Student Sexual Harassment (Title IX)
Presentation to
CU Anschutz Faculty Assembly

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Overview of Presentation

• Increasing focus on student sexual harassment/sexual violence on and off campus

• Sexual harassment
  – Title IX (student) and HR (faculty and staff)
  – Definitions
  – Process

• Roles and resources vis-à-vis others on and off campus

• Faculty obligation to report

• Scenarios
In the news . . .

64 Colleges Are Now Under Investigation For Their Handling Of Sexual Assaults

Sixty-four colleges and universities are under federal investigation over how they handled sexual assault cases on campus.

The U.S. Department of Education’s Office for Civil Rights began disclosing colleges under review for their handling of sexual assault cases following a House task force on campus rapes. The Department of Education faced activists and members of Congress for greater transparency, as college students and advocates for survivors of sexual assault increasingly demand a more robust response from universities.

Colleges Are Breaking the Law on Sex Crimes, Report Says

New survey amid push for congressional action

Many American colleges and universities are bucking federal law in their handling of campus sexual assaults, according to a survey released Wednesday by a top lawmaker on the issue.

Senator Claire McCaskill, a Missouri Democrat, said the results reveal a broad failure by many schools but also offer possible solutions as she and a bipartisan group of lawmakers draft legislation to address the problem. They’re likely to produce a bill around the time students head back to campus this fall.

The survey results come as pressure grows on higher-education institutions to improve their handling of sexual assaults.
How You Might Be Feeling as Faculty
CU Sexual Harassment Definitions

Sexual harassment consists of interaction between individuals of the same or opposite sex that is characterized by unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

(1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, living conditions and/or educational evaluation;

(2) submission to or rejection of such conduct by an individual is used as the basis for tangible employment or educational decisions affecting such individual; or,

(3) such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance or creating an intimidating, hostile, or offensive working or educational environment.

Sexual Harassment Definitions

Hostile environment sexual harassment: Unwelcome sexual conduct that is sufficiently severe or pervasive that it alters the conditions of education or employment and creates an environment that a reasonable person would find intimidating, hostile, or offensive.
Discrimination Prohibited

- Sexual Harassment
- Sexual Violence
- Dating Violence
- Sexual Assault
Obligation to Report

• CU Policy: Any supervisor who experiences, witnesses or receives a written or oral report or complaint of sexual harassment or related retaliation shall promptly report it to a campus sexual harassment officer. A supervisor is anyone who has the authority to hire, promote, discipline, evaluate, grade or direct faculty, staff, or students.

• Title IX guidance: A “responsible employee” is essentially anyone who has, or appears to have, some authority to take action to end sexual harassment or assault.

• Key point: Report anything that appears to be inappropriate conduct of a sexual nature
CU Sexual Harassment Policy

CU Students
Governed by federally-mandated Dept of Education *Title IX* procedures
Resource: Regina Kilkenny or Anthony Antuna

CU Faculty/Staff
Governed by CU HR procedures
Resource: Doug Kasyon

Non-CU students or faculty
Governed by whomever is responsible for respondent

When student is complainant or respondent, *Title IX* rules
Title IX of the Educational 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 education program receiving federal financial assistance.”
In Cases of Sexual Violence

Law enforcement

Report at victim’s discretion;
Governed by criminal law

Sexual Harassment Investigation

Once CU is made aware, CU must investigate

If assault occurs on CU campus, call CU police ASAP
If assault occurs off-campus, call police within jurisdiction ASAP
Title IX Contacts

Regina Kilkenny, Title IX Coordinator, CU Anschutz Medical Campus
– Regina.kilkenny@ucdenver.edu
– 303-724-8070

Raul Cardenas, Title IX Coordinator, CU Denver Campus
– Raul.cardenas@ucdenver.edu
– 303-315-2110

Anthony Antuna, Sexual Harassment Investigator (Title IX and faculty/staff)
– Anthony.antuna@ucdenver.edu
– 303-315-2730
Other Resources
Relative to Student Harassment/Assault

• CARE Team (concerning student behaviors)
• CU Anschutz Student Mental Health Service (individual psychiatry services)
• School/College student codes of conduct (student professionalism issues)
• Human Resources (for cases when a student is neither the complainant nor respondent)
• Ombuds Office (confidential support)
• Law Enforcement (sexual assault/violence)
Title IX Investigative Process

• Outreach and Initial Interview with Complainant
• Implementation of Interim Measures
• Initial Review and Notice
• Full Investigation
• Standing Review Committee
• Sanctions (determined by school/college)
• Appeal Process

http://www.ucdenver.edu/about/WhoWeAre/Chancellor/ViceChancellors/Provost/StudentAffairs/UniversityLife/sexualmisconduct/AMCpolicies/Pages/Policies-and-Procedures-for-CU-Anschutz-Students.aspx
Retaliation Prohibited

No retaliation is permitted against those bringing the complaint before or after the investigation (complainant and witnesses).
Confidentiality

- Reports are kept confidential to the extent possible and names redacted
- Protected from disclosure under FERPA and Colorado Open Records Act
Mistakes Made by Faculty or Staff

- Managing/investigating complaint on their own
- Believing they are better qualified to handle situation because of relationship with one or both parties
- Being inconsistent in handling complaints
- Immediately judging the report as true or false
- Minimizing concerns from complainant
- Unwilling to separate individuals during an investigation
- Not recognizing potential sexual harassment situations
Mistakes Made by Faculty or Staff (cont)

- Not seeking assistance when they aren’t sure what they’re seeing
- Not recognizing their status as mandatory reporter under university policy and failing to report
- Improper referrals (e.g., sending complainant to CSEAP or Ombuds after learning of the report)
- Not documenting discussions or incidents
- Not documenting performance prior to a complaint
Today’s Take Aways

- YOU needn’t determine whether sexual harassment has occurred; you are to report to those who understand the policy and definitions.
- When in doubt and a student is involved, send to Title IX Coordinator; when a student is not involved, send to Human Resources. If you’re not sure, send to investigator Anthony Antuna.
- When student is complainant or respondent, Title IX rules.
- Report, report, report!!!
Scenario #1

You are a faculty mentor. A female student mentions to you informally that she was inappropriately touched and talked to during an off-campus rotation six months ago. She didn’t want to say anything at the time and thinks it’s too late to come forward now. She’s hesitant to raise a stink about it because it might negatively impact her career plans.
Scenario #2

You are a faculty member and Karl, a student in one of your classes, describes to you various conversations in his problem-based learning group. The conversations have included talk about same-sex marriage, the Defense of Marriage Act and the Supreme Court, and whether the state of Colorado should allow same-sex marriages. Karl, who describes himself as homosexual, says he feels like this is sexual harassment given his sexual orientation. You disagree, because the conversations don’t sound offensive or hostile.
Scenario #3

You are an Assistant Professor and believe you are being sexually harassed by your Department Chair; she seemed to be interested in you when you first joined the university, and when she found out you were in a relationship, her behavior changed and now she seems to be finding ways to make your professional life difficult such as through committee assignments and a hostile attitude during department meetings.