

# A CONVERSATION ABOUT CHANGES TO TITLE IX

August 28, 2020

# RESOURCES

## Relationship and Sexual Violence Prevention Center

- Free counseling services for those impacted by child sexual abuse, sexual harassment, relationship violence, sexual violence, or stalking.
- To request a call from a counselor, please call 314-935-3445 or email [rsvpcenter@wustl.edu](mailto:rsvpcenter@wustl.edu).
- Phone and email are monitored regularly M-F 8:30-5:00. Visit [rsvpcenter.wustl.edu](http://rsvpcenter.wustl.edu) for more information.
- For an urgent appointment, please call 314-935-6666 and ask for the RSVP Counselor on-call.

## Habif Mental Health Services

- Counseling and referral services are available for the spectrum of mental health needs.
- Call at (314)935-6695 or email [MHSCoordinator@wustl.edu](mailto:MHSCoordinator@wustl.edu) for an appointment or appropriate referral. Visit the website for additional information.



# GUIDING PRINCIPLES

We continue to work to eliminate sexual assault and sexual misconduct at Washington University, and in implementing the new regulations, we are guided by longstanding principles:

- Conduct investigations and hearings that are timely, thorough and fair to all parties
- Offer supportive measures to our students throughout the process, be transparent and treat everyone with respect
- Implement investigation and hearing practices that are trauma-informed and unbiased
- Provide trauma-informed, unbiased training for all Title IX coordinators, investigators and decision-makers
- Minimize barriers to reporting

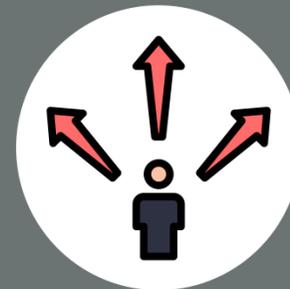
# HOW DID WE GET HERE?



On May 6, the Department of Education published the New Title IX Final Rule.



University was required to be in compliance by August 14.



Further outreach planned to share changes and information, including available resources.

## Sexual harassment

Any unwelcome sexual advances or other nonconsensual conduct of a sexual nature, when:

- submission to or rejection of such conduct is used as the basis or
- threatened basis for employment decisions or for academic evaluation, grades or advancement; or
- such conduct has the purpose or effect of unreasonably interfering
- with an individual's work or academic performance and creating an abusive,
- hostile or intimidating work or academic environment.

## Title IX sexual harassment

Conduct on the basis of sex that satisfies one or more of the following:

- 1) An employee of the University conditioning provision of an aid, benefit, or service on an individual's participation in unwelcome sexual conduct;
- 2) Unwelcome conduct by a University student or employee that, in the view of a reasonable person, is so severe, pervasive, and objectively offensive that it effectively denies an individual equal access to the University's education program or activity; or
- 3) Any instance of sexual assault, dating violence, domestic violence, or stalking, as those terms are defined by the Clery Act or VAWA.

Must take place within an educational program or activity of the University and against a person within the United States.

# **Gender Equity and Title IX Compliance Office response**

When GETIXCO receives a report of sex discrimination, sexual harassment, sexual assault, domestic violence, dating violence or stalking, we immediately contact the reporting party to provide them with information, resources and supportive measures.

We offer to meet with them and answer any questions they may have. During this conversation, we assess their safety, whether the behavior is ongoing and any assistance or accommodations they may need.

If they choose to make a complaint and are seeking an investigation, they must file a written, signed Formal Complaint.

Once the Formal Complaint is received, GETIXCO determines how to proceed.

# Gender Equity and Title IX Compliance Office response

If the Formal Complaint states a potential violation of the Title IX definition of sexual harassment, it will be investigated through the Student Title IX Grievance Process.

If the Formal Complaint instead states a potential violation of university's sexual harassment policy (falls outside of Title IX), it will be investigated through the Student Gender Equity Grievance Process.

If the Formal Complaint does not state a potential violation of either definition, the Complainant will be offered informal options for addressing their concerns, including supportive measures.

GETIXCO retains sole discretion in determining which process, if any, will occur.

Parties may be accompanied by a support person.

The Investigator interviews parties and witnesses and gathers all evidence. Parties have a chance to review the evidence and respond to it in writing before the report is finalized.

Report is shared with parties, who may respond to it in writing, and Hearing Panel.

Three member Hearing Panel is chosen to decide the case – one Hearing Chair (outside attorney who runs hearing) and two members of University Sexual Harassment Investigation Board.

**Both  
grievance  
processes**

After the hearing, a majority of the Hearing Panel must decide whether it is more likely than not that the Respondent violated University policy.

Any sanction, including suspension or expulsion, is decided by the Vice Chancellor for Student Affairs.

Any party may appeal the decision and/or sanction to the Provost.

**Both  
grievance  
processes**

# Title IX Grievance Process

At the hearing, the Hearing Panel will question all parties and witnesses. Advisors to parties may then question other parties and witnesses.

If a party does not have an Advisor to question the parties and witnesses, the university will appoint one. These Advisors may include lawyers.

If any person does not appear for questioning by the parties' Advisors, none of that person's previous statements may be considered by Hearing Panel when making a decision.

# Gender Equity Grievance Process

At the hearing, the Hearing Panel will question all parties and witnesses. Parties may submit questions for the Hearing Panel to ask.

Parties are not allowed to have Advisors. If they choose to have a support person, that person may not play an active role in the interviews or hearing, other than to support the party.

If any person does not appear for questioning at the hearing, their previous statements are not excluded from consideration by Hearing Panel when making a decision.

**PLEASE USE THE  
Q&A FUNCTION  
TO SHARE YOUR  
QUESTIONS.**

Thank you all for joining us!

