

MORE THAN READY.  
LOYOLA READY.

## WELCOME

### Introductions:

- Name
- Department
- Role in Title IX process

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Sexual Misconduct Cases – 5 Year trend

Sexual Misconduct Reports	Student as Respondent	Faculty/Staff/Admin as Respondent	Non Loyola Respondent	Non Title IX After investigation	Total Reports
AY 2015 2016	11 (2 of 11)	5	14	12	42
AY 2016 2017	30 (10 of 30)	2	16	1	49
AY 2017 2018	18 (4 of 18)	6	14	0	38
AY 2018 2019	18 (6 of 18)	4	31	0	53
AY 2019 2020	14 (2 of 14)	2	18	0	34

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## UNIVERSITY ACTION PLAN



1000 W. FULLER STREET, CHICAGO, IL 60606

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## REVIEW OF UNIVERSITY ACTION PLAN

- ESTABLISH TITLE IX INTAKE OFFICERS
- DEVELOP A PROCESS TO SURVEY ALL STUDENTS WHO INTERACT WITH TITLE IX DEPUTIES AND INTAKE OFFICERS
- ESTABLISH AN ADVISORY BOARD OF STUDENTS
- RECONVENE THE COORDINATED COMMUNITY RESPONSE TEAM (CCRT)
- REWRITE THE WOMEN'S CENTER MISSION STATEMENT

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- ENHANCE TRAINING OFFERINGS FOR "MANDATED REPORTERS"
- UPDATE TRAINING FOR HEARING PANELS THROUGH A PARTNERSHIP WITH THE SUNY STUDENT CONDUCT INSTITUTE (SUNY SCI)
- REVIEW AND REVISE THE BYSTANDER INTERVENTION TRAINING, "STEP UP!"
- INFORM THE COMMUNITY OF THE CHANGES OF THE NEW TITLE IX REGULATIONS
- HIRE AN ADDITIONAL FULL-TIME TITLE IX PROFESSIONAL
- CONDUCT A COMPREHENSIVE REVIEW OF LOYOLA'S POLICIES
- CONDUCT ADDITIONAL AND SPECIALIZED TRAINING

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## OCR REGULATIONS



1000 W. WALTON STREET, CHICAGO, IL 60607

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- New regulations were released by OCR on May 6 with an implementation deadline by August 14
  - Title IX team has



- Complainant must file formal complaint with University to move forward with investigation
  - University can sign on behalf

## NEW TITLE IX REGS OVERVIEW: MAJOR COMPONENTS

- Investigations
  - Must include summary of relevant and related evidence
    - Inculpatory and Exculpatory
  - The following is irrelevant:
    - **Sexual predisposition or prior sexual behavior are not relevant**, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent
    - Privileged information
    - Medical Records
    - Duplicative or abusive questions
- Both parties may review all evidence related, unrelated, relevant, and irrelevant except privileged information and medical records (except with permission)

### Additional timeline requirements:

- 10 days after investigation report is drafted to review all related evidence and provide comment
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## NEW SEXUAL MISCONDUCT PROCESS

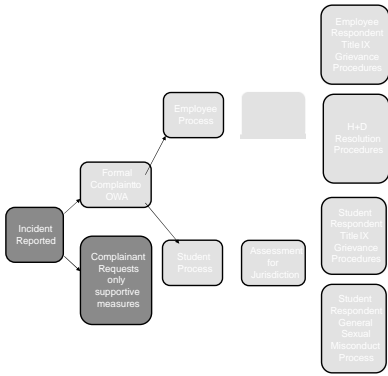
- Created a diverse pool of Title IX intake officers or OWAs
- Process has more aspects of transparency
- Previous policy stays largely the same for non Title IX cases
  - No cross examination
  - Only need to be heard not seen in process (i.e. no need for parties to see each other on video)
- Quid pro quo student policy
- Keeping preponderance of the evidence for all sexual and gender-based misconduct processes

## SEXUAL AND GENDER- BASED MISCONDUCT POLICY



10/2018

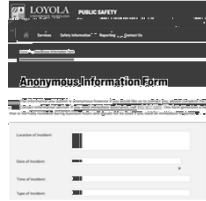






## ONLINE/ANONYMOUS REPORTING OPTIONS

- Anonymous Reporting Form  
<https://www.loyola.edu/departement/public-safety/anonymous-information-form>

A screenshot of the Loyola University Public Safety Anonymous Information Form. The form is titled "Anonymous Information Form" and includes fields for "Location of Incident", "Number of Incidents", "Date of Incident", and "Time of Incident".

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## ONLINE/ANONYMOUS REPORTING OPTIONS

- Sexual Violence, Relationship Violence or Stalking Report  
[https://cm.maxient.com/reportingform.php?LoyolaUnivMD&layout\\_id=4](https://cm.maxient.com/reportingform.php?LoyolaUnivMD&layout_id=4)

A screenshot of the Maxient Reporting Form for Sexual Violence, Relationship Violence or Stalking. The form includes a "Report Bias Form" section and a "Bias Information" section.

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## ONLINE/ANONYMOUS REPORTING OPTIONS

- Bias Related Behaviors Report  
[www.loyola.edu/reportbias](http://www.loyola.edu/reportbias)

A screenshot of the Loyola University Report Bias Form. The form includes a "Report Bias Form" section and a "Bias Information" section. It contains fields for "Your name", "Your address", "Your phone number", "Your email address", and "Date of incident".

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## ONLINE/ANONYMOUS REPORTING OPTIONS

•EthicsPoint  
<https://secure.ethicspoint.com/domain/media/en/gui/18799/index.html>



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## MANDATED REPORTERS

- Any University administrator
- Staff with supervisory responsibilities
- Faculty members
- Campus police
- Athletic coaches
- Athletic trainers
- Graduate Resident Coordinators
- Resident assistants

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## TITLE IX TEAM

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- Initial assessment- 1-5 business days
- Informal resolution- up to 30 business days

## NOTICE OF ALLEGATIONS

- Details of the incident
- Statement that respondent is presumed not responsible for alleged conduct and that a determination regarding responsibility is the conclusion of the grievance process
- Advisor of choice (2 for Maryland)
- Section of code that is violated
- Statement that false information is a violation of the code
- Includes a brief description of the incident per the complainant

### Mandatory dismissal

- 1) The conduct alleged in the formal complaint would not constitute sexual harassment as defined in the Prohibited Conduct under the Title IX

- Outsourced to investigator
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## CROSS EXAMINATION

- Only in Title IX cases
- Advisors will ask **question** on behalf of parties
  - Parties cannot ask questions directly
- Chair will rule on relevance
  - Whether the question seeks information that will aid the decision maker in making a decision
  - Not based on tone or style of questions who is asking or what the motives of the questions are
  - Irrelevant question
    - Prior sexual behavior except to prove someone else was responsible for consent
    - Privileged information
    - Medical records
    - Duplicative questions
- Party answers question if relevant
- If party does not answer one cross examination question or does not attend, no statements can be relied upon

## DEFINITIONS

Consent is defined as affirmative indication by words and/or actions of a voluntary agreement to engage in the particular sexual act or conduct in question. Consent for one sexual act or conduct does not constitute consent to all sexual acts or conduct. Consent can be withdrawn at any time, and once withdrawal of consent has been expressed, activity must cease. Consent cannot be obtained through the use of force, threat, intimidation, or coercion. Consent cannot be given by someone who is incapacitated due to consuming drugs or alcohol or for any other reason (including but not limited to being unconscious, asleep, being otherwise unawake, or otherwise unable to make rational, reasonable decisions because they lack the capacity to give knowing consent (e.g., to understand the "who, what, when, where, why or how" of their sexual interaction)). Incapacitation may result from the use of alcohol and/or drugs, and is a state beyond drunkenness or intoxication. Incapacitation may also result from a physical, mental, or emotional condition. The question of incapacitation will be examined objectively from the perspective of the respondent i.e., whether a reasonable, sober person in place of the respondent should have the condition of the complainant based on the apparent indications of incapacitation, which may include, but are not limited to, confusion or incoherence, difficulty walking or speaking, and vomiting.

Sexual Harassment defined as conduct on the basis of sex which may include such behaviors as unwelcome sexual advances, requests, and other verbal, written,

## DEFINITIONS

*Sexual assault* is defined as any sexual act directed against another person, without consent of the complainant, including instances where the complainant is incapable of giving consent. Sexual assault includes penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the complainant. This definition includes any gender of the complainant or respondent.

## DEFINITIONS

*Fondling* is another form of sexual assault which is defined as the touching of the private body parts, including but not limited to breasts, buttocks, or groin of another person, for the purpose of sexual gratification without the consent of the complainant, including instances where the complainant is incapable of giving consent because of their age or because of their temporary or permanent mental incapacity.

*Incest* is also a form of sexual assault when non forcible sexual intercourse occurs between persons who are related to each other within the degrees wherein marriage is prohibited by law.

- Vaginal intercourse with an individual's grandparent, parent, child, sibling, grandchild, grandparent's spouse, spouse's grandparent, parent's sibling, stepparent, spouse's parent, spouse's child, child's spouse, grandchild's spouse, spouse's grandchild, or sibling's child

*Statutory Rape* is non forcible sexual intercourse with a person who is under the statutory age of consent which is 16 years of age in the state of Maryland (which means the victim must be under 16);



## DEFINITIONS

Harassment under this section means unwelcome verbal, written or physical conduct based on sex, sexual orientation and/or gender identity, that has the purpose or effect of unreasonably interfering with an individual's work or education (including living conditions) or that creates an intimidating, hostile or offensive environment.  
Sexual exploitation means taking non consensual or abusive sexual advantage of another person for one's own advantage or benefit or for the advantage or benefit of anyone other than the person being exploited. Examples include but are not limited to non consensual photography, video or audio recording of sexual images or activity, distributing images of sexual activity without consent, allowing others to observe consensual sexual acts without the prior knowledge or consent of all involved parties, and voyeurism.

Sexual exploitation means being exploited. Examples

Appeals can be based on:

1. The dismissal/termination of a formal complaint or any included allegations and/or
  - a) Outline under dismissal/termination section
  - b) Appeals referred to Dean of Student or designee/Independent decision maker appointed to decide appeal
2. A determination regarding responsibility and/or the sanction under either the Title IX Grievance Procedure or Title

## EMPLOYEE APPEALS

- Appeals submitted within 14 days on one or more of the following grounds:
  1. The determination is not supported by the evidence.
  2. Relevant new evidence that was not available for consideration prior to the determination has been discovered.
  3. The sanction is disproportionate to the offense.
  4. Procedural error(s) occurred that materially affected the outcome of the investigation.
- Written response by other party
- Written appeal process
- Decisions outsourced and made within 5 days
- Decisions final

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Q+A



INDIAN TRIBAL SOVEREIGNTY & SELF-DETERMINATION

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