


Welcome to DMU TIX Training

May 2022

Presenter: Erika Linden

Chief Compliance Officer and TIX Coordinator



DMU TIX Team

- TIX Coordinator: Erika Linden
- Investigators: Alicia Lynch, Marc Wachtfoegel, Alyssa Burnett, Chris Mohr
- Appeals Officer: Kim Brown
- Advisors: Philip Baughman, Amanda Kimbro
- Hearing Officer: Emily Pontius (Fredrikson & Byron)
- Media for Informal Resolutions: external, TBD
- IT Support for Hearings: Jessica Fearington

Reporting Officials

- President/ CEO
- Chief Compliance Officer
- Chief Development Officer
- Chief Diversity Officer
- Chief External & Governmental Affairs Officer
- Chief Human Resources Officer
- Chief Information Officer
- Chief Strategic Communications Officer
- Dean, College of Health Sciences
- Dean, College of Osteopathic Medicine
- Dean, College of Podiatric Medicine & Surgery
- Vice President, Academic and Student Affairs
- Executive Director – Clinic
- Director, Student Affairs & Conduct Officer
- Campus Services Manager

Reporting Officials' Role

Notify Title IX Coordinator when they have knowledge of potential allegations of sexual misconduct

DMU has duty to respond promptly to notice of sexual harassment or sexual harassment allegations, including offering Supportive Measures

Primary Internal Resources

- Title IX Sexual Harassment Policy
- Discrimination and Harassment Prohibition Policy
- Student Code of Conduct & Student Handbook
- Employee Code of Conduct
- Title IX: Rights and Options for Complainants and Respondents (v. 2/22)
- Employee Guidance on Reporting Discrimination and Harassment (v. 7.21)
- IT Technical Resources
 - Title IX Procedures: Zoom Virtual Meetings
 - Zoom Participant Guide
 - Title IX Procedures: OneDrive Secure File Storage

Secondary Internal Resources

- Clergy Act Compliance Policy
- Campus Security Authorities Policy
- Annual Security Report

Revisions to DMU's TIX Policy – 10/21

- Definitions: Complainant, Respondent, Parties, Allegation
- Presumption that Respondent not responsible
- Investigative process – role of advisors
- Hearing process – timing for introduction of evidence, flow of hearing, expansion of what can be considered by decisionmaker
- Emergency Interim Removal

VAWA – Definitions

Sexual Assault

Domestic Violence

Dating Violence

Stalking

Scope of DMU's Educational Program and Activities

- All programs and activities operated by DMU, including locations, events, or circumstances over which DMU exercises substantial control over both the Respondent and the context in which the alleged conduct occurs
- Examples?

DMU Processes



HOW TO MAKE
REPORTS



HOW TO CONDUCT
INVESTIGATIONS



HEARINGS



APPEALS



INFORMAL
RESOLUTIONS

**Handling
Non-TIX
Sexual
Harassment**

Addressed under
Discrimination
and Harassment
Prohibition Policy

What's Different?

Title IX Supportive Measures

- Non-disciplinary, non-punitive, confidential services offered to a party to:
 - To restore or preserve equal access to DMU's educational programs and activities
 - To protect safety of any party or DMU community
 - To deter sexual harassment
 - Protect parties from retaliation or harm
- Formal Complaint not required for offer of supportive measures

Potential Supportive Measures at DMU

- Coordinated by Title IX Coordinator
 - Safety planning
 - No contact directive
 - Change in learning arrangements
 - Course schedule or assignment/test adjustments
- Assistance in accessing services (referrals): advocacy*, counseling, academic support, financial aid, health or mental health, legal assistance
 - * MOU with Polk County Crisis and Advocacy (2021 – 2025)

Other TIX Topics

Does a counter-complaint
= retaliation?

Investigator's duty to look
for evidence (both
inculpatory and
exculpatory) beyond
statements and evidence
provided by Complainant
and Respondent

VAWA Reauthorization

- Expands scope of topics covered by prevention education/programming and audience
- Requires campus climate surveys