



Creating A Safer U Title IX Updates

Yulanda L. McCarty-Harris, J.D.,

Director, Title IX Coordinator, Senior Certified Affirmative Action Professional (Sr. CAAP)

y.mccartyharris@csuohio.edu

Mariah Butler Vogelgesang, J.D., SPHR

Associate Director, Deputy Title IX Director

m.vogelgesang@csuohio.edu

Office for Institutional Equity

<http://www.csuohio.edu/institutional-equity/institutional-equity>

216-687-2223

A Brief Overview What You Should Know!

- » CSU is committed to creating and fostering a working and learning environment where all members of the community can thrive. We seek to provide you with the knowledge and resources to contribute to a community free from discrimination, harassment and violence.
- » CSU's AA/EO Non-Discrimination Statement updated on April 2014. In addition to protected classes under state and federal law, CSU policy also covers sexual orientation, gender identity and/or gender expression as protected class status.
- » See also the Notice of Non-Discrimination on the OIE website. (Title IX requirement – can be added to departmental or divisional webpage. Link is <http://www.csuohio.edu/institutional-equity/institutional-equity>.
- » CSU's Discrimination/Harassment Policy updated in 2014. The Procedures were recently updated again and became effective July 1, 2016. Please pay attention to the definition of “consent/consensual”. It has changed.

“Consent/Consensual”

- » is clear communication given by words or actions that shows an active, knowing and voluntary agreement to engage in mutually agreed-upon sexual activity. Consent is given freely and voluntarily.
- » Consent may not be inferred from passivity or when an individual is Incapacitated or otherwise prevented from giving Consent as a result of impairment due to a mental or physical condition or age.
- » No Consent exists when there is a threat of force or physical or psychological violence.
- » Although Consent may be given initially, it may be withdrawn at any point without regard to activity preceding the withdrawal of Consent.
- » The voluntary nature of Consent will be subject to heightened scrutiny in circumstances in which a person engages in a sexual relationship with a person over whom he or she has any power or authority within the university.

Where to find CSU Policy & Procedures

- » See the Office of University Compliance website

(<http://www.csuohio.edu/compliance/compliance>)

Interactive Online Training Program

New Students*/New Employees

- > Title IX of the Education Amendments of 1972 and the Campus Sexual Violence Elimination (SaVE) Act.
- > Provides information on resources for reporting and resolving violence, including links to CSU's policies and procedures.

Title IX is an important federal civil rights law that prohibits discrimination in education on the basis of sex in education programs and activities that are the recipients of federal money. Recent federal legislation created the SaVE Act to complement Title IX, and to help protect students from sexual violence on campus. It states:

“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.”

*** Graduate Students are sent the United Educators online training.**

Reporting Requirements

- » Any employee, student, campus visitor or person participating in a university activity, whether on or off-campus, who believes he or she has experienced or witnessed discrimination and/or harassment is encouraged to report the incident(s) promptly.
- » While all individuals are encouraged to report, certain individuals are required to do so in accordance with applicable laws and policies. Prompt reporting of complaints is vital to the University's ability to resolve the matter.

Duty to Act (Responsible Employees*)

- » (a) Any executive or administrative officers, dean, chair/director; faculty or administrative supervisor; faculty member; coach; or human resources consultant who becomes aware of information that would lead a reasonable person to believe that discrimination and/or harassment has occurred.
- » Must notify OIE, by ensuring that a Discrimination/Harassment Complaint Form or other appropriate documentation is filed within five working days of becoming aware of the information.
- » **Graduate assistants and student employees** have a duty to report violations of this policy of which they become aware in the course of their duties when these duties include responsibility for the safety and wellbeing of other members of the campus community or if they have supervisory, evaluative, grading, or advisory responsibility over other members of the campus community.

* 'According to OCR's 2001 Guidance, a responsible employee includes any employee: 1) who has the authority to take action to redress sexual violence; 2) who has been given the duty of reporting incidents of sexual violence or any other misconduct by students to the Title IX Coordinator or other appropriate school designee; or 3) whom a student could reasonably believe has the authority or duty. US Dept. of Ed. Office of Civil Rights Questions and Answers on Title IX and Sexual Violence (April 2014), pg. 15 and emphasis added.

Academic Accommodation Language

VII. Interim Measures

- » A. Upon receipt of a report of a violation of the Policy, the Office for Institutional Equity shall work with the Complainant to take measures to support the Complainant. In the absence of a formal complaint or investigation, the support may include issuing a “no contact order,” to the potential Respondent, and working with the appropriate University administrator to make reasonable adjustments in the Complainant’s workplace, academic arrangements and/or campus living arrangements. When the Respondent is not a student or employee of the University, the no contact order will include a prohibition against the Respondent coming to campus. If a formal complaint is filed or the University initiates an investigation of a report, the Office for Institutional Equity may take additional interim measures as set forth in section VII.(B) through (D) below.
- » B. Interim measures for students and employees will be imposed in consultation with the administrator with direct supervisory responsibility over the party; i.e. if an interim measure is to be taken with respect to a student, the Vice President of Student Affairs will be consulted; if the interim measure is to be taken with respect to an employee, the Chief Human Resources Officer will be consulted; if an interim measure is to be taken with respect to a faculty member or academic administrator, the Provost Office will be consulted; if an interim measure is to be taken with respect to a vendor, the Vice President for Business Affairs and Finance will be consulted. The Office for Institutional Equity will inform all parties of the interim measures to be taken.

Academic Accommodation Language

XV. Corrective Action Implementation

- » A. When discrimination and/or harassment is found, remedies, including corrective action, will be taken to ensure that the behavior is stopped promptly, the effects, if any, are remedied and that reoccurrence is prevented, whenever possible. Appropriate corrective action may range from, written reprimands, removal of University privileges, removal or suspension from programs, activities and organizations, restrictions on movement on campus, including prohibitions from certain facilities, suspensions, or other action up to and including termination or expulsion. Corrective action will be implemented in accordance with established University rules, procedures and collective bargaining agreements, if applicable. Other appropriate remedies may include providing an escort, ensuring that the Complainant and Respondent do not attend the same class or work together, relocation to a different residence hall or work area, providing counseling services, providing additional academic support services, arranging for the Complainant to re-take a course/withdraw from a class without penalty, reviewing any disciplinary actions taken against the Complainant to see if there is a causal connection between the harassment and the misconduct and adverse action, and training/education initiatives.

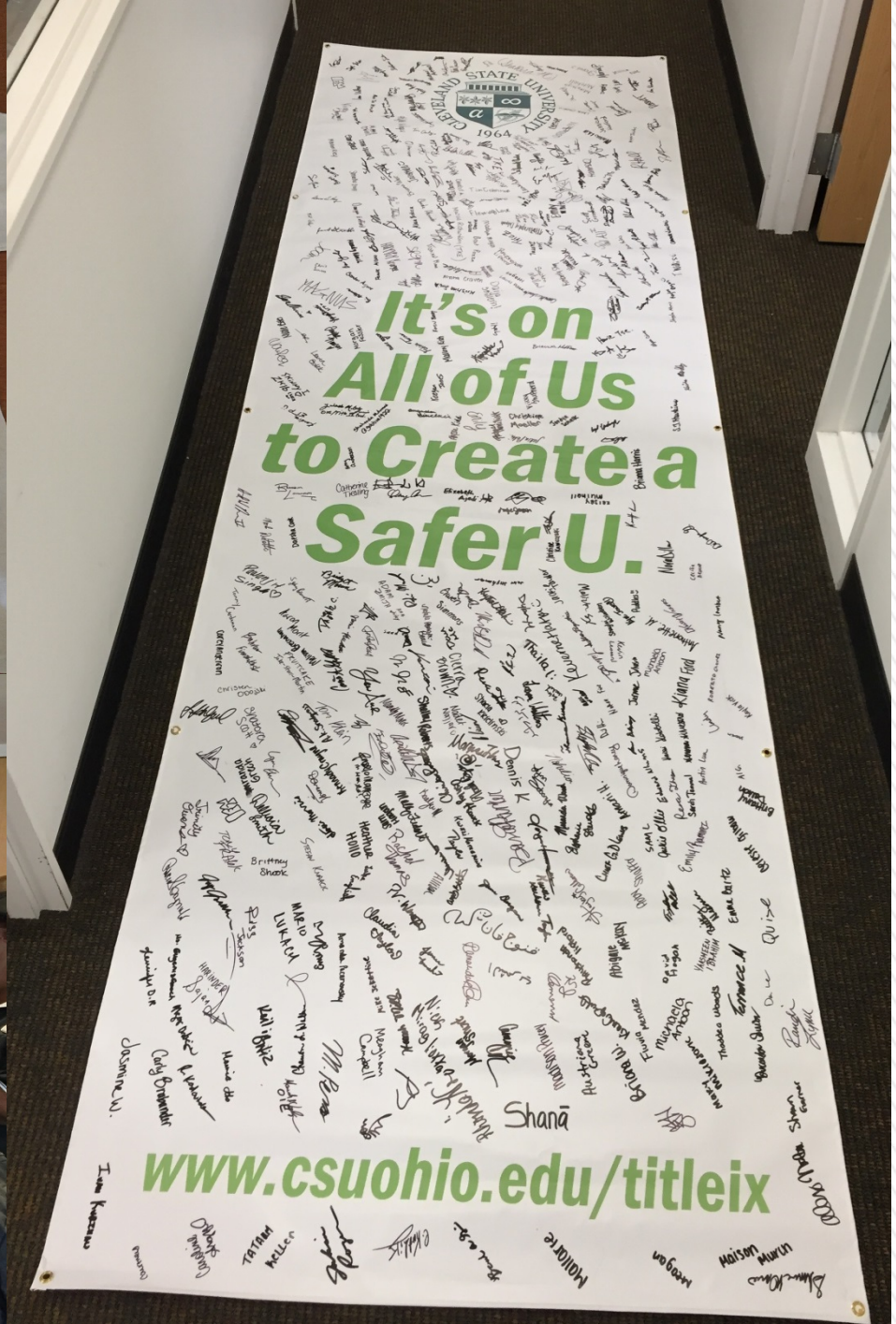
Counseling & Support

For contact information, resources and support, visit

www.csuohio.edu

- » CSU Counseling Center **216-687-2277***
- » CSU Employee Assistance Program **(800) 227-6007***
- » CSU Health and Wellness Services **216-687-3649***
- » CSU Marejoyce Green Women's Center **216-687-4674**
- » CSU Office for Institutional Equity **216-687-2223**
- » CSU Office of Judicial Affairs **216-523-7346**
- » CSU Ombudsperson – contact the Provost Office **216-687-3588**
- » CSU Police **216-687-2020**
- » CSU Residence Life **216-687-5196**
- » Cleveland Rape Crisis Center **216-619-6192***
- » Domestic Violence & Child Advocacy Center of Cleveland **216-229-2420 or 216-391-HELP** for emergency assistance*
- » Legal Aid **216-687-1900**
- » Witness/Victim Services Center **216-443-7345***

*denotes a confidential resource





A Final Reminder:

*It's on All of Us to
Create a Safer U*



Thank you!!

