Title IX at Puget Sound
Tiffany Davis,
Deputy Title IX Coordinator
What is Title IX?
How do we comply?
What does this have to do with me?
What to report?
How to report?
How does Puget Sound address complaints?

Objectives
Title IX of the Education Amendments Act 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
Title IX Overview

- Civil Rights legislation specifically addressing gender in education
- U.S. Department of Education Office for Civil Rights (OCR)
- Dear Colleague Letters
- Federal Courts
Who, where, what?!

- Title IX broadly defines “person” and is not limited to students.
- The “person” does not have to actually be in the United States.
- Educational program or activity receiving federal financial assistance means exactly that.
VI, VII, Clery, VAWA oh my...

Surprise!!!

Title IX is not the only law governing our compliance regarding sexual misconduct.
What is “Sex Discrimination?”

Sex discrimination includes all forms of sexual harassment, including sexual violence by and/or against employees, students, or third parties.

AND...Unequal pay based on gender, discrimination on the basis of pregnancy, unequal distribution of athletic funds, unequal admissions and financial aid practices and so much more.
Impact of Sexual Misconduct on those Involved

- Falling grades
- Drop out/fail out/resign
- Mental health issues
  - Depression, Post-traumatic stress disorder
  - Alcohol and drug use
  - Contemplation of suicide
- Time lost from class/work
- Potential expulsion from school/termination of employment
- Impact on ability to obtain a medical license or get recommendations
- Stigma
Impact of Sexual Misconduct on the Institution

- Community safety
- Retention
- Legal liabilities for Puget Sound and individuals
- Reputation
- Demands on fiscal resources
**It’s the law.**

Puget Sound is obligated by law to address complaints of sex based discrimination. We must:

- Investigate thoroughly, reliably, and impartially.
- Process complaints promptly, effectively, and equitably.
- End discrimination, prevent its recurrence, and remedy the effects on the victim and the community.
So...when does this kick in?

- Once a **Responsible Employee** has either actual or constructive notice of sexual harassment or sexual misconduct, Puget Sound must take action.
- This is where **YOU** come in!
What does this have to do with me?

A responsible employee includes any employee who:

- Has the authority to take action to redress the harassment,
- Has the duty to report harassment or other types of misconduct to appropriate officials, OR
- Is someone a student could reasonably believe has this authority or responsibility.

In short—YOU! And YOU! And YOU! And YOU!
Yes...you too.

This includes deans, department chairs, faculty, staff, student staff, and others. *
Well, not you.

- Licensed Professional Counselors
- Clergy
- Medical Professionals

Everyone else is required to report!!
Here at Puget Sound

Dave Wright—Chaplain

CHWS—licensed professional counselors and medical professionals

Marta Cady—confidential-ish
Now that that’s out of the way, who do I report to?

Title IX Coordinator – Michael Benitez, Chief Diversity Officer, Dean of Diversity and Inclusion
Deputy Title IX Coordinator – Tiffany Davis, Assistant Director of Diversity and Inclusion

titleix@pugetsound.edu
253.879.2827
https://www.pugetsound.edu/sexual-misconduct-resource-center/
what-to-do/reporting-harassment-or-sexual/file-a-report/
Pretty much these folks.
In the Case of an Emergency

- Call 9-1-1
- Security Services 253.879.3311
What should I report?

Observed, experienced, or known sex discrimination, including sexual harassment and sexual violence. Doesn’t matter if it occurred on campus, off campus, spring break in Miami, study abroad in Paris, yesterday, last week, or two years ago.
What do I include in the report?

ALL information you have:
1. Who, what, when, where, how
2. Your name
3. Your contact information

Unless you want to report anonymously for yourself.*
When do I report?

IMMEDIATELY.

At least within 24 hours of knowing.
Hold on a minute! I have questions!!!
Reluctant Victim

What if the person doesn’t want to file a complaint?

What if the person is reluctant to cooperate?

What if they ask me not to tell?
As responsible employees you are required to report regardless of requests for confidentiality.

Rest assured the Title IX staff are professional and information is never broadcast.
What about confidentiality?

The university will protect your privacy to the extent possible under the law.

The university is required by law to investigate, but that investigation will be limited by the information provided by victims and the victims’ interest in pursuing a formal complaint process.
We may still be able to help by providing remedies and resources, as well as assessing training and safety needs on campus.

What’s the point in reporting if the person doesn’t want a formal process?
Confidentiality must be balanced with the safety of other members of the Puget Sound community.

Why isn’t confidentiality guaranteed?
Who can I talk to confidentially if I’m affected?

Local off-campus resources
Licensed mental health professionals
Clergy

If you’re not sure of someone’s ability to keep information confidential, ASK THEM.
You’ve reported. What now?

The TIX Staff will inform you or the victim about:

- Available medical services, counseling, and academic support services, whether on or off campus.
- Options, including the Title IX process, filing a criminal complaint, using the campus judicial procedure.
- Available interim measures.
Investigation

Options for complainant

× Criminal
× Institutional
  × Campus Policy Prohibiting Sexual Misconduct
× Civil
Campus Policy Prohibiting Sexual Misconduct (CPPSM)

× Applies to EVERYONE.
× Defines a range of violations.
× Addresses retaliation.
× Process is based on the status of the respondent.
How is the complaint reviewed?

1. Report received
2. Interviews conducted with the reporting party(ies), complainant and accused (separately)
3. Witness interviews
4. A review of party statements submitted
5. Investigative report is created and passed on respective processes
What protections are offered to parties?

- All parties will be treated equitably and fairly
- Retaliation against ANY participants in the process is prohibited
- Alternative arrangements during hearings
- Prompt investigations
- Notice of outcome
Retaliation

Unlawful for the school to retaliate against someone for bringing a complaint forward or participating in an investigation.

It is a violation of policy for the respondent to retaliate against a party for participation in an investigation.
If you have knowledge of sexual harassment or sexual assault, you must report. Puget Sound has an obligation to investigate. Puget Sound will take any and all appropriate actions to
  - Stop the harassment
  - Remedy the effects
  - Prevent recurrence
While waiting in line to order coffee, you overhear a conversation between a first-year female student and an Aerospace Engineering professor. The student is talking about her interest in switching her major to Aerospace Engineering after taking his class this semester. He told her that, even though she seemed to be doing well in his introductory course, he didn’t think she should bother switching majors. In his experience, female students rarely followed through and stuck to the major because “they really struggle in my higher-level courses.” The student cashier interrupts: “Don’t you think it’s a little unfair that she wouldn’t succeed in Aerospace Engineering just because she is a woman?” The professor tries to apologize, and although the first-year student accepts his apology, she leaves with her coffee looking defeated.
Who should file a report?

- First-Year Student
- Me
- The Student Cashier
- All of the Above
Scenario 2

You receive an email from a male student complaining that a female faculty member in your department is making inappropriate, flirtatious comments in class. The student requests confidentiality because he is concerned about retaliation by the faculty member.
Is this a Title IX matter?

Yes

No
You and a coworker are getting lunch, and you notice that his phone won’t stop beeping. He’s clearly irritated by this, as it keeps interrupting your conversation. Apologizing, he tells you that he and his boyfriend broke up 2 months ago and he won’t leave him alone. “He keeps calling and texting me even though he knows I’m busy, and I’ve made it very clear that I don’t want to talk to him.” You learn that, even though he doesn’t pick your coworker up from work anymore, he still shows up and waits for him outside the building.
You tell him that, as a responsible employee, you are required to report this. You can report it to (choose the best answer):

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<tr>
<th>Option</th>
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<tr>
<td>Your supervisor, since you work in the same department.</td>
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<tr>
<td>The Title IX staff</td>
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<tr>
<td>Security Services</td>
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<td>Dave Wright, the University Chaplin</td>
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<td>Both B and C are correct</td>
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Workshop Online Evaluation at pugetsound.edu/pdecWorkshopSurvey
(not case sensitive)