

TITLE IX – LISTENING SESSION – NOVEMBER 14, 2018

Responses to questions from the community

QUESTIONS

1. When will there be a full-time Title IX Coordinator? How do you have a full-time job and a part-time job with Title IX? Wouldn't you feel burnt out? (Question directed to Sandy Chung, Title IX Coordinator for Compliance.)
2. Is there a conflict of interest for Human Resources to be doing Title IX work?
3. Where in Title IX does transparency come into play?
4. How are students involved in Title IX decision processes about policies?
5. Why can't there be more confidential resources on campus?
6. How can we have a student-driven process like UO?
7. How can we have move towards a trauma-informed process?
8. How do we make sure that retaliation does not hurt the survivor? My friend is scared to report in case the other party retaliates.

TITLE IX CONTACT INFORMATION

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TITLE IX TEAM

Sandy Chung, Title IX Coordinator for Compliance (responsible employee)
Matt Rygg, Title IX Coordinator for Education (responsible employee)
Megan Farra, Deputy Title IX Coordinator for Students (responsible employee)
Patrick Plaza, Deputy Title IX Coordinator for Administrative Processes (responsible employee)
Bill Jenkins, Deputy Title IX Coordinator for Staff (responsible employee)
Terry Favero, Deputy Title IX Coordinator for Faculty (responsible employee)
Shannon Mayer, Deputy Title IX Coordinator for Faculty (responsible employee)
Alexandra Hill, Deputy Title IX Coordinator for Education (responsible employee)

Megan Cohara, Wellness Education & Prevention Programs Coordinator
(confidential resource)

Question 1. When will there be a full-time Title IX Coordinator? How do you have a full-time job and a part-time job with Title IX? Wouldn't you feel burnt out? (Question directed to Sandy Chung, Title IX Coordinator for Compliance.)

Notwithstanding my human resources duties, I have been able to do duties as Title IX Coordinator for Compliance due to the following:

- This year, we have three new Title IX positions that did not exist last year: Title IX Coordinator for Education (Matt Rygg), Deputy Title IX Coordinator for Students (Meg Farra), and Deputy Title IX Coordinator for Administrative Processes (Patrick Plaza). Many of the day-to-day operations of Title IX are handled by Meg and Patrick. This gives Matt and me time to work on strategic Title IX initiatives, which this year has been focused on increased education/training across campus for students, faculty, and staff and improvements in our policies and processes.
- Last year, a new staff member with extensive experience in Human Resources joined UP's Human Resources Office. This new staff member has taken on some of my day-to-day human resources duties, which has helped open up my time for Title IX work.
- In my Human Resources position, I was already engaged in some Title IX matters (those matters that involved employees) even before my current formal designation as Title IX Coordinator for Compliance. So, some of my current Title IX workload is the same as before.

I want to thank you for your concern and your question about whether I feel burnt out. My answer to this requires some information about my background. During college and law school and then afterwards as an attorney, I spent a lot of my extra time and energy doing equity and social justice work, particularly in the areas of domestic violence, sex trafficking, and modern day slavery (usually involving indentured servitude of women). I asked the University to allow me to contribute to Title IX at UP because Title IX work also is equity and social justice work. So, there are times when I am busy. But knowing that I am helping to contribute to greater equity and social justice keeps me going.

Also, we love the current team approach to Title IX because it helps lessen burnout. The team approach means that there is always someone available in the Title IX Office to support students, even if other team member(s) have a scheduled day off or an unexpected personal or family situation arise. The team approach also allows the Title IX team members to engage in self-care as needed, which is important because this type of work can result in ancillary or secondary trauma for Title IX staff members.

Question 2. Is there a conflict of interest for Human Resources to be doing Title IX work?

There are other institutions that have Title IX handled by or housed within a human resources office. For example, at my prior institution (Santa Monica College), I was the Title IX Coordinator for about five years but also had human resources duties. Some other institutions with this type of structure are Gonzaga and Notre Dame.

It is not uncommon to see human resources professionals do Title IX work or Title IX professionals do human resources work. Human Resources professional oftentimes have education and experience that is applicable to Title IX work because of their experience with Title VII. Title VII is a civil rights law applicable to the employment context. Title VII prohibits sexual or gender-based discrimination and harassment in workplaces. The law and investigative processes applicable to Title VII is similar to that for Title IX.

Because of my prior experience as a lawyer, human resources professional, and title IX coordinator, I have extensive experience related to Title VII and Title IX. This work includes supporting and working with individuals impacted by sexual or gender-based discrimination, harassment, misconduct, or violence. This experience also includes conducting investigations, developing and providing education/trainings, formulating and updating policies and processes, and training investigators. The breadth and depth of my experience is very helpful to the current Title IX work I am leading at UP.

I also want to note that in Title IX matters that involve students, I have less conflicts than other positions on campus. Compared to University administrators, faculty, and staff in other areas, I have less direct contact with students. Therefore, when I get involved in a Title IX matter, I usually do not know the students involved and do not have other connections to such students.

Question 3. Where in Title IX does transparency come into play?

Title IX matters usually involve very sensitive and private information. There are important laws applicable to this type of information, including those involving FERPA, unlawful retaliation, slander/libel/defamation, and privacy, among other things.

Because of such legal requirements, the University generally cannot provide information about specific Title IX matters to the public or the UP community. Also, it would not be respectful or consistent with our values for the University to publicly share sensitive and private information about UP community members.

While being mindful about the private and sensitive information in individual matters, the Title IX Office is working on gathering general Title IX related data to share with the UP community. For example, about a week ago, the Title IX team shared updated Title IX education/training data with ASUP. The Title IX team also is working on developing an electronic newsletter for the UP community; we expect the first version to be distributed in January 2019.

Question 4. How are students involved in Title IX decision processes about policies?

This year, we are getting input from the UP community (faculty, staff, and students) through two main venues: listening sessions and through the Title IX advisory committee (which includes student representation by ASUP and SASA). As well, we welcome students to directly contact the Title IX team with their input about policies. Students can email titleix@up.edu, call (503) 943-8982, or come by the fifth floor of Waldschmidt and speak to a Title IX team member. If a student wishes to provide input anonymously, they can send the input via campus mail or regular mail to the Title IX Office, Waldschmidt Hall.

Question 5. Why can't there be more confidential resources on campus?

During this past summer, the Title IX team had a lot of discussions about designating more confidential resources on campus. However, because faculty and students were on summer break, the Title IX team decided to wait to get input from the entire UP community before unilaterally making a decision that impacted faculty and students.

We would love to have more confidential resources on campus. However, we need to check the following boxes in order to do this:

- First, we must determine the additional positions on campus that will be designated as confidential resources. In making this list, we need to make sure that the designation of such positions on campus as confidential resources is consistent with legal requirements.
- Second, we must get the agreement of the persons in such positions – that they are willing to serve as confidential resources and that they are willing to invest the time and diligence necessary to receive relevant training and education, including education related to working with survivors of trauma.

Also, currently, the Title IX team is working with SASA to develop a “confidential advocate” program for campus. This entails working with a nonprofit not affiliated with UP, such as the YWCA, Sexual Assault Resource Center, or Volunteers of America. The nonprofit would provide a staff person to provide support to UP students and UP would provide a physical space on campus for this staff person.

Question 6. How can we have a student-driven process like UO?

First, please know that the Title IX process at UP is student oriented and driven as much as is possible. When the Title IX team receives a report, Meg Farra will invite impacted students to meet with her so that she can provide support and information about policies, processes, resources, and accommodations. This is an invitation, not a directive.

The University of Oregon has three types of resources on campus: confidential resources (similar to UP), responsible employees (similar to UP), and student-directed resources. Student-directed resources are employees at the University of Oregon who do not necessarily have to report Title IX situations to the Title IX Office but may do so if the student wishes to report or there is an applicable exception.

During this past summer, the Title IX team had a lot of discussions about implementing the University of Oregon model of student-directed resources at UP. However, because faculty and students were on summer break, the Title IX team decided to wait to get input from the entire UP community before unilaterally making a decision that impacted faculty and students.

If UP community members are interested in this model, we can designate a Title IX Advisory Committee meeting to discuss this. Based on the discussion, we can put together a proposal and then get input about the proposal from the broader UP community.

Question 7. How can we move towards a trauma-informed process?

We have already started taking steps to making Title IX processes more trauma informed. The Title IX team members who most directly work with students have training and/or experience working with survivors of trauma. Also, we are working on providing more training across campus about trauma and sexual assault. As well, Title IX investigations are now being conducted by Sandy Chung, who has training and experience working with survivors of trauma.

Going forward, the Title IX team would like to explore an investigation-centered model, rather than a student conduct process centered model, for Title IX matters. Generally, student conduct processes tend to involve components that some perceive as more adversarial. So, moving towards an investigation-centered model is a move towards a trauma-informed process. However, before we can make a decision here, we need to wait for pending regulations from the federal government so that we can ensure that any changes to University policies and processes are compliant with applicable laws.

Question 8. How do we make sure that retaliation does not hurt the survivor? My friend is scared to report in case the other party retaliates.

We often hear from students that they fear retaliation for reporting a Title IX concern or participating in a Title IX process. We hear and see you. We do not take your concerns about retaliation lightly. Please know that we are diligent and serious about trying to prevent retaliation and addressing it when it occurs.

This past summer, as we updated the Title IX policies in the Code of Student Conduct, we made sure that the Code included very clear language that retaliation is a violation of the Code of Student Conduct.

When Meg Farra, Deputy Title IX Coordinator for Students, has meetings with students explaining policies and processes, she explains retaliation and that it is prohibited. As well, before investigatory meetings, Students are sent notices that contain information about retaliation and that it is prohibited.

As well, Meg works diligently with students who have concerns about potential retaliation. The Title IX Office can support students in this area by making housing changes, issuing no-contact orders, helping make changes or accommodations to academic schedules, and getting assistance from Public Safety.

This being said, if a UP community member ever has a concern about retaliation, they should contact a Title IX team member right away. We will conduct an information gathering process. If the information establishes that retaliation occurred, the individual who engaged in that wrongful conduct would be subject to sanctions through the Student Conduct process.