



**EDGEWOOD
COLLEGE**

Responsible Employees: Responding to Disclosures

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Agenda

01

Review Applicable Laws, Regulations, and Policies

02

Reporting: Who, What, How, When, Where

03

Trauma-Informed Response

04

Practical Application: How to Make a Report



Goals of Training



Understand the role of the responsible employee



Review various, sometimes overlapping reporting obligations



Fulfill your reporting obligations



Respond to disclosures in a trauma-informed manner



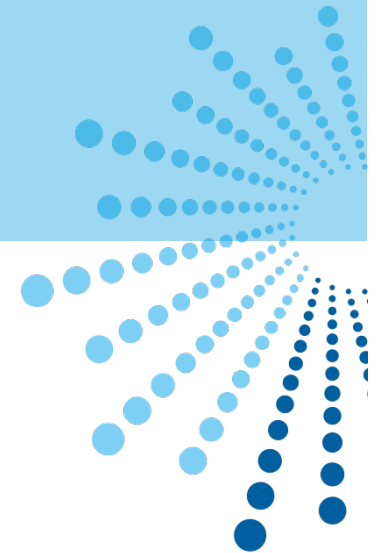
Balance the obligations to a complainant, with support of the accused



Review

Applicable Laws, Regulations, and Policies

01





“

Edgewood College will not tolerate discriminatory or harassing behaviors. The College affirms and protects the rights and opportunities of all persons to a working and learning environment free from discrimination. No person shall, on the basis of gender, sex, sexual orientation, race, religion, color, creed, national origin or ancestry, age, disability, or any other characteristic protected under applicable law, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination, including harassment, under any program of the College.

”

Sexual Misconduct Policy

It is the policy of Edgewood College to maintain an environment for students, faculty, administrators, staff, and visitors that is free of all forms of discrimination and harassment, including sexual misconduct. The College has enacted this Sexual Misconduct Policy (the “Policy”) to reflect and maintain its institutional values and community expectations, to provide for fair and equitable procedures for determining when this Policy has been violated, and to provide recourse for individuals and the community in response to violations of this Policy.

Sexual Misconduct Policy

This Policy prohibits all forms of sexual or gender-based discrimination, harassment, and misconduct, including sexual assault, non-consensual sexual contact, intimate partner violence, sexual exploitation, and stalking. This Policy also prohibits retaliation against a person who reports, complains about, or who otherwise participates in good faith in, any matter related to this Policy.

Sexual Harassment: *Section 106.30*

Sexual harassment means conduct on the basis of sex that satisfies one or more of the following:

- (1) An **employee** of the recipient conditioning the provision of an aid, benefit, or service of the recipient on an individual's participation in unwelcome sexual conduct;
- (2) Unwelcome conduct determined by a reasonable person to be so **severe, pervasive, and objectively offensive** that it **effectively denies** a person equal access to the recipient's education program or activity; or
- (3) "**Sexual assault**" as defined in 20 U.S.C. 1092(f)(6)(A)(v), "**dating violence**" as defined in 34 U.S.C. 12291(a)(10), "**domestic violence**" as defined in 34 U.S.C. 12291(a)(8), or "**stalking**" as defined in 34 U.S.C. 12291(a)(30).

Applicable Laws & Regulations

Title VI applies in schools, colleges, universities, to students

Title VII applies in the workplace, to employees

Title IX applies in schools, colleges, universities, to students and employees

Clery Act requires reporting of defined conduct

VAWA requires certain reporting, procedural, policy, and training requirements

To create an environment free from discrimination and harassment, we must:

Recognize discrimination and harassment when it occurs.

Report it so that appropriate, trained staff may respond.



Pregnant and Parenting Students

- Title IX protects pregnant and parenting students from discrimination.
- Pregnant and parenting students may be entitled to a number of supports to allow them to continue to access their education.
- If a student indicates to you that they are pregnant or parenting and is asking for support, please let the AVP for Student Development know as soon as possible.

What are examples of discrimination?

Not allowing a student into a club because of their perceived sexual orientation.

Discouraging someone from attending a conference because of their gender identity or expression.

Reducing someone's job responsibilities due to their pregnancy or status as a parent.

These might be discriminatory harassment:

Suggestive or sexual comments.

Frequent touching.

Comments (including compliments) about someone's body.

Circulating sexual or offensive images.

The use of slurs and stereotypes related to sex or gender.

Name calling related to sex or gender.

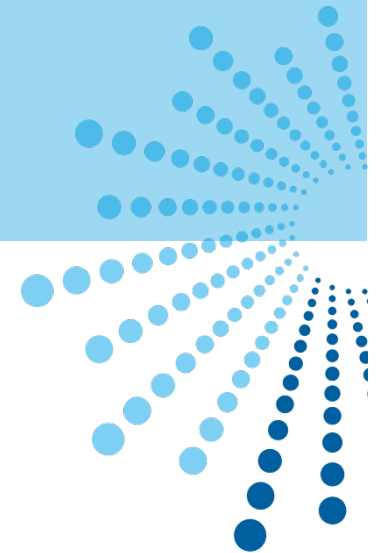
Intimidation, mockery, or ridicule connected to sex or gender.



Reporting

Who, What, How, When, and Where

02



Sexual Misconduct Policy

A “Responsible Employee” includes any employee who:

1. has the authority to take action to redress the harassment;
2. has the duty to report to appropriate school officials sexual harassment or any other misconduct by students or employees; and/or,
3. a student could reasonably believe has the authority or responsibility to take action.



All College employees who do not have legally protected confidentiality are considered Responsible Employees.

This includes all employees with supervisory or leadership responsibilities on-campus, including, but not limited to, faculty, coaches, administrators, staff members and Resident Advisors.



The College requires that all Responsible Employees share a report of misconduct with the Title IX Coordinator.

These Things Must Be Reported to the Title IX Coordinator

Sexual
Harassment

Harassment
or
Discrimination

Sexual Assault

Stalking

Dating,
Domestic
Violence

If it is sexual, or on the basis of sex, report it to the Title IX Coordinator.

**What is
“on the
basis of
sex”?**

- Sexual orientation
- Transgender status
- Sexual identity
- Sex or gender

Why Do I Have to Report?



Problems would otherwise go unaddressed.



It is required by the law and College policy.



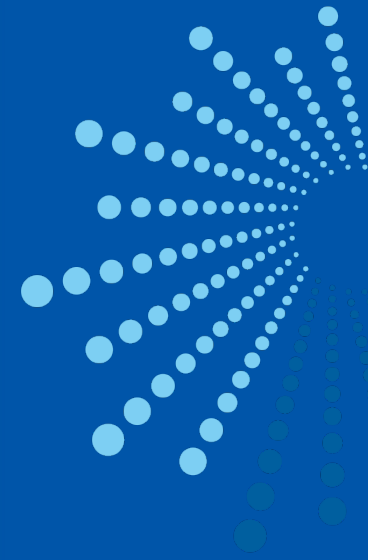
Making an informed decision requires knowledge – autonomy and agency start AFTER information is provided.

Remember...

All employees of Edgewood College are required to report any alleged violations of this Policy.



If You Hear It – Report It





Trauma-Informed Response

03



"But I have no idea what to say"



Listen



Respond with
empathy



Report it to the
Title IX
Coordinator or the
Director of Human
Resources



People Disclose in Different Ways

Some people will come right out and say what happened.

Sometimes it will be shared by a colleague or friend.

Some have other ways of explaining:

- I am uncomfortable.
 - I don't feel safe.
 - I can't be near them anymore.
-



People Respond in Different Ways

May be hysterical, may be calm

Might be crying, might seem "fine"

Might not seem upset at all



None of this proves whether or not anything happened.

First Response

- Safety first!
- I hear you; thank you.
- Can we walk together (call together) to the office?
- Here is what I will do with your information.
- Check back in!



Never the Right Response:



Ask enough questions to find out what happened.



Make a determination about what happened.



Consider discipline or take it if you think it is appropriate.



Make sure what happened isn't just a rumor.



Come to an agreement about how to proceed.



Promise the actions that will be taken correct the situation.



You are a conduit for information



You pass along what you know to the Title IX Coordinator - they will figure out what to do about it.



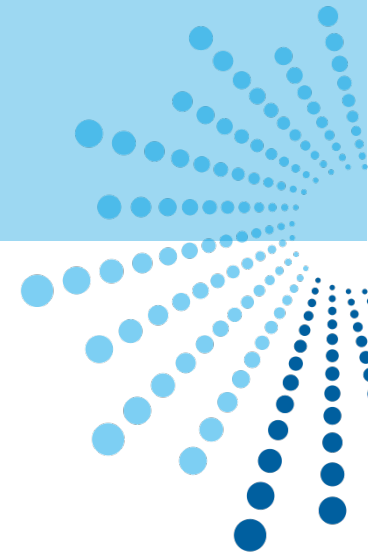
You do not “vet” and contact the Title IX Coordinator only when you believe that the policy was violated.



Practical Application

How to Make a Report

04



What Do I Report?

You report what you know: no more, no less.

Names and other details – dates, location, etc.

If you took notes, share the notes.

When Do I Report?

As soon as possible!

tinyurl.com/EdgewoodSV



EDGEWOOD COLLEGE

Reporting Form for Sexual Violence

This form should be used to report any Sexual Violence related incident, including Sexual Assault, Sexual Harassment, Dating or Domestic Violence, Relationship Violence, Sexual Exploitation, or Stalking. More information about these terms and the resulting process can be found in the Edgewood College Student Handbook, available [here](#).

Reports will be reviewed by the Title IX Coordinator and the Dean of Students Office. Reports that include the reporter's name and contact information may be contacted for follow-up. Questions can always be submitted to the Edgewood College Title IX Coordinator, Arhelia Dalla Costa Behm, at 608-663-2387 or ADallaCostaBehm@edgewood.edu.

Please note that submissions using this form will not be responded to outside of normal business hours. If there is immediate risk to health or safety, please call 911.

Bias Incidents

Bias incidents should be reported using the report form found [here](#).

General Student Misconduct

Incidents of general misconduct should be reported using the report form found [here](#).

Background Information

Please note that while this information is not required, anonymous reports may significantly limit our ability to review a matter. Accordingly, please share any of the information below that you feel comfortable providing.

[Enable additional features by logging in.](#)

Your full name:

Your email address:

Practice Scenario One

A supervisor receives the following email message from Jay, one of their student employees:

Good morning:

I am reaching out to see if I could get an extension on the project that is due tomorrow. I have recently gone through a breakup and my ex-partner is calling and texting me constantly. It's a little scary and it is making it really hard for me to focus on my work. I am sorry to ask but would really appreciate any extra time.

Thanks, Jay

Practice Scenario Two

Jennifer arrives late to her appointment with you to talk about her research. When she comes in, she apologizes profusely and says that she overslept because her roommate and her roommate's girlfriend were arguing loudly all night.

After you talk about her research, you ask how she is doing overall. Jennifer confides that the situation with her roommate and her roommate's girlfriend is really impacting her ability to sleep and get her work done and that she is really concerned about her roommate. She says that her roommate says everything is fine, but sometimes Jennifer hears what sounds like physical fighting through the walls.

You know that Jennifer's roommate is Kelly, another person studying at the College.

What Happens Next?

Title IX Coordinator reviews the report to determine if the alleged conduct MIGHT be a violation of policy

Outreach to impacted party

Formal complaint (possibly)

Notice to parties (if Formal Complaint)

Investigation, Hearing (possibly)

Reluctant Complainants



Reasons for Reluctance

Fear of retaliation

Fear of the process

"I don't want to get them in trouble"

"I can handle this"

Expectation that the institution will fail



Confidentiality/Privacy

- People who can keep information fully confidential and tell no one: therapists, doctors, lawyers, clergy who are ***employed in and acting in*** that role at the time of disclosure.
- You cannot promise confidentiality. BUT, you cannot share the information with others beyond the Title IX Coordinator or those involved in an investigation, if one occurs. You may not share with colleagues within or outside of the College.
- Private – the College keeps all information *private*, meaning no sharing unless absolutely necessary.
- Family Educational Rights and Privacy Act (FERPA)

On Campus Confidential Resources

Director of Personal
Counseling

608-663-4148

Director of Health
Services

608-663-8334

Rape Crisis Center
Advocate

608-251-7273

Director of Campus
Ministry and Mission
Partnerships

608-663-3233

Community Resources – 24/7 Support

National Sexual Assault Hotline

- 1-800-656-4673

National Sexual Violence Resource Center

- <https://www.nsvrc.org/find-help>

Dane County Rape Crisis Center

- 608-251-7273

Domestic Abuse Intervention Services

- 608-251-4445
-

Practice Scenario Three

You are having lunch with Marc, a friend and colleague who works in a different department at the College. You notice that he doesn't seem like himself and you ask him what's wrong. Marc eventually tells you that he is really struggling with his supervisor, Kate. Kate often asks Marc to work late one on one with her, and Marc says that makes him really uncomfortable. When you ask why, Marc says that Kate flirts with him when they are alone and unnecessarily and excessively touches him on the arm, shoulders, or back.

When you express concern and tell him that Kate's behavior is not okay, he pleads with you not to tell anyone.

Supporting Complainants

Things to Keep in Mind

- **Common Myths**

- Why didn't you just run out?
- Why couldn't you just scream "No"?
- Why were you even sitting in the room alone?
- Why did you wait so long to report?

- **Common Behaviors**

- 42% of those who were raped reported later having consensual sex with the men who raped them.
- Dating/domestic violence – many victims stay in the relationship.

Supporting Respondents

Things to Keep in Mind

Allegations do not equal guilt/responsibility.

Respondents are entitled to a fair process under the College's policies.

Being subject to an accusation and/or investigation can be very stressful.

Respondents have access to supportive measures through the College.

The Respondent is a member of the community and entitled to the same support, access, and resources as the Complainant.

It is not your job to determine what did and did not happen.

Practice Scenario Four

Chris, a student at the College, comes to you and tells you that they have been accused of sexually harassing another student. Chris shares that the investigation process has been very difficult and seeing the other student on campus causes Chris a lot of anxiety, which is making getting their research done very difficult.

Chris doesn't know what to do and asks for your advice.

Retaliation

Retaliation is defined as a materially adverse action, and may include intimidating, threatening, coercing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by Title IX or its implementing regulations or this policy, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing regarding Prohibited Conduct (including both Title IX Sexual Harassment and Non-Title IX Misconduct).

Retaliation

Retaliation may include intimidation, threats, coercion, harassment, or other materially adverse employment or educational actions that would discourage a Reasonable Person from engaging in activity protected under this Policy.

The College will take immediate and responsive action to any report of retaliation and will pursue disciplinary action as appropriate. An individual reporting Prohibited Conduct is entitled to protection from any form of retaliation following a report that is made in good faith, even if the report is later not proven.

Retaliation

Your Obligations

- Talk openly about its prohibition
- Keep an eye out for it
- Report it immediately if you see or suspect retaliation



Practice Scenario Five

Because you were so helpful before, Chris comes back to you when they are experiencing another problem. The participant who has accused Chris of sexual harassment, Pat, is the mentee of a prominent specialist, Dr. Smith. Dr. Smith and Pat are very close, and Pat has told Dr. Smith about the investigation.

Dr. Smith is in charge of selecting fellows for a program Chris wants to participate in and Chris does not feel as though Dr. Smith is treating them fairly and is intentionally making the application process unnecessarily difficult for Chris by requiring them to provide additional letters of recommendation, etc.



For more information on Edgewood College's policies and procedures:

Title IX Coordinator & Director of Human Resources

- Arhelia Dalla Costa Behm
- 608-663-2387
- Adallacostabehm@edgewood.edu

Deputy Title IX Coordinator & Assistant Vice President for Student Development

- Matthew Sullivan
- 608-663-2212
- MSullivan@edgewood.edu

Deputy Title IX Coordinator & Vice President for Student Development/Dean of Students

- Heather Harbach, Ed.D.
- 608-663-2212
- HHarbach@edgewood.edu