

TITLE IX @ CANISIUS: RESPONSIBILITIES + REPORTING

**Athletic Staff Education
DECEMBER 2, 2020**

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Overview

Title IX @ Canisius: Responsibilities + Reporting

- Overview of Title IX
- Title IX Coordinator & Deputies
- Role of the Title IX Coordinator
- Responsibilities
- Cyberstalking
- Reporting Options
- 2020 Policy Updates
- Process
- Questions

WHAT IS 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.”

-Title IX Education Amendments of 1972

WHAT IS TITLE IX?

Sexual Harassment, including **sexual violence**, is a form of **sex discrimination** and is prohibited by Canisius College.

Sexual or Gender-Based Misconduct (occasionally referenced also as Misconduct) - an umbrella term that includes:

- sexual harassment
- sexual assault
- domestic violence
- dating violence
 - stalking
- sexual exploitation
 - coercion.

Canisius College Title IX Team

Get to Know Us.

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Role of the Title IX Coordinator



Primary Responsibilities

EDUCATOR

Ensure the campus is educated on campus policies and resources available, in addition to prevention.

REPORT TAKER + SUPPORTER

Serve as the primary report taker for the institution of any complaints. All students have rights to supportive measures.

FACILITATOR

Facilitate process should a reporting party decide to proceed with their report.

Most importantly: Ensures all students' rights are protected.

(MORE) RESPONSIBILITIES



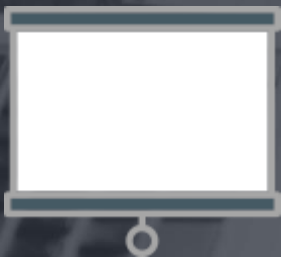
- On-call responder



- Guidance provider/Support



- Policy reviewer



- Trainer

Stalking vs. Cyberstalking

Stalking

- The term stalking means to engage in a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others.

Cyberstalking

- The repeated use of electronic communications to harass or frighten someone, for example by sending threatening or fearful messages on social media.

***13% of college women indicate that they have stalked at some point in their past. (EVERFI, Shelley Kilpatrick)**

Cyberstalking

- Use of internet
 - Cell Phone, Location Services
- Social Media
 - Easier to find information on individuals
 - Difference between Searching and Stalking (LinkedIn)
- Examples:
 - Emails
 - Texts
 - Social Media
 - Threatening messages
 - Encouraging others to send messages
 - Posting unwanted information about someone
- Tips to prevent:
 - Secure passwords
 - Monitor Internet for personal information
 - Limit information:
 - Facebook
 - Twitter
 - Snapchat (Location)
 - Instagram (Use)

CYBERSTALKING VIDEO

- Video from the University of Oklahoma shows what stalking or cyberstalking could look like on a college campus.
- [Campus Stalking](#)

SOME UPDATES FROM THE 2020 POLICY:

Actual Knowledge: Written or oral notice of allegations of Sexual or Gender-Based Misconduct, as defined in this Policy, given to the College's:

- Title IX Coordinator
- President
- Vice President for Academic Affairs
- Vice President for Student Affairs
- Vice President for Business and Finance
- Associate Vice President for Human Resources and Compliance
- Director of Athletics
- Director of Public Safety

...constituting the **officials of the College who have the authority to institute corrective measures on behalf of the College**, shall constitute actual knowledge of the College with respect to the facts reported to them. Even if other employees have been trained to make such reports or advise students as to how to report, that training also does not qualify the individual as one who has authority to institute corrective measures on behalf of the College, or receive actual notice on behalf of the College.

SOME UPDATES FROM THE 2020 POLICY:

College Representatives: (Formerly "Mandated Reporters")

- Public Safety staff
- Student Affairs professionals
- Resident Assistants and Hall Directors
- Coaches, Trainers and Athletics staff
- Club and organization advisors
- Individuals designated as Campus Security Authorities for Clery Act compliance purposes
- Faculty and staff who are not Confidential Resources:
 - Confidential Resources:
 - Clergy, Counseling Center, and Student Health
- All College Representatives are required to **promptly report to the Title IX Coordinator upon receipt of any information** regarding an alleged act of Sexual or Gender-Based Misconduct. However, information regarding Sexual or Gender-Based Misconduct shared with College Representatives who are not one of the specified employees in the Actual Knowledge provision, above, shall not constitute notice to the College.

REPORT V. FORMAL COMPLAINT

REPORT

- Information about an alleged incident of sexual harassment provided by a Reporter to the Title IX Coordinator, or a non-confidential College employee.
 - Note: a Report is not a Formal Complaint, and does not in and of itself, trigger an investigation or any adjudicatory process under this Policy.
 - The Reporter providing a Report also may ask that his/her identity not be disclosed, may decline to disclose the identity of the subject allegedly committing a Policy violation, or any factual details of the alleged violation.

FORMAL COMPLAINT

- A document filed by a Complainant with the Title IX Office at the College, or signed by the Title IX Coordinator, alleging acts of Sexual or Gender-Based Misconduct against a Respondent.
- Requesting that the College investigate such allegations.

REPORTING OPTIONS



Make a report to College Public Safety, local law enforcement, and/or state police, or choose not to report



Make a report the incident to the Canisius Title IX Coordinator or a College Representative, or choose not to report



Receive assistance (e.g. Supportive Measures) and appropriate support resources from the College

FORMAL COMPLAINT OPTIONS



**Send Email
to TIX Coordinator**



**Meeting with TIX
Coordinator**



Mail



FORMAL COMPLAINT AND HEARING PROCESS

- Assign two trained investigators to complete investigation.
 - After investigation Title IX Coordinator will determine if process moves forward.
- **Assign a Hearing Panel Coordinator and Hearing Panel for the case. Copy of Investigative Report and relevant materials provided.**
- HPC provides all parties and team assigned Notice of Hearing.
- **Hearing is held in accordance with Hearing Procedures outlined in SGBM Policy.**
- A Written Notice of Determination is sent to both parties no less than 10 business days after (we aim for no more than 2-3).
- **Both Parties are provided the opportunity to file an appeal within 5 business days.**
- Appeal Panel is assigned to review hearing, materials, and make a determination of the appeal.
- **A Written Notice of Determination is sent to both parties.**

SOME UPDATES FROM THE 2020 POLICY:

Preponderance of Evidence: (This did not change for us.)

- The preponderance of evidence standard is the standard that will be applied by the College in determining whether a Policy violation has occurred.
- Administrators and Hearing Panels charged with rendering a decision of Policy violations **must be convinced, based on the information provided, that a Policy violation was more likely to have occurred than to not have occurred, based upon the credible evidence submitted**, in order to find a Party responsible for any violation of this Policy.
 - 50.1% vs. 49.9%

Questions + Answers

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