they have experienced sexual misconduct, offer them support, listen to them, and encourage them to seek help and counseling.
- If the individual's safety is an immediate concern, call 911 or contact Public Safety (240-895-4911).
- Tear this card at the perforation. Keep this half for your information, and provide the other half to the individual who experienced the misconduct.
- Report the incident to Title IX Coordinator Michael Dunn in accordance with the policy listed on the back of this card.
- If you have any questions about the process, call Michael Dunn at 240-895-4105 and/or visit [smcm.edu/campus-rights](http://smcm.edu/campus-rights).

**If you have experienced sexual misconduct:**

**WHAT TO KNOW:**

- You are in control.
- You have the right to choose whom you will talk to, what resources you will use, what you will say, and when you will say it.
- If you choose to share your experience, your disclosure will be taken seriously and you will be treated with dignity.
- The College prohibits all forms of sexual or gender-based harassment, discrimination, or misconduct.

**WHAT TO DO:**

- Find a safe place
- Seek medical attention
- Get emotional help and support
- Know that you have options and resources (see reverse)
- Consider filing a report

**KEEP IN MIND:**

- You may request that the College maintain your confidentiality
- You have the right to file a Title IX report with the College

**Title IX Coordinator Michael Dunn:**  
 Lucille Clifton House, 240-895-4105,  
[mkdunn@smcm.edu](mailto:mkdunn@smcm.edu), [smcm.edu/campus-rights](http://smcm.edu/campus-rights)

**St. Mary's County Sheriff's Office:**  
 301-475-8008

- You have the right to report a crime to the police
- You have the option to share information confidentially with resources on- and off-campus (see reverse)

**If someone tells you they have experienced sexual misconduct:**

**WHO NEEDS TO REPORT?**

Responsible employees – including faculty, coaches, administrators, Public Safety, and student employees or volunteers with a significant responsibility for student welfare – are required to report to:

**Title IX Coordinator Michael Dunn:**  
 240-895-4105, [mkdunn@smcm.edu](mailto:mkdunn@smcm.edu),  
 Lucille Clifton House

Individuals who have legally protected confidentiality are not required to report. If you have questions about whether to report, please call the Title IX Coordinator.

**WHY YOU NEED TO REPORT:**

- To ensure the individual has access to all available resources
- To enhance campus safety
- To comply with Title IX and other federal regulations

**WHAT HAPPENS NEXT? THE TITLE IX COORDINATOR WILL...**

- Reach out to the individual via email
- Make sure the individual is familiar with the full range of options for resolution
- Address the need for any interim remedies or accommodations to protect the safety of the individual or the community
- Seek the individual's expressed preferences, if any, as to the course of action

**If you have experienced sexual misconduct:**

**CAMPUS RESOURCES:**

- Staff Therapist/Advocate**  
**Kelly Muldoon** (confidential)  
 240-895-4289, [kmmuldoon1@smcm.edu](mailto:kmmuldoon1@smcm.edu),  
 Wellness Center
- Counseling and Psychological Services** (confidential)  
 240-895-4289, [smcm.edu/wellness](http://smcm.edu/wellness),  
 Wellness Center
- Health Services** (confidential)  
 240-895-4289, [smcm.edu/wellness](http://smcm.edu/wellness),  
 Wellness Center
- Public Safety**  
 240-895-4911, [smcm.edu/publicsafety](http://smcm.edu/publicsafety)
- Sexual Misconduct Advocacy and Resource Team (SMART)** (confidential)  
 (301) 904-2015

**COMMUNITY RESOURCES:**

- Walden-Sierra, Inc. 24-hr. Crisis Hotline  
 301-863-6661
- St. Mary's Hospital  
 301-475-8981
- St. Mary's County Sheriff's Office  
 301-475-8008

For more resource information, visit [smcm.edu/campus-rights](http://smcm.edu/campus-rights)

## Make Sure the Student Understands

- Your duty to report
- The student may request confidentiality
- Confidential resources are available
- You still have a duty to report even if the student wishes to remain anonymous
- A student has a right to file a Title IX complaint and/or criminal charge

**IMPORTANT**

# What tips do you have for tackling these conversations?

## Tips for the Conversation

Listen to the student

Don't be judgmental

Let the student make their own decisions

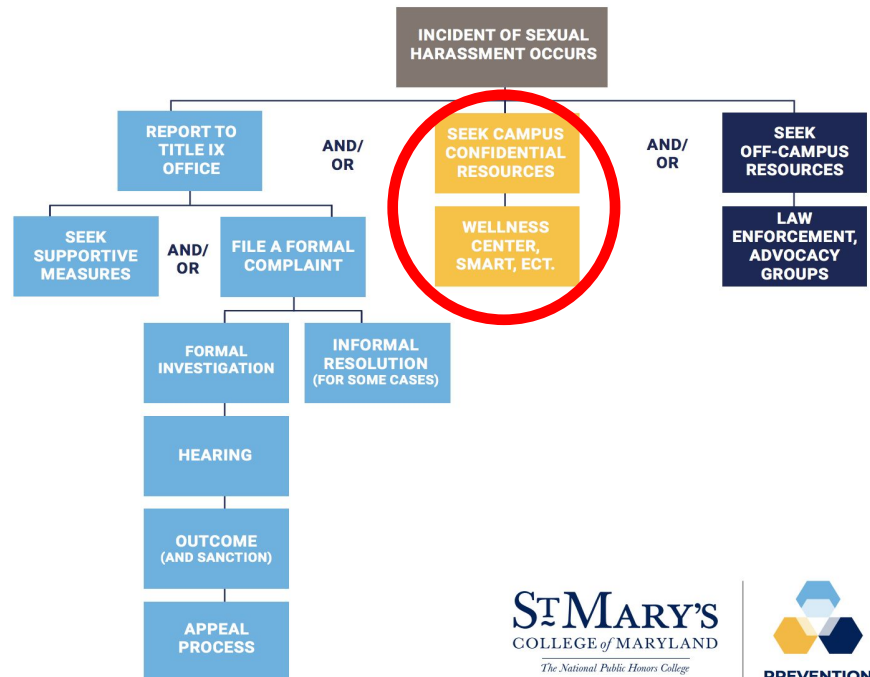
Respect the student's privacy to the extent possible

Encourage the student to get help

Be present in the conversation

# Options and Pathways

## Options and Pathways



# Confidential Resources

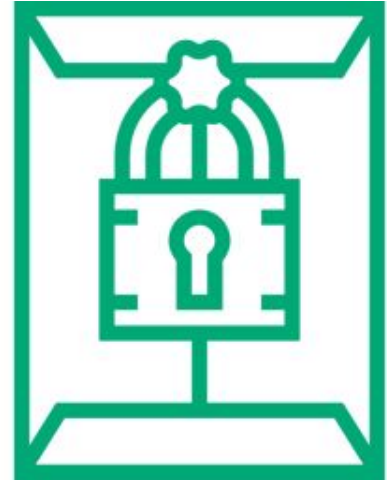
**Kelly Muldoon, SMCM Staff Therapist /Advocate**  
(240) 895-4289

**SMCM Counseling Services**  
(240) 895-4289

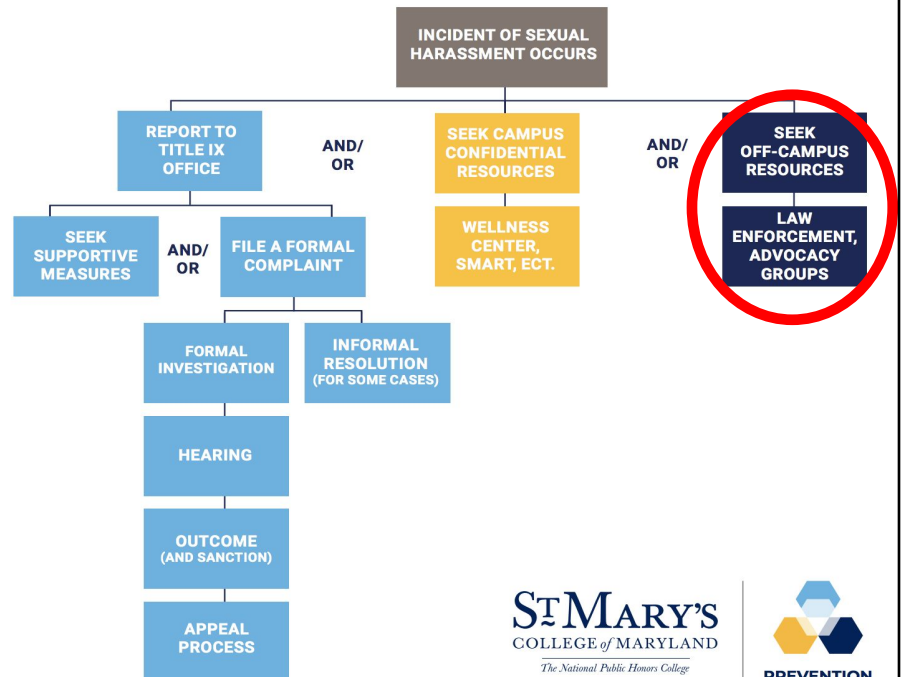
**MySSP App** - 24/7 counseling service for students  
(866) 743-7732

**SMART 24-Hour Hotline**  
(301) 904-2015

**RAINN National Sexual Assault Hotline**  
1-800-656-4673



## Options and Pathways





# How to Get Help



## Emergency Response

SMCM Public Safety → (240) 895-4911

St. Mary's County Sheriff's Office → 911 or  
(301) 475-8008

MD State Police Leonardtown Barracks →  
(301) 475-8955



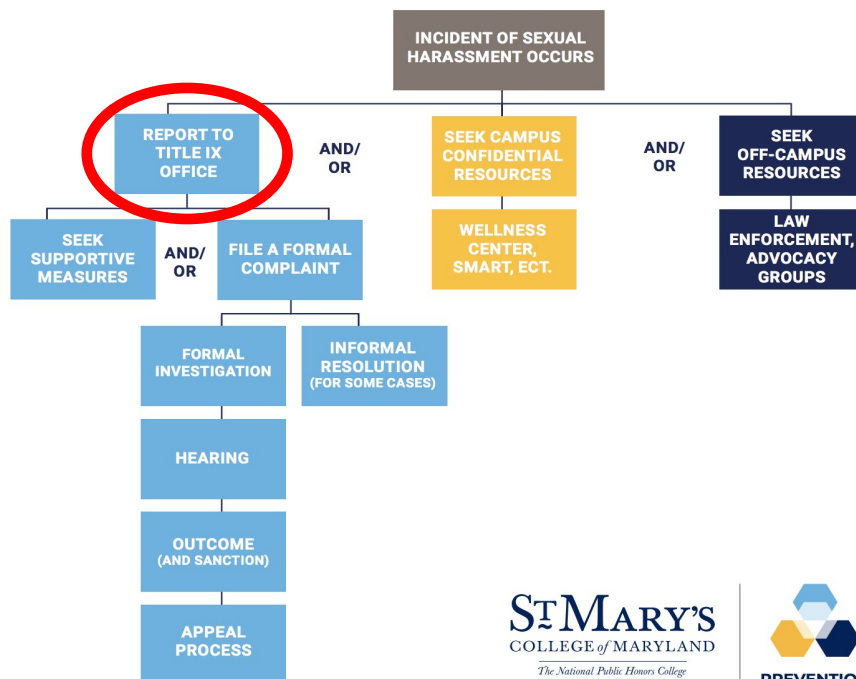
## Health and Safety

St. Mary's Hospital → (301) 475-8981

Calvert Memorial Hospital → (410) 535-4000

SMCM Health Services → (240) 895-4289

## Options and Pathways



## After a Report is Filed



Outreach Email

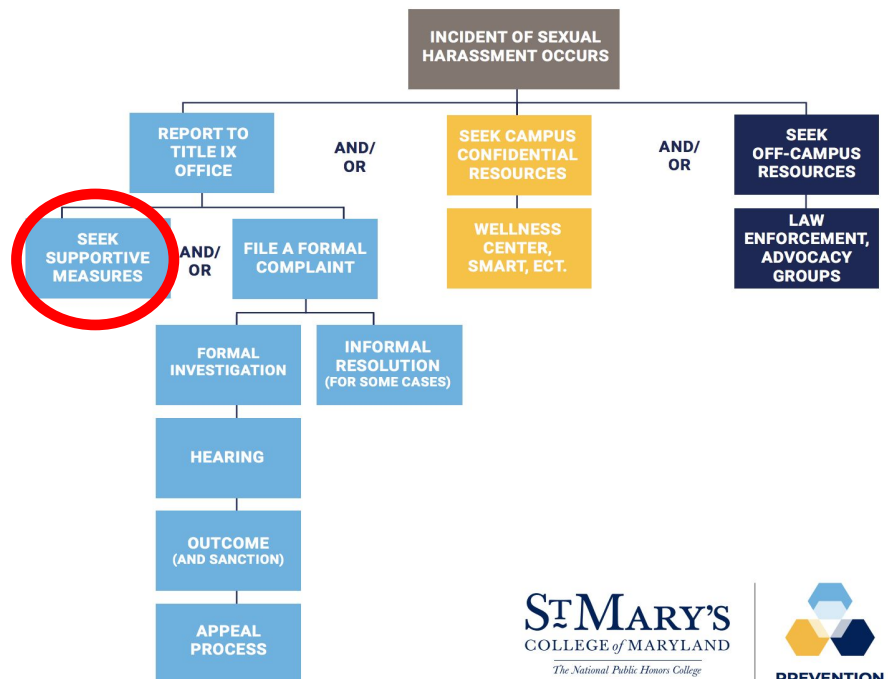


Initial Assessment

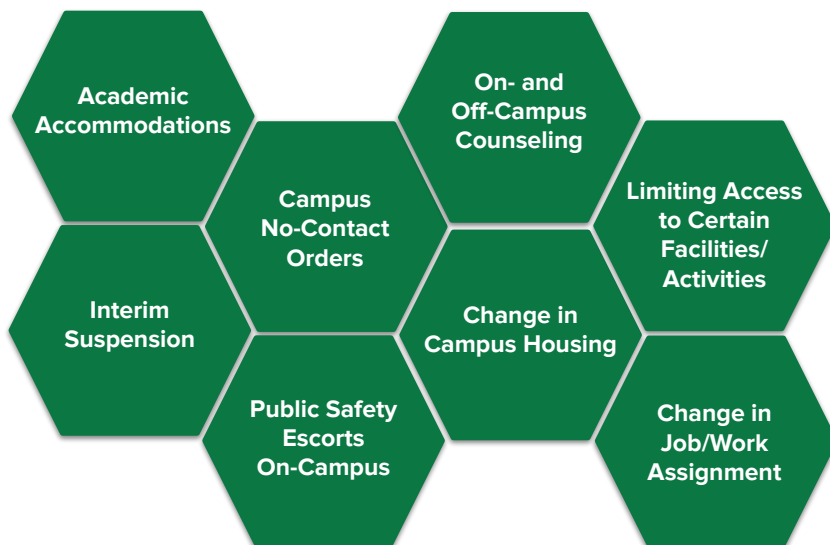


Preliminary Meeting

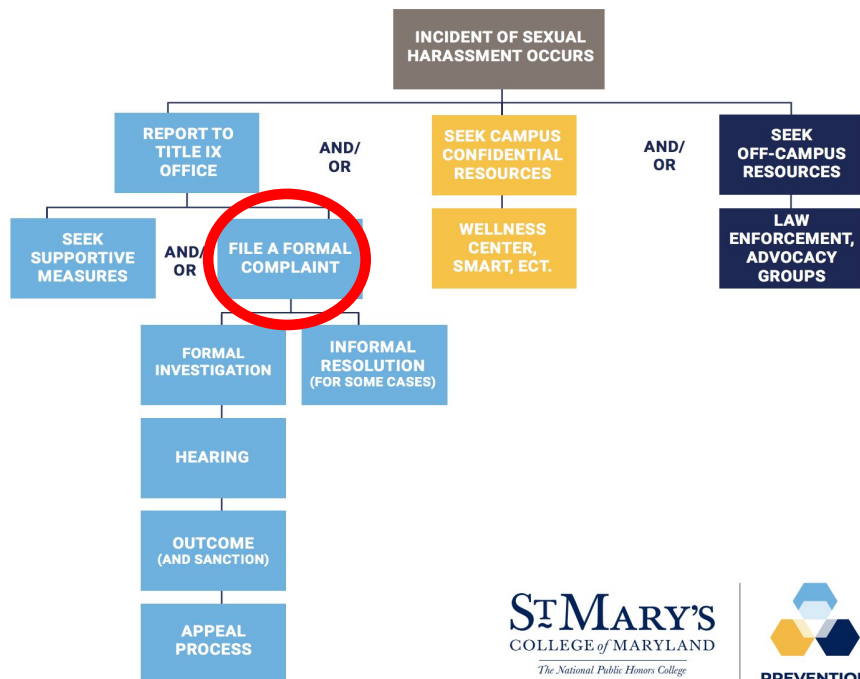
## Options and Pathways



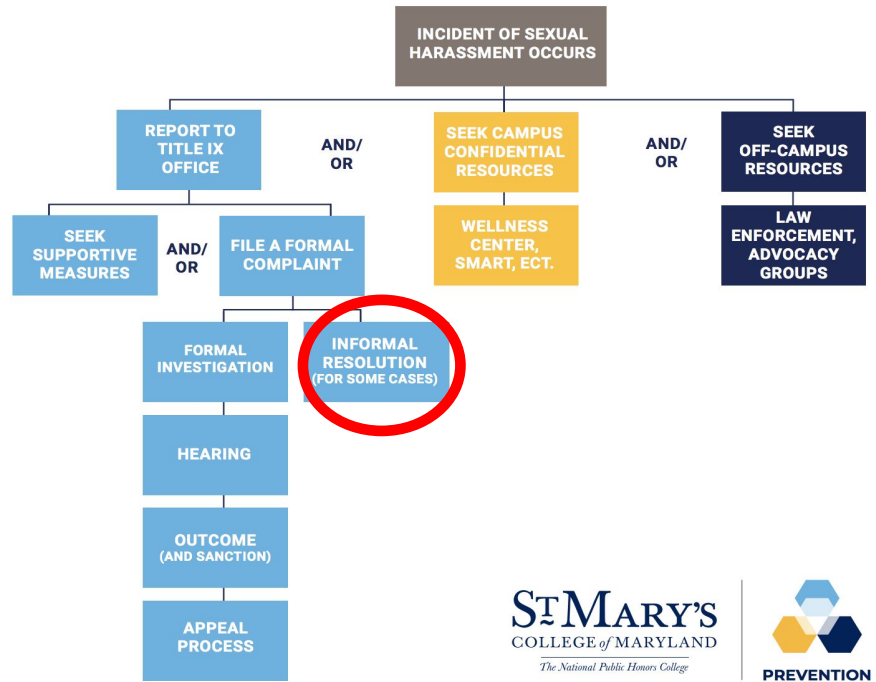
## Supportive Measures



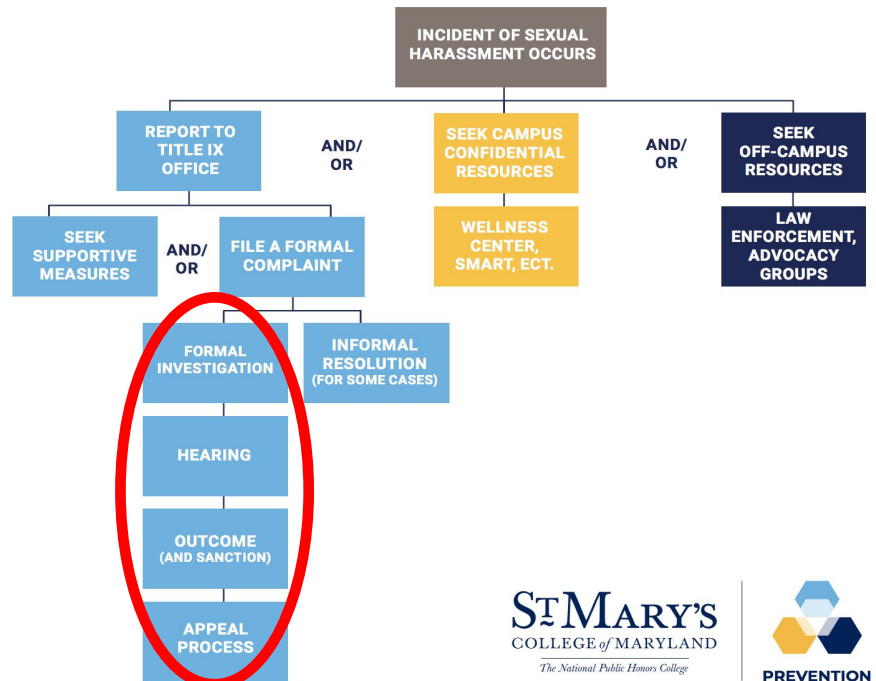
## Options and Pathways



# Options and Pathways

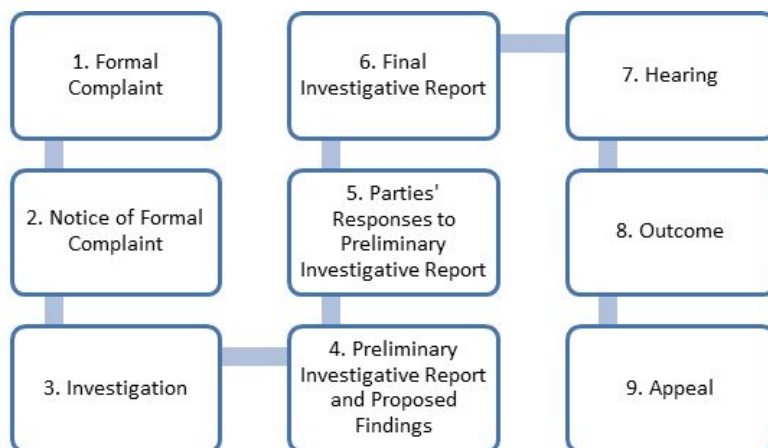


# Options and Pathways



Informal Resolution	Formal Resolution
A process, such as mediation, that does not involve a full investigation and adjudication	Process by which Investigators gather information and then separate hearing officer determines if the respondent should be held responsible for a Policy violation
A <b>voluntary</b> process that becomes available after a complainant files a formal complaint	Involves a <b>live hearing</b> with cross-examination
<b>Not available</b> for allegations of sexual assault or allegations of Title IX Sexual Harassment against an employee	If a respondent is found responsible, the hearing officer issues <b>disciplinary sanctions</b> , up to and including expulsion for students and termination for employees
A complainant does not waive their right to a formal investigation and adjudication	

## Formal Resolution Process



## Key Points to Remember

**You are in control** and **you have options.**

You have the **right to choose whom you will talk to**, what resources you will use, what you will say, and when you will say it.

If you choose to share your experience, your disclosure will be **taken seriously** and you will be **treated with dignity.**

## Appeals

## Grounds for Appeal

1. ***Procedural irregularity*** that affected the outcome
2. ***New evidence*** that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome
3. Title IX Personnel (Title IX Coordinator, investigators, or decision-makers) had a ***conflict of interest or bias*** for or against complainants or respondents generally or individual complainant or respondent that affected the outcome

## Role of the Appeal Officer

Appeals will be conducted in an impartial manner by an impartial decision-maker, the Appeal Officer

Appeal officers may be members of the College's Executive Council or may be external Title IX professionals with specific training and experience, appointed for this purpose

Appeal officers must be unbiased and without any conflicts of interest

# Impartiality, Conflicts of Interest, and Bias

An important issue that is now a required basis for appeals:

*Title IX Personnel (Title IX Coordinator, investigators, or decision-makers) had a conflict of interest or bias for or against complainants or respondents generally or individual complainant or respondent that affected the outcome.*

Our roles on campus require good judgment, balance, and sensitivity.

How do you avoid prejudging facts? How are you mindful of potential conflicts of interest? How do we address any explicit or implicit bias?

## Conflicts of Interest

A conflict of interest may arise if the Appeal Officer [or other Title IX personnel] is related to, has a friendship with, or otherwise has had interactions with one of the parties or witnesses that may compromise the fairness or impartiality of the investigation.

If an actual or perceived conflict of interest arises from the involvement of an Appeal Officer, that conflict must be disclosed to all Parties and any potential or actual conflict must be appropriately addressed.

Parties and Title IX personnel should disclose any possible conflicts of interest to the Title IX Coordinator as soon as possible.



## Appeals Timeline

- Either party may file an appeal within **five (5) business days** of the date of the Outcome
- The Title IX Coordinator will send a copy of the appeal to the non-appealing Party within **one (1) business day**
- The non-appealing party will have **three (3) business days** to submit a response to the appeal
- The Title IX Coordinator will email a copy of the Outcome, the appeal and any response to the Appeal Officer within **one (1) business day**
- The Appeal Officer will render a written decision on the appeal and send it to the Title IX Coordinator within **fifteen (15) business days**

## Requirements of Appeal Documents

The appeal shall consist of a plain, concise, and complete written statement outlining:

- the grounds for appeal
- all relevant information to substantiate the basis for the appeal, and
- appellant's desired outcome.

The appeal shall not exceed 10 double-spaced pages with a minimum 12-point font (same for the response to the appeal).

Mere dissatisfaction with the Outcome is not a valid basis for appeal.

## Exclusion of Improper Information

The Appeal Officer may exclude any information submitted by the appealing or non-appealing Party if it is not relevant or material to one of the specified grounds for appeal.

If the Appeal Officer excludes information submitted on appeal, the Appeal Officer shall state the basis for exclusion of the information in the Appeal Officer's written decision.

## Burden of Proof

In any request for an appeal, the burden of proof lies with the appealing Party, as the original Outcome is presumed to have been decided reasonably and appropriately.

The Appeal Officer's first considerations:

- Is the appeal is timely filed?
- If so, is the appeal based on one or more of the three grounds?

If either answer is "no," the appeal will be denied.

## Burden of Proof

An appeal is not an opportunity for the Appeal Officer to substitute their own judgment for that of the Hearing Officer merely because the Appeal Officer disagrees with the Outcome.

Appeal decisions are to be deferential to the original Hearing Officer, making changes to the finding only where there is ***clear error***.

## Outcome of Appeal

The Appeal Officer may affirm or alter the Outcome, depending on the basis of the requested appeal.

If the Appeal Officer remands the case, options may include:

- Investigators conducting additional investigation or issuing a revised investigative report
- Hearing officers calling for a new hearing or issuing a revised outcome

The Title IX Coordinator will review the appeal decision for consistency with College policy and practice, and the College's legal counsel will review the appeal decision for legal sufficiency.

# Appeal Officers for Non-Discrimination Procedures

## [Non-Discrimination Procedures](#)

Grounds for appeal:

- **Substantial procedural error:** Procedural errors or errors so substantial as to effectively deny a Complainant or Respondent notice or a fair opportunity to be heard.
- **New evidence:** New relevant, material evidence that a reasonably diligent person could not have discovered prior to the issuance of the Notice of Findings has become available.

# Appeal Officers for Non-Discrimination Procedures

The appellate review will be based on the written record; parties are not entitled to a hearing or meeting with the reviewing administrator or designee.

Appeal officers may be members of the College's Executive Council or may be external personnel with specific training and experience, appointed for this purpose.

Appeal officers must be unbiased and without any conflicts of interest.

Within five (5) business days, the appeal officer will issue a written determination stating whether the Appeal was granted or denied, including a summary of its rationale.

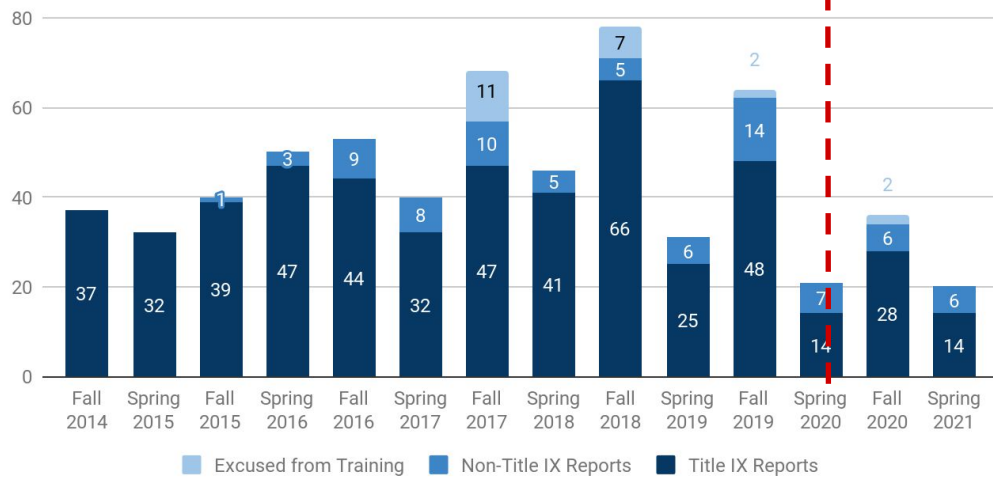
The Appeal Outcome shall either:

- affirm the finding,
- overturn and reverse the finding, or
- send the case back to investigator(s) with specific directions to reconsider the finding.

# 2020-21 Title IX Reports

## Title IX Reports Over Time

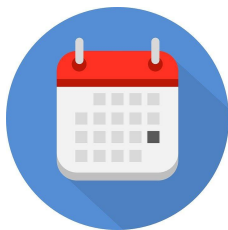
Title IX Reports 2014-2021



## 2020-21 Case Report

Incident Category	Fall '20	Spring '21
Dating Violence	8	1
<i>Non-Title IX</i>	6	6
Sexual Assault Unknown	4	3
Sexual Harassment	4	4
Non-Consensual Sexual Intercourse	3	1
General Sexual Misconduct/Training Excusal	3	1
Stalking	2	1
Gender Discrimination	2	-
Gender-Based Harassment	2	-
Non-Consensual Sexual Contact	1	3
Retaliation	1	-

## Spring 2021 Case Report



### When

6 of the 14 Title IX reports  
(**43%**) described incidents  
occurring in **spring 2021**



### Where

Over two-thirds (**71%**) of Title IX  
reports described incidents  
occurring **on campus**

Formal Title IX Resolutions Over Time					
	2016-17	2017-18	2018-19	2019-20	2020-21
<b># of Cases</b>	11	7	8	6	0
<b>Findings: Responsible</b>	9	5	7	4	N/A
<b>Findings: Not Resp.</b>	2	1	0	0	N/A
<b>Findings: Other</b>	0	1 - closed without prejudice	1 - closed without prejudice	2 - mixed findings, responsible and not responsible	N/A
<b>Sanctions Range: Students</b>	Included suspension, no-trespass orders	Included suspension	Included suspension, permanent no-trespass order	Included expulsion, permanent no-trespass order	N/A
<b>Sanctions Range: Employees</b>	Included termination	Included termination	Included termination	Did not include termination	N/A

## 2021 Campus Climate Survey

## Executive Summary

Student opinions continue to show ***a markedly positive trend to increase on nearly every survey measure***, including:



Perceptions of  
campus culture



Perceptions of  
Title IX process



Perceptions of  
faculty/staff/administrators



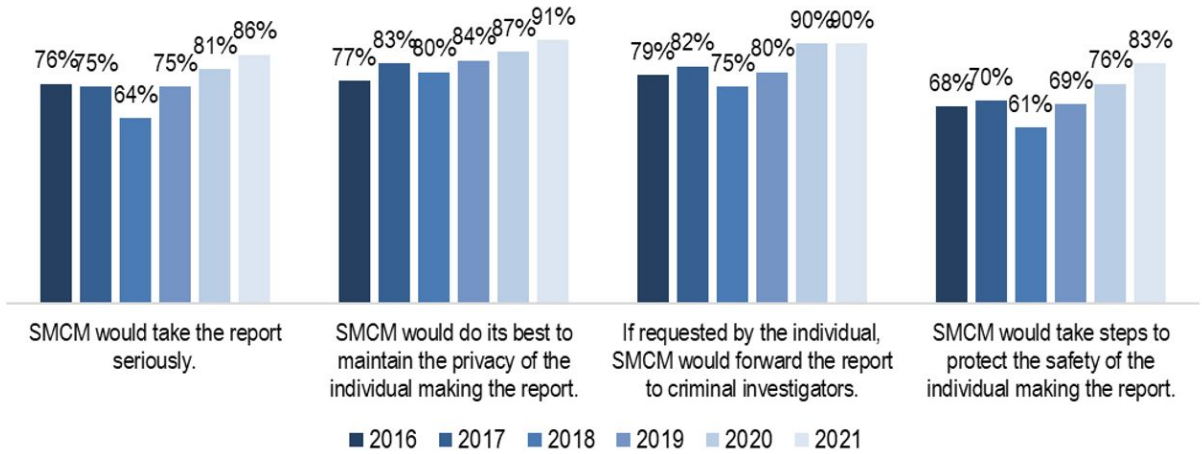
Knowledge of Title IX  
campus resources



***Many metrics have reached their most positive values in six years***, continuing an improvement that was evident in last year's survey.

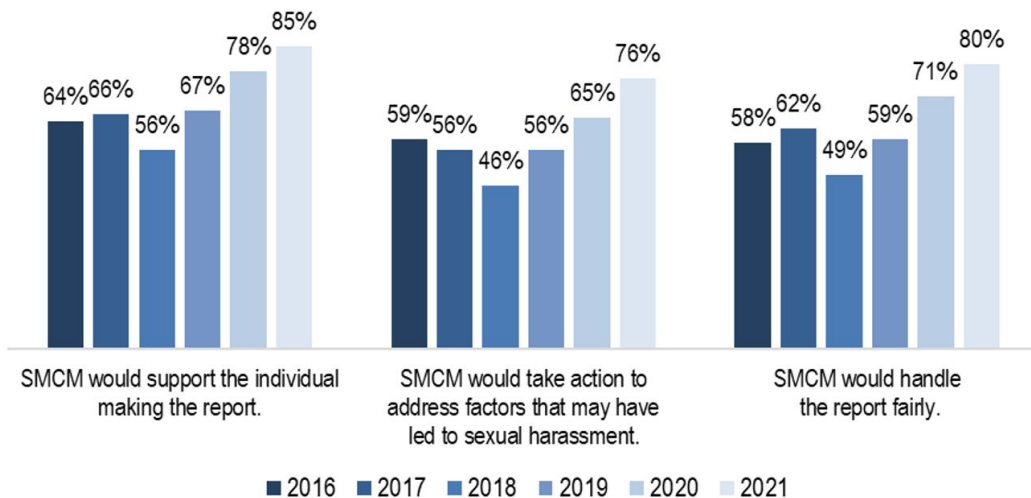


### Perceptions of How the College Would Handle an Incident of Sexual Harassment - Part 1



6-Year Highs

### Perceptions of How the College Would Handle an Incident of Sexual Harassment - Part 2



6-Year Highs

# Hotspot mapping

Survey Question Selection Options: During a typical year, where do you feel unsafe as it relates to sexual violence?



North Campus

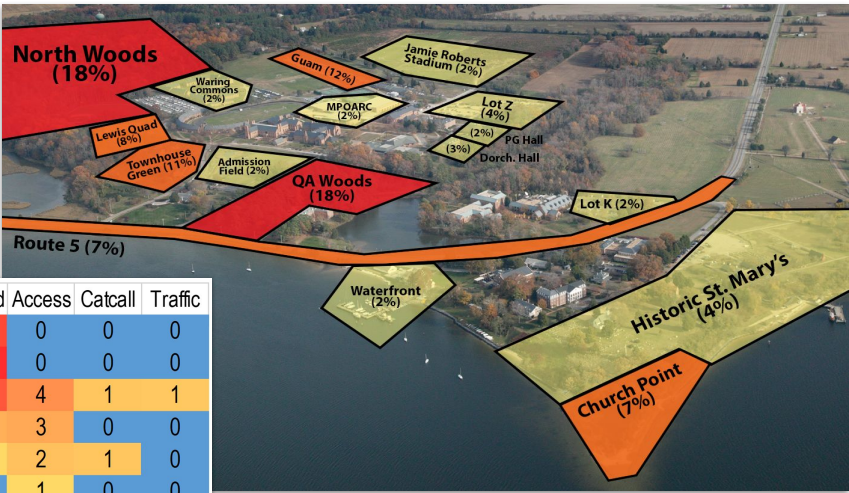


South Campus

## Hotspot Mapping Results



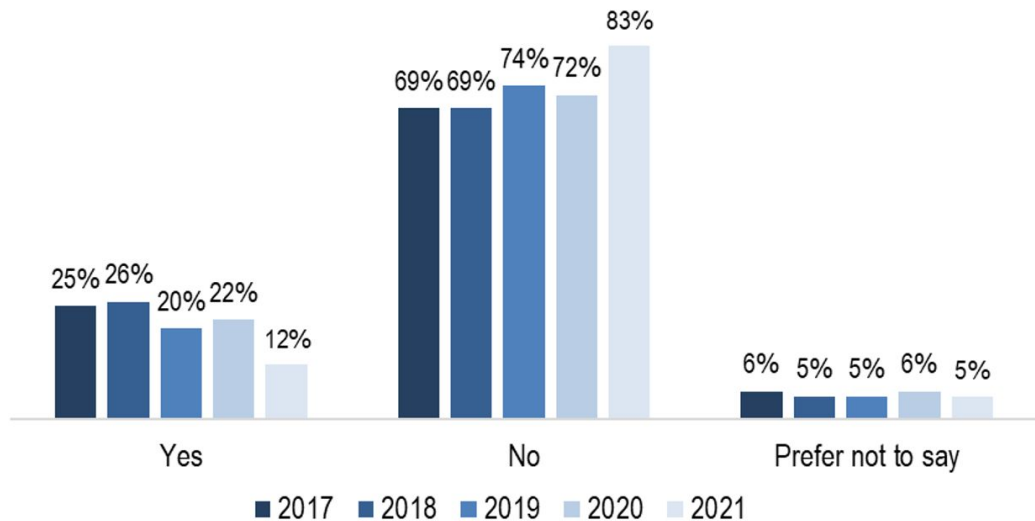
# Open-Ended Response Themes



	Dark	Social	Isolated	Access	Catcall	Traffic
QA Woods	41	0	27	0	0	0
North Woods	35	13	31	0	0	0
Guam	19	0	25	4	1	1
Church Point	12	5	12	3	0	0
Historic	9	1	6	2	1	0
Townhouses	6	30	0	1	0	0
Lewis Quad	4	12	3	1	0	0
Dorchester	5	5	1	0	0	0
Route 5	3	0	1	8	9	10

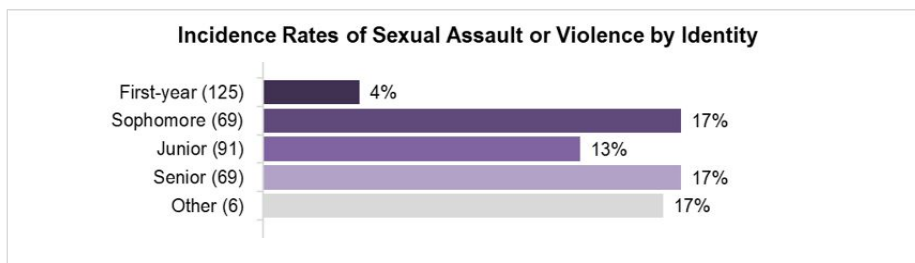
Incidences of  
Sexual Assault / Sexual Violence

## Incidence Rates of Sexual Assault or Sexual Violence



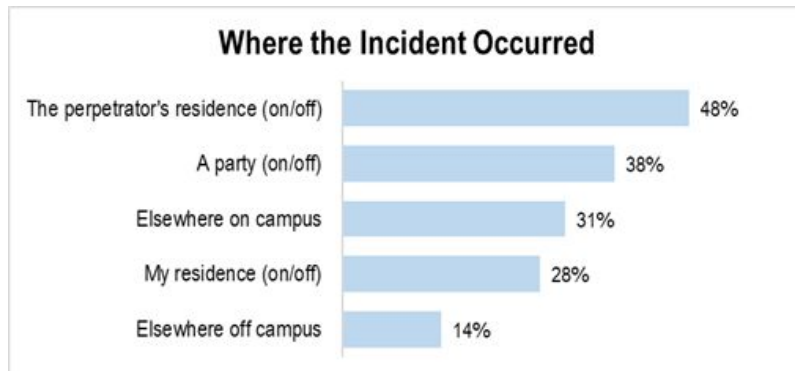
## High-Risk Times and Incident Rate by Class Year

- Nationally, **first-year students are the highest-risk group** on a campus.
- This is also reflected in our data: 62% (18) of SMCM students who disclosed an assault said it occurred during their first year. Last year's data was similar (61%).
- This year, first-years had a **significantly lower incidence rate** (4%) than their upper-class peers (13-17%).



## Incident Location Results

- 83% (n=29) of participants reported that the incident occurred on campus
- Due to a low number of responses, we condensed the results to protect participants' privacy:



## High-Risk Times: Considerations

- Changes to campus life due to the pandemic may have protected first-years against sexual violence.
- **Did first-years acquire protective factors** against sexual violence (i.e., getting connected on campus, having supportive friends) that may prevent them from experiencing sexual violence in the future?
- Or, **was a “red zone” window of risk simply paused** or delayed?
- With this in mind, in fall 2021 we will heighten our **prevention efforts for returning sophomores**, in addition to ongoing “red zone” strategies.

# New Stuff in 2021

## Updates

[Policy to Support Pregnant and Parenting Students](#)

Prevention **Volunteer Opportunities**

Hotspot Mapping **Focus Groups**

**SMP Fund** - grants to support St. Mary's Projects on topics relating to sexual violence prevention and engaging men and boys to prevent violence. Visit [www.smcm.edu/title-ix](http://www.smcm.edu/title-ix) for more information!

The **Title IX Office** is now part of The Division of Inclusive Diversity, Equity, Access, and Accountability (IDEAA)





Thank You!

**Office of Title IX Compliance and Training**

Lucille Clifton House

[www.smcm.edu/title-ix](http://www.smcm.edu/title-ix)

**Michael Dunn**

Assistant Vice President of Equity and  
Inclusion / Title IX Coordinator

[mkdunn@smcm.edu](mailto:mkdunn@smcm.edu)

**Helen Ann Lawless**

Assistant Director  
Title IX Office

[hlawless@smcm.edu](mailto:hlawless@smcm.edu)