

Davis & Elkins College™

Title IX—Institutionalizing Compliance Updated August 2016

The following updates *D&E's Title IX Compliance Steps Towards Best Practices* which suggested a straightforward, ambitious, and achievable action plan that 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. While great strides have been made towards the goal of moving beyond compliance into the realm of best practices, there are still several action items that need revisited.

Website and Portal Compliance: Achieved

D&E now has a Title IX portion of the website that is accessible in less than three clicks. The search function yields access to the Title IX website. A full and abbreviated statement of non-discrimination is visible in appropriate locations. The Title IX page contains an anonymous report form; updated policy; the Annual Security and Fire Safety (aka Clery) report; appropriate emergency contact information; guidance on what to do in the event of a sexual assault; and a link to access the Office of Civil Rights.

Statement of Non-discrimination

A full or abbreviated statement of non-discrimination must be included on all official D&E documents. This includes syllabi, admissions materials, alumni publications, and employment recruitment materials.

This task has been partially implemented. The full statement of non-discrimination has been posted in common areas and all offices across campus. A temporary label with an abbreviated statement was attached to some admission materials under the previous Director of Admissions. It is too cost prohibitive to order new fully compliant materials. As new materials are ordered and produced, either a full or abbreviated statement of non-discrimination should be included to be fully compliant with the requirements of Title IX.

Our current statement of non-discrimination is comprehensive and perhaps a bit cumbersome. It may be worthwhile to modify the current statement of non-discrimination in an effort to shorten it while remaining compliant.

Policy Revision: Achieved and In Process

Policy was revised during the Summer of 2015, and approved by President Smith on September 15, 2016.

At this time, a major policy revision is not necessary; however a few adjustments need to be made.

- A new Deputy Coordinator needs to be named, and the policy needs to be revised to reflect this appointment. The Title IX Coordinators must be named in the policy.
- The policy should include a contingency plan for when a Title IX Coordinator or Deputy is conflicted and should not participate in the process to avoid bias or objective findings.
- Appendix C- Sanctioning Matrix should be revised to read "Expulsion/Dismissal" to align with language in the Student Handbook.

- A Title IX timeframe needs to be specified for training and reporting purposes. (June 1st to May 31st)

Informational Materials: Achieved and In Process

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.

- Responsible Employee Handout: Achieved
- What to Do in the Event of Sexual Assault brochure: Achieved
- 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.

Climate Survey

Despite multiple attempts, a climate survey still has not been issued to our students. It is necessary to modify and release 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.

Releasing a climate survey to our students should be a high priority for the institution as the Office of Civil Rights considers it a vital part of remedying and preventing a hostile environment on the basis of sex. In June, the Office of Civil Rights entered into a voluntary resolution agreement with Occidental College despite ruling that there was insufficient evidence that Occidental violated Title IX or of a hostile environment on the basis of sex that requires Occidental to conduct an annual climate survey and develop proposals for OCR's review and approval to effectively respond to and prevent sexual assault.

A survey is near ready for release. Expedient tabulation and analysis of the results that informs an appropriate action plan will demonstrate D&E's commitment to compliance and to the spirit of Title IX and Clery Act/VAWA Amendments.

Training and Prevention Education: Achieved and In Process

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. This will allow us to track and document that Davis & Elkins College is actively demonstrating a commitment to preventing hostile environment on the basis of sex and gender.

Many programs and training courses are being offered. All responsible employees and campus security authorities are now trained annually and within 30 days of employment on their duties under Title IX and Clery.

Beginning Fall 2016, Prevention and awareness trainings will be implemented as part of mandatory hall programming in the dorms. Off campus prevention groups, such as *One Love* and *Shared Hope* will offer trainings to students during the course of the 2016-2017 academic year.

The Title IX Coordinator and the Prevention Educator from Women's Aid in Crisis developed a yearlong prevention and awareness calendar that will provide ongoing educational events to the campus community. Each month will focus on a different topic; topics will include bystander intervention, sexual assault, dating/domestic violence, stalking, suicide prevention, and health and wellness. Student organizations and athletic teams will be asked to "sponsor" a month and help coordinate activities.

Procedures and Protocol: Achieved and In Process

A step by step process list of the entire Title IX procedures has been created and is shared with the campus community in trainings. The process list begins with the filing of a claim, to inquiry, to investigation, to the hearing, to the sanctioning, and to the appeal process. This allows our response to reports and documentation of our response to be consistent, streamlined, and compliant with guidance and legislation.

A D&E Title IX Investigator's manual has been created to 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.

In Process: 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

To do: 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 a valuable training tool.

To do: Create a responsibilities and oversight process and chart. It is 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).

Some progress in this area has been made; however, due to the frequent shifts in employees, roles, and responsibilities, more development is needed in this area. There has been a great deal of discussion and agreements made on this front; however, no chart or formal documents exist in this regard.

Achieved: 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. *(Investigator's Manual contains most of this information.)*

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: Achieved and In Progress

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.

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.

Future Actions**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.