

Office of Civil Rights & Title IX

Introduction & Nuances as a Confidential Employee

Group Presenting To

Presenter Names

Location | Date



civilrights.ku.edu



Agenda

01 Reintroduce Office

02 Our Top 5

03 Confidential Employees

04 Our Process

05 Myths & Facts



Content Warning

Some of the content on these slides and presentation may be challenging and evoke strong emotions from some people.

Most content involves conversations around harassment, discrimination, or sexual misconduct.

Please feel free to take a minute if needed.



One University Office

 **Lawrence**

Strong Hall #121
Dole Human Development
Center #1082

 **Edwards**

Regnier Hall 270 M,N,P,Q

 **Kansas City**

School of Nursing 4037
Smith-West 1006



Our Team

OCRTIX consists of 5 teams focusing on various processes, directed by our Leadership team to address reports on all campuses.

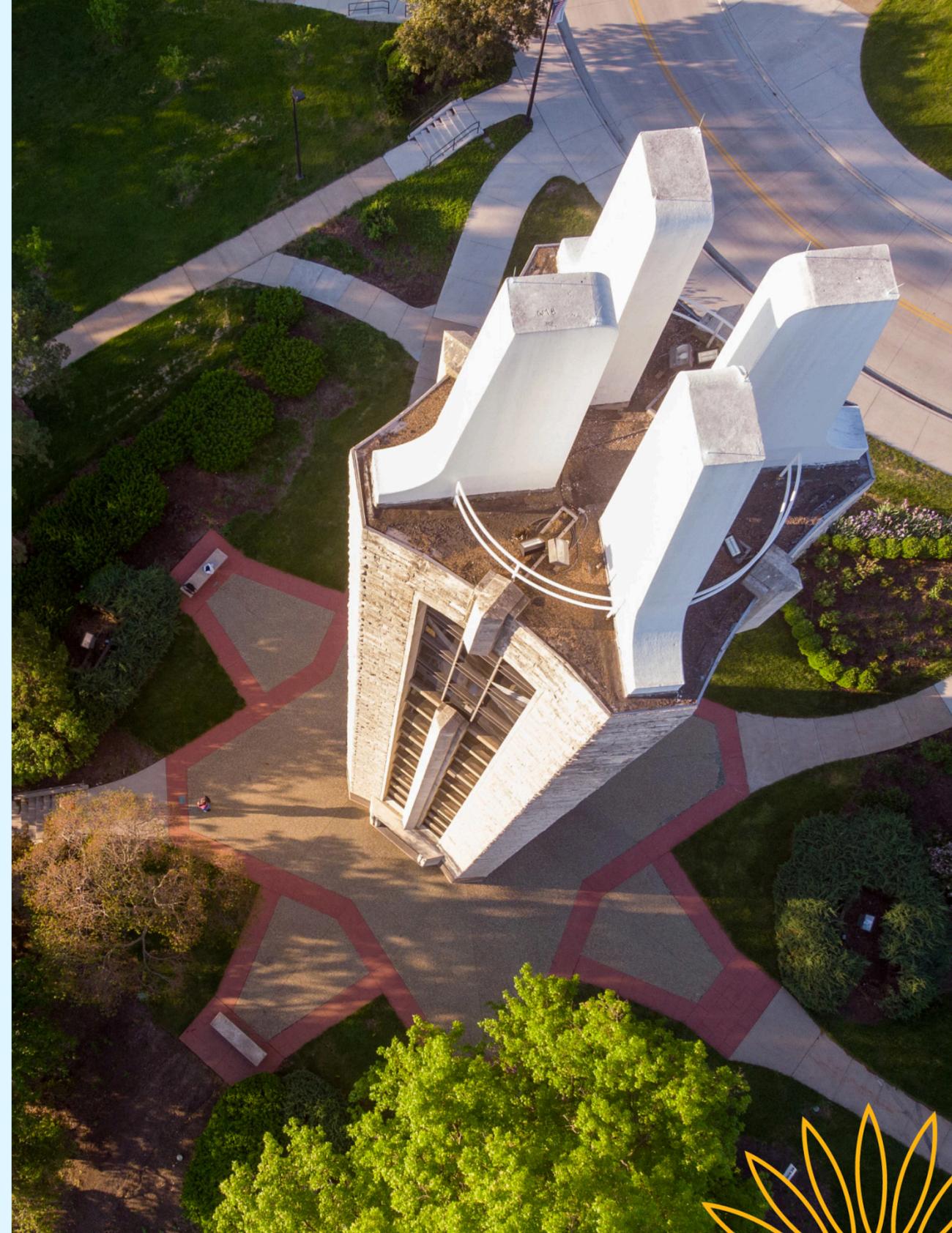
- **Intakes and Outreach**
- **Support Measures and Informal Resolutions**
- **Investigations**
- **Impact and Belonging**
- **Clery Compliance**

Our staff, affiliated stakeholders, and decision makers can be found at civilrights.ku.edu

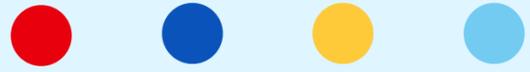


What OCRTIX Does*

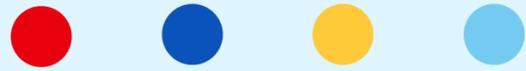
- **We respond to reports** pertaining to discrimination & harassment (based on 16 different identities), sexual misconduct, and related retaliation. We provide support measures, informal and formal resolution options, and conduct investigatory reviews.
- **We assess and respond to impact** from incidents occurring across campus, and work to create a greater sense of **belonging** for all.
- **We support pregnant and parenting students.**
- **We engage in outreach and education.**
- **We oversee Clery compliance**, resulting in timely warnings, emergency notifications, and the annual security and fire safety report.



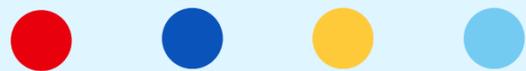
Confidential Employees



Confidential Employees



Confidential Employees



Mandatory reporters are staff and faculty (including graduate & undergraduate student-staff) who have a special obligation to share information pertaining to harassment, discrimination, and sexual misconduct with the OCRTIX.



Every employee when engaged in their KU capacity except:

- CAPS Therapist
- CARE Services
- Watkins Medical Providers
- Ombuds Office
- Student Legal Services
- Journalists
- Pastoral Advisors
- Some IRB approved research/climate studies
- KU's General Counsel's Office

**Otherwise
known as
Confidential
Employees**

**For more
information, check
out the Mandatory
Reporting Policy on
the KU Policy Library**



**“Mandatory reporting” means different things in different professions.
Be careful to understand which definition applies to your settings.**



Mandatory reporters are staff and faculty (including graduate & undergraduate student-staff) who have a special obligation to share information pertaining to harassment, discrimination, and sexual misconduct with the OCRTIX.



Every employee when engaged in their KU capacity except:

- Health Care Providers
- Pastoral Advisors
- Professional Counselors
- Student Ombuds
- Journalists
- Legal Services/KU's General Counsel's Office
- Some IRB research/climate studies
- Medical providers when treating patients and patients disclose

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Be careful to understand which definition applies to your settings.**



Some exemptions from the KU Mandatory Reporting Policy;

1. Health care providers and pastoral and professional counselors who receive information about discrimination or harassment, including sexual violence, while acting in their role as a health care provider or pastoral or professional counselor.
2. The CARE Coordinator and CARE Advocate, who are employees designated to provide information about reporting options on a confidential basis.

**“Mandatory reporting” means different things in different professions.
Be careful to understand which definition applies to your settings.**

Common Standards of Mandatory Reporting in Clinical/Medical field:

- Suspected child abuse.
- Suspected elder or dependent adult abuse.
- Imminent risk of inflicting violence.
- Imminent risk of suicide.

KU Standards of Mandatory Reporting:

- Alleged Harassment & Discrimination based on identities.
- Alleged Sexual Misconduct.



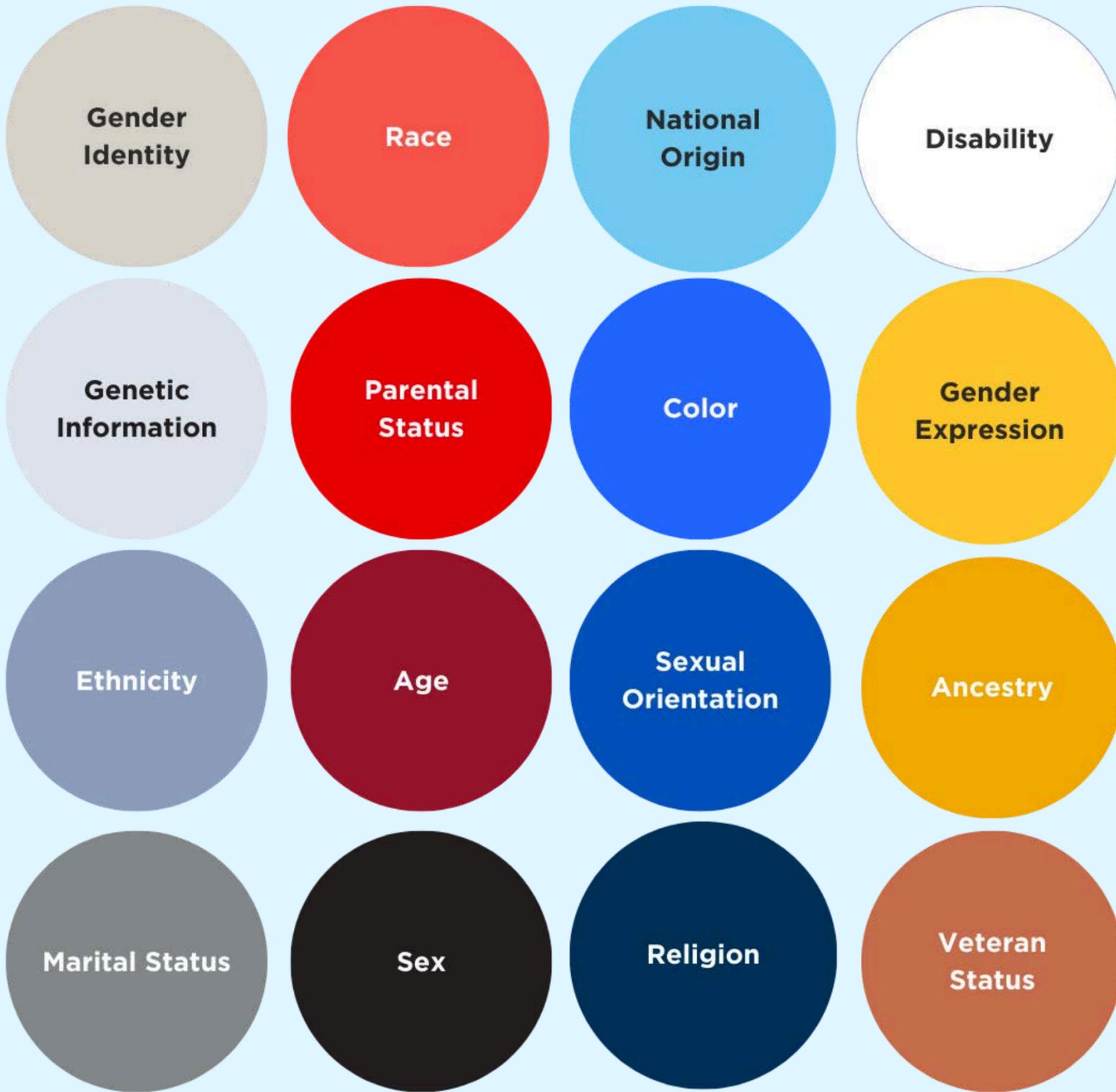
Nuances

- Health care providers and pastoral and professional counselors who receive information about discrimination or harassment, including sexual violence, **while acting in their role as a health care provider or pastoral or professional counselor.**
- The CARE Coordinator and CARE Advocate, who are employees **designated to provide information about reporting options on a confidential basis.**



Employees who are exempt from reporting to the Office of Civil Rights & Title IX still have an **obligation to exercise reasonable care to protect a foreseeable victim from danger and to make reports mandated by law.** In addition, exempt employees shall **encourage individuals to report discrimination or harassment, including sexual violence, to the Office of Civil Rights & Title IX or the police and should, when appropriate, provide affected individuals with information on how to report the incident to the Office of Civil Rights & Title IX.** Exempt employees are still required to provide victims of sexual violence with information about their rights and options. That information which is available through the Office of Civil Rights & Title IX, and their website.





Examples of things not to report:

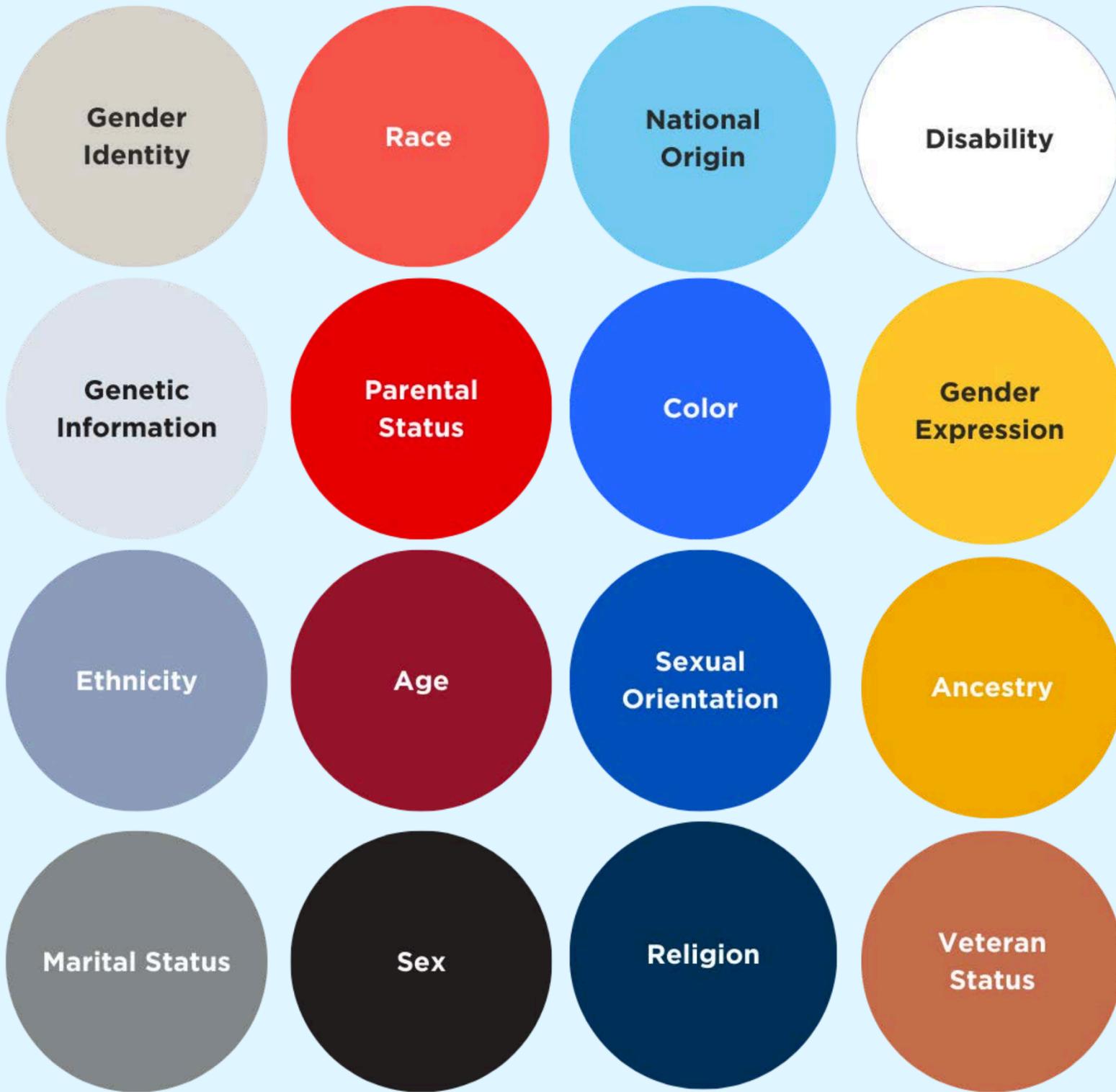
- Anything you learn while operating in your medical/clinical role, except as required by law/through licensing.
- Information discussed in case consultation.
- Information discussed in conversation with your supervisor as it relates to clients or your clinical work.
- You're leading an informal group, not providing therapy.



Examples of things to report:

- You witness something related to harassment, discrimination, or sexual misconduct on campus when you're headed into the building.
- A peer confides something to you related to their own experience with harassment, discrimination, or sexual misconduct.
- You're tabling or providing education on your unit and someone tells you about an experience.





When operating as a confidential employee, you can always provide a referral for our office. You can also provide deidentified information, but don't have to.



When wearing your CE hat, examples of things to provide referral or deidentified information about:

- A client/patient tells you a sexual partner knowingly exposed them to an STI.
- A client/patient references an experience of childhood sexual assault.
- A student references KU not prioritizing accessibility on campus and their struggles to navigate campus.
- A student mentions how it's challenging to be a women in a certain field here at KU.
- A student believes they are being treated differently due to their race.
- On-campus protests are making a student uncomfortable based on their identities.



How to respond when you receive a report - “ready-made responses”

If you sense the direction of the conversation

“I want to pause you for a minute. Before you share, I want to let you know I’m a mandatory reporter. That means...”

Be trauma informed

- Think about tone. Slow down, be “soft”
- Think about lighting. Soft and low lighting can make things feel better.
- Allow for emotions to be present.

If you get a disclosure without being able to share context

“I want to pause you for a minute. Thank you for sharing that with me. It sounds like a really challenging experience. Before we move forward, I want to let you know I’m a mandatory reporter. That means...”

- Know that trauma doesn’t allow for linear thinking.
- Acknowledge the challenging nature of the conversation.

Be thinking about options you can provide

- Ask questions about safety - “Are you feeling safe now?” “Would you like me to call *resource* with you now? - Resource: KUPD, Housing
- Talk about evidence preservation - “It can be helpful to keep any potential evidence so you can continue to make decisions in the future, even if you’re not ready to do that now. Would you like me to help connect you to *resource*? - Resource: Hospital/SANE exam
- What other campus/community resources might be helpful?

Common concerns

- Losing trust with the person
- Removing agency from the person affected
- Getting someone in “trouble”
- “Taking sides”
- What to do next...

“I know this might be scary, and you deserve all the options available”

Be as comfortable and knowledgeable as possible.



Our Process

1

Once a report is made we reach out to the person who may have experienced harm, **invite them to a conversation** about their experience, and share options.

2

We talk through goals, including informal and formal options such as formal complaints and investigations. The person who may have experienced harm helps to guide this conversation with their goals.

3

We explore support measures which can include but is not limited to working with instructors/supervisors to establish reasonable modifications or workplace accommodations.

4

Based on what the person's goals are, we help to **facilitate our resolution processes**.

The person is welcomed to bring an advisor to assist them through the process.

Our Resolution Processes can be found on our website civilrights.ku.edu



Myths & Facts



OCRTIX Myth - Once a report is made, OCRTIX opens a formal investigation

Fact - Once a report is made we reach out to the person who may have experienced harm, invite them to a conversation, and share options. A formal complaint is not opened at this time.

Outreach to complainant (person experiencing harm)

- Invitation to a conversation
- Follow up if no response within 5-7 days.
- May attempt more outreach depending on severity of the report.



If invitation is not accepted, case is closed, but complainant can re-engage at any time.

Report only for tracking - helps OCRTIX recognize patterns.

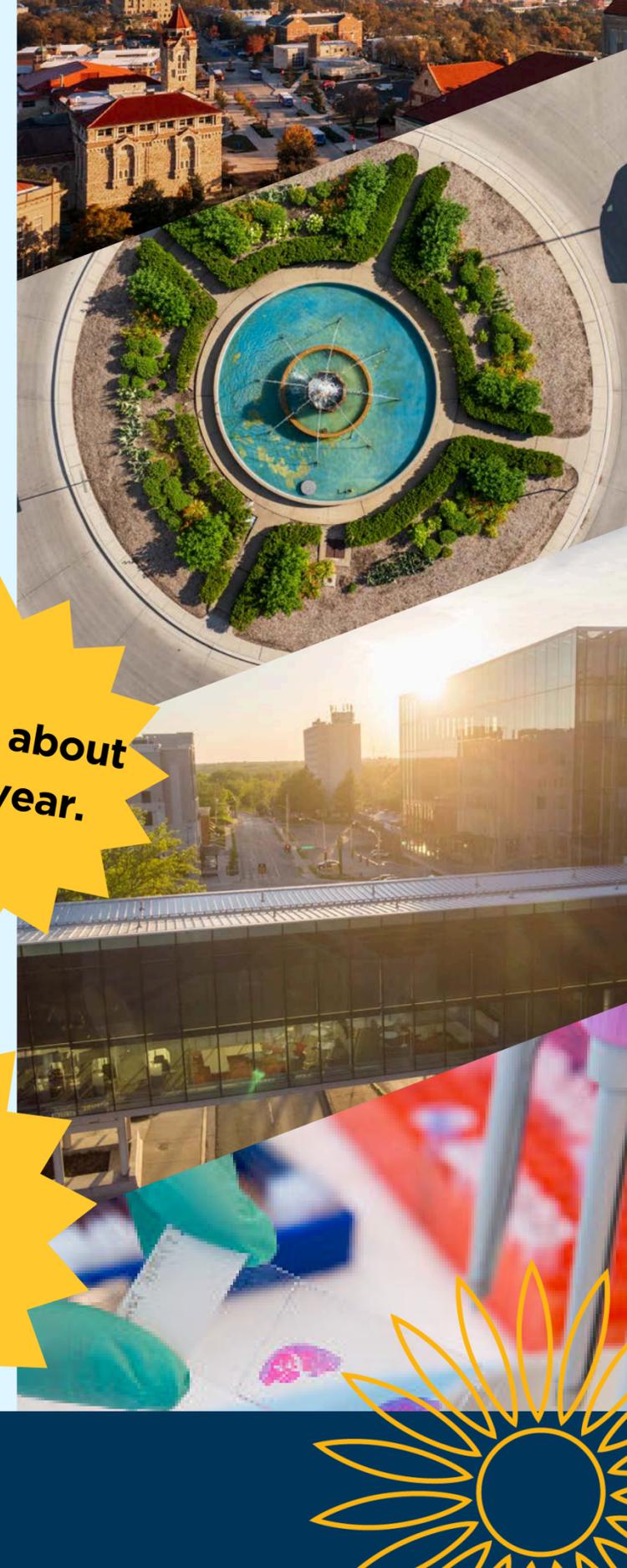


OCRTIX Myth - The person experiencing harm has no say over what happens to their report. OCRTIX will take action without their permission.

Fact - Only in very rare cases that involve an ongoing threat to safety or egregious pattern of continued harassment, discrimination, or violence will OCRTIX take action without a complainant. In almost all cases, the complainant actively informs the process and actions taken. The person alleged to cause harm will not be notified without a formal complaint being submitted (later in process).

Happens about once a year.

Even if OCRTIX files on behalf of the university, person does not need to participate.



OCRTIX Myth - Meetings with complainants are intrusive, triggering, and feels like an interrogation.

Fact - Complainants get to share what they would like to and are not compelled to share any information about their case they do not wish to. Additionally, intakes are completed with a trauma informed approach. We've received feedback on our intake process that they are "therapeutic," allow the person to feel heard, and are overall helpful. Additionally, anyone is able to bring an advisor for support.

An intake generally includes:

- An overview of our office.
- The complainant sharing their experience. Staff may ask clarifying questions to best understand the nature of the report and the nuances involved.
- The complainant sharing their goals.
- The exploration of support measures.
 - Referral to resources (university, local, state, national).
 - Educational conversations/policy reminders.
 - Voluntary reassignments (units, supervisors, etc.).
 - Establishing accommodations (academic or workplace).
- Exploration of formal options

Support Measures must be appropriate to the situation and environment. They are not guaranteed.



OCRTIX Myth - Every time someone wants a formal investigation, it is granted.

Fact - In order for OCRTIX to investigate, the alleged incident must be in OCRTIX's jurisdiction. An analysis of jurisdiction is complex (informed by federal/case/case law). It includes variables such as where the incident occurred, if we have authority over the person alleged to have caused harm, if there was likely a violation of an OCRTIX policy, and more.

Only approximately 10% of our reports turn into formal complaints, which could result in a formal investigation.

Title IX cases will end in a hearing.

We make sure to inform people of this in order to make informed decisions.

Formal investigations

- OCRTIX investigators are trained as neutral fact finders. They collect information through interviews, document reviews, and anything helpful.
- OCRTIX investigators write a report and invite feedback from complainant and respondent.
- OCRTIX passes report to decision maker (processes may differ based on nature of incident - hearing or decision).



Reporting gets people resources and options not available otherwise.

OCRTIX Myth - The office only cares about avoiding lawsuits and wants to keep things “quiet“.

Fact - Although our office cares about being in compliance and we use discretion, we do so because compliance means people experience a process with high integrity, the options and resources entitled to them, and everyone has their rights intact.



Mandatory reporters for harassment, discrimination, sexual misconduct, and related retaliation and CSAs should recognize the following benefits of reporting:

1. Gets the person experiencing harm access to resources and options otherwise not available.
2. Allows you to remain neutral and not be in the details.
3. Helps create a more informed, and likely safer campus environment.
4. Allows the university to be in compliance.

2017
\$220+ Million in various lawsuits between Penn State and Sandusky victims/incidents

2018
\$500 Million mediated settlement between Michigan State and Nassar victims

2024
\$14 Million Clery fine pertaining to Liberty University related to several Title IX related issues.

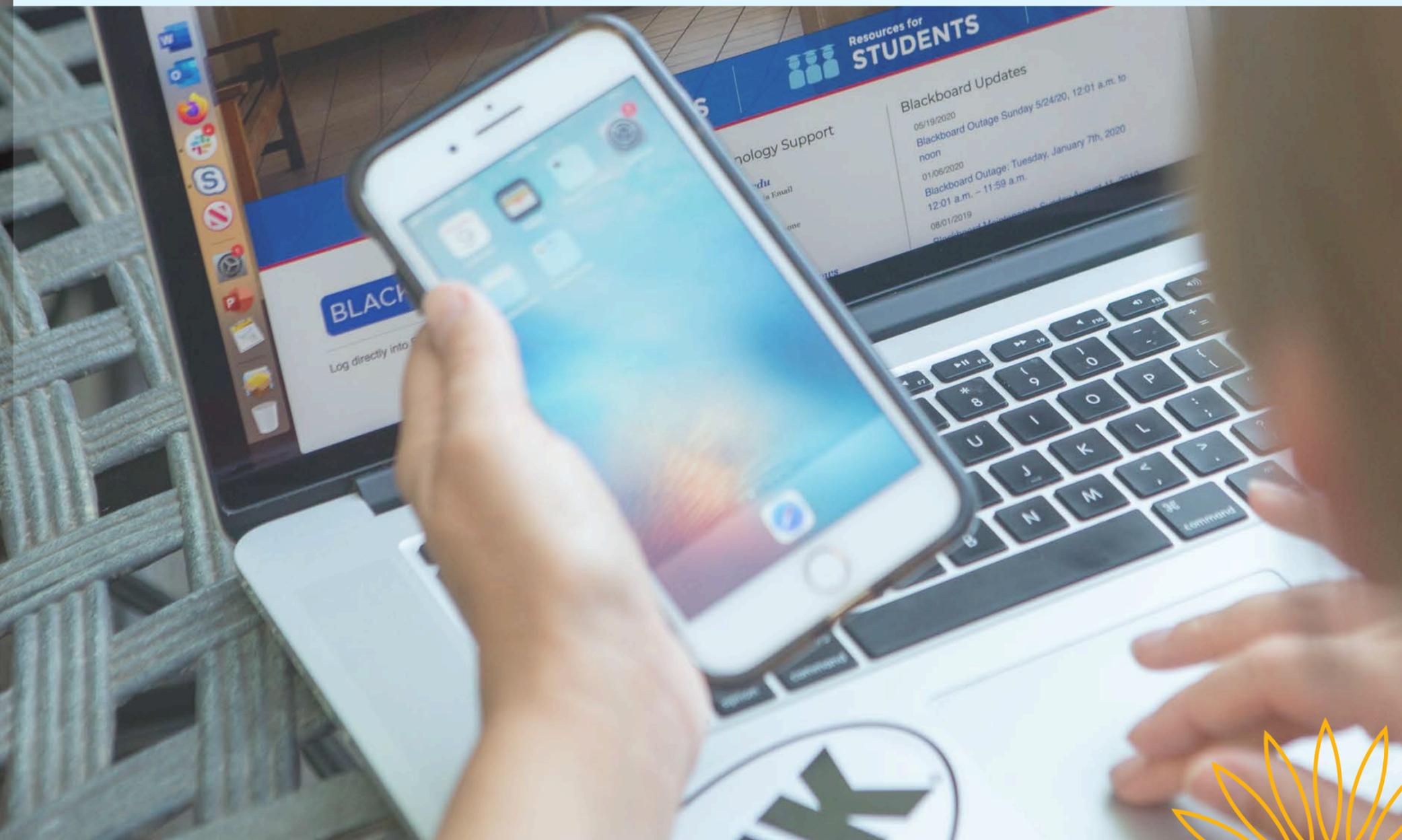
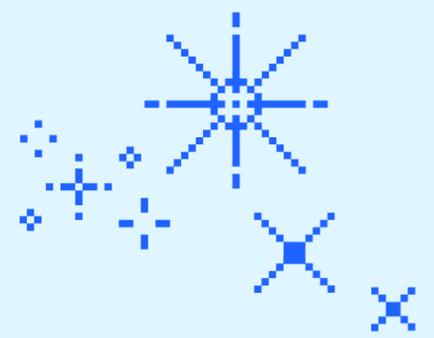
Ongoing
DOE is investigating several universities for Title VI compliance and their response to anti-Semitic incidents on campus.

Federal funding (including the ability to accept financial aid) can be pulled, including research grants.





Wrapping Up



How to Report



File an incident report on the OCRTIX website

- <https://civilrights.ku.edu/reporting-incident>



Email OCRTIX

- civilrights@ku.edu



Call OCRTIX

- 785-864-6414

Visit our office



◦ **Lawrence**

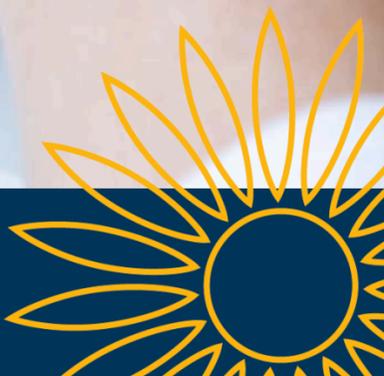
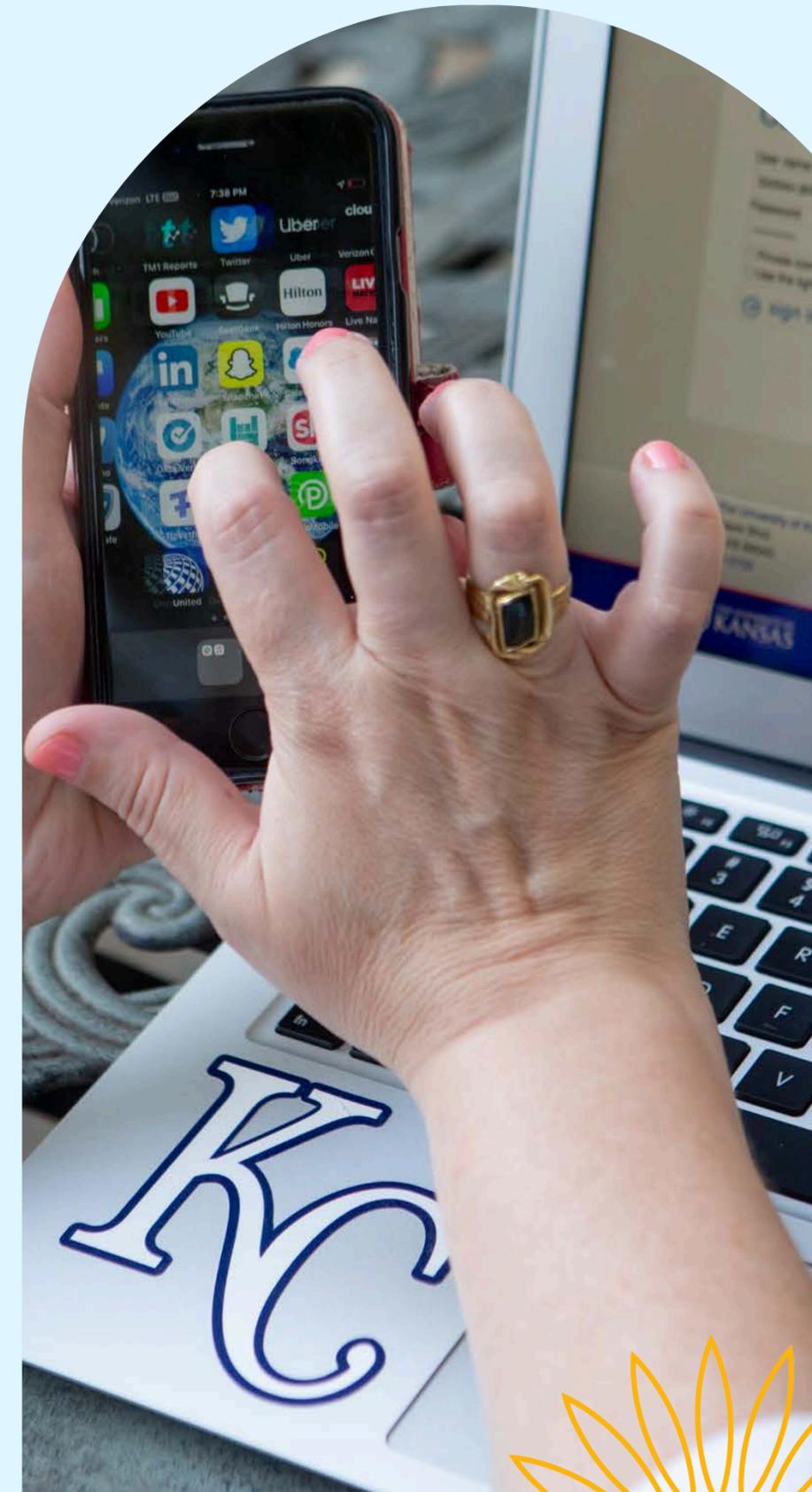
- Dole Human Development Center, #1082
- Strong Hall, #120

◦ **KUMC** - Smith-West 1006 & School of Nursing Rm 4037

◦ **Edwards** - Regnier Hall, Suite 270 M, N, P, Q

Additional Contacts

- Contact a Deputy Title IX Coordinator:
 - Natalie Holick in Compliance
 - Nicole Corcoran in Athletics
- Contact our Liaisons
 - Sarah Briley - Wichita HR
 - Donna Vandivier - Salina Faculty





THE UNIVERSITY OF KANSAS
Office of Civil Rights
& Title IX



Questions?

Contact Info

Ash Wilson

Director of Intakes and Outreach &
Deputy Title IX Coordinator

ashwilson@ku.edu

Departmental Contact and Info

civilrights@ku.edu

785-864-6414

civilrights.ku.edu

Other Opportunities

We're looking for ways to engage anyone on campus. If you have events for us to be present at, please let us know!

