



Sexual Misconduct & Title IX

Student Development & Campus Life Leadership

February 9, 2023

Content Warning

Sexual violence
Assume good intentions
Take care of yourself
Seek emotional, spiritual or counseling help



What is Title IX?

20 U.S.C. § 1681 & 34 C.F.R. Part 106 (1972)

“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 educational program or activity receiving federal financial assistance.”

IX

Title IX Applies to All Forms of Sex Discrimination

Sexual harassment
Achievement awards
Athletics
Benefits
Financial aid
Leaves of absences/re-entry policies
Opportunities to join groups
Pay rates recruitment

Retention rates
Safety
Screening exams
Sign on bonuses
Student and employee benefits
Thesis approvals
Vocational or college
Counseling^[P]_[SEP] Research opportunities

Prohibited Conduct

Sexual Harassment	Sexual Assault:	Sexual Exploitation	Relationship Violence	Sex-Based Stalking	Retaliation
• Includes: • Unwelcome sexual advances • Requests for sexual favors • Gender-based harassment	• Non-consensual sexual contact • Non-consensual intercourse	• Taking sexual advantage of another for one's own benefit • Example: sending explicit photos without knowledge or consent of the subject.	• Domestic Violence • Dating Violence • Intimate Partner Violence	• Course of conduct directed at a specific person, causing fear for safety or substantial emotional distress	• Prohibited against individuals reporting prohibited conduct or participating in a process.

Pregnancy & Parenting Rights

- Title IX prevents discrimination based on sex, including pregnancy and parental status—in educational programs and activities
- Must engage in an interactive dialogue
 - Provide reasonable academic adjustments, extensions, excused absences
 - Provide lactation space
- Resources —
 - [CBU's NEW Pregnancy & Parenting Rights Guide](#)
 - [Pregnant Scholar](#)



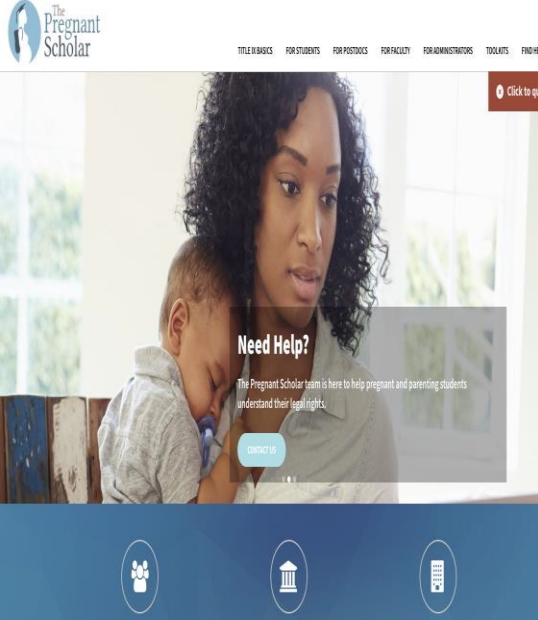
PREGNANCY & PARENTING RIGHTS

TITLE IX OF THE EDUCATION AMENDMENTS OF 1972 is a federal civil rights law that prohibits discrimination on the basis of sex, including pregnancy and parental status, and requires that all educational institutions provide a range of reasonable adjustments to students who need them due to pregnancy and childbirth. These should be assessed on a case-by-case basis with interactive dialogue between the faculty/staff member and the student. Faculty or staff are required to report requests or concerns to titleix@cbu.edu.

STUDENT RIGHTS
Title IX requires that Christian Brothers University ("CBU") provide reasonable adjustments to students who need them due to pregnancy for as long as is medically required. This may include adjusting a student's schedule or allowing frequent trips to the restroom when necessary. The University must provide the student reasonable adjustments, like a larger desk, elevator access, or allowing frequent restroom trips.

EXCUSED ABSENCES AND MEDICAL LEAVE
Excused absences for pregnancy and childbirth is a student's legally protected right; it cannot be made contingent on a student's grades, prior performance in a class, or any other factor such as meeting the criteria of any CBU Policy.

- CBU must excuse absences due to pregnancy or childbirth for as long as a doctor deems it medically necessary.
- CBU must allow the student to return to the same academic and extracurricular status as before the student's medical leave began and to make up any missed work due to doctor's appointments, a medical condition, and childbirth. If a student's grade is based in part on class participation or attendance, the student should be allowed to make up the participation or attendance credits.
- CBU must provide the student with the same services it provides to students with temporary medical conditions, including online instruction, tutoring, and/or independent study.



The Pregnant Scholar

TITLE IX BASICS FOR STUDENTS FOR FACULTY FOR ADMINISTRATORS TOOLS FINANCIAL

Click to go

Need Help?
The Pregnant Scholar team is here to help pregnant and parenting students understand their legal rights.

CONTACT US

Consent & Consensual Relationships

"Intimate relationships between supervisors and their subordinates, between faculty members and students are **strongly discouraged due to the inherent inequality of power in such situations**. These relationships could lead to undue favoritism or the perception of undue favoritism, abuse of power, compromised judgment or impaired objectivity."

It is a conflict of interest for a faculty member to engage in an intimate relationship with a student.

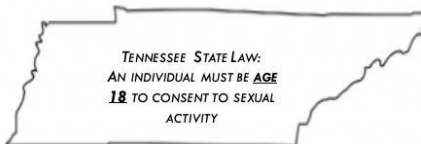
– See, *Consensual Relationships, CBU's Anti-Harassment Policy*

Consent: Affirmative, unambiguous, voluntary

Strongly encouraged to obtain explicit verbal consent before engaging in any sexual activity.

No Consent:

- Disability
- Coercion or force
- Incapacitation (drugs/alcohol/asleep)
- Age – State law requires individuals to be age 18 to consent to sexual activity



Notice

Officials with Authority

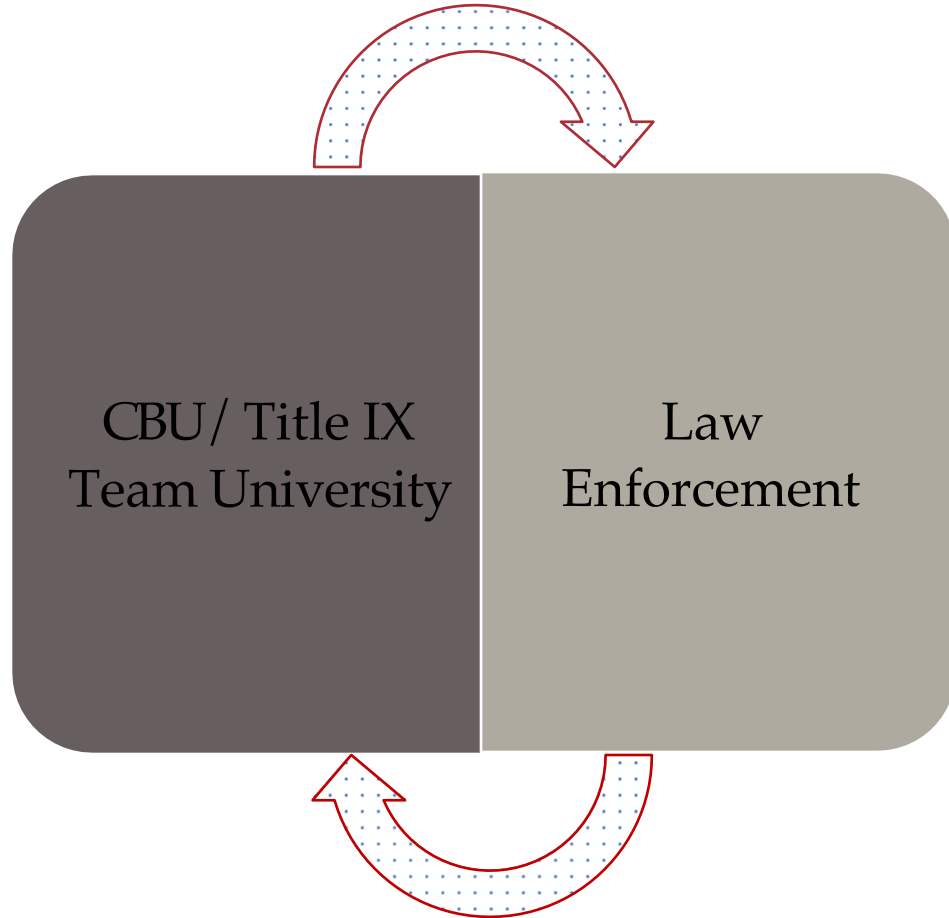
- Means an employee explicitly vested with the responsibility to implement corrective measures for sexual harassment on behalf of CBU:
 - **David L. Archer, President**
 - **Beth Rene Gerl**, Vice President for Student Development and Campus Life
 - **Paul Haught**, Vice President for Academics

Mandated Reporter

- Means an employee of CBU who is obligated by policy to share knowledge, notice, and/or reports of harassment and/or retaliation with the Title IX Coordinator. This is not to be confused with those mandated by state law to report child abuse, elder abuse, and/or abuse of individuals with disabilities to appropriate officials, though these responsibilities may overlap with those who have mandated reporting responsibility in this Policy



Reporting options



Private Resources (Mandatory Reporters)

- Must Report to the Title IX Coordinator
- Majority of CBU employees:
 - Faculty, coaches, staff, resident advisors or directors

Title IX Team

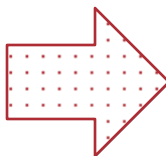
- Title IX Reporting Form
- titleix@cbu.edu

Campus Police & Safety:

For Students & Employees

- Dial 3550 from a campus phone • Dial 321-3550 from a cell phone or off campus.
- On campus, you may also dial 9, then 911 for emergencies.
- Off Campus Emergency: 911

How to Report to Title IX Team?



ABOUT CBU / CBU POLICIES / SEXUAL MISCONDUCT POLICY -

Title IX

Christian Brothers University is committed to Lasallian principles of respecting one another, ensuring that we develop a diverse, inclusive, and supporting community, having faith in the presence of God, and providing the highest quality education for our students. We carry out these values "together and by association" by adhering to not just a shared set of beliefs about the importance of our community but also a shared set of policies, procedures, and guidelines established to promote equity, fairness, and best practices across the University.

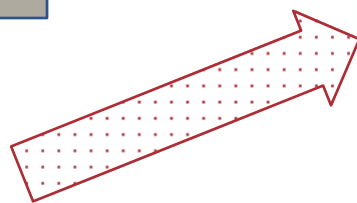
Title IX of the Education Amendments of 1972 is a federal civil rights law that prohibits discrimination on the basis of sex, Gender-based harassment, sexual misconduct, domestic or dating violence, and stalking.

Title IX prohibition of the basis of sex, includes prohibits discrimination based on pregnancy, childbirth, false pregnancy, termination of pregnancy, or recovery from any of these conditions.

The University makes adjustments to the education program or activities that are reasonable and responsive to a student or employee's temporary pregnancy status. Title IX requires a recipient to provide the same special services to a pregnant student that it provides to students with temporary medical conditions. Adjustments or requests are assessed on a case-by-case basis with interactive dialogue between the faculty/staff member and the student.

Faculty or staff are required to report any requests for adjustments to titleix@cbu.edu.

[Incident Report Form](#)



Title IX Coordinator



 **Sexual Misconduct | Incident Report Form**

CBU is committed to providing a living, learning, and working environment free from discrimination on the basis of sex, in compliance with Title IX of the Education Amendments of 1972, and the Violence Against Women Reauthorization Act of 2013. Sexual misconduct is an umbrella term and includes discrimination or harassment based on sex, sexual assault, stalking, dating violence, and domestic violence, is prohibited.

This reporting form is for non-emergency incidents only. If this is an emergency, Call 911 or contact CBU Campus Police & Safety at (901) 321-3550.

CBU encourages individuals to report potential sexual misconduct. CBU takes reports made through this form seriously. Following the submission of the form, the reporting party can expect an outreach of support from the Title IX Office.

Individuals are encouraged to seek confidential medical, counseling, spiritual, and advocacy services. A list of on and off-campus providers can be obtained online at: <https://www.cbu.edu/about/cbu-policies/sexual-assault-policy/reporting-obligations/>

If you have questions, or you need accommodation for a disability or language assistance in order to fully and meaningfully participate in this process or report concerns, email titleix@cbu.edu or call (901) 321-3531.

Reporter's Name

First Last

Email address

Phone

- -

####

Type of Complaint *

Date of Incident *

/ /

Confidential v. Private Employee

- Private Employee
 - Submit a Title IX Incident Report Form within 2 business days
 - Provide informed consent
 - Title IX Coordinator responds to allegations of harassment & Discrimination.
 - You share information on a need to know basis or legitimate educational interest
- Confidential Employee – no need to report to Title IX Team

Confidential Resources (no duty to report)

Spiritual Health

- [On Campus, Campus Ministry](mailto:cbuministry@cbu.edu): (901) 321-3509 | cbuministry@cbu.edu

Advocacy Services | Confidential

- [Off Campus, Shelby County Crime Victims & Rape Crisis Center](tel:(901)222-3950): (901) 222-3950 for immediate help (M–F, 8 am – 4:30 pm)
- [Off Campus, Young Women's Christian Association in Memphis](tel:(901)725-4277): (901) 725-4277

Health | Confidential

- [On Campus, University Health Services](mailto:health@cbu.edu): (901) 321-3260 | health@cbu.edu
- [Off Campus, Methodist University Hospital](tel:(901)516-7000): (901) 516-7000



Collective Healing Space, a locally owned and operated licensed mental health services provider, offering assistance and services to all students enrolled at Christian Brothers University. Confidential, professional services include personal counseling, crisis counseling/ intervention, personal development seminars, consultation and referrals. The Collective Healing Space will be providing sessions virtually, or in-person at their local office.

Office Hours: **Counseling** sessions are available Monday-Friday by appointment only.

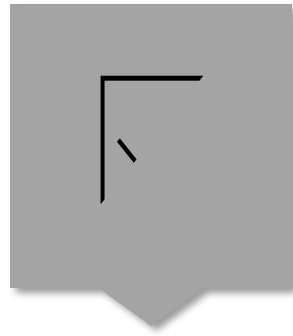
- There are three opportunities available to schedule an appointment: www.thecollectivehealingspace.org, click on "Contact Us To Schedule An Appointment" and fill out the on-line form. Please indicate you are a CBU student.
- Email Dr. Archandria Owens at dr.owena@thecollectivehealingspace.org to schedule an appointment;
- Call/Text: (901) 528-9863 Phone calls and texts returned as soon as possible.

Students in crisis after-hours and on weekends may contact the University Police and Safety Office at (901) 321-3550.

Process & Expectations for CBU Employees



Whenever an employee learns of a potential policy violation, they **MUST** report and are not confidential



Complete & submit Incident Report Form within 2 business days



CBU is required to respond, prevent, end & remedy the effects of discrimination or harassment



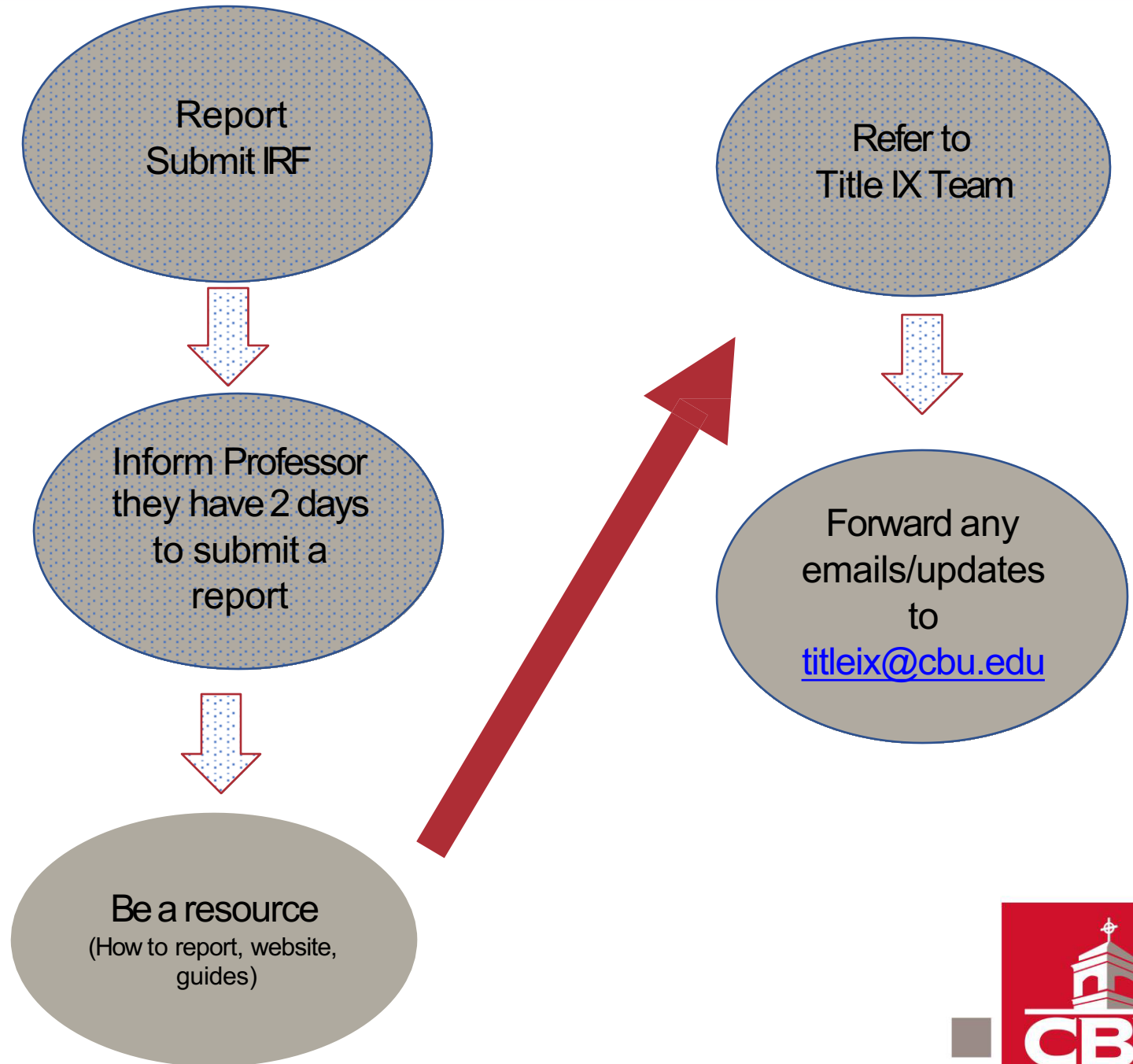
Harmed Individual receives information regarding rights, reporting options/resources/support

Scenario 1

- Professor Distressed calls Dean's office to report concerns regarding a student.
- Professor explains student wrote a sexually natured and offensive essay
- Professor provides you with the name of the student and the essay
- Professor wants this student removed from their class
- What do you?

What Do You?

- Report the:
 - Who, What, Where, When, How, Why
- Be a Resource
- Refer to Title IX Team
- Forward any emails to titleix@cbu.edu



Scenario 2

- Student comes into your office crying or distressed
- Student asks to speak with someone right away
- What do you do?



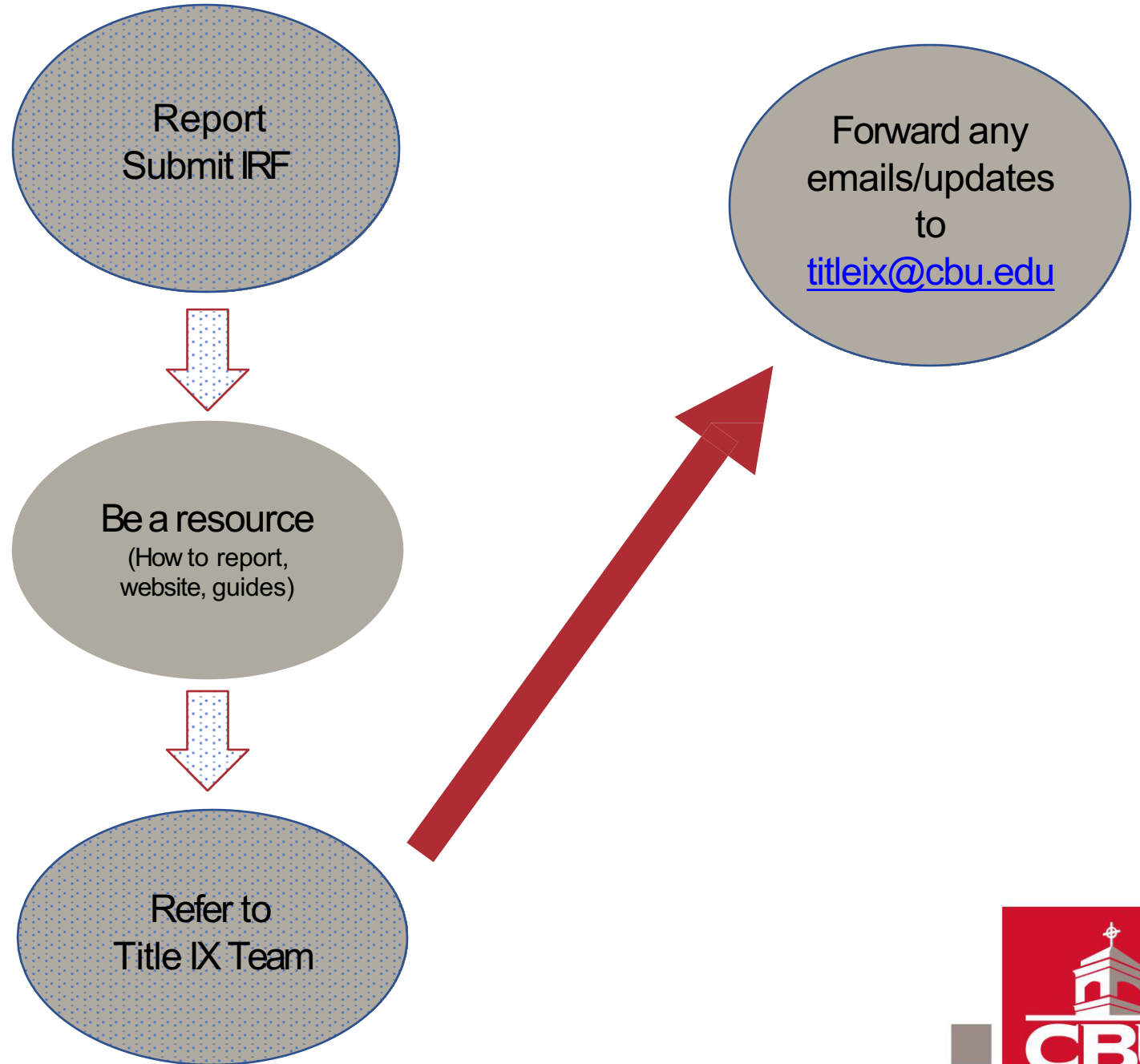
SDCL Employee Expectations

- Kindly inform individuals that YOU are a private resource meaning you must share certain information.
- Practice your script to be ready to provide informed consent –
“I see you look upset. I am here to help you, but before you tell me any more I need you to know that I am a private employee. This means that I will keep whatever you tell me as private as possible, but might required to share whatever you tell me with the Title IX Coordinator or other officials who are required to respond and help you. While, I am required to share information, you are not required to talk to anyone who might reach out to check on you. If you are not sure whether you want to continue this conversation with me, I can refer you to a confidential resource who has no duty to share information with leadership.”
- Complete and submit an Incident Report Form within 2 business days



What Do You?

- Report the:
 - Who, What, Where, When, How, Why
- Be a Resource
- Refer to Title IX Team
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Best Practice Tips

- Respondents are always presumed not-responsible until the conclusion of the Formal Process
- Treat parties equitably
- Practice equitable checkpoints
- Both parties have a right to participate in educational programs, activities, and events

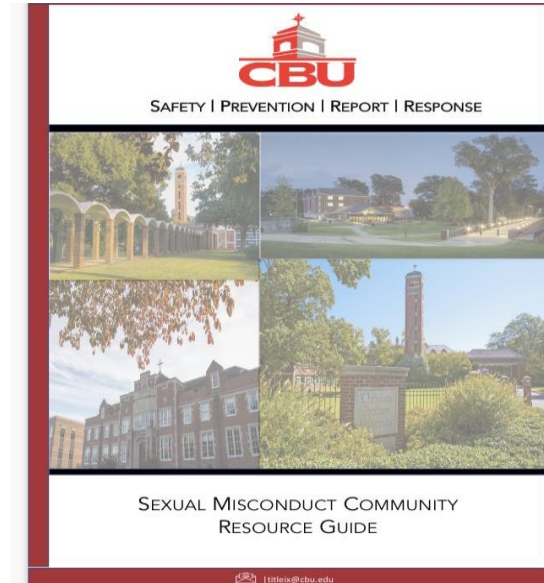
Supportive Measures & Resources

Supportive measures are individualized services to restore or preserve equal access to education, protect student and employee safety, or deter sexual harassment.

Upon notice of potential policy violation CBU must assess whether supportive measures are appropriate

Examples:

- No Contact Order
- Schedule change
- Parking/transportation change
- Academic extensions
- Tutoring
- Housing re-assignment





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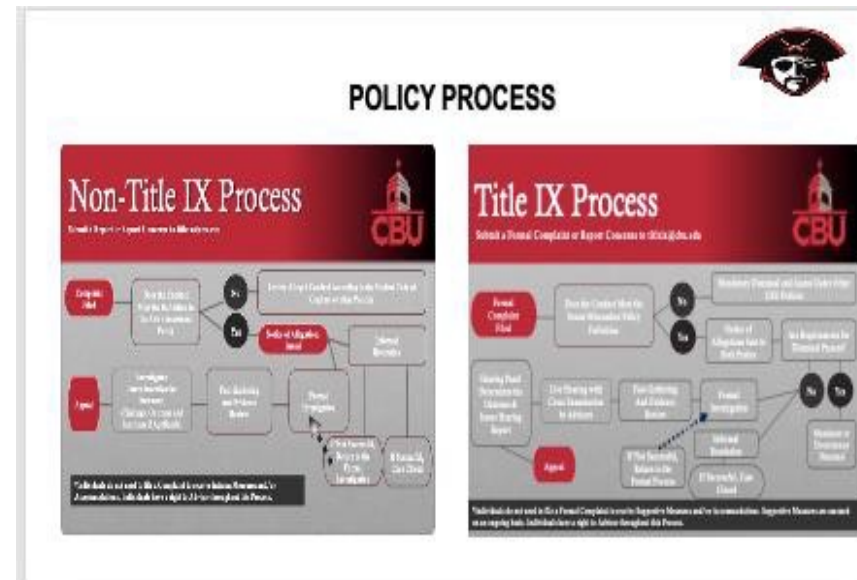
CLASSES AND SCHOOL ACTIVITIES
CBU must allow pregnant or parenting students to participate in classes, extracurricular activities, including honors classes, clubs, sports, leadership opportunities, and other activities.

Any Questions?
titleix@cbu.edu

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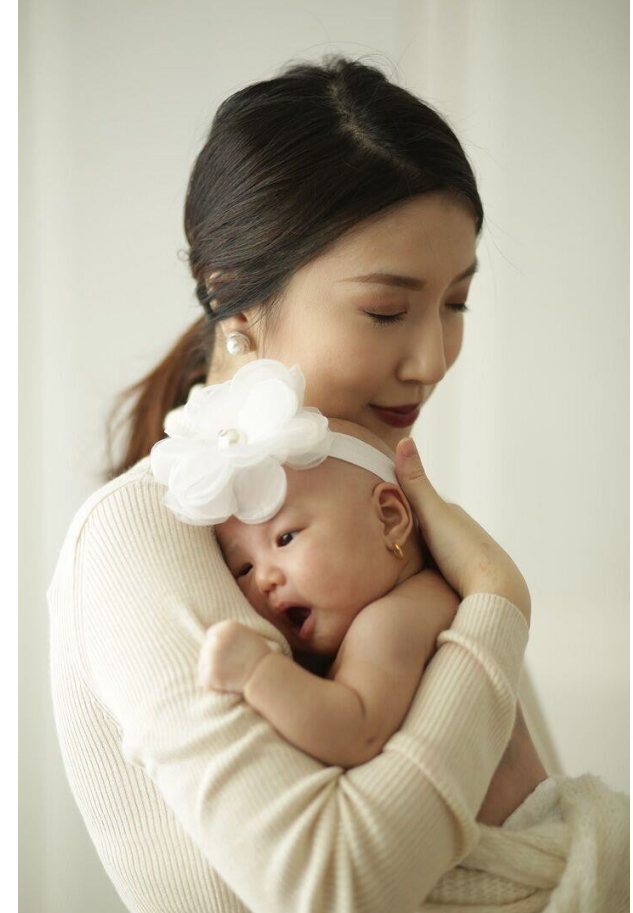
LACTATION SPACES
Private lactation spaces will be designated as needed.



Scenario 3

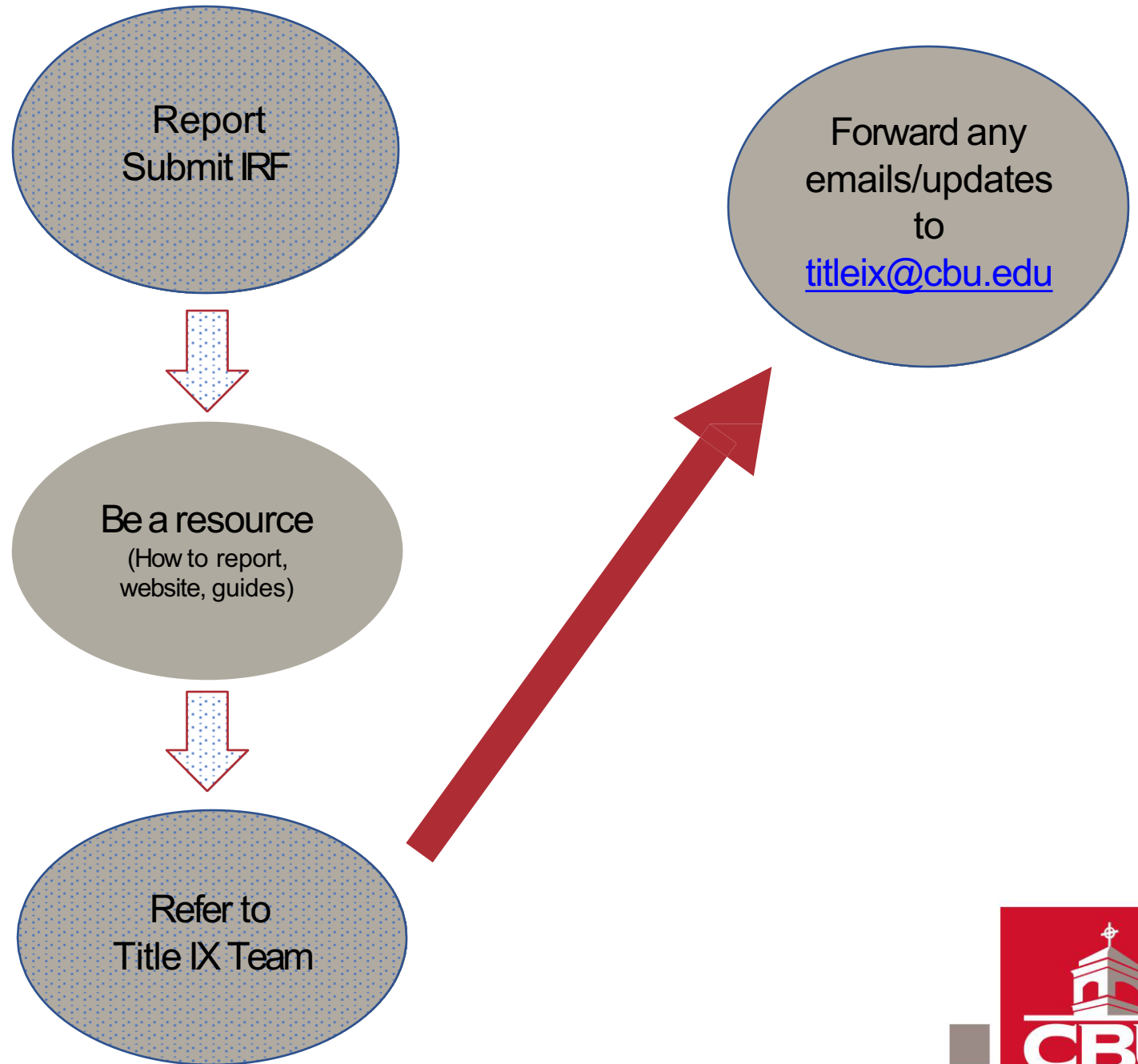
- 1) Student asks for academic extension due to pregnancy-related medical condition
- 2) Student asks for lactation space

What do you do in each scenario?



What Do You?

- Report the:
 - Who, What, Where, When, How, Why
- Be a Resource
 - Do you know your rights?
 - Do you know resources and support available?
- Refer to Title IX Team
- Forward any emails to titleix@cbu.edu



In the News:

- Participants in the process need to stay in their lane
 - Title IX Team
 - Decision makers
- Pregnancy cases
- Supportive measures need to be individualized, **reasonably appropriate**, consistent
 - Ex: Registrar
 - Ex: Professor not granted extensions or accommodations when others in similarly situated situations were
- Social Media allegations
 - Students adjudicating themselves

Any Questions?

