

December 3, 2020

Human Resources with
Attorney Steve Metzger

2020 Title IX Regulations impact on Loyola's policies

mandated reporter awareness

Highlights (changes) to the Harassment and Discrimination Policy

Highlights from the August 2020 Policy	Items over and above new 2020 Title IX Regulation
The impact statement is permissible for employees (in addition to students)	Regulations do not require impact statements
Continued broad spectrum of Mandated Reporters (formerly called “responsible employees”)	Regulations allow for a limited number of mandated reporters which could limit the number of reports received
Advisors are permissible for students– and now for employees under non-Title IX sexual harassment cases involving students	Employee advisors are not required for non-Title IX sexual harassment cases involving students
Live hearing are now conducted for employee Title IX cases, with trained independent hearing officers. Cross examination is by advisors. Audio or audiovisual recording or transcript of any live hearing is made available to the parties	
Sixty business days to adjudicate a claim, with extensions allowed for good cause	Regulations require a “reasonable” timeframe
Materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process will be made available for inspection	

Mandated Reporters

What are they?

Mandated Reporter means an employee of the University who is obligated by policy to share knowledge, notice, and/or reports of harassment or discrimination including any form of sexual misconduct, and/or retaliation with the appropriate Title IX Coordinator or Deputy Coordinator

Who are they?

f Any University administrator and/or staff with supervisory responsibilities

f Faculty Member

f Campus Police

f Athletic Coach or 021 0 Td(o)-1.5 (a)0.5 (ch)TJ0.001 Tc -0.063 T6M51s01 Tc --18.1 0 Td(o)-1.5 (a)0.5

Loyola's policy regarding Mandated Reporters

When a complainant gives notice to a Mandated Reporter, the University is on notice that they should have known about the sexual harassment or misconduct. Mandated Reporters must inform a Title IX Coordinator if they have knowledge of actual or suspected sexual harassment or discrimination, and/or any form of sexual misconduct

When a person other than a complainant makes a report, the appropriate Title IX Coordinator (or designee) will contact the complainant to discuss the report and whether they wish to proceed with a formal complaint

Disclosures in climate surveys, classroom writing assignments, discussions or group presentations, in conversations heard indirectly among students in a hallway, human subjects research, or at events such as "Take Back the Night" marches or speak-outs do not provide notice that must be reported to the Coordinator by employees, unless the complainant clearly indicates that they desire a report to be made or seek a specific response from the University

Importance of Reporting

- Ensures that anyone affected by sexual misconduct receives the support they need
- Ensures the University responds appropriately to alleged prohibited conduct
- Individuals may disclose issues of misconduct to you
- Potential reasons for reporting issues to you
 - The person is looking for help and may have safety concerns

Confidentiality

In order to make informed choices, it is important to be aware of confidentiality and mandatory reporting requirements. Mandated Reporters are NOT confidential resources, as they have a duty to report

If someone begins to confide in a Mandated Reporter about an incident that sounds like it may be sexual harassment or discrimination or any form of sexual misconduct, the Mandated Reporter must notify the person early on that they are NOT a confidential resource, as they have a duty to report incidents to University officials

Let the person know there are resources on campus who may maintain confidentiality – meaning they are not required to report actual or suspected discrimination or harassment to University officials. If they prefer to talk to a confidential resource, offer them options without any obligation to inform officials unless they request that the information be shared

If they wish to continue talking to you about the alleged incident, they will do so knowingly that you must report it to a Title IX Coordinator

Keep all information confidential except to report the information to the Title IX Coordinator



Reflection

How do you gently interrupt the person to let them know of your mandated reporting role?

What to do when someone tells you about an incident

CONFIDENTIALITY


- Move to a confidential area if others are in earshot
- Inform them that you are not a confidential resource, and of your duty to report the incident
- If they decide to tell you about the incident, continue...

What to do when someone tells you about an incident

LISTEN AND RESPOND

CONFIRM the person's safety

- If they are not safe, help them with a plan to get to a safe place



What to do when someone tells you about an incident

SEEK ASSISTANCE if the person shows signs of trauma

Contacts:

Melissa Lees, Sexual Violence Prevention, Education, and Response
Coordinator, Women's Center

Melissa can be reached at 410-617-6769

Any Title IX Coordinator

Public Safety



What to do when someone tells you about an incident

REFER

- REVIEW reporting options with the student (including the right to file a report with law enforcement and the right to file a complaint with the Title IX Coordinator)
- DIRECT the student to on-campus support resources, such as the counseling center
- PROVIDE the student with the Notice of Rights and Options, including on and off campus resources

Notice of Rights and Options is a Quick Link on the Title IX website
<https://www.loyola.edu/department/title-ix>

What to do when someone tells you about an incident

REPORT

- EXPLAIN to the student that the Title IX Coordinator will contact them to discuss their reporting options and resources

After the person leaves your office

- CONTACT the Title IX Coordinator to report the incident



Confidential Reporting Options

Melissa Lees, Sexual Violence Prevention, Education, and Response Coordinator, Women's Center
Melissa can be reached at 410-617-6769

A counselor or psychologist in the Counseling Center at 410-617-227

Clergy acting in their pastoral role

The Student Health Center can be reached at 410-617-5055

Confidential Resources

- TurnAround 24 hours a day at 443-279-0379
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Title IX Coordinators

Title IX Coordinator for the University:

Kathleen Parnell Associate Vice President for Human Resources
5000 York Road 410-617-1350 kmparnell@loyola.edu

Title IX Deputy Coordinator for Students:

Katsura Kurita, Assistant Vice President for Student Development
110 Jenkins Hall 410-617-5646 kkurita@loyola.edu

Title IX Deputy Coordinator for Faculty, Staff & Administrators:

Karen Feeley Director Employee Engagement
5000 York Road 410-617-1345 kafeeley@loyola.edu