

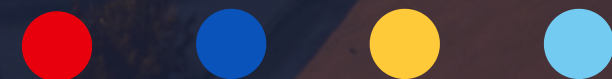
Office of Civil Rights & Title IX

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

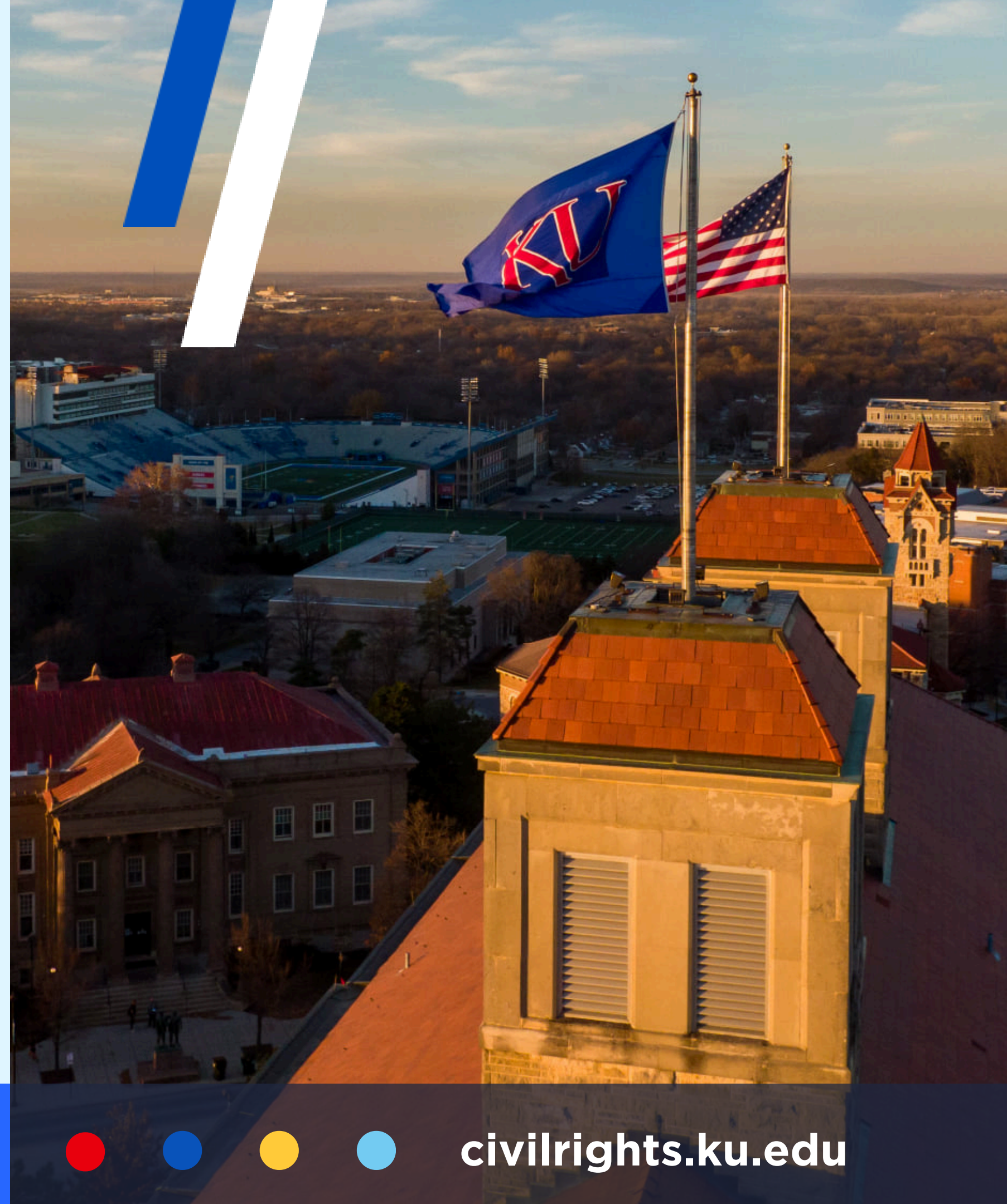
Group Presenting To
Presenter Names



Location | DATE



civilrights.ku.edu



Agenda



- 01** Why We're Here
- 02** Background
- 03** What OCRTIX Does
- 04** Mandatory Reporters
- 05** OCRTIX Processes
- 06** How to Respond
- 07** How to Report
- 08** How We Work Together



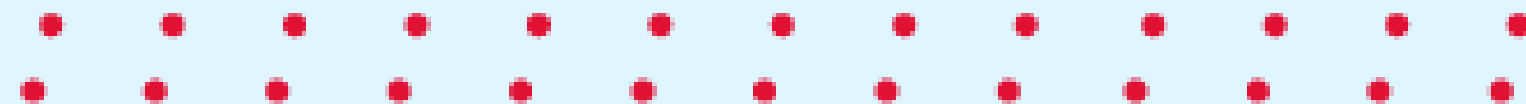


Content Warning

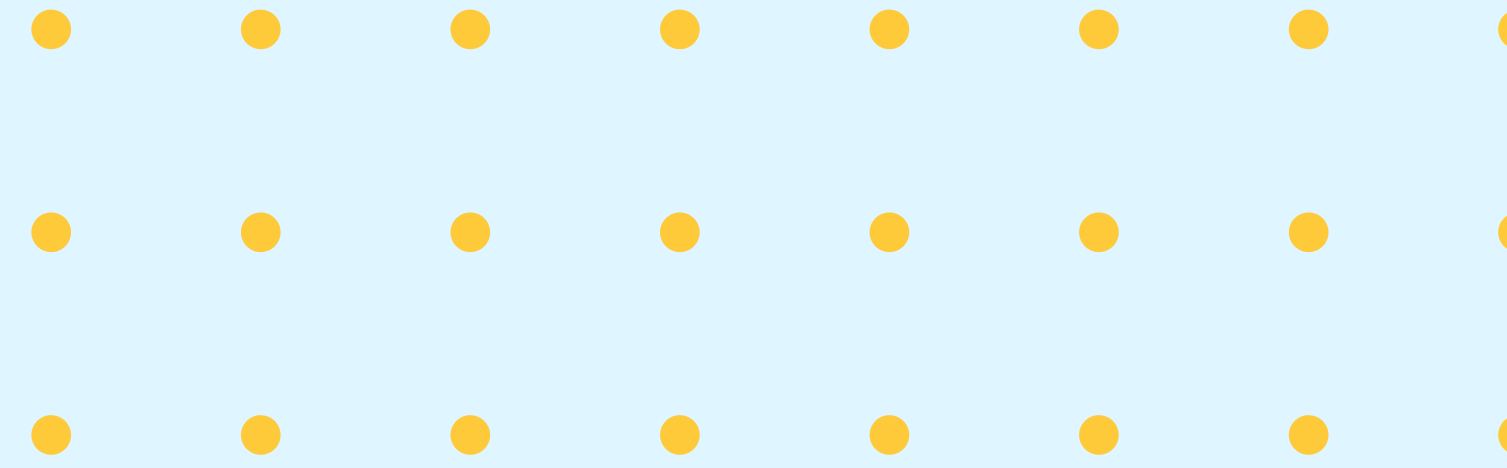
Some of the content on these slides and presentation may be challenging and evoke strong emotions from some people.

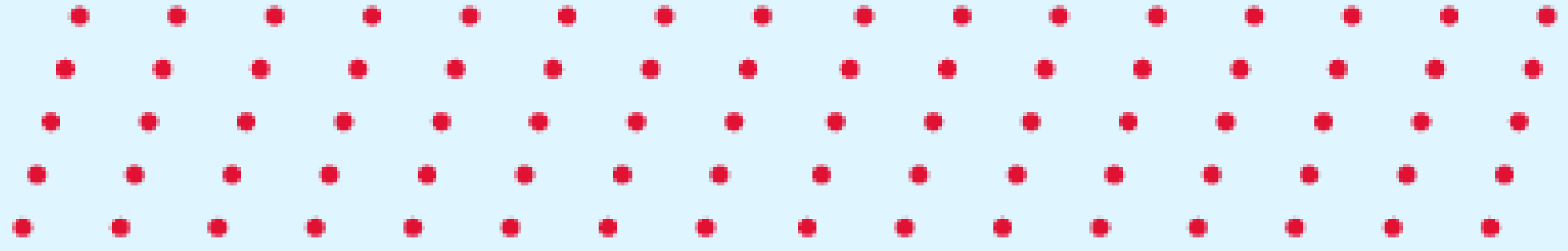
Most content involves conversations around harassment, discrimination, or sexual misconduct.

Please feel free to step out or take a minute if needed.



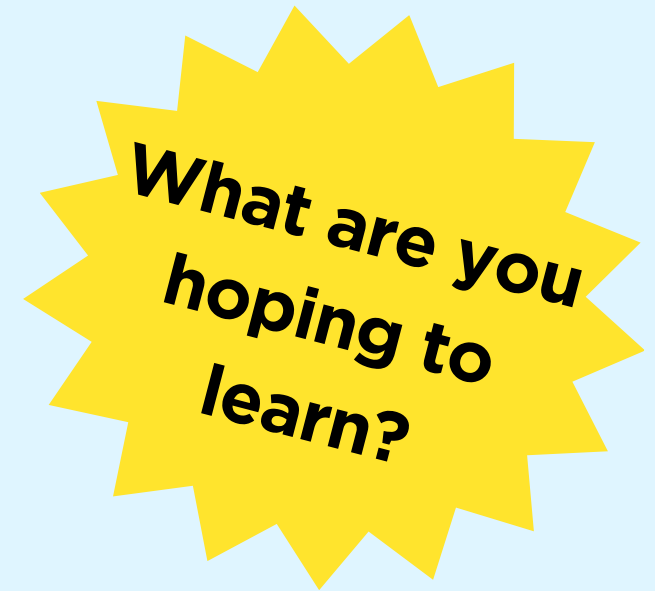
Why We're Here





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!



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

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Scan for our staff and affiliated stakeholder page.

Includes decision makers for KUMC formal investigations.



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

Scan for our staff and affiliated stakeholder page.

Includes decision makers for KUMC formal investigations.

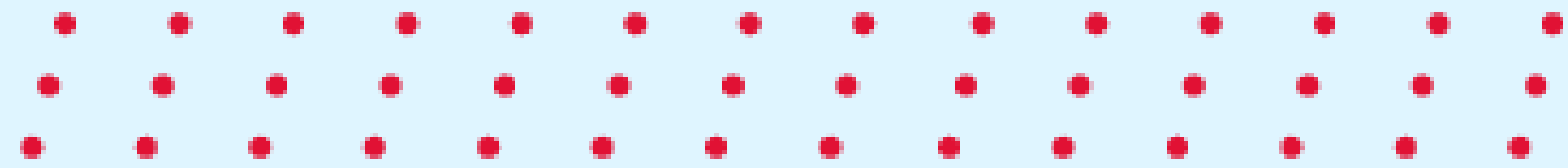


Background



When did laws become established that 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.

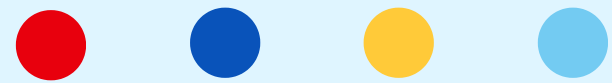
- **The Americans with Disabilities Act (“ADA”) - 1990**

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

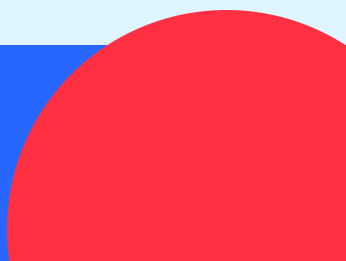
- **Tons...** all with the intent to prevent discrimination based upon identity in education, employment, housing, lending, voting.

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.



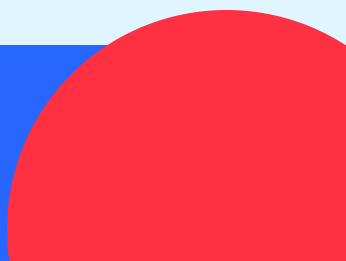
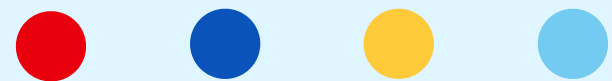
That's our office, OCRTIX!



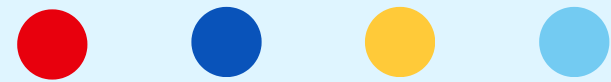
Title IX of the Education Amendments Act of 1972 (20 U.S.C. § 1681)



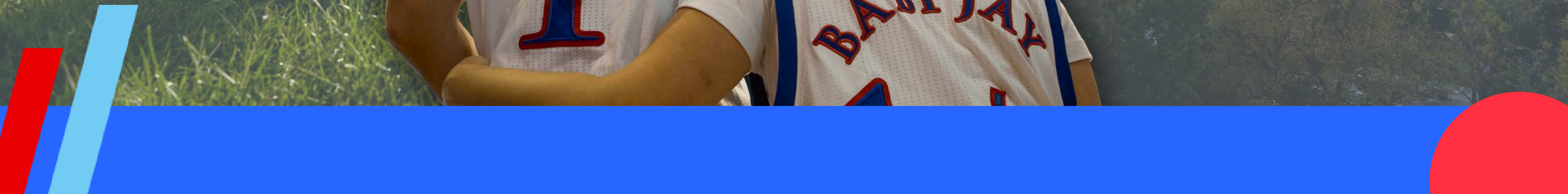
- “No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjugated to discrimination under any education program or activity receiving Federal financial assistance.”
- The Secretary of Education oversees the enforcement of Title 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



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.

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:

- 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.

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 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 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 student conference a student tells you another student is making them feel uncomfortable due to unwelcomed comments.

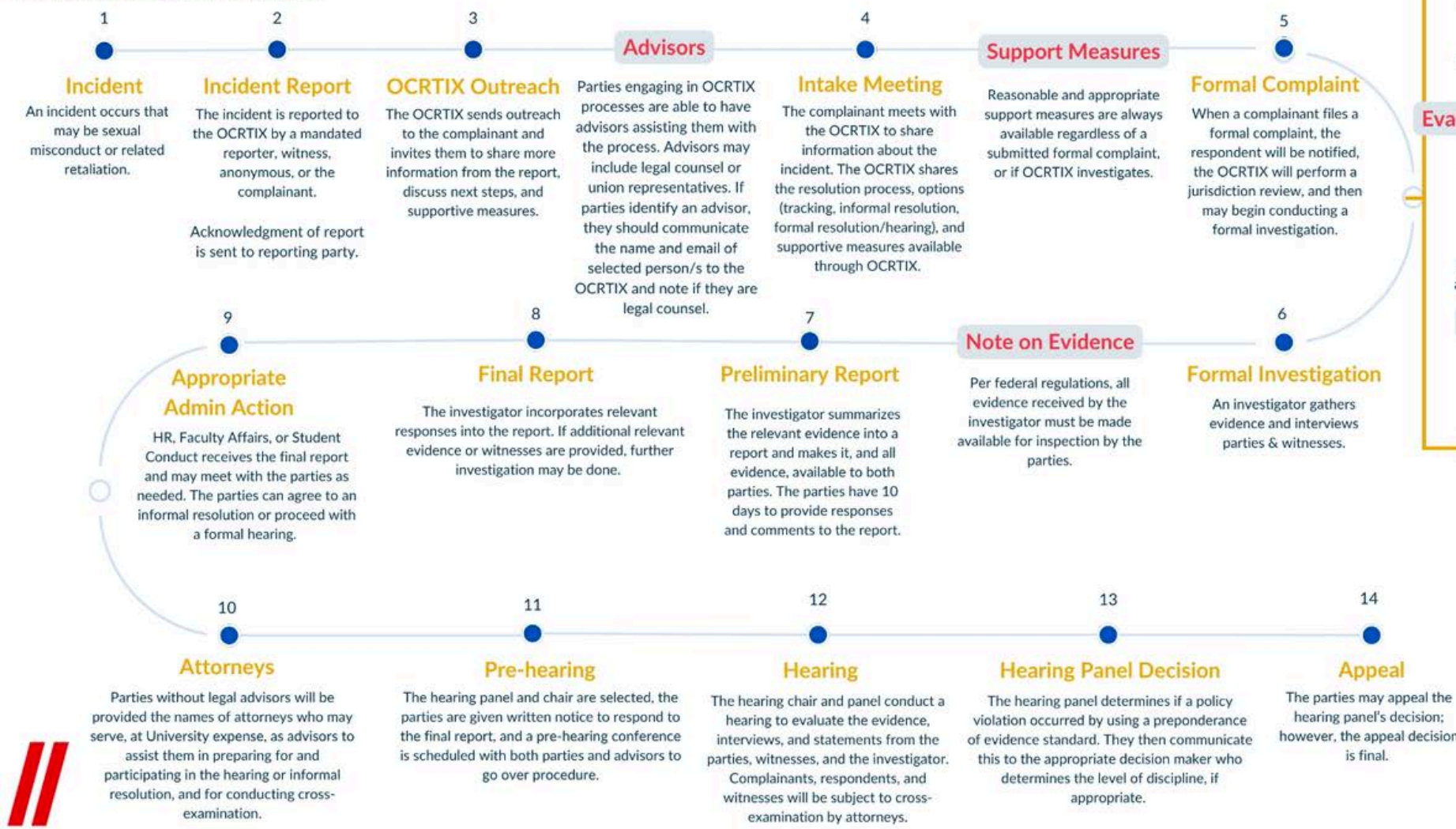
Jurisdiction

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

TITLE IX - SEXUAL HARASSMENT RESOLUTION PROCESS

This is intended to be a simplification and visual representation of the larger and more detailed process. For the formal policy, please visit: <https://policy.ku.edu/civil-rights/title-ix-resolution-process>

L/E: 4/26/24, Incidents - Pre 8/1/24



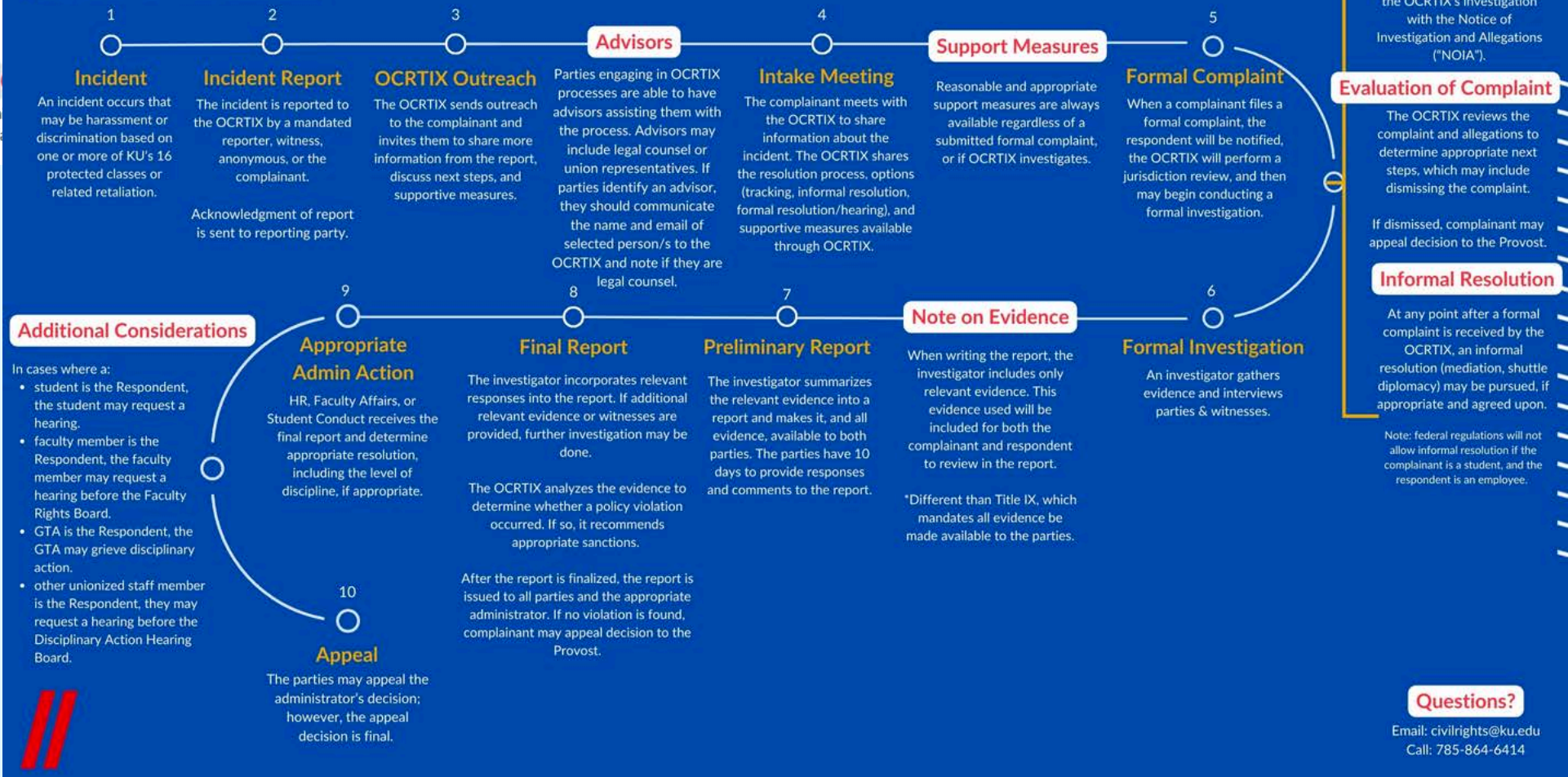
We have policies and processes we use to resolve reports.



DISCRIMINATION COMPLAINT RESOLUTION PROCESS (DCRP)

This is intended to be a simplification and visual representation of the larger and more detailed process. For the formal policy, please visit: <https://policy.ku.edu/IOA/discrimination-complaint-resolution>

L/E: 4/26/24, Incidents - Pre 8/1/24



Scan here to access our collection of materials!

We Respond to Reports

Questions?
Email: civilrights@ku.edu
Call: 785-864-6414

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.

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).

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.



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).

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

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. We conduct the review and unit leadership receives the report and takes action on recommendations.

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.

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

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:

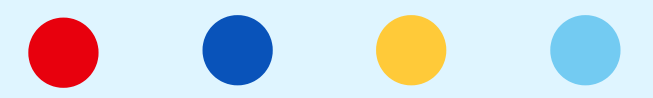
- Emergency notifications.
- Timely warnings.
- Accurate counts of Clery crimes.
- Accurate reporting of Clery crimes

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

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.

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.

How to Respond



If someone told you they experienced discrimination or harassment, how would you respond?

If a student submitted an assignment referencing having experienced a sexual assault, how would you move forward?

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... .

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

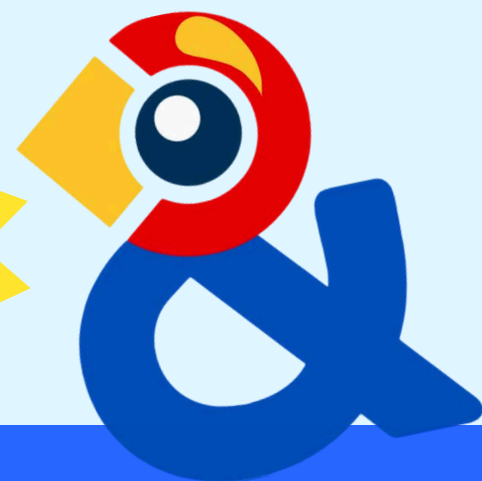
- Ask questions about safety - “Are you feeling safe now?” “Would you like me to call *resource* with you know? - Resource: KUPD, Housing
- Talk about evidence preservation - “It can be helpful to keep any potential evidence so you can continue to make decisions in the future, even if you’re not ready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

**What have you had to report?
(generals - no identifying information or
unnecessary details)**



1

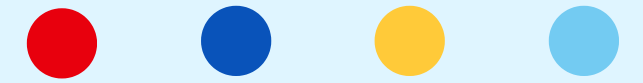
An incoming student attends orientation. While on campus someone yelled the F-word at them from an unidentified vehicle. The incoming student was wearing a rainbow shirt and had a variety of LGBTQ+ patches on their backpack

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

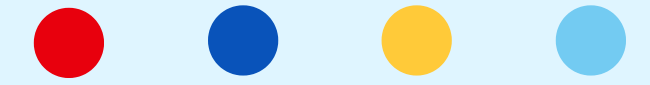
On your team, there are staff members deeply impacted by the current war between Israel and Palestinians. One team member identifies as Jewish and has family in the affected region. Another team member has posted on their social media quotes and calls to action used by Hamas. The Jewish staff member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

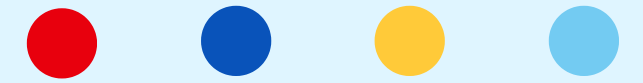
You have a very casual team who is comfortable around each other. There's lots of swearing, joking, and playfulness. The team is also highly effective/productive. Someone from outside the team comes to you to express concern. When members of your team were presenting to another unit, they swore a few 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.



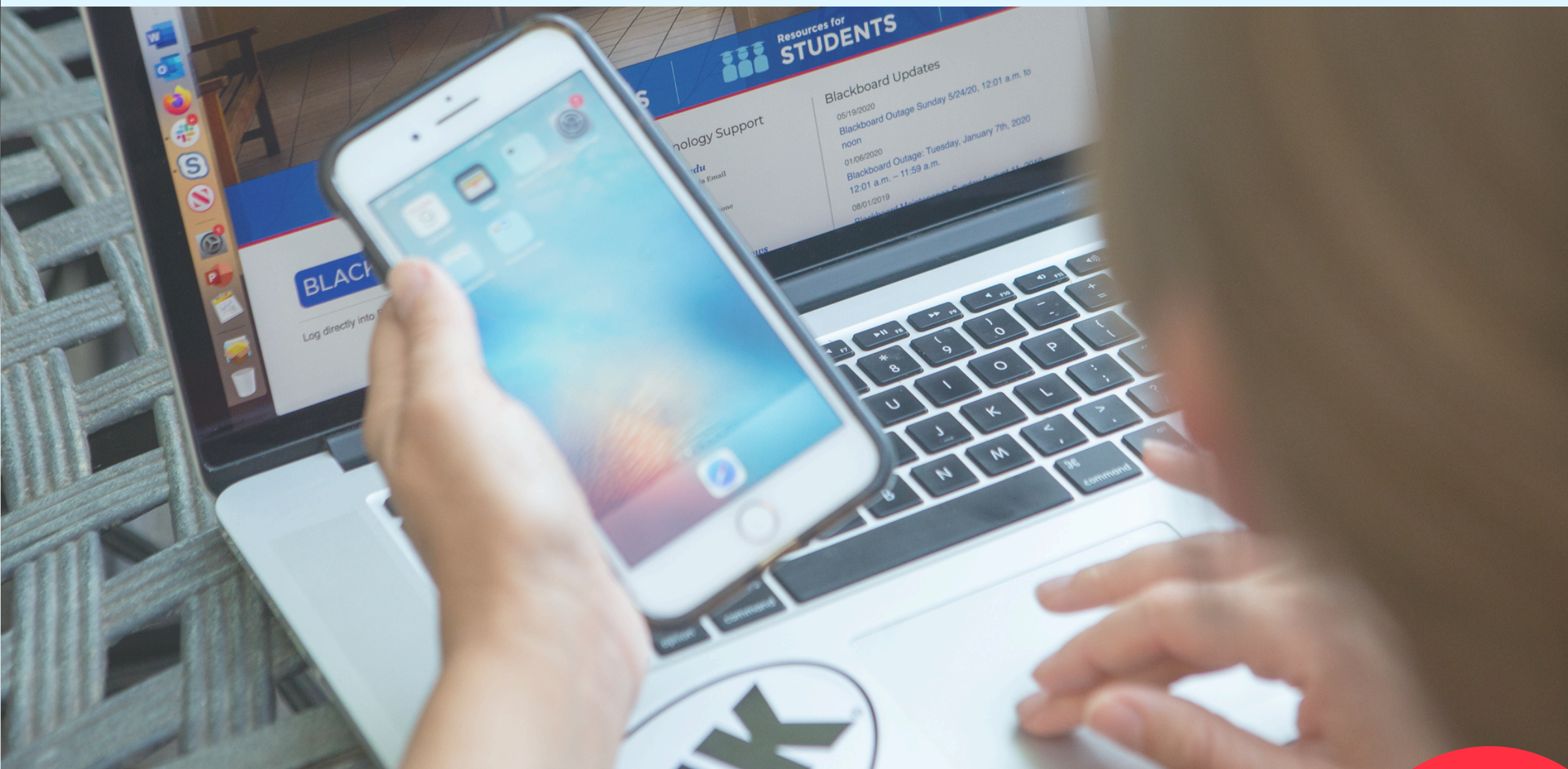
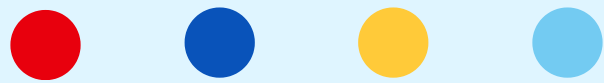
A student staff member tells you they need to be off work for the following week because of a recent trauma. They don't want to "go into it", but have a concussion.

What are you considering? Do you need additional information?





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



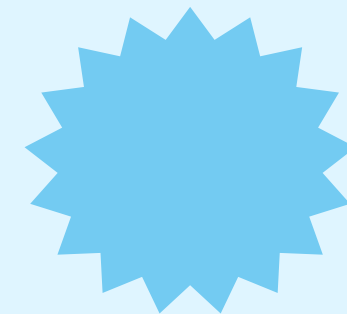
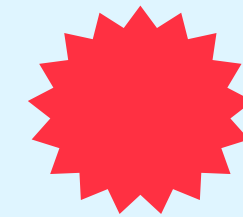
- **Contact Lauren, Karen, Ash, OCRTIX, or a Deputy Title IX Coordinator:**

- Nicole Corcoran in Athletics
- Natalie Holick in Compliance

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

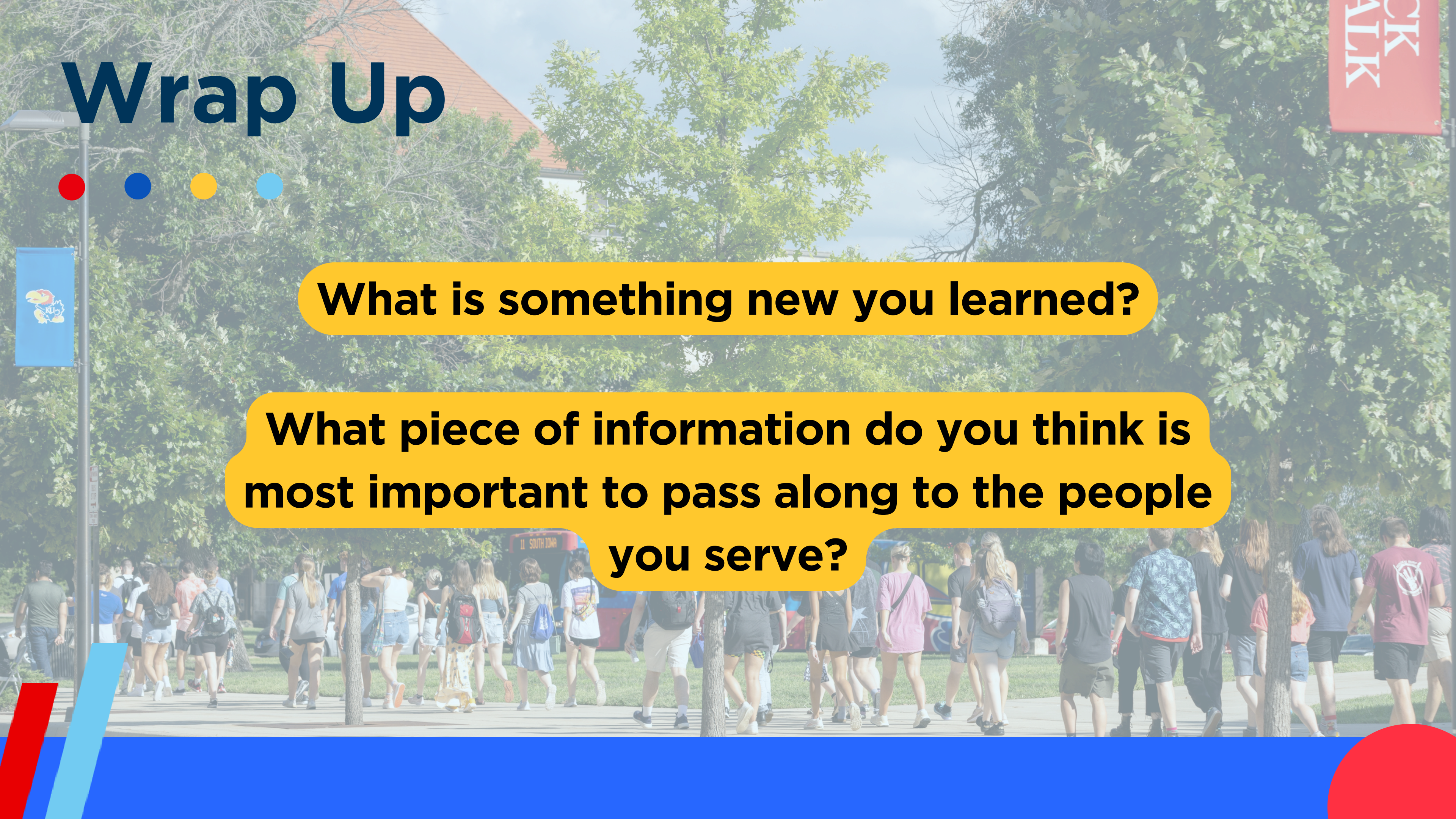


Wrap Up



What is something new you learned?

What piece of 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!

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.

Questions?



Contact Info

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Director of Intakes and Outreach &
Deputy Title IX Coordinator

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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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