Welcome to DMU TIX Training

November 2025

Presenter: Erika Linden

Chief Compliance Officer and TIX Coordinator

DMU TIX Team

- TIX Coordinator (TIXC): Erika Linden
- Investigators: Alicia Lynch, Maureen De Armond, Rachel Zevenbergen, Joe Brookover, Chris Mohr
- Appeals Officer: Kim Brown
- Advisors: Philip Baughman, Lyndsie Sanson
- Hearing Officer: Emily Pontius (Fredrikson & Byron)
- Mediators for Informal Resolutions: external, TBD
- IT Support for Hearings: Jessica Fearington

Which Regulations Are We Using?

2020 Regulations

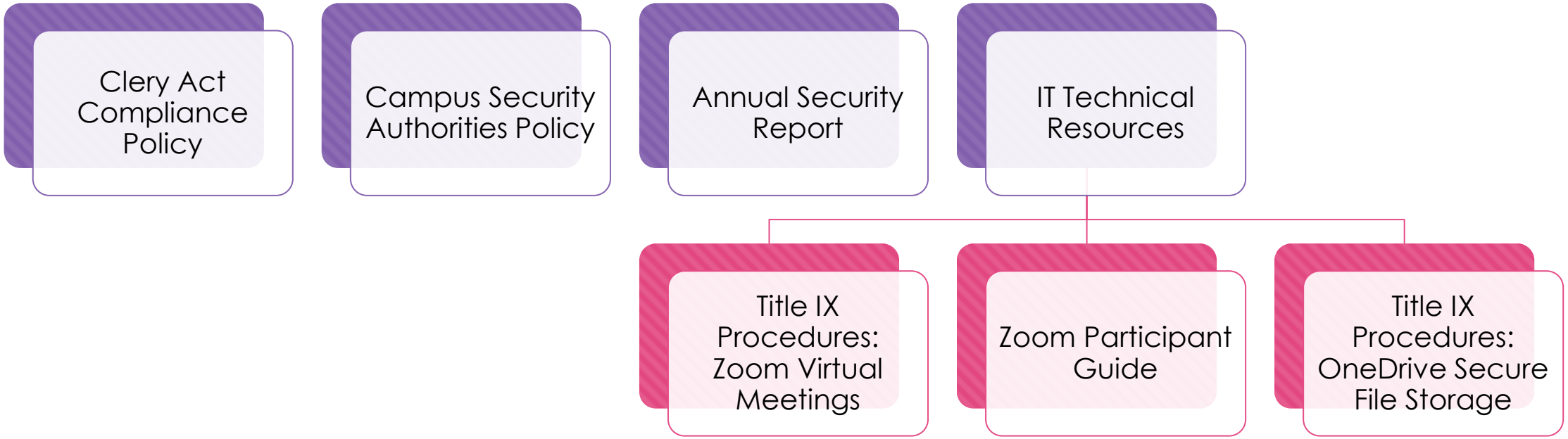
Plus 2024 guidance re: pregnant and parenting students

Plus VAWA

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. 6/25)
- Employee Guidance on Reporting Discrimination and Harassment (v. 7/25)
- Pregnant and Parenting Students Policy (7/24)

Secondary Internal Resources



What Conduct is Prohibited?

- Sexual Harassment
- Sexual Assault
- Dating Violence
- Domestic Violence
- Stalking
- Retaliation

What Is TIX Sexual Harassment?

Quid Pro Quo Sexual Harassment

Conditioning educational benefit on participation in unwelcome sexual activity

Unwelcome Conduct Sexual Harassment

- Conduct based on sex that is unwelcome
- So severe, persistent, and objectively offensive
- Denies person equal access to education program or activity

VAWA

- Sexual Assault
- Domestic Violence
- Dating Violence
- Stalking

Sexual Assault

- Any nonconsensual sexual act or any sexual act with a Complainant lacking capacity to consent including, without limitation:
  - Rape, sexual battery, sexual abuse, fondling*, incest, statutory rape, and sexual coercion;
  - Any intentional sexual touching, however slight, with any object, by a person upon another person that is without consent and/or by force;
  - Intentional contact with the breasts, buttock, groin, or genitals, or touching another with any of these body parts, or making another touch a person or themselves with or on any of these body parts;
  - Any sexual intercourse, however slight, with any object, by a person upon another person that is without consent and/or by force. Intercourse includes vaginal or anal penetration by a penis, object, tongue or finger, and oral copulation (mouth to genital contact), no matter how slight the penetration or contact.

DV, DV, Stalking

- Domestic violence - Felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the Complainant, by a person with whom the Complainant shares a child in common, by a person who is cohabitating with or has cohabitated with the Complainant as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under applicable domestic or family violence laws, or by any other person against an adult or youth victim who is protected from that person's acts under the applicable domestic or family violence laws.
- Dating violence - Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the Complainant. The existence of such a relationship shall be determined based on a consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
- Stalking - A course of conduct directed at a specific person on the basis of sex that would cause a reasonable person to fear for his or her safety or the safety of others or suffer substantial emotional distress.

Retaliation

Intimidating, threatening, coercive, or discriminatory conduct directed to an individual for the purpose of interfering with any right or privilege secured by Title IX, or because the individual has made a report of complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding or hearing.

Jurisdictional Criteria

- Conduct must have occurred against a person in the US
- Conduct must have occurred within an Educational Program or Activity of DMU
- Complainant must be participating in or attempting to participate in an Educational Program at DMU

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

DMU Processes



HOW TO MAKE REPORTS



HOW TO CONDUCT INVESTIGATIONS



HEARINGS



APPEALS



INFORMAL RESOLUTIONS

Reporting Sexual Harassment

Who?

- **Required:** Reporting Officials
- **Encouraged:** Students and Employees not designated as Reporting Officials
- **Exempt:** Counseling and Health Care Professionals providing patient care services

How?

- Phone, email, in person
  - Erika, Maureen, Alicia
- Online reporting

Reporting Officials

- President/CEO
- Senior VP and Chief Financial Officer
- Chief Clinic Administrative Officer
- Chief Compliance Officer
- Chief Diversity Officer
- Chief Human Resources Officer
- Chief Information Officer
- Chief Research Officer
- Dean, College of Health Sciences
- Dean, College of Osteopathic Medicine
- Dean, College of Podiatric Medicine & Surgery
- Vice President, Academic and Student Affairs
- Vice President, University Advancement
- Senior Director, Student Affairs & Conduct Officer
- Security Manager*

Reporting Officials' Role

Notify TIXC 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

Confidential Resources

- Student Counseling Center
- University Health Clinic*
- Academic Live Care
- Employee Assistance Program
- Polk County Crisis & Advocacy

Other TIX Topics

Presumption that respondent is not responsible

Role of Advisors

Other TIX Topics

Preponderance of the Evidence

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

Other TIX Topics

Retaliation

Countercomplaint

Sanctions & Remedies

Other TIX Topics

Dismissal of Formal Complaints

Emergency Interim Removal

Title IX Supportive Measures

- Non-disciplinary, non-punitive, confidential services offered to a party:
  - 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
  - To 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 and/or Deputy 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)

Potential Sanctions*

- Verbal or written warnings
- Censure
- Loss of privileges
- No-contact directive
- Remedial training
- Restitution
- Probation
- Suspension
- Transcript or Dean's Letter notation
- Dismissal (student) or termination (employee)

Handling Non-TIX Sexual Harassment

Addressed under Discrimination and Harassment Prohibition Policy

What's Different?


Questions?