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Lessons learned regarding Title IX and sexual misconduct on campus

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Lessons learned regarding Title IX and Sexual Misconduct on Campus

Thursday Forum
October 16, 2014

COLLEGE OF
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Title IX

Of the **Higher Education Amendments of 1972** (Public Law No. 92-318, 86 Stat. 235) which stated in part:

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.



Dear Colleague Letter

Issued by DOE Office of Civil Rights on April 4, 2011 noted that:

- *The sexual harassment of students, including sexual violence, interferes with students' right to received an education free from discrimination, and in the case of sexual violence, is a crime.*
 - *1 in 5 women are victims of completed or attempted sexual assault while in college.*
 - *6.1% of males were victims of completed or attempted sexual assault during college.*

Required educational institutions receiving federal aid to:

respond promptly and effectively to sexual violence against students in accordance with the requirements of Title IX.



Requires Prompt and Effective Response to Sexual Violence Against Students...

Title IX requires schools that know or reasonably should know about student-on student harassment that creates a hostile environment to:

1. Take immediate action to eliminate the harassment
2. Prevent its recurrence
3. Address its effects



Additional Requirements...

1. Publish notice of nondiscrimination
2. Adopt and publish grievance procedures
3. Ensure that employees are trained in how to report harassment to appropriate school officials
4. Notify all students and employees of the Title IX Coordinator(s) and their contact info
5. Ensure that all employees involved in dealing with a grievance have adequate training
6. Provide adequate, reliable, and impartial investigation of complaints
7. Use the “preponderance of evidence” standard in resolving complaints



CSB/SJU Response

1. Presidents appointed respective Title IX Coordinators for their respective institutions
2. Approved a separate, stand-alone [Sexual Misconduct Policy](#) that is consistent with Title IX requirements
3. Developed and published [Complaint Procedures for Sexual Misconduct Violations](#) that are consistent with Title IX requirements
4. *Provided training to Title IX officers, Investigators, Hearing Committee members*
5. Educational Programming



So, what happened?

a look at sexual misconduct reports at CSB/SJU...

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Reports of Sexual Misconduct

	2013-2014	2012-13	2011-12	2010-11	2009-10
Sexual Assault	10	7	6	8	0
Sexual Harassment	10	2	1	3	2
Sexual Orientation	0	0	0	0	3
Sex Discrimination	0	0	0	0	4
Dating Violence	3	NA	NA	NA	NA
Stalking	1	NA	NA	NA	NA

Sexual Assault Complaints 2013-2014

	Complainant	Respondent	D/O Incident	Location	D/O Report	D/O Finding	Finding
1	CSB SO	SJU SPEC	10/13	CSB Res	10/16	11/12	Responsible
2	CSB FR	SJU SR	12/14	SJU Res	12/20	2/11	Responsible
3	CSB SR	SJU JN	1/19	SJU Res	1/19	3/6	Responsible
4	CSB SO	SJU SO	1/17 & 1/19	SJU Res	1/22	2/28	Responsible
5	CSB FR	SJU FR	2/2	CSB Res	2/2	3/13	Not Responsible
6	CSB SO	SJU SO	12/13	SJU Res	2/14	3/31	Responsible
7	3 rd Party (CSB)	SJU		SJU Res	NC		
8	CSB SO	SJU SO	1/18	SJU Res	4/24	5/30	Responsible
9	CSB FR	SJU SR	9/13	SJU res	5/15	7/21	Responsible
10	CSB SO	CSB SO	12/14	CSB res	5/16	7/3	Not Responsible

Sexual Harassment Complaints 2013-2014

	Complainant	Respondent	D/O Incident	Verbal/ Touch	D/O Report	D/O Finding	Finding
1	SJU Student	SJU Staff		Verbal	5/1	6/9	Responsible
2	3 rd Party Staff			Verbal	No Compl.		
3	CSB Student	SJU student		Verbal	3/31-NC		NC
4	CSB Student			Verbal	3/31-NC		NC
5	CSB Student			Verbal	3/31-NC		NC
6	Associate	SJU GS	6/23	Touch	6/27	9/10	NR
7	CSB Alumna	Former Fac	1982	Touch		At the time	Responsible
8	3 rd Party (SJU Alum)	Associate	1980	Touch		At the time	Responsible
9	SJU Staff	SJU Staff		Touch	10/1	10/29	Responsible
10	CSB JN (Study Abroad)	Unknown Male		Touch	No Compl.		

Dating Violence Complaints 2013-2014

Complainant	Respondent			
3 rd Party (CSB)	SJU	CSB student did not wish to provide info or identify respondent		

Stalking Complaints 2013-2014

	Complainant	Respondent				
1	CSB Student	SJU Student	Behavior did not meet the definition of stalking according to policy, but the SJU student was found responsible for conduct violations			
2	CSB Student					
3	3 rd Party (CSB)		CSB Student said she did not believe it was stalking			

What happens after a report is received?

Sexual Assault

- Attend to safety and well-being of victim
- Receive complaint
- “Timely Notice” decision
- Investigation
- Hearing
- Decision
- Appeal
- Final Decision

Sexual Harassment

- Complaint?
- Determination if the complaint is harassment
- (Informal Procedure option)
- Formal Procedure
- Decision
- Appeal



Lessons learned...

- There are no established “best practices”—only good and bad practices (with some being illegal)
- Good practices will lead to an increase in incidents reported
- There are no winners in sexual assault cases—everyone involved ends up losing!
- Government regulations are a moving target!
- Good and smart people can do regrettable things when they drink
- Social media is not a good forum for persons to reach out for support when they are dealing with a sexual misconduct complaint/allegation.



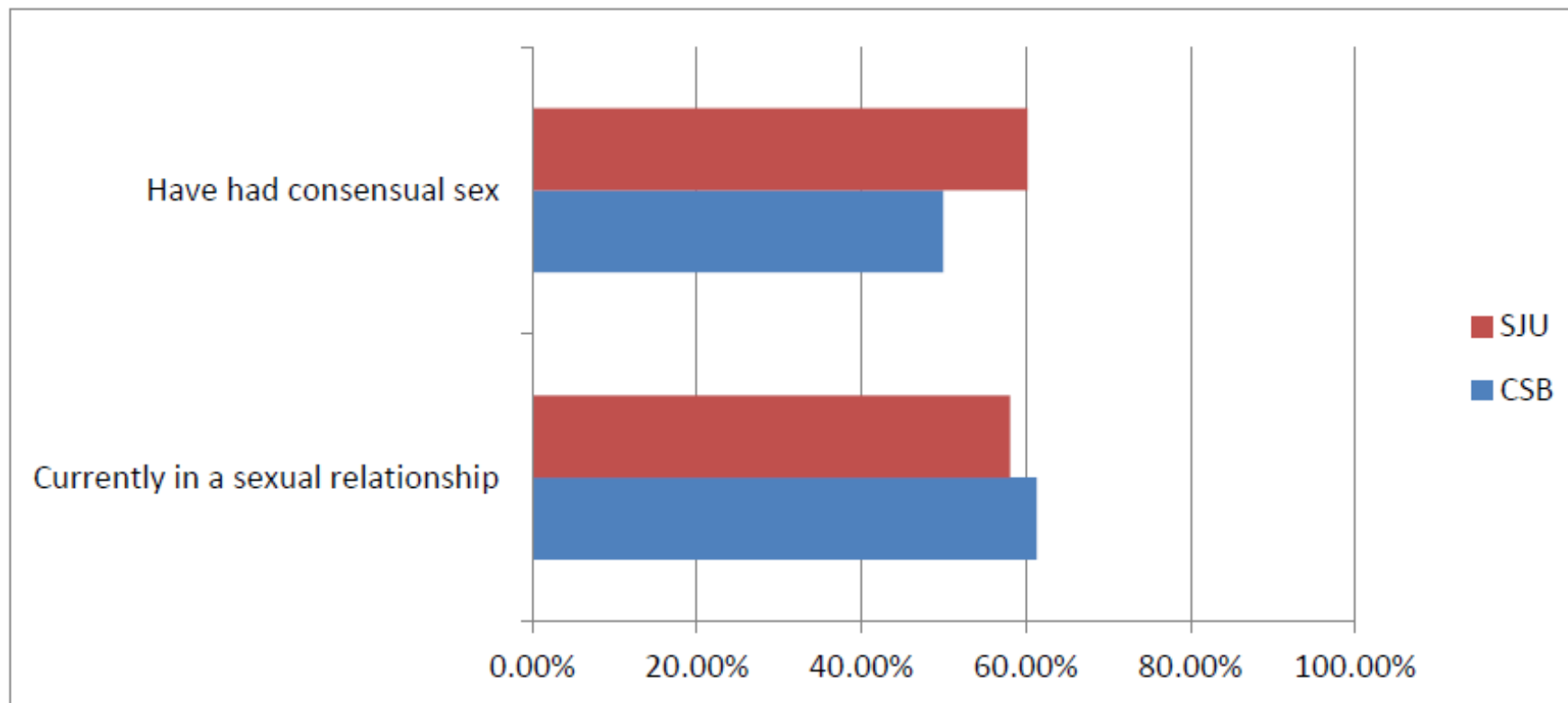
How deep is this problem at
CSB/SJU?

CSB/SJU General Health Survey 2012

	CSB	SJU
Survey Type	Web-based	Web-based
Sample (N)	1958	1756
Response (N)	763	404
Response Rate (%)	39.0%	23.0%
Margin of Error	2.8%	4.3%
Confidence Level	95%	95%



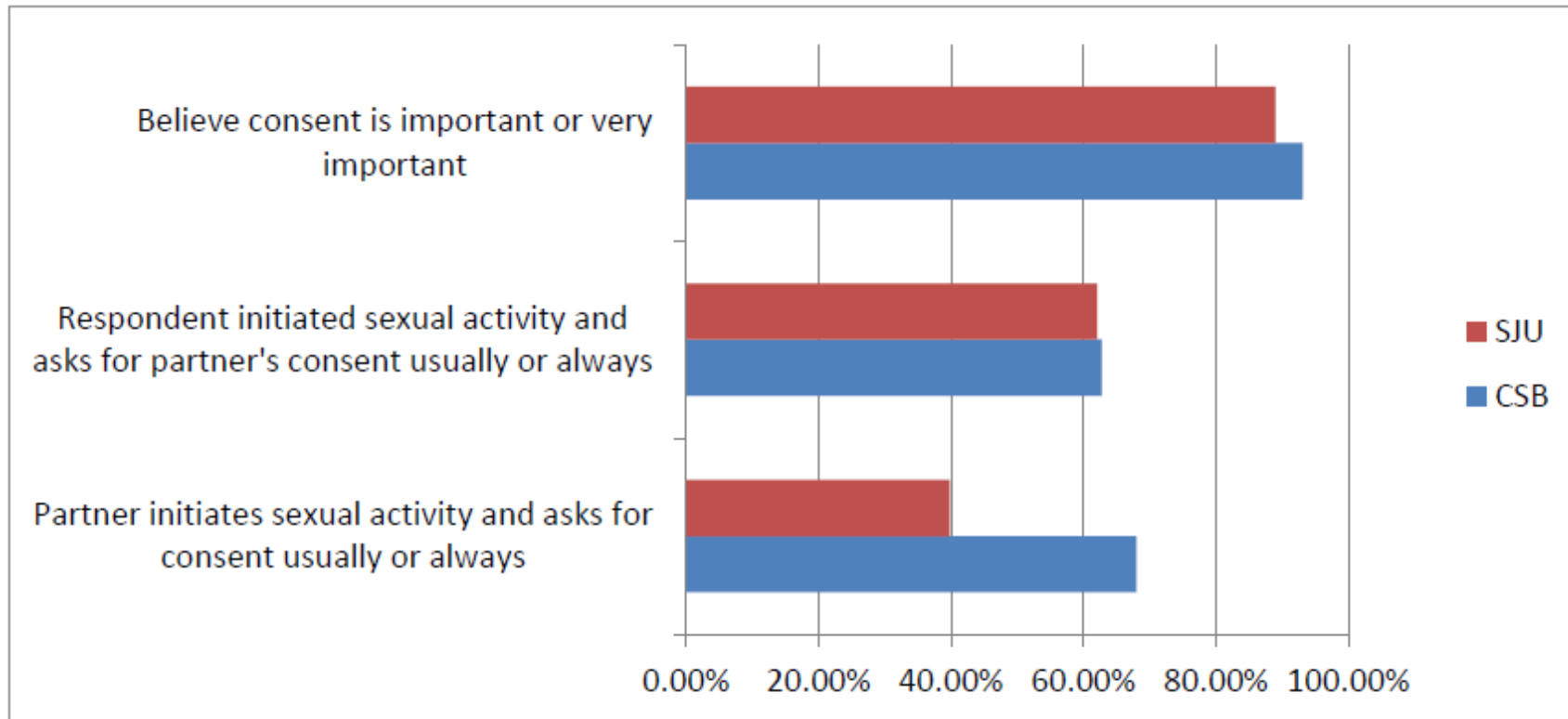
CSB/SJU Student Sexual Behavior



[2012 General Health Survey](#)

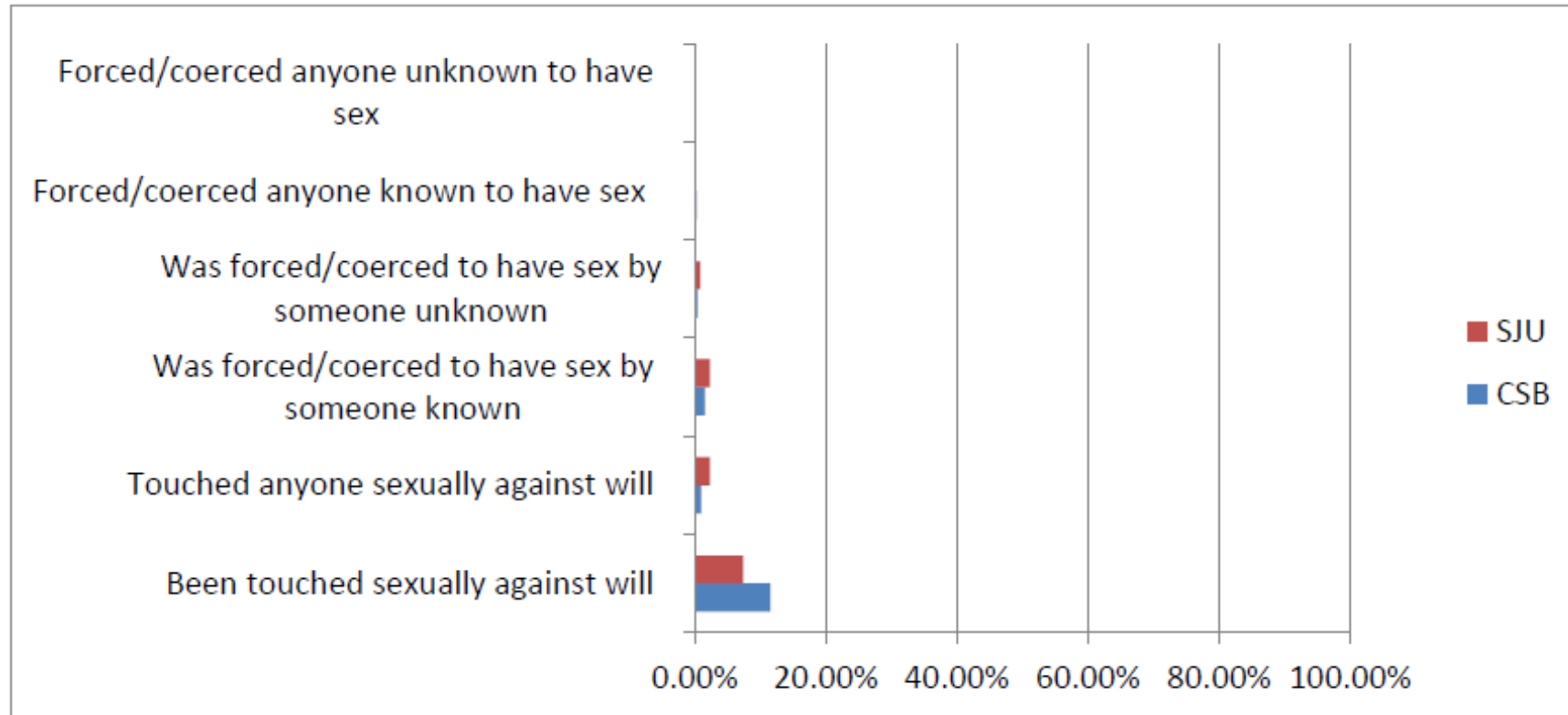
Percentages are of total CSB/SJU Student Population

Responses of CSB/SJU students who self-identified as sexually active



[2012 General Health Survey](#)

Responses of CSB/SJU students who self-identified as sexually active: In the past year have you ever...



[2012 General Health Survey](#)

Programs Designed to Prevent Sexual Misconduct

- [CERTS](#) (consent-equality-respect-talking-safety) Media Campaigns
- [Bystander Training](#)
 - 247 persons trained including: Health Advocates, Health Initiative, CERTS, SJU RA's, CSB RA's, CSB & SJU Campus Ministry Student Workers, CSB & SJU Senates, CSB Basketball, Bonner Scholars, Hynes Scholars, Strategic Communication Class, CSB Security, Regina Hall, SJU Faculty Residents
- Required on-line course for first year students
- New Student Orientation session by Dr. Kari-Shane Davis Zimmerman
- Dr. John Adix facilitated Athlete-to-Athlete training addressing Sexual Assault



Looking forward we expect...

- Continued legislation and accountability
- Human and fiscal resources must be redeployed to meet requirements
- We continue to work in a highly “sexualized” culture
- The entire institution must be engaged in this work and be familiar with the mandates and protocol.



CSB and SJU Title IX and Deputy Title IX coordinators Available on our CSB/SJU Title IX website

Title IX Coordinators – College of Saint Benedict

- **Lead Title IX Coordinator** [Kathryn Enke](#), Chief of Staff/Executive Assistant to the President (320) 363-5070
- **Lead Deputy Title IX Coordinator** [Mary Geller](#), VP for Student Development (320) 363-5601
- **Deputy Title IX Coordinators**
 - [Jody Terhaar](#), Dean of Students (320) 363-5270
 - [Richard Ice](#), Vice Provost (320) 363-5401
- Faculty/Staff Human Rights Officer and Deputy Title IX Coordinator** [Judy Bednar](#), (320) 363-5071

Title IX Coordinators – Saint John's University

- **Lead Title IX Coordinator** [Patti Epsky](#), Executive Assistant to the President (320) 363-2246
- **Lead Deputy Title IX Coordinator** [Fr. Doug Mullin OSB](#), VP for Student Development (320) 363-2737
- **Deputy Title IX Coordinators**
 - [Mike Connolly](#), Dean of Students (320) 363-3171
 - [Richard Ice](#), Vice Provisit (320) 363-5401
- Faculty/Staff Human Rights Officer and Deputy Title IX Coordinator** [Judy Bednar](#), (320) 363-5071

Additional Resources

Found on the A-Z Index of the CSB/SJU website

- [Title IX](#)
- [Sexual Assault Info & Resources](#)
- [Sexual Misconduct Policies and Procedures](#)

Duty to Report

According to Title IX a school has notice if a “responsible employee knew or, in the exercise of reasonable care, should have know about the harassment”.

Professional, licensed counselors and pastoral counselors who provide mental-health counseling to members of the school community (and including those who act in that role under the supervision of a licensed counselor) are not required to report any information about an incident to the Title IX coordinator without a victim’s permission.

All other employees have a duty to report. We recommend that you let a person know that you have a duty to report but that if they need to process it without concern for reporting they can speak to a professional counselor.

Doing nothing is always the wrong response. If in doubt call your Lead Title IX coordinators.



Campus SaVE Act (amended Cleary Act)

SaVE requires that incidents of domestic violence, dating violence, sexual assault, and stalking be disclosed in annual campus crime statistic reports.

Additionally, students or employees reporting victimization will be provided with their written rights to:

- Be assisted by campus authorities if reporting a crime to law enforcement.
- Change academic, living, transportation or working situations to avoid a hostile environment.
- Obtain or enforce a no contact directive or restraining order.
- Have a clear description of their institution's disciplinary process and know the range of possible sanctions.
- Receive contact information about existing counseling, health, mental health, victim advocacy, legal assistance, and other services available both on-campus and in the community.



Institutional Repercussions

- Any form of Sexual harassment is an act of “discrimination” under Title IX.
- A school violates Title IX if it “has notice” of a sexually hostile environment and *fails to take immediate and corrective action*.
- Failure to comply with Title IX may result in revocation of Federal financial assistance.

