


Protect and Respect our Scots

Civil Rights/ Title IX Training

Alma College 2023-24

Presented by:

Civil Rights and Title IX Team



Civil Rights and Title IX Team



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Grand River Solutions

- The college will engage with Grand River Solutions in the following ways:
 - Investigations that require significant resources
 - Hearing Panels and Chairs
 - Cases where bias is a large concern
 - Online trainings
 - We are still key point of contact, we are still connected



Discrimination

- Any act that denies, deprives or limits someone from access, benefits and/or opportunities on the basis of a **protected identity**, from:
 - **Education**
 - Admissions, Grading, Advising, Accommodations
 - **Employment**
 - Hiring, Firing, Promoting, Tenure, Leadership Opportunities
 - **Residential/Social**
 - Residence Hall placement, Student organizations, Athletics, Leadership/Involvement opportunities
- Alma College will not discriminate against any employee or applicant for employment, student or applicant for admission on the basis of race, color, **sex**, religion, national or ethnic origin, physical or mental disability, age, height, weight, marital status, sexual orientation, gender, gender identity, parental status, pregnancy or related condition, arrest record, genetic information, or any other protected category under applicable local, state or federal laws;



Sex-Based Harassment

- Sex-based harassment is uninvited and unwelcome verbal, written, graphic, or physical behavior on the basis of sex, that cause an individual to be excluded from participation in, denied the benefits of, or be subjected to discrimination under any academic, extracurricular, research, occupational training, or any other educational program or activity operated by Alma College.
- Discrimination on the basis of sex includes discrimination on the basis of:
 - Sex Stereotypes
 - Sex Characteristics
 - Pregnancy or related conditions
 - Sexual Orientation
 - Gender Identity



Hostile Work Environment



Severe

- Physical conduct
- Accompanies by threat/violence
- Circumstances (ability to remove from harassment)



Pervasive

- Widespread
- Openly Practice
- Frequency of conduct (intensity/duration)



Objectively Offensive

- Reasonable person context
- Age/relationship
- Humiliating/Physically threatening/Intimidating/Abusive

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Affirmative Consent

Affirmative, conscious, and voluntary agreement to engage in sexual activity. It is the responsibility of each person involved in the sexual activity to ensure that they have the affirmative consent of the other or others to engage in the sexual activity. Affirmative consent must be ongoing throughout a sexual activity and can be revoked at any time.

1. Lack of protest or resistance does not mean consent;
2. Silence does not mean consent;
3. The existence of a dating relationship between the persons involved, or the fact of past sexual relations between them, should never by itself be assumed to be an indicator of consent;
4. It shall not be a valid excuse that the Respondent believed that the Complainant affirmatively consented to the sexual activity if the Respondent knew or reasonably should have known that the Complainant was unable to consent to the sexual activity under any of the following circumstances: incapacitation, Force, or Coercion.

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Rights of parties involved*

- To be treated with respect by Alma College officials.
- To have access to supportive measures and accommodations.
- To have a support person, process advisor, and/or legal counsel present during any meetings or hearings that may occur as part of this process.
- To refuse to have an allegation resolved through conflict resolution procedures.
- To receive advance notice of any meetings in which they are entitled to participate and the purpose of those meetings.
- To provide statements, evidence, and information as part of the investigation.
- To review evidence and other information obtained during the investigation.
- To receive notice of outcomes in writing.

*This is an abbreviated list. The full list is available in the policy.



Advisors

- Each party has the right to choose and consult with an advisor of their choice at their own expense. The advisor may be any person, including a friend, family member, therapist, union representative, or an attorney. Alma College will not limit their choice of advisor. Parties in this process may be accompanied by an advisor of choice to any meeting or proceeding to which they are required or are eligible to attend. Except where explicitly stated by this Policy, advisors shall not participate directly in the process. Alma College will provide the parties equal access to advisors; any restrictions on advisor participation will be applied equally.
- An Advisor may not represent, advocate, or speak on behalf of a Complainant or Respondent. An Advisor may not disrupt or impede any resolution proceeding.



Intake Process

- Role of Civil Rights/Title IX Coordinator
- Supportive Measures/Resources
- Confidentiality and Privacy
 - Civil Rights/Title IX Office
 - Need-to-know basis
- Retaliation
- Amnesty Policy
- Advisor of choice



Intake Process

- Reporting Options
 - Reporting in Person
 - Reporting Online
- Resolution Options
 - Supportive Resolution
 - Agreement Based Resolution
 - Investigation and Decision-Making Resolution
- Investigation Process
- Preserving Evidence
- Timelines
- Complainant's Request/Preference for next steps



Requesting Confidentiality

- Will take all reasonable steps to respond consistent with complainants request.
- Handled discreetly with limited people on need-to-know basis.
- Privacy cannot be guaranteed if doing so would jeopardize safety of complainant or others
 - Pattern, Predation, Threat, Violence/Weapon, Minors
 - Complainant will be notified if continuing
- Provide measures/resources to limit effect of harassing behavior.
- Response/remedial abilities may be limited based on level of confidentiality requested.



Supportive Measures

The Civil Rights/Title IX Coordinator may provide supportive measures intended to address the short-term effects of harassment, discrimination, and/or retaliation, i.e., to redress harm to the parties involved and the community, and to prevent further violations. These supportive measures may include, but are not limited to

- Referral to Wilcox Health Center, counseling or to the Employee Assistance Program.
- No Contact Orders or limiting contact limitations between the parties.
- Academic or work schedule and assignment accommodations.
- Living arrangement adjustments.
- Providing campus escorts.
- Offering adjustments to academic deadlines, course schedules, etc.
- Increased security and monitoring of certain areas of campus.
- Education to the community.



What is an Agreement Based Resolution?

An Agreement-Based Resolution is an alternative where the Parties each voluntarily agree to resolve the complaint in a way that does not include an investigation and does not include any finding of responsibility. Agreement-Based Resolution is a voluntary, structured interaction between or among affected parties that balances support and accountability.

- Will not happen under the following conditions
 - Both parties do not agree to an agreement based resolution
- Highly unlikely to happen if someone has experienced physical violence.



Types of Agreement Based Resolutions

- Facilitated Dialogue
- Formal Mediation
- Shuttle Diplomacy
- Acceptance of Responsibility
- Restorative Justice
- Other – welcome to be presented by parties as long as it falls within the guidelines of the Department of Education
- Parties may attempt more than one form of Agreement Based Resolution



Investigation & Decision-Making Resolution

- Will be confidential, prompt, impartial, equitable, and free from conflict of interests or bias
 - Trained and impartial investigators, decision-makers, etc.
- Not required to participate
- Advisor of their choice throughout process
- Present testimony and identify witnesses
- Equitable opportunity to gather and present relevant evidence without restriction
- Able to discuss allegations under investigation without restrictions
- Equitable opportunity to inspect and review evidence and investigation reports



Responsibility Determination



- Preponderance of Evidence Standard
 - "More Likely than not"
- Sanctions/Remedies:
 - Stop Discrimination
 - Prevent Recurrence
 - Act equitably to remedy effects

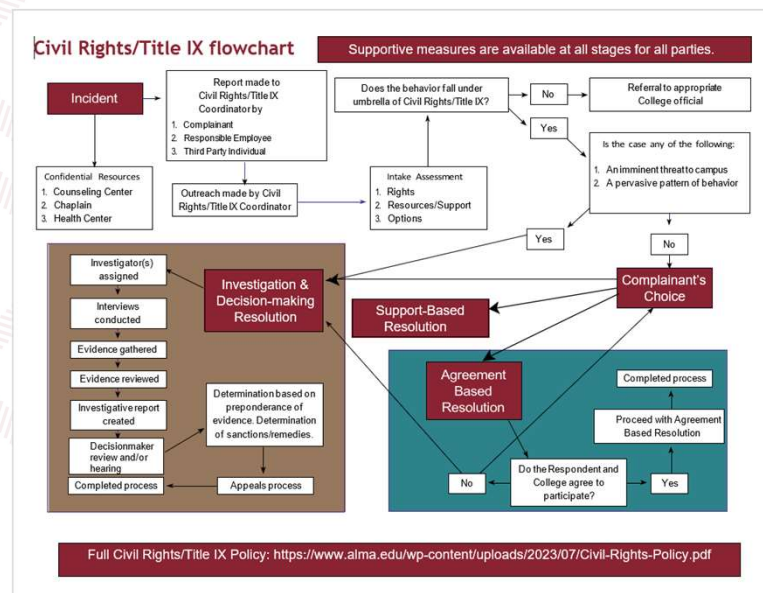


How our Civil Rights Process Differs from the Title IX Process

- For the most part it doesn't.
- Mandated reporters are expected to report potential discrimination.
 - All employees of Alma College are mandated reporters with the exception of confidential resources.(e.g., Chaplain/Wilcox Health Center)
- Intake meetings and supportive measures are available.
- Agreement Based Resolution is available.
- Investigation & Decision Making Resolution is available.



Outline of the Civil Rights/Title IX Process



How to file a Report/ Where to view the policy

Top Resources

Information

< Get Help → Confidential Support → Policies and Procedures → >

File a Report

Alma.edu/protect-respect-our-scots-civil-rights/

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