

Citadel Leadership Title IX Training

Valerie Mercado

Title IX Coordinator/Compliance Officer

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Training Overview

- What is Title IX?
- Title IX Grievance Process
- Mandatory Dismissal
- Alternative Resolution
- Title IX Grievance Process Decision Tree
- Responsible Employee
- Supportive Measures and Accommodations
- Questions

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.”

2020 Regulations

- Title IX Grievance Policy adopted on September 18th
- Templates
 - Notice of Allegation
 - Notice of Investigation
 - Alternative Resolution
 - Investigation Report Template
 - Notice of Outcome
- Establishing online training accounts for all individuals who will take part in these cases (myself, investigators, decision-makers, etc.)

Title IX Grievance Process



Formal Complaint

A document – including an electronic submission - filed by a Complainant with a signature or other indication that the Complainant is the person filing the Formal Complaint, or signed by the Title IX Coordinator.

At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in an education program or activity of the College.

Conduct may still be prohibited under The Citadel College Regulations which can be viewed at

<http://www.citadel.edu/root/images/policies/collegeregulations.pdf> , as well as relevant cadet, student and employee rules and regulations, available on The Citadel's policies page at <https://www.citadel.edu/root/policies/college-policies> .

Required Elements – Jurisdiction and Definition

The Citadel will determine if the Title IX Grievance Process should apply to a Formal Complaint. The Process will apply when all of the following elements are met, in the reasonable determination of the Title IX Coordinator:

- a. The conduct is alleged to have occurred in the United States;
- b. The conduct is alleged to have occurred in a Citadel education program or activity and/or the Respondent attends The Citadel;
- c. The alleged conduct, if true, would constitute sexual misconduct as defined in this policy.

If all of the elements are met, The Citadel will investigate the allegations according to the Title IX Grievance Process.

Definitions

Prohibited Sexual Misconduct Definitions

1. Sexual Harassment – means conduct on the basis of sex that satisfies one or more of the following:
 - a. Quid Pro Quo Sexual Harassment – An **employee** of The Citadel conditioning the provision of an aid, benefit, or service of The Citadel on an individual's participation in unwelcome sexual conduct;
 - b. Hostile Environment Harassment – Unwelcome conduct determined by a reasonable person to be so **severe, pervasive, and objectively offensive** that it effectively denies a person equal access to The Citadel's education program or activity.
 - c. Sexual assault, Dating Violence, Domestic Violence, and Stalking – as defined by Clery/VAWA

Alternative Resolution

- As an alternative to the formal grievance procedure, The Citadel may offer parties the option of participating in an Alternative Resolution process.
- If both parties voluntarily consent, the institution can resolve the complaint without engaging in the formal grievance procedure.
- Alternative Resolution can include sanctions
- If an agreement acceptable to The Citadel, the complainant, and the respondent is reached through Alternative Resolution, the terms of the agreement are implemented and the matter is deemed resolved and closed.

Title IX Grievance Policy Decision Tree

Formal Complaint made to Title IX Coordinator

Is the Complainant currently participating in or attempting to participate in a Citadel program (i.e. employee, student, applicant, etc?)

Yes

No

Do they wish to make a formal complaint?

Provide supportive measures as appropriate, document, and transfer case to non-Title IX process

Yes

No

Provide supportive measures as appropriate. Formal Complaint will be filed. Provide Notice of Allegations to parties, begin TIXC Assessment Process.

Is there a reason that TIXC feels a Formal complaint needs to be filed?

Yes

No

Document action taken & rationale. Then proceed.

Provide supportive measures as appropriate & document.

Did alleged conduct happen in the U.S.?

Did alleged conduct happen in the U.S.?

Yes

No

Did it happen on campus, or otherwise in a Citadel education program or activity, or is the respondent a student?

Yes

No

Would the alleged conduct constitute harassment as outlined in our Title IX Grievance Policy?

Yes

No

Can the complaint be resolved through Alternative Resolution?

Yes

No

Proceed with Alternative Resolution Process as outlined by the Informal Resolution Policy. If resolution is unsuccessful, Notice of Investigation is sent to both parties.

Dismiss complaint for Title IX Process and transfer to other applicable conduct process. Notify Parties, continue to provide support measures, and document actions taken. ****This may be appealed by both parties****

Proceed through Title IX Investigation process, documenting each step.

If at any point during the investigatory process, (1) complainant notifies in writing desire to withdraw complaint or any allegations, (2) respondent no longer enrolled/employed, (3) circumstances prevent gathering sufficient evidence, complaint may be dismissed. ****This may be appealed by both parties****

What is your role?

Responsible Employee

- A Responsible Employee is an employee of The Citadel who The Citadel requires to promptly and fully report complaints of or information regarding sexual harassment to the Title IX Coordinator.
- Human Resources personnel
- College Administrators, Supervisors
- Academic Deans and Department Chairs
- Full-time and part-time faculty
- TAC Officers
- Public Safety Personnel
- Commandant's Office personnel
- Employee advisors to recognized student organizations
- All student employees who supervise, teach or advise others
- All Athletics staff, to include the Athletics Directors, coaches and assistant coaches of Citadel teams, athletic trainers, team physicians, and athletic student assistants and managers.

What to do: Report and Refer

1. Make the report to the Title IX Coordinator
 - Email the student/employee with options for reporting and attach resources for support
 - Information is shared with only need-to-know individuals
2. Refer the individual to Janet Shealy, The Counseling Center, or an Ombudsperson for confidential support
 - Unless the student/employee wants to make a Formal Report, these individuals can provide additional resources and support that may assist the individual in becoming ready to make a report at a later time
3. Direct them to the Title IX Website
 - Policy, VAWA Brochure, Reporting Information

Supportive Measures and Accommodations

Supportive measures may include, but are not limited to:

- a. Referral to counseling, medical, and/or other healthcare services
- b. Referral to the Employee Assistance Program
- c. Extensions of deadlines or other course-related adjustments
- d. Modifications of work or class schedules
- e. Campus escort services
- f. No-trespass Orders
- g. Restrictions on contact between the parties (no contact orders)
- h. Changes in work or housing locations
- i. Leaves of absence
- j. Increased security and monitoring of certain areas of the campus

What to do if you have questions or want more information?

- Contact your Title IX Coordinator
Valerie Mercado
Bond 192
vmercado@citadel.edu
(843) 953-6881
- Schedule an office or departmental meeting/training
- Review the new Title IX Policy

Any Questions?



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