



**DISCRIMINATION | HARASSMENT | TITLE IX:  
THE LAW AND UNIVERSITY POLICY**

# VISIT THE TITLE IX WEBSITE!



[www.valpo.edu/titleix](http://www.valpo.edu/titleix)

- Reporting Options
- Resources
- Policies

# LEARNING OUTCOMES

- Familiarize you with Title IX & Nondiscrimination Laws and Policies
- Familiarize you with Title IX & Nondiscrimination resources and supports on and off campus
- Execute reporting procedures

# TITLE IX & DISCRIMINATION COMPLAINT COORDINATOR

- Neutral administrator for any Discrimination or Title IX claims by members of the University community
- Assure University's processes and procedures related to claims are in compliance with the law
- Train members of the University community on Title IX and Anti Discrimination laws and policies

# WHAT IS MY ROLE AS AN INVESTIGATOR FOR TITLE IX & DISCRIMINATION ISSUES?

When you start to receive a report that may fall into Title IX:

1. Offer a support person: Natalie Muskin-Press in Prevention and Wellness (for students), a friend, advocate from the Caring Place, or a Title IX Adviser. Reschedule if needed.
  - a. Phone: Natalie Muskin-Press 219.464.6833
  - b. Email: [Natalie.Muskin-Press@valpo.edu](mailto:Natalie.Muskin-Press@valpo.edu)
2. (Police Only) Determine whether you are receiving the report on an administrative basis, criminal basis, or both
3. Take a thorough report according to regular procedure
4. Provide the “What You Need to Know” handout to complainant
5. Ensure case write-up is flagged for sharing the administrative files

# What is Title IX?

**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.”

- Protection from discrimination based on sex
- In education programs or activities that receive Federal funds

**Valpo Policy:** Harassment and Sexual Misconduct Policy



# Sexual Misconduct Prohibited Under Valpo Policies

- **Dating/Domestic Violence:** violence within dating/former dating relationship
- **Sexual Assault:** unwanted touching of private areas
- **Sexual Harassment:** unwanted gender-based comments/behavior
- **Sexual Violence:** violent behavior that is sexually motivated
- **Stalking:** continual unwanted contact

# EXAMPLES OF BEHAVIOR PROHIBITED BY TITLE IX AND VALPO POLICIES

- Requests for sexual favors in exchange for better grades or job duties
- Unwanted propositions for sexual activity
- Intrusive touching (pats, hugs, squeezes, or pinches), whistling, leering, brushing against the body
- Suggestive, insulting, or obscene comments or gestures of a sexual nature, unwanted sexual comments about a person's body, or derogatory comments about a person's sex, gender identity or expression, or sexual orientation
- Sharing explicit photos without consent
- Showing up at someone's work, classes, or home unannounced. Texting, calling, emailing repeatedly without response
- Rape



# Jurisdiction – Sexual Misconduct

- On campus
- Online
- Off-campus
  - University-Sponsored Program or Activity
- Off-campus with on-campus effects

# REPORT PROTECTIONS:

- Protection from retaliation:
  - Individuals will not face retaliation for making a good faith report
  - Retaliation will be addressed in a separate claim from the original complaint, with separate proceedings and separate disciplinary action
  - Recklessly false information is subject to discipline
- Drug & alcohol violation amnesty

# Support Resources: Confidential vs. Non-Confidential

## Confidential

Resources: will not disclose your report to the police or the Title IX Coordinator without your permission

## Non-Confidential

Resources: are *mandated* to share your report with the Title IX Coordinator



# SUPPORT RESOURCES: CONTACTS

<b>CONFIDENTIAL</b>	<b>NON-CONFIDENTIAL</b>
<p><b><u>On Campus: Students</u></b></p> <ul style="list-style-type: none"><li>• Prevention and Wellness<ul style="list-style-type: none"><li>– (M-F, 8-5):219.464.6833</li></ul></li><li>• Counseling Center (M-F, 8-5): 219-464-5002</li><li>• University Pastors (M-F, 8-5): 219-464-5093</li><li>• Student Health Center (M-F, 8-12, 1-4:30) 219-464-5060</li></ul> <p><b><u>On Campus: Employees</u></b></p> <ul style="list-style-type: none"><li>• EAP 800-538-3543</li></ul> <p><b><u>Off Campus: Everyone</u></b></p> <p>The Caring Place: 219-464-2128</p> <ul style="list-style-type: none"><li>• Porter Hospital Emergency Room</li></ul>	<p><b><u>On Campus: Everyone</u></b></p> <ul style="list-style-type: none"><li>• <u>Online Form</u></li><li>• Title IX Coordinator<ul style="list-style-type: none"><li>– <a href="mailto:Title9@valpo.edu">Title9@valpo.edu</a></li><li>– 219-464-6370</li></ul></li><li>• Title IX Advisers</li><li>• Valparaiso University Police: 219-464-5430</li></ul>

# ONLINE REPORTING FORM

## Discrimination, Harassment & Sexual Misconduct - Intake Form (Valparaiso University)

### DIRECTIONS:

Please read the University's Nondiscrimination, Harassment, and Sexual Misconduct Policy ("Policy"):

<http://www.valpo.edu/general-counsel/files/2018/03/2018.02.27-NONDISCRIMINATION-HARASSMENT-SEXUAL-MISCONDUCT-POLICY-APPROVED-BY-PRESIDENTS-COUNCIL-ON-3-4-18.pdf>

This Form is intended to provide some basic information to the Valparaiso University Assistant General Counsel and Title IX Coordinator regarding a potential violation of Title IX or the above referenced Policy. Submitting this form does not constitute filing a university complaint (form informal) under the Policy. The Assistant General Counsel and Title IX Coordinator will review information you provide and determine next steps. If necessary, you or other individuals named in this Form may be contacted. The University will not tolerate retaliation of any kind against an individual for using this Form to report a potential violation of Title IX or the Policy.

### RESPONSIBLE EMPLOYEES (Mandatory Reporters):

Any "responsible employee" may use this Form to fulfill their mandatory obligation to promptly report incidents of discrimination, harassment or sexual misconduct.

### Title IX

#### Title IX Coordinator

The Title IX Coordinator is appointed by the President and is responsible for monitoring, advising, and overseeing all complaints involving discrimination, harassment, and sexual misconduct such as sexual harassment, sexual violence, dating violence, domestic violence, and stalking, as well as identifying and addressing any patterns or systemic problems that arise during the review or administration of any aforementioned complaints. The Title IX Coordinator is also responsible for assessing the campus climate, coordinating any remedial or interim measures, and providing training and education to campus community members.

The Title IX Coordinator is available to meet and provide assistance to individuals who believe they have been a target or victim of discrimination, harassment, or sexual misconduct, but the Title IX Coordinator is not an emergency contact person that provides immediate assistance for anyone who is a victim of sexual misconduct or is a victim of a crime. The Title IX Coordinator is adequately trained to deal with issues arising from discrimination, harassment, or sexual misconduct on campus, has a thorough understanding of the grievance processes, and is available as a general resource in addition to overseeing the administration of a discrimination, harassment, and sexual misconduct complaint processes.

#### CONFIDENTIAL SUPPORT SERVICES

For confidential support services, please contact the SAAPE Office who provides services to victims of sexual misconduct such as sexual harassment, sexual violence, dating violence, domestic violence, and stalking. Contact Paula Dranger at the SAAPE Office at 219.464.6660 or [Paula.Dranger@valpo.edu](mailto:Paula.Dranger@valpo.edu). For emergencies, call 219.929.7087.

Other confidential support services include:

- Counseling Center – 219.464.8000 or [counseling.center@valpo.edu](mailto:counseling.center@valpo.edu)
- University Pastors – 219.464.8092
- Student Health Center – 219.464.8090
- National Sexual Assault Hotline – 800.656.HOPE

#### NON-CONFIDENTIAL RESOURCES

Non-confidential resources include:

- Title IX Coordinator
- Valparaiso University Police
- Office of Residential Life
- Office of Student Affairs
- Faculty
- Instructors
- Resident Assistants
- Administrative Staff

If you report an incident of discrimination, harassment, or misconduct to a non-confidential party, the non-confidential party will protect your privacy by limiting the people with whom he or she shares what you tell them. However, non-confidential resources cannot guarantee complete confidentiality, as they must promptly notify the University's Title IX Coordinator about the basic facts of discrimination, harassment, or sexual misconduct incidents. University employees may notify the Title IX Coordinator of such incidents by completing the Title IX Intake Form.

#### EMERGENCIES

Contact Valparaiso University Police Department at 219.464.6660 or proceed to the Porter Regional emergency room. During the daytime 8:00 a.m. – 12:00 p.m. and 1:00 p.m. – 8:00 p.m. hours, Monday through Friday, students may also contact the Counseling Center at 219.464.8000 or the Sexual Assault Awareness and Facilitative Education (SAAFE) Office at 219.464.6789. For incidents of sexual violence that take place after hours, contact 219.929.7087 for immediate assistance.

For more information look at our Nondiscrimination, Harassment, and Sexual Misconduct Policy (PDF) or contact a Discrimination Complaint Advisor (PDF).

#### FORMS

- [Title IX Office Intake Form](#)
- [Title IX Office Complaint Form](#)
- [Formal Complaint Form](#)
- [Formal Complaint Response Form](#)

# Victims' Rights & Options

- Survivors of sexual misconduct have the following options...
  1. Take no action
  2. File a University Complaint
  3. File a criminal complaint
  4. Speak with Confidential Resources
  5. Seek interim accommodations
    - Housing adjustments (Students)
    - No contact orders (Everyone)
    - Academic adjustments (Everyone)
    - Employment adjustments (Everyone)



# Sexual Misconduct Sanctions

- Oral or written reprimand
- Required attendance at a harassment/discrimination sensitivity program
- Oral or written warning
- Transfer or change of job, class, residential assignment, or location, including removing the person from being in a position to retaliate or further harass or discrimination against the complainant
- Suspension, probation, termination, dismissal, expulsion, or removal from campus, or
- Other action Valparaiso deems appropriate
- Visa termination
- Criminal Charges

# PREVENTATIVE MEASURES

- Employees
  - Orientation Training
  - Online training
  - In-Person training available
- Students
  - Mandatory online training
  - In-Person training available





# WHAT WILL THE TITLE IX COORDINATOR DO WITH MY REPORT?

- **Acknowledge that I received the report.** Unless I ask you to assist in managing ongoing issues, or a student signs a FERPA waiver to update you on their case, this is likely the only thing you will hear from me.
- **Email alleged complainant.** I provide options and connect them to the Prevention and Wellness Office if they want to talk about options confidentially. ***Complainant does not have to respond to my email, and will not face consequences for failing to respond.***
- **Follow up or close out.**
  - **Close:** no complainant participation, no ongoing safety concerns, cannot identify complainant/respondent
  - **Follow up:** connect to resources, assist in case management, supervise judicial process/hearings, provide interim accommodations, explain options or next steps

# SCALE OF TITLE IX RESPONSE

<p><b>No Referral:</b> Support with Interpersonal Problem-solving</p>	<p><b>Supervisor/Dean of Students:</b></p> <p>In appropriate, but not severe, persistent or pervasive</p>	<p><b>Title IX:</b> Severe, Persistent, Pervasive</p>
<p><b>When to use:</b> incorrect reporting area, incorrectly inferring intent from another's actions (bumped into someone)</p>	<p><b>When to use:</b> Reprimand and educational response is likely to stop the behavior before it becomes a pattern</p> <p><b>Types of cases covered:</b></p> <ul style="list-style-type: none"> <li>• Stray remarks that are not a pattern</li> <li>• Behavior that is likely to stop if a clear boundary is set (hugging, back rubs, texting, etc)</li> </ul>	<p><b>When to use:</b> Used when the individual may need to be removed or have significant limitations on their ability to participate in the community.</p> <p><b>Types of cases covered:</b></p> <ul style="list-style-type: none"> <li>• Sexual violence</li> <li>• Dating violence</li> <li>• Stalking</li> <li>• Severe, persistent, pervasive sexual harassment</li> </ul>

# DIFFERENCES BETWEEN A CRIMINAL AND ADMINISTRATIVE INVESTIGATION

<b>ADMINISTRATIVE</b>	<b>CRIMINAL</b>
<ul style="list-style-type: none"><li>• <b>Parties:</b> complainant &amp; respondent</li><li>• <b>Sanctions:</b> Administrative</li><li>• <b>Investigation:</b> Neutral investigation only—no analysis</li><li>• <b>Information flow:</b> through the Dean of Students or Title IX Coordinator</li></ul>	<ul style="list-style-type: none"><li>• <b>Parties:</b> plaintiff &amp; defendant</li><li>• <b>Sanctions:</b> Criminal</li><li>• <b>Investigation:</b> Evidence gathering, information analysis, theory development and validation, reasonable ground to arrest and charge a suspect</li><li>• <b>Information flow:</b> through the Police Department to the victim</li></ul>

# POINTERS FOR INVESTIGATING IN A NEUTRAL ADMINISTRATIVE CAPACITY

- Avoid conclusory language in police reports
  - Instead of “he proceeded to rape her” use direct quotes or describe the behaviors
    - Then the respondent “removed XXX’s clothes, and had sex with her”
    - Then the respondent said he inserted his penis into her vagina. He said he was “not sure if she was awake or not.”
- Provide resources to all parties
  - Complainants get Prevention and Wellness advocates, anyone can have a support person in the room
- Avoid investigative practices that will not appear facially-neutral
  - Not appropriate to conduct hours-long investigations, keep someone isolated, force appearances for any reason
- Professionalism: Schedule Appointments, proof-read communications, set deadlines, communicate progress regularly
- Thoughtfully frame questions

# PRACTICE TIPS: FRAMING THE QUESTION

- Sometimes the questions have to be asked – but do so with sensitivity
- Open-ended questions are good: let the witness tell you the story •

Can be specific

- Frame the question: when, where?
  - Specific, open-ended, framed: “I want to focus on the 10 minutes you were sitting on the couch.”
  - Instead of: What were you thinking?
  - Try: I would really like to understand what was happening at that moment? Can you walk me through the thoughts running through your head, if you had any in that moment? What were you feeling?

# PRACTICE TIPS: FRAMING THE QUESTION

Instead of saying this....

1. Why didn't you just leave?
2. Why didn't you tell anyone right away?
3. Why didn't you go to the police?
4. Why didn't you tell him/her to stop?
5. What were you wearing?
6. Why were you drinking?
7. Why did you leave the party with him/her?
8. What did you think was going to happen?
9. Did you fight back?

Say this...

1. What happened next? How did you get home?
2. Did you talk to anyone about it?
3. Were you able to talk to the police?
4. Gather the surrounding details
5. Typically not relevant
6. Were you drinking? (gather in the details)
7. Gather the surrounding details
8. Gather the surrounding details
9. Gather the surrounding details

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# **THANK YOU!**

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[Title9@valpo.edu](mailto:Title9@valpo.edu)