

OFFICE OF CIVIL RIGHTS AND TITLE IX

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

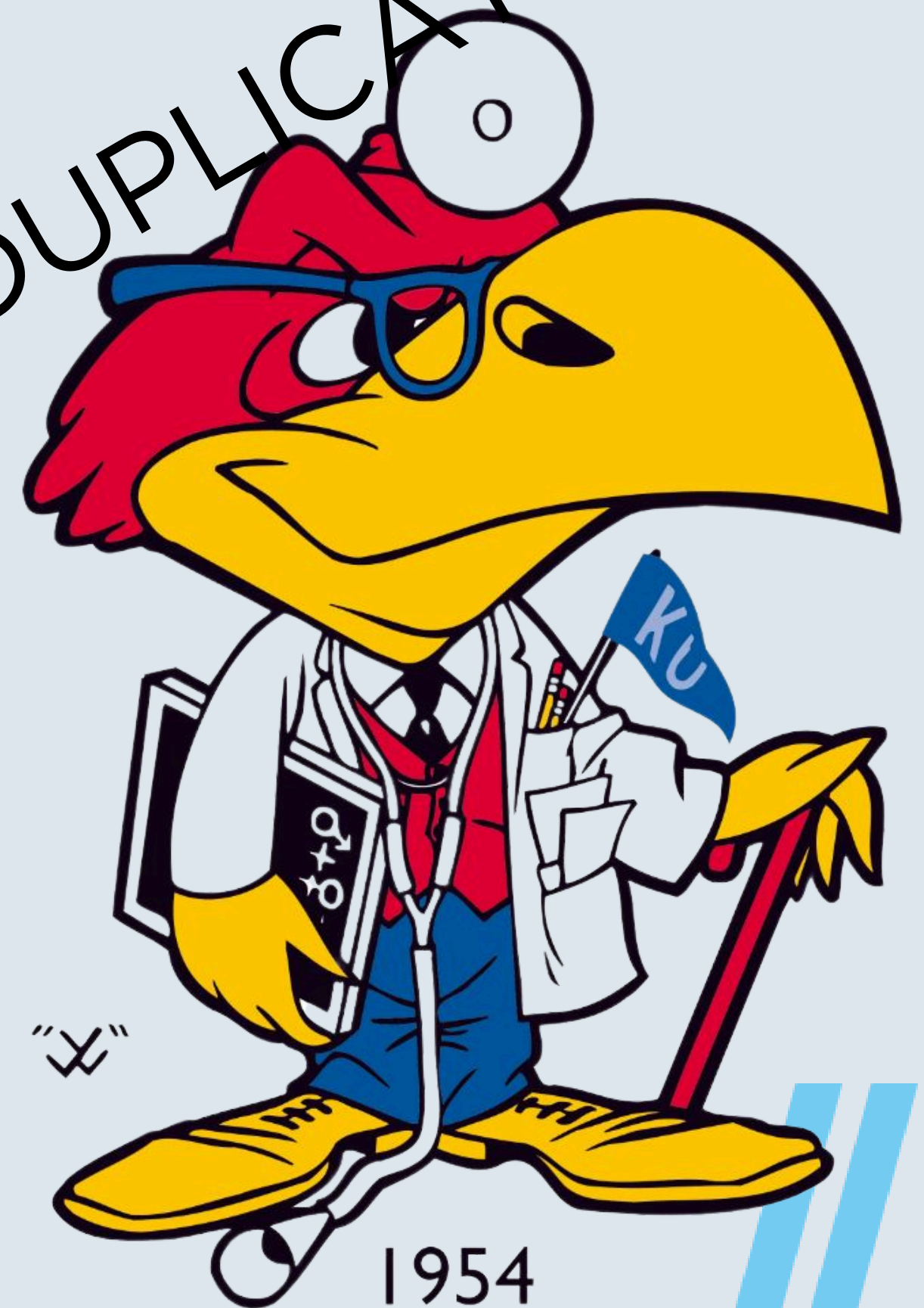
KUMC Administrators and Directors Group
Ash Wilson

KU MEDICAL
CENTER
The University of Kansas

7.9.24
Teams

Agenda

1. Reintroduce office
2. Reminders about what we do
3. Benefits of reporting
4. Expand footprint on KU/UMC campus



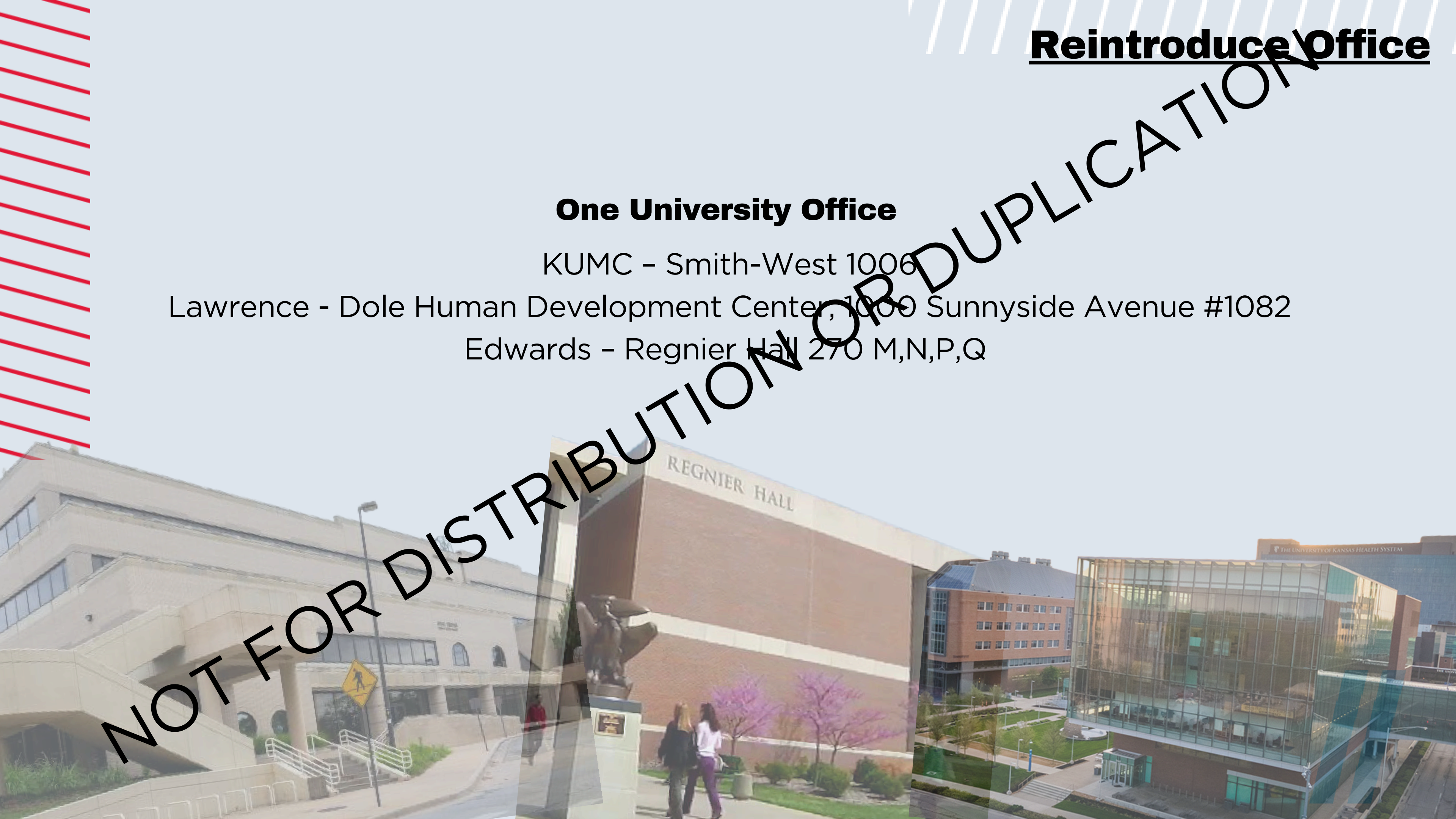
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One University Office

KUMC – Smith-West 1006

Lawrence - Dole Human Development Center, 1000 Sunnyside Avenue #1082

Edwards – Regnier Hall 270 M,N,P,Q



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Reintroduce Office

Scan for our staff and affiliated stakeholder page.

Includes decision makers for KUMC formal investigations.



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Reintroduce Office

Scan for our staff and affiliated stakeholder page.

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What OCRTIX does

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What OCRTIX does

Title IX highlight! - New regulations were issued with an implementation date of 8/1/24. Kansas (and 13 other states to date) has filed for, and received an injunction. This means the new regulations will not be implemented until a decision has been made by the courts, however, we will need to be in compliance the moment a decision is made. This could be months to years. Because of the uncertain timeline, it's important all mandatory reporters (all of you) are aware of your responsibilities today under the 2020 regulations, as well as the potential responsibilities under the 2024 proposed regulations.

Office Highlight! - We address more than just sexual misconduct.

1. **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
2. **We conduct investigatory reviews** when we track a potential pattern related to harassment, discrimination, or sexual misconduct by specific schools, units, etc.
3. **We support pregnant and parenting students** through Title IX and reasonable modifications.
4. **We oversee Clery compliance**, resulting in timely warnings, emergency notifications, and the annual security and fire safety report.

We respond to reports

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.

16 Protected classes



Examples of things to report

- You hear a M3 student say a peer was sexually assaulted.
- A staff member is denied accommodations because the supervisor believes someone working in the OR should be “at the top of their game”.
- A student uses they/them pronouns and identifies as non-binary. They tell you they do not want to be assigned to a specific doctor because of how they are treated.
- You witness a peer treating people differently and you think it might be due to their sex.
- A young “up-and-coming” doctor engaged in groundbreaking, grant-funded, clinical research treats older staff poorly because they are “out of date” with current methods.
- A resident tells their attending they need all Saturdays off for religious purposes but is scheduled some Saturdays in order “to be fair to the other residents”.

Mandatory reporters and confidential employees

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

Every employee when engaged in their KUMC capacity except:

- Therapists
- Medical providers when treating patients and patients disclose
- Legal Services/KU's General Counsel's Office
- Journalists

Mandatory reporting means different things in different professions. Be careful to understand which definition applies to each setting.

We respond to reports

Workflow

1. Report is made to our office by a concerned person (mandatory reporter, direct report, or other)

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.

2. Acknowledgement of report sent to reporting party

3. 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).

We respond to reports

4. If the invitation is accepted:

- Set up a meeting (intake) (virtual or in-person) for the complainant with Ash, Sam, Karen, or Lauren.

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, pregnancy, workplace).

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

We respond to reports

4. Intake continued

- We explore options that are relevant to their situation.
 - This may include mediation, a formal investigation, and more.

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.

5. Formal investigations

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

We respond to reports

For more information on our process, check out our flowcharts:

[View our collection of materials here.](#)

PROCESS FLOWCHARTS



2020 Title IX Regulations - Sexual Harassment Resolution Process

Gain an abridged understanding of our 2020 Title IX resolution process.

[CLICK HERE TO VIEW THE 2020 TITLE IX - SEXUAL HARASSMENT RESOLUTION PROCESS](#)



2020 Discrimination Complaint Resolution Process (DCRP)

Gain an abridged understanding of our 2020 DCRP.

[CLICK HERE TO VIEW THE 2020 DISCRIMINATION COMPLAINT RESOLUTION PROCESS \(DCRP\) →](#)



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We conduct investigatory reviews

We conduct investigatory reviews when we track a potential pattern related to harassment, discrimination, or sexual misconduct by specific schools, units, etc.

OCRTIX Myth - Unless someone “comes forward“, OCRTIX can’t do anything about a culture, even if they know what’s happening.

Fact - If OCRTIX tracks a pattern of concerns within a department/unit/culture, we may be able to conduct an investigatory review. This often occurs in consultation with university leadership. OCRTIX has engaged in investigatory reviews and provided findings and recommendations to university and unit leadership.

1. 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.
2. When an investigatory review occurs, unit/school leadership is notified, informed of the process, and instructed to cooperate.
3. An OCRTIX investigator reviews documents, materials, and conducts interviews with people most likely to have information about the potential pattern at all levels (student, staff, faculty, former employees/students).
4. An OCRTIX investigator writes a comprehensive report.
5. Unit/school and university leadership receives the report and takes action on recommendations.



We support pregnant and parenting students

We support pregnant and parenting students through Title IX and reasonable modifications.

Title IX highlight! - New regulations would require any mandatory reporter with direct knowledge of a pregnant student to report that to our office. The intent is to provide pregnant students with the supports they are entitled to. Given the injunction this is not a requirement, however we welcome these reports so we can best serve pregnant students.

When we learn a student may be pregnant, we send a letter with comprehensive options, examples of accommodations students could request, the process to do so, and invite them to meet with a member of our team to talk more about any needs they may have.

Examples of accommodations could include:

- Additional excused absences for medical appointments (including termination, delivery, check-ups, etc.).
- Larger desk/working area, larger seats.
- Permission to use the bathroom more regularly.
- Permission to bring water into labs.

If a partner/parent is a student and not gestational, they are entitled to reasonable modifications.

We oversee Clery 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.

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

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

Arrests or Referrals for Disciplinary Action:
Liquor Law Violations
Drug Law Violations
Weapon Law Violations

VAWA Offenses:
Domestic Violence
Dating Violence
Stalking

**CLERY
CRIMES**

Report here



Reporting crimes allows for:

1. Emergency notifications.
2. Timely warnings.
3. Accurate counts of Clery crimes.
4. Accurate reporting of Clery crimes in the Annual Security and Fire Safety Report.

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

**Scan for our
Clery Postcard**



Why Report? - Mandatory Reporting

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 experiencing harm get the options and resources entitled to them, and people alleged to have caused harm have their rights intact. We can't have compliance without care and diligence. We can't have care and diligence with compliance.**

Mandatory reporters for harassment, discrimination, sexual misconduct, and related retaliation 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. 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 can be pulled, including grants.

Why Report? - Clery Act

Reporting allows for people to have information about crime on campus.

Clery reporting and Campus Security Authorities should recognize the following benefits of reporting:

1. Results in increased awareness of safety on campus (often resulting in a safer campus community).
2. Results in more accurate understanding of Clery crimes on campus.
3. Allows prospective students/employees to make informed decisions on enrollment/employment.
4. Allows the university to be in compliance.

\$2.4 Million Clery fine
pertaining Penn State
and Sandusky incidents

\$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 can be
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Other nuances

- 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.
- General Counsel is often able to shield Title IX reports from “Open Records Requests” - community concern with pregnancy reporting.
- 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.).

Title IX highlights - New regulations would require confidential employees (those not federally required to report) to provide information about our office to those potentially experiencing harassment, discrimination, sexual misconduct, and related retaliation. Given the injunction this is not a requirement, however we welcome these referrals so we can best serve those impacted.

How to Report

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How to Report

Options to Report

Options 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 offices
 - KUMC - Smith-West 1006
 - Lawrence - Dole Human Development Center, 1000 Sunnyside Ave, Suite #1082
 - Edwards - Regnier Hall, Suite 270 M, N, P, Q
- Contact Lauren, Karen, Ash, OCRTIX, or a Deputy Title IX Coordinator:
 - Nicole Corcoran in Athletics
 - Natalie Holick in Compliance

Timely

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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!

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Questions?

