2016-2017
Title IX Coordinators Workgroup
Report
BACKGROUND
Higher education institutions that receive Title IV financial aid must comply with Title IX and the United States Department of Education Office for Civil Rights regulations related to receiving, investigating, and resolving claims of sex discrimination, including sexual misconduct, sexual violence, and stalking.

Some of these requirements are also included in the provisions of the Violence Against Women Act (VAWA), the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act), and the Campus Sexual Violence Elimination Act.

The Kansas Board of Regents requires each state university to comply with these and all other federal laws applicable to the universities due to their receipt of federal funds, and each university actively and continuously takes the steps necessary to achieve such compliance.

Title IX Workgroup
In May 2016, the Kansas Board of Regents created the Title IX Coordinators Workgroup to encourage collaboration and bring some uniformity to the ways of addressing issues related to Title IX compliance across the six state universities. The workgroup was required to meet quarterly and issue a report to the Board in May 2017.

WORKGROUP MISSION
The Kansas Board of Regents Title IX Workgroup is committed to the safety and well-being of the faculty, staff, and students of their respective institutions. As such, acts of harassment and discrimination will not be tolerated. The workgroup will utilize the collective expertise of its members to implement industry best practices, identify emerging trends, and participate in educational training opportunities to best address concerns of sex discrimination on the campuses that we serve.

WORKGROUP MEMBERSHIP
The Title IX Workgroup, comprised of the Title IX Coordinators, was joined by the Deputy Title IX Coordinators, and Title IX staff representing each of the six universities, the University of Kansas Medical Center, Washburn University, and McPherson College.

The 2016-2017 Title IX Coordinators are:

- Keegan Nichols, Associate Vice President for Student Affairs/Chief Title IX Coordinator, Fort Hays State University
- Natasha Stephens, Title IX Coordinator, Wichita State University
- Ray Lauber, Interim Director of Human Resources, Affirmative Action/EEO Officer, and Title IX Coordinator, Emporia State University
- Cindy Johnson, Director of Institutional Equity/Title IX Coordinator, Pittsburg State University
- Scott Jones, Director of Institutional Equity and Compliance/Title IX Coordinator, Kansas State University
- Natalie Hollick, Director of Equal Opportunity/Title IX Coordinator, University of Kansas Medical Center
- Shane McCreery, Director of Institutional Opportunity and Access/Title IX Coordinator, University of Kansas – Workgroup Chair

MISSION CRITICAL PRIORITIES
The workgroup utilized the information and guidance issued in the United States Department of Education Office for Civil Rights (OCR) 2011 “Dear Colleague” letter to establish mission critical priorities and agenda items for the quarterly meetings.
The following details the date, location, and a summary of each quarterly meeting:

**Meeting #1 – September 23, 2016 – University of Kansas, Lawrence**

The first meeting served as an opportunity for the member representatives to meet one another, share how their office is structured, explain how Title IX duties are delegated on their campus, and determine the agenda for future meetings.

At this meeting, each institution discussed the model they use to conduct investigations. There is substantial uniformity in how each member institution conducts a formal investigation. Examples of institution continuity are:

- Complainants may report their allegations via an online or printed complaint form;
- Each institution has web-based resources that explain the investigation process and the rights afforded to the parties;
- The preponderance of the evidence standard used to determine if a policy violation occurred is explained; and,
- A detailed explanation of the adjudication and appeal process is provided.

While the “two investigator” model (i.e. one investigator asks the party questions while the other investigator takes notes) is deemed an industry best practice when conducting Title IX investigations, only one institution routinely used this practice. Limited staffing and a high volume of cases were identified as the reasons why other institutions were not able to utilize this model.

All six institutions reported seeing a significant increase in the number of sexual misconduct and sexual violence incidents reported to their office since 2012. The workgroup concluded sexual violence prevention campaigns and heightened media coverage resulted in more alleged victims reporting their experience and seeking campus support resources.

A Google drop-box was created to allow members to share templates for communicating to the parties, complaint forms, Title IX policies, and sexual misconduct and sexual violence training/educational materials with one another.

**Meeting #2 – December 12, 2016 – Kansas State University, Salina**

At this meeting, each institution shared information related to campus-specific student disciplinary hearing processes for Title IX violations. Every institution possess an adjudication process that ensures equal treatment and due process for both the complainant and respondent. For students, Title IX violations were adjudicated through the institution’s student code of conduct. For employees, Title IX violations were addressed by human resources or a senior member of the administration.

Additionally, the roles of complainant and respondent’s attorneys in the hearing process was discussed. Although it was not a concern expressed by every institution, two institutions shared experiencing an increase in the number of respondents with legal representation during the investigation and adjudication processes.

Institutions also shared the range of disciplinary consequences for Title IX violations. Due to the severity of the behavior, the most common student sanctions for Title IX violations were a year or more suspension from the institution and permanent dismissal. Institution’s appeal procedures were also discussed. Every institution has a procedure for appeal, however, the procedure for appeal varied by institution.
Meeting #3 – February 17, 2017 – Wichita State University, Wichita

Each institution explained how they administered their student sexual misconduct and sexual violence survey. Aside from institutions conducting their surveys on an annual basis, every institution had a different strategy in soliciting student feedback. All institutions used a web-based survey tool to gather information.

Novel marketing strategies and incentives used by member and peer institutions to encourage student participation were also discussed. At some schools, survey fatigue was identified as one of the main reasons why student participation rates were low. At another institution, the long-length of the survey was attributed as the reason why the participation rate was lower than desired.

Another discussion topic concerned institutional efforts to increase transparency regarding Title IX investigation data. Members noted receiving frequent requests from student groups and media seeking information regarding the number of sexual assaults reported to the institution in the previous six months or year, how many students were found to have violated the institution’s policy, and the discipline issued by the institution. Institution members discussed the advantages of increasing transparency and the disadvantages of sharing data that will be in conflict with the institutions annual Clery Report.

Guest speaker, Demetrius Peterson from Husch Blackwell, addressed the group regarding possible changes to Title IX compliance and enforcement under the Trump administration. While changes are anticipated, at this time there is no clear timeline or understanding of what changes may occur.

Meeting #4 – April 13, 2017 – Washburn University, Topeka

Each institution detailed their intergovernmental agreements with local law enforcement, as well as, memorandums of understanding with community sexual assault and domestic violence service providers.

All member institutions confirmed having a strong and collaborative relationship with their respective public safety office/police department. Information sharing and student referrals to and from the public safety office/police department was common. Each institution also reported having a relationship with their local community and/or county law enforcement office.

Not all institutions currently have formal agreements with a community-based sexual assault or domestic violence provider. However, those institutions who do not possess those relationships are working to establish a partnership.

Additionally, each institution shared details regarding their Campus Sexual Assault Response Team (C-SART). All member institutions have a C-SART, however, the members of the C-SART vary by institution. The Title IX Coordinator, a representative from student health services/student counseling, and a representative from student affairs were those most commonly identified as members of the C-SART. Institution’s C-SARTs all possessed similar objectives to coordinate services and identify process improvements.

FEEDBACK

The workgroup unanimously agreed that the information shared and perspectives gained by learning what our peer institutions were doing was incredibly valuable. Without the Board establishing the group, it is unlikely the members would have had the opportunity to meet their colleagues and utilize one another for support. It was noted that the formation of the workgroup was especially helpful for Title IX staff new to their role.
While each institution’s Title IX policies differ slightly from one another, there is significant consistency in how each member’s Title IX process serves their respective campus. However, each Title IX office acknowledged that their ability to serve their campus is hindered by the shortage of staffing resources needed to effectively respond to the student demand for the services they provide. Every institution’s Title IX office has experienced a sharp increase in the number of reported sexual misconduct and sexual violence incidents that require response and/or formal investigation. Consequently, institutions are not consistently completing formal investigations within the OCR 60-day targeted timeline.

**RECOMMENDATIONS**
In order to maximize the participation of Title IX Workgroup members from each institution the Title IX Workgroup recommends the following:

- Maintain the current schedule of a meeting each quarter, however, no longer require all meetings ensure the physical participation of each member institution. Instead, the workgroup recommends that two meetings require the physical attendance of a representative from each member institution. The workgroup identified June and December as the most convenient times of year for the in-person meetings. The remaining two meetings will then be held via conference call.
  o At either the June or the December meeting, the workgroup would like to incorporate a professional development training for Regent institutions, two-year colleges/universities, and State of Kansas independent colleges/universities. Per OCR guidance, Title IX Coordinators and Title IX staff are encouraged to participate on an annual basis in trainings to stay current on industry best practices. A professional development opportunity held during one of the membership meetings would allow the institutions to share in the cost of sponsoring the training.

- Once a year, provide the opportunity for the Title IX Workgroup to directly engage in dialogue with Board members regarding Title IX compliance initiatives, detail trends occurring across member campuses, answer questions from Board members, and share the challenges Title IX offices are experiencing.

- The Board consider a fee assessed to Regent institutions that directly addresses Title IX student safety efforts. Funds secured for this purpose could go to support additional Title IX staff, student by-standard education, and/or special marketing or support service awareness efforts.

**Staff Recommendation**
Board staff recommends acceptance of the Title IX Workgroup report as submitted and consideration of the recommendations of the report.