

# Office of Civil Rights & Title IX

A Quick Introduction:  
What We Do & How We Do It

**STEP**

**Sam Deming**

**Virtual Presentation**



# Agenda

**01** Our Office

**02** What We Do

**03** Benefits of Reporting

**04** Expanded footprint across KU





# 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.



# Why We're Here

- Re/introduce our office, build, and enhance relationships.
- Give you tools to understand your responsibilities as a Mandatory Reporter.
- Help you understand our processes.
- Give practical examples of situations our office manages.

**Our intention is to make KU a safer place for everyone!**



# Background



**What do you know about OCRTIX?**



# 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 Office



# Background



**What laws created the need for  
compliance offices in higher education?**



# Examples of Civil Rights Laws

## Title VI of the Civil Rights Act of 1964

- Prohibits discrimination based on race, color, or national origin at any program or activity that receives Federal financial assistance.

## Title VII of the Civil Rights Act of 1964

- Protects employees and job applicants from employment discrimination based on race, color, religion, sex and national origin.

## The Americans with Disabilities Act (“ADA”) - 1990

- Prohibits employers from discriminating against employees and job applicants based on disability.

## Tons More

- all with the intent to prevent discrimination based upon identity in education, employment, housing, lending, voting.



## The core tenets/requirements of Civil Rights laws;

- Educational programs and activities **cannot** discriminate based on someone's protected class status as defined by Federal law or they risk losing their Federal financial assistance.
- Universities, as employers, **must** abide by Federal laws pertaining to preventing discrimination in employment practices.
- Universities often craft Nondiscrimination Policies and grievance procedures as guidelines to Civil Rights laws' requirements.
  - Universities often create offices to oversee compliance of the Nondiscrimination Policy.



**That's our office, OCRTIX!**



## Title IX of the Education Amendments Act of 1972 (20 U.S.C. § 1681)

- “No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjugated to discrimination under any education program or activity receiving Federal financial assistance.”
- The Secretary of Education oversees the enforcement of Title IX through the Department of Education’s Office of Civil Rights.
  - The Secretary of Education can update Title IX regulations and enforcement procedures, but core tenets/requirements of Title IX usually stay the same.



# 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.



# What is the Difference?



## Privacy:

University staff, administrators, and faculty may talk to someone who discloses an experience that potentially involves harassment, discrimination, and/or sexual misconduct. Staff are required to report relevant and preliminary information.

“I’ll only share with people who need to know”.

## Confidentiality:

University professionals required to maintain near complete confidentiality; talking to them is sometimes called a “privileged communication.”

While these may maintain a victim’s confidentiality, they may have reporting or other obligations under state law.



**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**



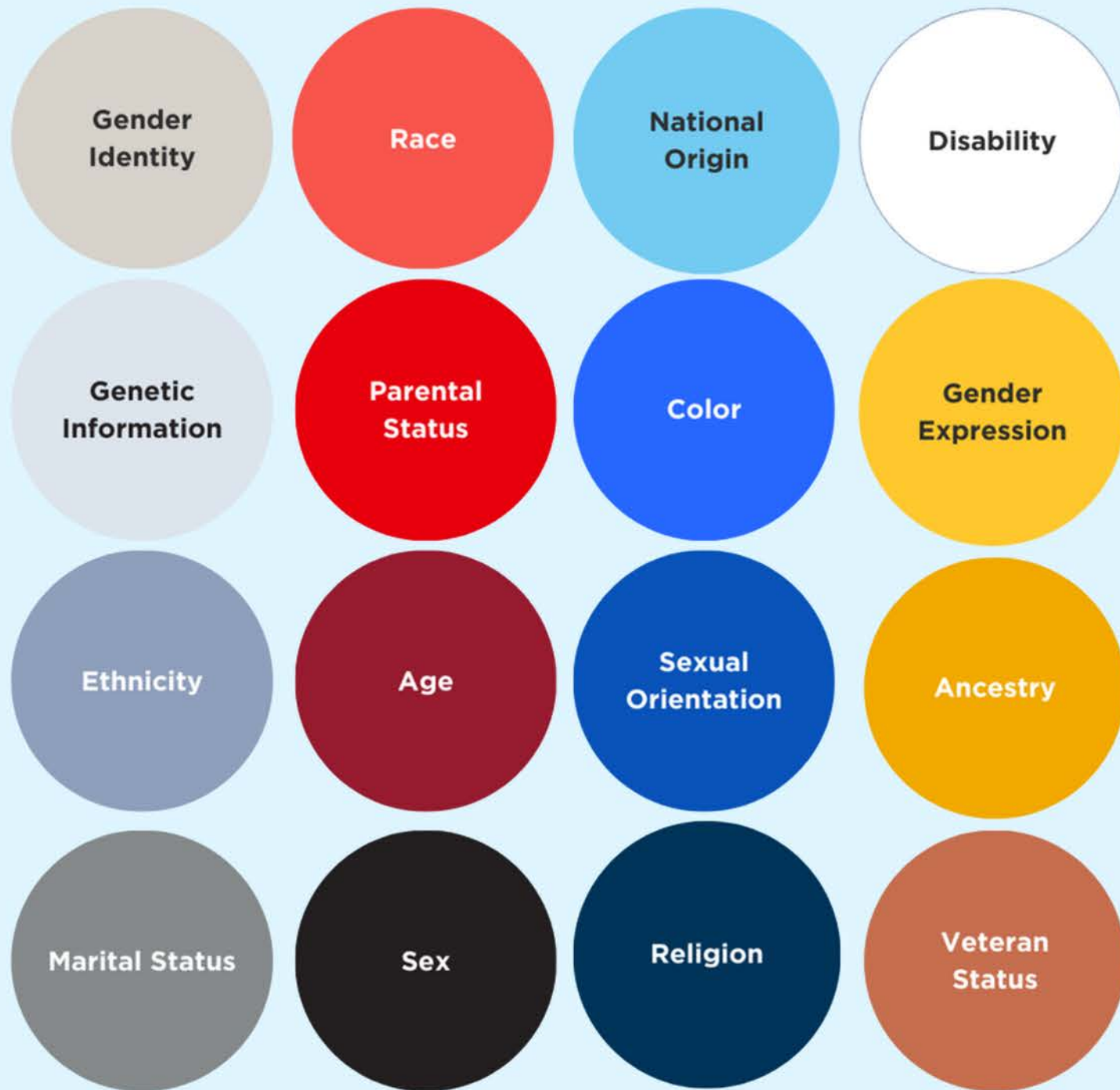
**“Mandatory reporting” means different things in different professions.  
Be careful to understand which definition applies to your settings.**



**We respond to reports from mandatory reporters (and others) dealing with discrimination & harassment (based on identities), sexual misconduct, and related retaliation. All based on identities, including microaggressions.**

*If you wonder.  
If it even whiffs.  
If your spidey-  
senses tingle.  
If your eyebrows  
move.*

## 16 Protected Classes



## Examples of things to report:

- A student tells you they are failing a course because they were assaulted a month ago.
- A colleague is being treated differently based on a protected class by their supervisor compared to others.
- A peer shares that they were touched by someone in a non consenting and inappropriate manner on campus.
- A graduate student requests not to TA for a certain instructor because their they have never honored their accommodations.
- You overhear a staff member say that protests on campus pertaining to a protected class are having an impact on their mental health.

## Jurisdiction

- We respond to all on an case-by-case basis.
- All reports are kept for no less than 7 years.
- We assess our ability to provide options and take action.
- We cover anywhere the educational opportunity extends.

**We Respond to Reports**



# How to Respond



**A supervisee asks to talk to you about an experience they had, what are your initial thoughts to how you would respond?**



## 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.
- 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?

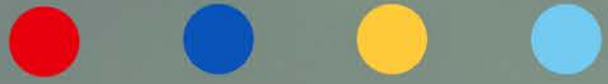
#### Common concerns

- 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.**

# Scenarios



**Who has had to make a mandatory report before?**

**What information did you recognize that let you know that you had to make the mandatory report?**





1

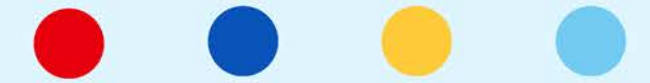
An incoming student attends orientation. While on campus someone yelled the F-slur at them from an unidentified vehicle. The incoming student was wearing a rainbow shirt and had a variety of LGBTQ+ patches on their backpack

2

A peer tells you they used to date a fellow coworker. You didn't ask about their dating history. You are friends with them, but didn't anticipate them sharing this information and having it without the other person knowing is making you uncomfortable.

**What are you considering? Do you need additional information?**





3

On your team, there are staff members deeply impacted by the current war between Israel and Palestinians. One team member identifies as Jewish and has family in the affected region. Another team member has posted on their social media quotes and calls to action. The Jewish staff member has come to you telling you they feel targeted and unsafe.

4

You overhear a student employee telling another student employee that a faculty member for one of their classes is using dated and discriminatory language to refer to groups of people. They also said some of the readings have dated and problematic terminology.

**What are you considering? Do you need additional information?**





5

You have a very casual team who is comfortable around each other. There's lots of swearing, joking, and playfulness. The team is also highly effective/productive. Someone from outside the team comes to you to express concern. When members of your team were presenting to another unit, they swore a few times and it was not received well.

6

You experienced something concerning while at a football game. Someone else in the stands was drunk and yelling racially loaded things about the players. The comments related to Native students and Black students. Athletics staff removed the the fan from the game.

**What are you considering? Do you need additional information?**





A staff member tells a member of your team they feel uneasy around another person who works in the building (not your team). Your staff member says they are always following them to and from the building, have commented on their clothing, and walked them to their car. It's been happening all semester. The staff member doesn't know this person's name.



A student staff member tells you they need to be off work for the following week because of a recent trauma. They don't want to "go into it", but have a concussion.

**What are you considering? Do you need additional information?**



# 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 explore support measures** which can include but is not limited to housing, academic, and/or employment accommodations.

3

**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.

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](http://civilrights.ku.edu)



# 1

## 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.

**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.**

**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).**

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

**Report only for tracking - helps OCRTIX recognize patterns.**



2

## 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

3

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

**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.**



# 4

## 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).

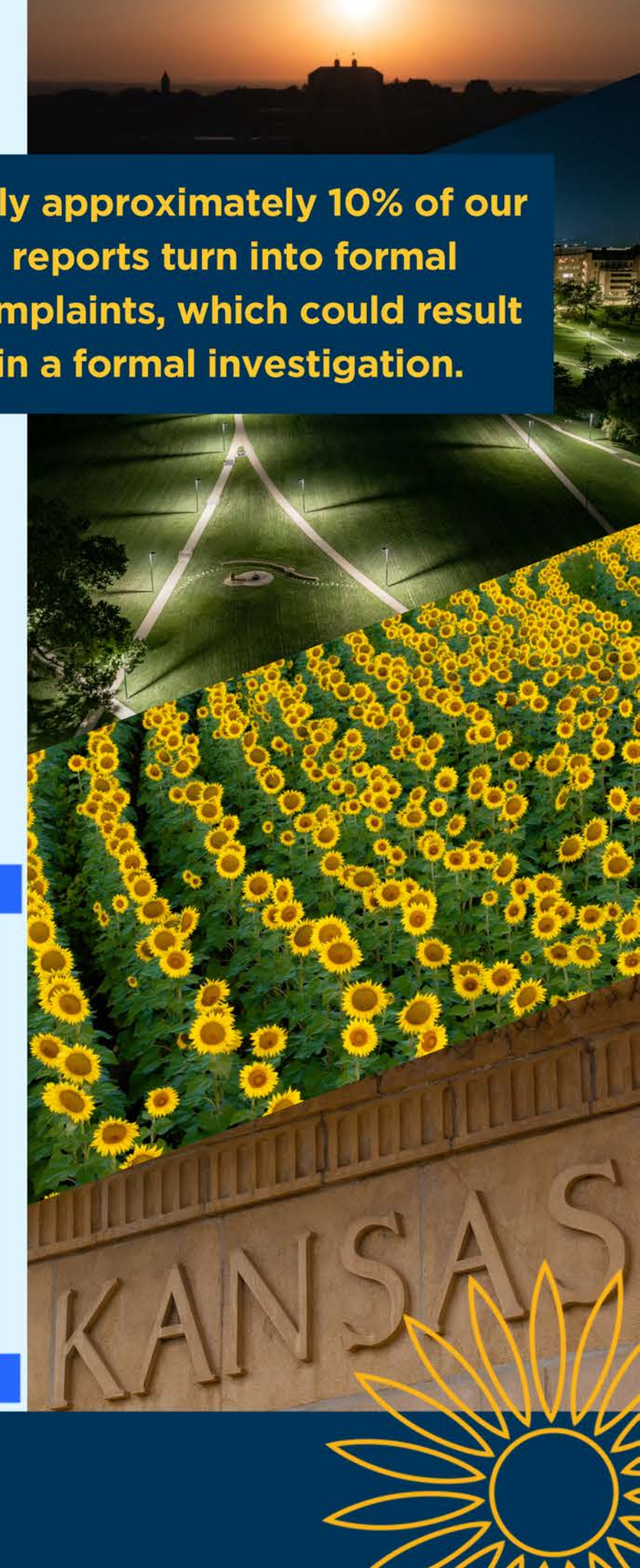
**OCRTIX Myth - Every time someone wants a formal investigation, it is granted.**

**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.**

## Investigatory Reviews

- We are federally required to keep all reports received for no less than 7 years. This allows us to see patterns.
- When a potential pattern is identified within a unit/school, OCRTIX can conduct an investigatory review. The decision to do so is carefully weighed and often has input from university leadership.
- We conduct the review and unit leadership receives the report and takes action on recommendations.



## 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.



**We oversee Clery compliance, resulting in timely warnings, emergency notifications, and the Annual Security and Fire Safety Report.**

Clery is a federal law that requires institutions receiving federal funding to publicly report statistics concerning the occurrence of certain criminal offenses involving students, faculty, staff or visitors. **Simply put, it is a safety consumer law.**

**Campus Security Authorities** (CSAs) must, however we encourage all to report issues of safety. CSAs - anyone who has significant responsibility for student and campus activities.

**\* Primary Crimes:**

- Murder/Non-Negligent Manslaughter
- Manslaughter by Negligence
- Rape
- Fondling
- Statutory Rape
- Incest
- Robbery
- Aggravated Assault
- Burglary
- Motor Vehicle Theft
- Arson

**\* Arrests or Referrals for Disciplinary Action:**

- Liquor Law Violations
- Drug Law Violations
- Weapon Law Violations

**\* VAWA Offenses:**

- Domestic Violence
- Dating Violence
- Stalking

**\* Hate Crimes:**

Crimes motivated by perpetrator’s bias against the victim’s protected class.

**\* Hate crimes include:**

- Larceny-theft
- Simple assault
- Intimidation
- Destruction/Damage/Vandalism

**\* and all primary crimes, except:**

- Manslaughter by Negligence

**\* Hazing**

**Reporting crimes allows for:**

- Emergency notifications.
- Timely warnings.
- Accurate counts of Clery crimes.
- Accurate reporting of Clery crimes

The goal is increased safety for all using our campus and increased awareness of climate.



**Report Here**



# How We Work Together



- Invite us to your unit to present (to any audience).
  - We customize every presentation.
- Whatever ways are helpful!
  - Hypotheticals - “Do I have to report...?”
- Any method of contact
  - Email, phone, in person
- Any staff member
  - Default to Lauren, Ash, Karen, or departmental account, but anyone happy to help
- Microaggressions
  - One piece might seem small, but they add up. Helps to track patterns
- Climate mapping
  - Reports help us to map climate more accurately

**No such thing as over-reporting. If you are in doubt, contact us or submit a report.**



# How to Report



**File an incident report** on the OCRTIX website

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



**Email OCRTIX**

- [civilrights@ku.edu](mailto: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

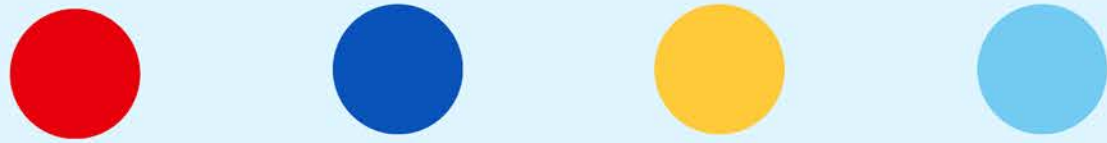


# Wrap Up

**What is something new you learned?**

**What information do you think is most important to pass along to the people you serve?**





- You **do not have to report your own** incidents of harassment/discrimination/or sexual misconduct, but we encourage you to do so.
- You **do** have to report incidents you ***hear about***, even if not directly.
- We recommend the person who has experienced harm be notified that a report will be made, although that is not a requirement.
- OCRTIX is a neutral fact-finder, not a decision maker. During an investigation, our goal is to gather information and provide that to a decision maker (HR, Faculty Affairs, Student Conduct, etc.).
- No such thing as overreporting!





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

## Resources & Opportunities

You can find ALL of OCRTIX's resources on our website:  
**[civilrights.ku.edu](http://civilrights.ku.edu)**

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

