

Davis & Elkins College™

Title IX—Proposed Steps Toward Best Practice

The following suggests a straightforward, ambitious, and achievable action plan that will put Davis & Elkins College on the path to becoming a sustainable best practices institution with respect to Title IX and Clery/VAWA issues. Initiating a strong action plan demonstrates a positive and proactive approach to addressing the increasing requirements of Title IX and Clery/VAWA legislation.

Phase 1 (Spring 2015)

Website and Portal Compliance

In addition to bringing our website and portal into compliance with Title IX (and the Department of Education's requirements for non-discrimination of protected classes of people), we should move beyond the basic requirements and toward best practice by adding the following to our website:

- A unified Statement of Non-Discrimination that is inclusive of Title IX and compliant with Department of Education requirements
- Tags so that the words Title IX, Rape, Sexual Misconduct, Sexual Violence will link the searcher to our policy and where to get immediate help
- A "Title IX" section/office page that will house a time-stamped, current version of Title IX policies and procedures, anonymous reporting capabilities, contact information (with hyperlinks) for Title IX and Deputy Coordinators, and advice regarding what to do in an emergency

An initial meeting to discuss these changes has already occurred. Once the compliant version of our statement of non-discrimination is approved, it can be quickly added to the website. (As an additional note, a shortened version of the Statement of Non-discrimination should be included on ALL/MOST of our outward communications—most specifically our admissions and recruiting documents. The abbreviated statement is in draft form and the appropriate offices have been notified.

Policy Revision

Since the current policy has been drafted and approved, changes in guidance, legislation, and the outcomes of judicial proceedings strongly suggest that we should revise our "Sexual Misconduct Policy" to bring it into alignment with best practices and current guidance. Specifically revising the policy to include all members of the campus community; to use neutral terminology for reporting party (aka "victims") and responding party (aka "alleged perpetrators"); to eliminate the hearing panel process model and move to a civil rights investigative model will ensure that our policy is not only compliant, but that it also aligned with best practices that are motivated by treating individuals with equity, fairness, and dignity in the face of difficult circumstances.

Meetings have already occurred between the Title IX and Deputy Coordinators. The basis for proposed policy change is guidance from the Office of Civil Rights, ATIXA, and recent outcomes of judicial proceedings related to Clery/VAWA legislation and Title IX. Furthermore, the April 24, 2015 Dear Colleague Letter states the importance of Title IX Coordinators playing a direct role in the drafting and revising of policy. The Title IX and Deputy Coordinators are close to producing a

final policy draft entitled, Gender Based Discrimination, Harassment, and Sexual Misconduct Policy.

Informational Materials

In addition to being trained and educated on Title IX and Clery/VAWA issues, campus members will need to be able to access and reference materials that contain important information. These materials should be developed in tandem with policy revisions.

- Develop an easy to read information sheet/brochure for all Responsible Employees. While there is currently a document (three page word document) that meets the requirements, creating an easy to use handout will allow responsible employees to better understand their reporting obligations and, correspondingly, respond appropriately and consistently in the event of a Title IX disclosure.
- A Victim's/Emergency Brochure/Flier should be available across campus that informs victims of sexual assault or misconduct of what to do and whom to talk to.
- A Gender Based Discrimination and Sexual Misconduct Policy, Procedures, and Information publication should be available to the campus community and used in conjunction with training and prevention education programs. This handbook will include risk reduction tips, consent issues, reporting, confidentiality, filing a complaint, students' rights, important definitions, policy and procedures, and important contact information. ATIXA uses Trinity University's publication as a model that goes beyond compliance into best practice.

Initial conversations have already begun regarding the creation of a Responsible Employee brochure and Information Handbook.

Climate Survey

Release the current version of the climate survey to students in the near future. This will allow us to establish a base-line for data to determine campus climate in regards to student understanding of sexual assault, misconduct, and gender based discrimination and harassment; what to do if any of those occur, and perceptions of how the college will respond to an event of that nature. Analysis of the initial survey will likely indicate areas of both strength and weakness and enable us to develop plans for addressing areas of weakness.

The initial survey is ready for release. Expedient tabulation and analysis of the results will demonstrate our commitment to compliance to the spirit of Title IX and the Clery Act/VAWA Amendments.

Training and Prevention Education Inventory

Many training and preventive educational opportunities have already been offered to many members of our campus community. The Title IX Office should serve as a clearinghouse for documenting all trainings/prevention programs that are offered to campus community members in regards to sexual assault, misconduct, and gender based discrimination and harassment and how to respond if an event occurs. An initial assessment of our offerings will

allow the Title IX Coordinator to determine the most critical needs with respect to training and prevention programs. This information will also serve as the foundation for creating a Title IX/Clery/VAWA training and prevention education timeline to ensure compliance with ongoing training requirements.

Phase 2 (Following Completion of Phase 1: Summer 2015 and 2015-2016 Academic Year)

Procedures and Protocol

Once policy revisions are complete, generate a step by step process list of the entire Title IX procedures beginning with the filing of a claim, to inquiry, to investigation, to the hearing, to the sanctioning, and to the appeal process. This will allow our response to reports and documentation of our response to be consistent, streamlined, and compliant with guidance and legislation.

Standardize and streamline the inquiry and investigation procedures, protocol, and report processes. This will eliminate procedural errors, strengthen our documentation, and create consistency in our response to Title IX reports.

Generate a list of standard sanctions with appropriate notice that each sanction will be determined based on the merits of the case, in accordance with our policy and current guidance and legislation. Our community needs to be aware of the possible outcomes of violating other's rights in regard to Title IX.

Review Memorandum's of Understanding with our third party contractors (e.g. bookstore) to determine how these employees are appropriately orientated to the college's policies and training and prevention education programs. As contracts are renewed, the contracts should adopt contract language that binds all parties to federal mandates-specifically to Title IX/Clery/VAWA requirements.

Informational Materials

Create a chart that illustrates the entire Gender Based Discrimination and Sexual Misconduct Policy and Procedures process beginning with the filing of a claim, to inquiry, to investigation, to the sanctioning, and to the appeal process. This will make our practices readily understandable and transparent to all members of (and guests of) our campus community. It will also serve as an valuable training tool.

Standardized inquiry, investigation, and documentation forms are crucial to a fair and transparent response to and documentation of Title IX reports. Templates of letters, hearing panel communication, notices, inquiry/investigation notes/reports should be used universally by all compliance officers, investigators, and first responders. Uniform practices will go a long way toward demonstrating our ability and commitment to responding appropriately to Title IX incidents.

Create a responsibilities and oversight process and chart. Since the college has only recently hired a full-time Title IX Coordinator, it will be important for the various offices and departments to work in harmony with the Title IX office to maintain compliance with the breadth and width of federal guidance and mandates. This organization chart should be created collaboratively

with individual stake-holder offices (e.g. Department of Safety and Security, Student Life, Human Resources, Athletics, and so on).

Climate Survey

Develop procedures and protocol for administering, tabulating, and revising the Climate Survey on an annual basis to ensure that the survey is truly capturing the campus climate in regards to sexual assault, misconduct, and gender based discrimination and harassment and the efficacy of our training and prevention education programs.

Training and Prevention Education

Title IX Compliance officers and first responders have strict training requirements to adhere to. After the training and education inventory is completed, the Title IX Coordinator should immediately address any training deficiencies as per Title IX and Clery/VAWA requirements.

A review of currently trained investigators on protocol, processes, communication, and documentation will help ensure that tasks being performed with a high level of consistency and that all investigators are current with recent changes in guidance and legislation to ensure compliance to Title IX and Clery/Campus SaVe Act legislation.

Conduct training for all students, responsible employees, and new employees regarding our Gender Based Discrimination and Sexual Misconduct Policy and Procedures, reporting and confidentiality obligations, and what to do in the event of an emergency.

Develop an annual campus wide training and prevention education timeline and plan for implementation. As much as logistically feasible, training and prevention should be offered to small groups and assessed to maximize efficacy. This training and prevention education plan will meet the requirements of Title IX and Clery/VAWA for Title IX Compliance Officers, Responsible and Privileged Employees, Staff, and students.

Phase 3 (2016 and Beyond)

Climate Survey

Modify the climate survey in response to the analysis of base-line data and to expand the survey to capture the efficacy of training, prevention education programs, changes to the campus climate in regards to sexual assault, misconduct, and gender based discrimination and harassment.

Create an employee campus climate survey to assess the efficacy of training, prevention education programs, and employee dispositions in regards to sexual assault, misconduct, and gender based discrimination and harassment.

Consider expanding or creating an addition survey to assess campus climate in regards to other protected classes civil rights.

Training and Prevention Education

Implement and assess training and prevention education timeline and plan.

Ongoing

Informational Materials

The Title IX Office should regularly review all publications and documents to ensure that they reflect our current policies and procedures and remain in alignment with changing legislation and federal guidance.

Policy

The Gender Based Discrimination and Sexual Misconduct Policy should be reviewed on a regular basis to guarantee compliance with the Department of Education and the Office of Civil Rights mandates and guidance.

Climate Survey

Survey administration procedures and protocol should be evaluated on an annual basis with consideration of previous survey results, the amount and type of Title IX reports, and the time it takes to implement highly effective educational programming.

Training

Maintain and evaluate for impact (via Campus Climate and pre-and post-surveys) an annual campus wide training and prevention education timeline and plan. The training and prevention education plan should be reviewed annually to determine how to maintain success and/or address deficiencies.

Title IX Coordinator training should be constant and ongoing with respect to Title IX, Clery/VAWA, and Office of Civil Rights guidance. The Title IX Coordinator will work with other compliance officers to maintain appropriate training as required by federal mandates and OCR guidance.

Communication (meetings)

Regular meetings should occur between the Title IX Coordinator and investigators. Regular meetings should occur between the Title IX and Deputy Coordinators to ensure that policy, procedures, and practices are in alignment with federal guidance and mandates and move beyond meeting basic requirements into the realm of best practices.

The Title IX Coordinator should meet regularly with offices (Human Resources, Student Life, Department of Safety and Security) where responsibilities and Title IX/Clery/VAWA obligations intersect. This will create a strong collaboration to maintain consistent and accurate adherence to policy, documentation of incidences and investigations, data, reports, and sanctioning of respondents who were found to have violated policy.