

Office of Civil Rights & Title IX

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

Group Presenting To
Presenter Names



Location | Date



civilrights.ku.edu



Agenda

- 01** Reintroduce 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 step out or take a minute if needed.



One University Office

- Lawrence - Dole Human Development Center, 1000 Sunnyside Avenue #1082
- Edwards - Regnier Hall 270 M,N,P,Q
- KUMC - Smith-West 1006



Reintroduce Office

OFFICE OF CIVIL RIGHTS AND TITLE IX - LEADERSHIP TEAM

Lauren Jones McKown

Associate Vice Chancellor for Civil Rights & Title IX
Title IX Coordinator
lauren_mckown@ku.edu
she/her/hers

[CLICK HERE FOR LAUREN'S FULL PROFILE →](#)

Maren Sheikh

Administrative Associate
she/her/hers
maren.sheikh@ku.edu

[CLICK HERE FOR MAREN'S FULL PROFILE →](#)

Karen Baddeley

Director of Investigations
Deputy Title IX Coordinator
k187b359@ku.edu
she/her/hers

[CLICK HERE FOR KAREN'S FULL PROFILE →](#)

Dorris Mbogo

Director of Civil Rights Informal Resolutions and KUMC Affirmative Action Plan
dmbogo@kumc.edu
she/her/hers

[CLICK HERE FOR DORRIS' FULL PROFILE →](#)

Jason Goodman

Director of Clery Compliance
Jason.goodman@ku.edu
cleryact@ku.edu
he/him/his

[CLICK HERE FOR JASON'S FULL PROFILE →](#)

Ash Wilson

Director of Intake and Outreach
Deputy Title IX Coordinator
ashwilson@ku.edu
they/them/theirs

[CLICK HERE FOR ASH'S FULL PROFILE →](#)

OFFICE OF CIVIL RIGHTS AND TITLE IX - INTAKE AND OUTREACH TEAM & SUPPORT MEASURES

Ash Wilson

Director of Intake and Outreach
Deputy Title IX Coordinator
ashwilson@ku.edu
they/them/theirs

[CLICK HERE FOR ASH'S FULL PROFILE →](#)

Sam Azzaro

Intake Specialist
samazzaro@ku.edu
they/them/theirs

[CLICK HERE FOR SAM'S FULL PROFILE →](#)

Alane Thomas

Case Manager
she/her/hers
alane.thomas@ku.edu

[CLICK HERE FOR ALANE'S FULL PROFILE →](#)

Scan for our staff and affiliated stakeholder page.

Includes decision makers for KUMC formal investigations.



OFFICE OF CIVIL RIGHTS AND TITLE IX STAFF - INVESTIGATIONS

Karen Baddeley

Director of Investigations
Deputy Title IX Coordinator
k187b359@ku.edu
she/her/hers

[CLICK HERE FOR KAREN'S FULL PROFILE →](#)

Molly Moreland

EEO/Title IX Investigator
m308m926@ku.edu
she/her/hers

[CLICK HERE FOR MOLLY'S FULL PROFILE →](#)

Brandon Melton

EEO/Title IX Investigator
brandonmelton@ku.edu
he/him/his

[CLICK HERE FOR BRANDON'S FULL PROFILE →](#)

Heather Shire

EEO/Title IX Investigator
Heather.shire@ku.edu
she/her/hers

[CLICK HERE FOR HEATHER'S FULL PROFILE →](#)

Hans Ojo

EEO/Title IX Investigator
hans.ojo@ku.edu
he/him/his

[CLICK HERE FOR HANS' FULL PROFILE →](#)

Casey Smith

EEO/Title IX Investigator
smith.casey@ku.edu
they/them/theirs

[CLICK HERE FOR CASEY'S FULL PROFILE →](#)

OFFICE OF CIVIL RIGHTS AND TITLE IX - CLERY COMPLIANCE TEAM

Jason Goodman

Director of Clery Compliance
Jason.goodman@ku.edu
cleryact@ku.edu
he/him/his

[CLICK HERE FOR JASON'S FULL PROFILE →](#)

Bonnie Wohler

Clery Program Coordinator
bonniewohler@ku.edu
She/her/hers

[CLICK HERE FOR BONNIE'S FULL PROFILE →](#)

Scan for our staff and affiliated stakeholder page.

Includes decision makers for KUMC formal investigations.



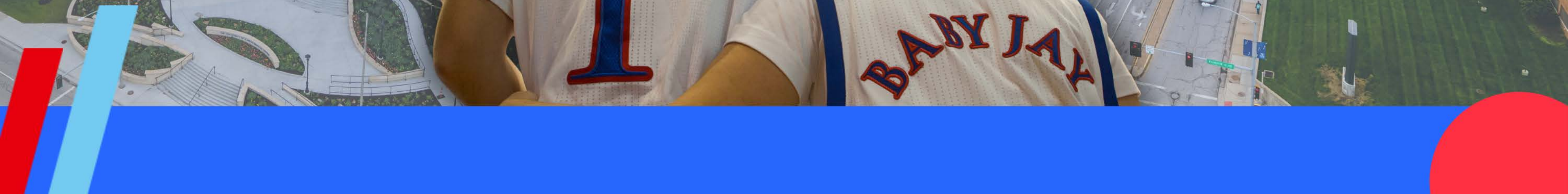
What OCRTIX Does



OFFICE OF CIVIL
RIGHTS & TITLE IX



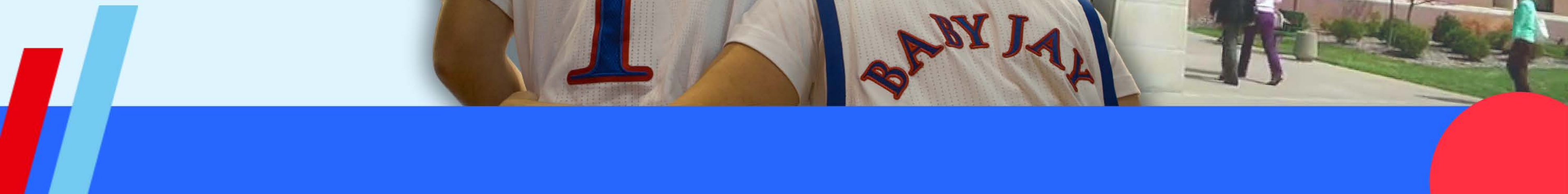
What OCRTIX Does



What OCRTIX Does



OFFICE OF CIVIL
RIGHTS & TITLE IX



Title IX highlight! - New regulations are pending court decisions. Given that status, we may need operate under new regulations at a moment's notice. 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 16 different 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.**
4. **We oversee Clery compliance**, resulting in timely warnings, emergency notifications, and the annual security and fire safety report.

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:

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

Confidential Employees



Scan for mandatory reporting policy



“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

**Confidential
Employees**

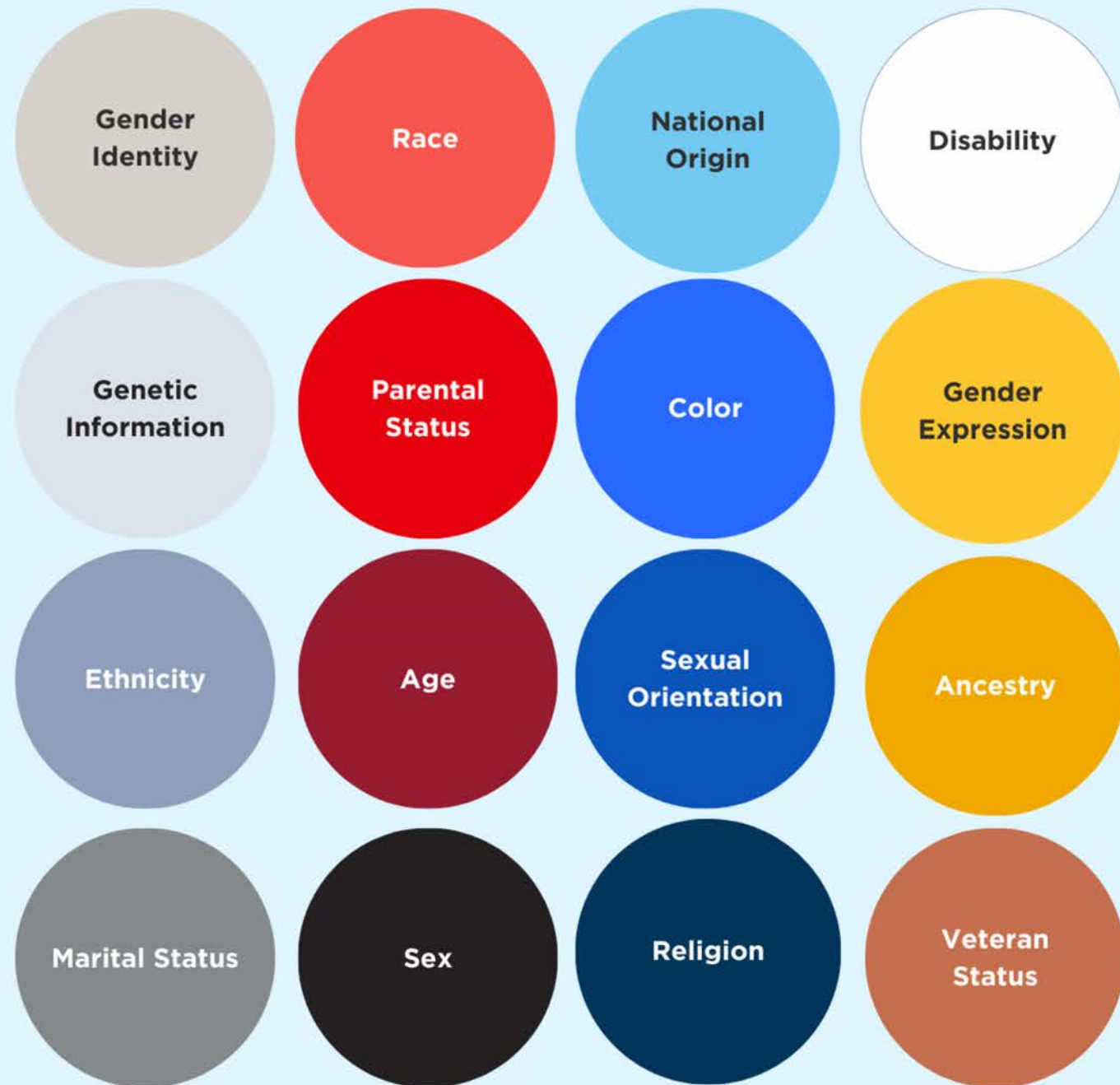
**Scan for
mandatory
reporting policy**



“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.

16 Protected Classes

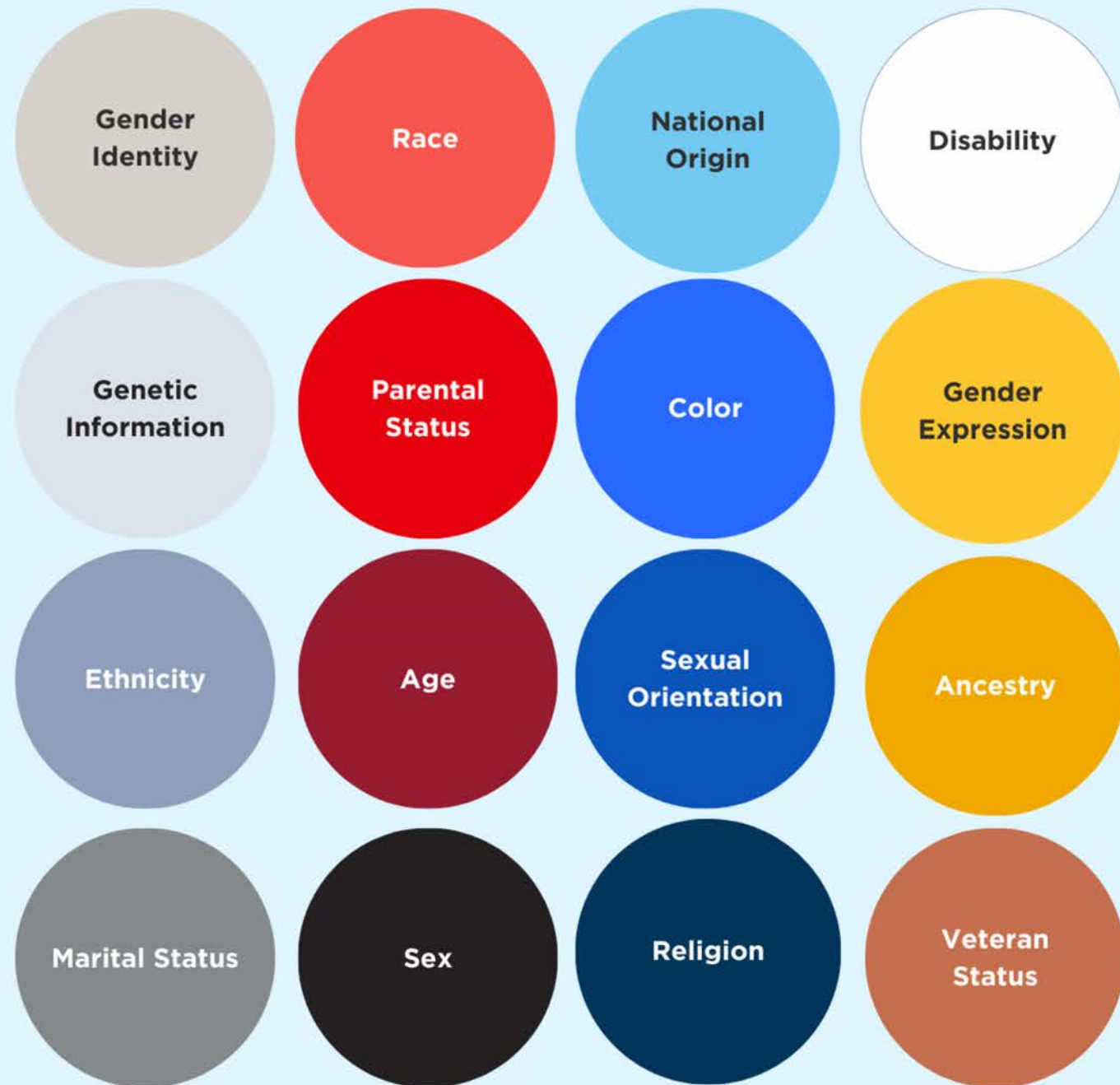


Examples of things to report:

- A student tells you they are failing a course because they were assaulted a month ago.
- A student submits a journal for class that mentions an experience that could be harassment/discrimination/sexual misconduct.
- A peer uses they/them pronouns and identifies as non-binary. You hear people misgender/deadname them frequently.
- You track a pattern that only single people and people without children are asked to work late or assigned weekend commitments.
- 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.
- When on a study abroad trip a student tells you another student is making them feel uncomfortable due to unwelcomed physical contact.
- A perspective student visits and questions if KU is for them because of how they were treated due to their race.

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 overhear 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”.

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16 Protected Classes

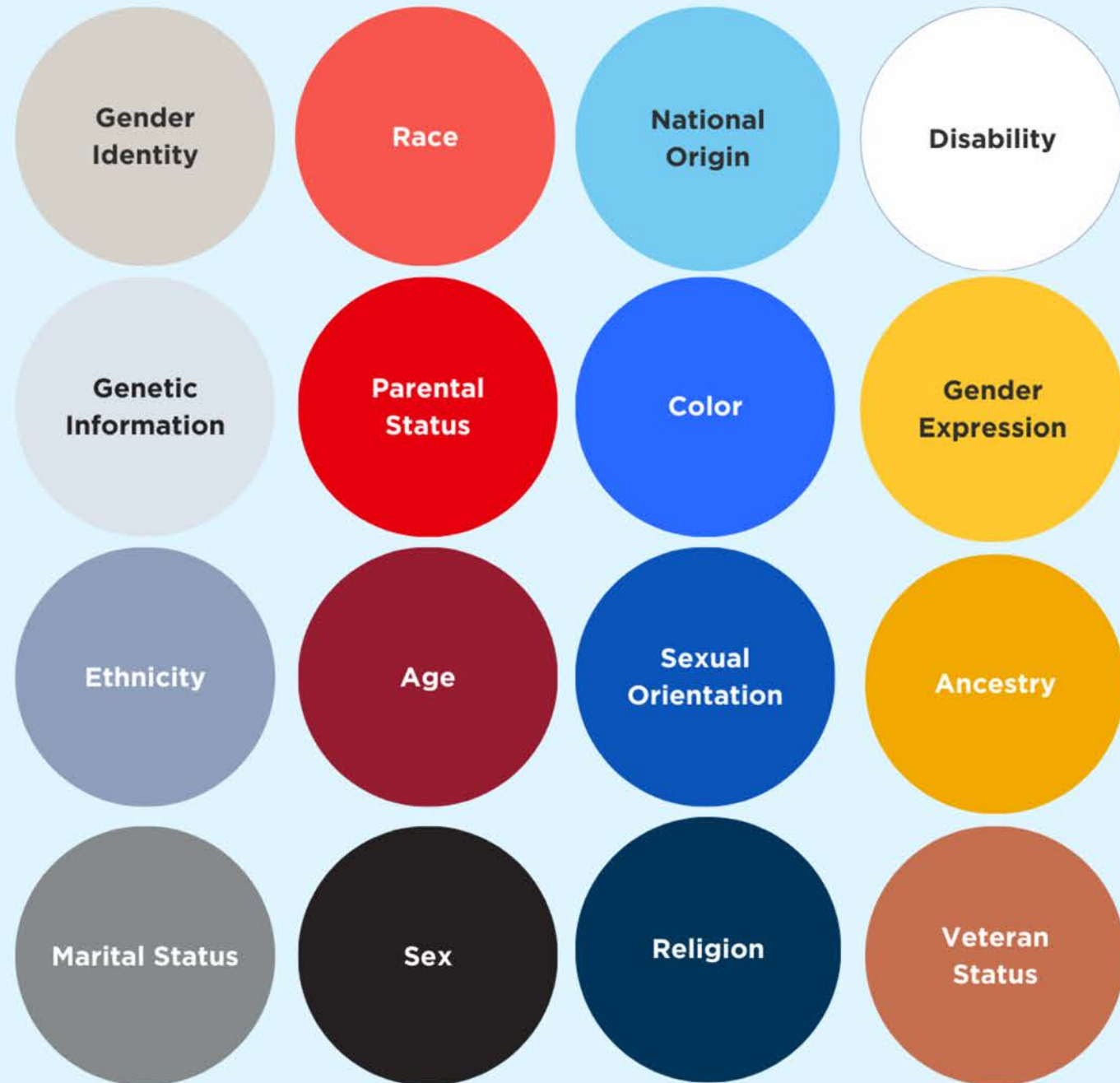


Examples of things to report:

- A student tells you they are failing a course or their job performance is slipping because they were assaulted a month ago.
- A student submits a journal for class that mentions an experience that could be harassment/discrimination/sexual misconduct.
- A peer uses they/them pronouns and identifies as non-binary. You hear people misgender/deadname them frequently.
- You track a pattern that only single people and people without children are asked to work late or assigned weekend commitments.
- You overhear a staff member say that protests on campus pertaining to a protected class are having an impact on their mental health.
- When at a professional/student conference a student tells you another student is making them feel uncomfortable due to unwelcomed physical contact and/or comments.
- A perspective student visits and questions if KU is for them because of how they were treated due to their race.

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



Students aren't mandatory reporters unless they are employed. Examples of things you MAY to report:

- Your friend tells you they are failing a course or their job performance is slipping because they were assaulted a month ago.
- A classmate uses they/them pronouns and identifies as non-binary. You hear people misgender/deadname them frequently.
- When at a student conference you see a student or staff member being “creepy” and always around another student.
- An instructor is always “playing devil’s advocate” in a way that you feel is bias toward certain identities, or turns microaggressions into “teachable moments” in ways that are uncomfortable.
- You notice a pattern of women being graded harshly compared to men.
- A perspective student visits and questions if KU is for them because of how they were treated due to their race.
- The way a staff member is engaging in on-campus protests is making you uncomfortable based on an identity you hold.

How to respond when you receive a report - “back-pocket 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 if I hear of anything pertaining to harassment, discrimination, or sexual misconduct, I have to report that to an office on campus. It’s their job to reach out to you and offer an opportunity to talk more, and give you resources, options, and support. I’m happy to hear anything you’d like to share, and wanted to give you that context before we move forward. Would you like to talk to me, or would you like me to point you to people who wouldn’t need to report?”

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 when I hear of anything pertaining to harassment, discrimination, or sexual misconduct, I have to report that to an office on campus. It’s their job to reach out to you and offer an opportunity to talk more, and give you resources, options, and support. I’m happy to hear anything you’d like to share, and wanted to give you that context before we move forward.

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 know? - 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: SANE exam

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.



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).

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 or workplace).

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

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.

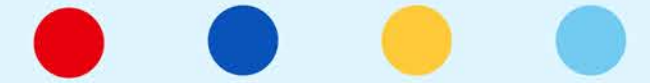
Only approximately 10% of our reports turn into formal complaints, which could result in a formal investigation.



5. 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).

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 \(DCRP\)](#)



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 as to how to cooperate best.
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.

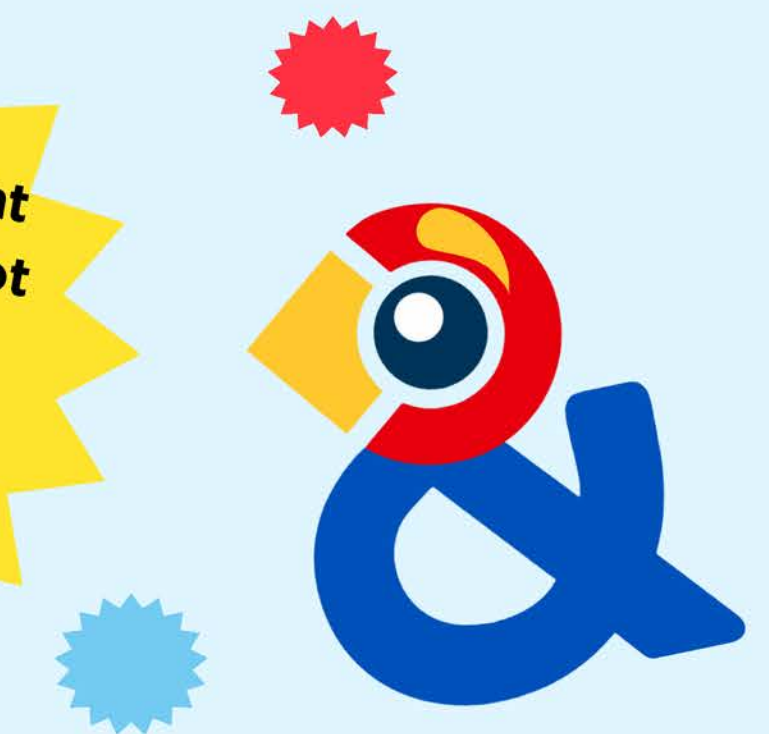
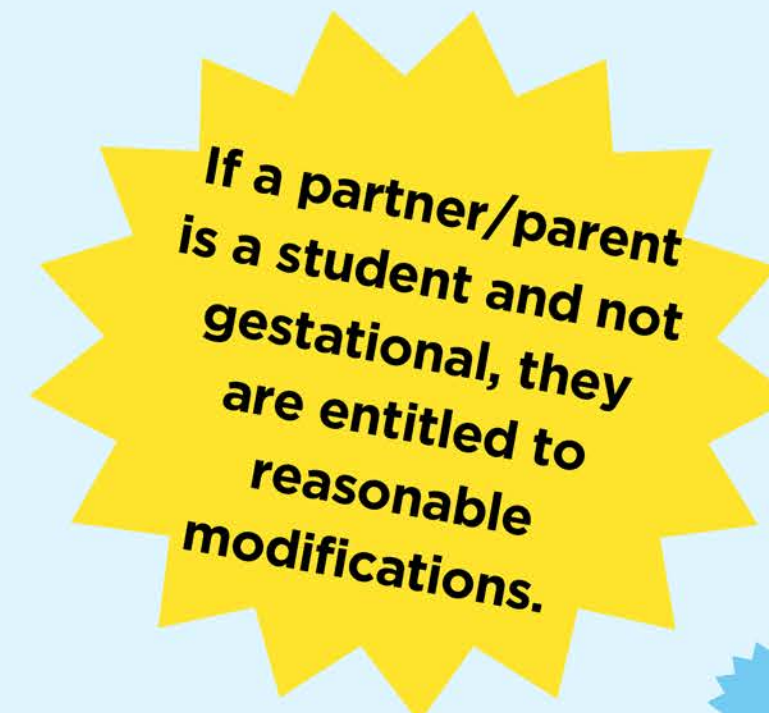
We Conduct Investigatory Reviews

We support pregnant and parenting students.

When we learn a student may be pregnant, we send a letter with comprehensive options, examples of reasonable modifications 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 reasonable modifications 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.



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

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



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. 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

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

Why Report? - Mandatory Reporting

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.

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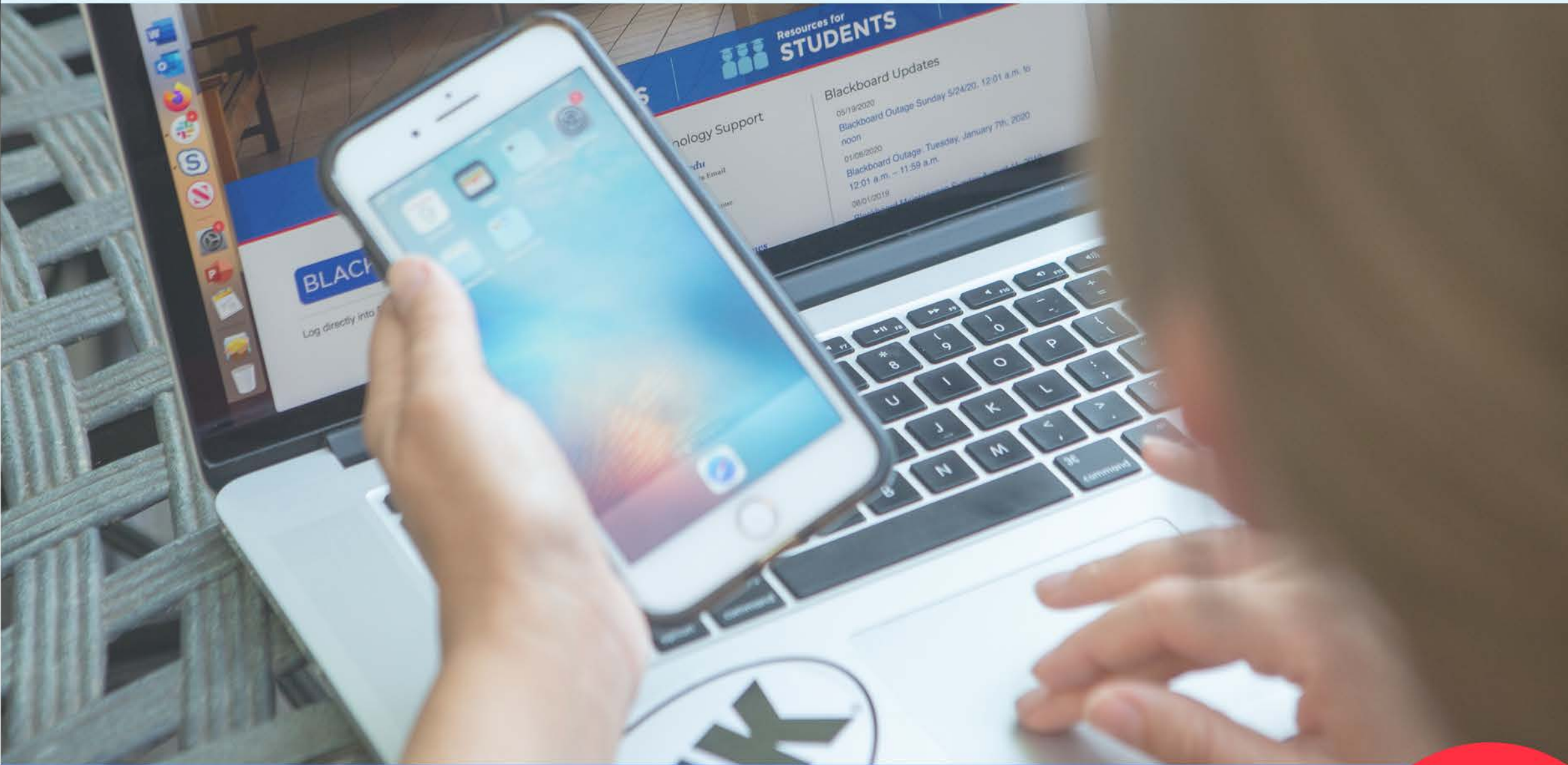


- You **do not have to report your own** incidents of harassment/discrimination/or sexual misconduct, but we encourage you to do so.
- You **do** have to report incidents you **hear about**, even if not directly.
- We recommend the person who has experienced harm be notified that a report will be made, 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!

Title IX highlight! - New regulations may 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 this practice so people have all the options available to them, including OCRTIX services.



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



Questions?



Contact Info

Ash Wilson

Director of Intakes and Outreach &
Deputy Title IX Coordinator

ashwilson@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!

Departmental Contact and Info

civilrights@ku.edu

785-864-6414

civilrights.ku.edu

