

Sexual Misconduct
& Title IX:
Campus Community Guide

2024

To Our Maroon Community,

We remain committed to providing our community a safe and welcoming environment where students, faculty, and staff feel included and heard. In matters that involve sexual misconduct and sexual violence, it is our responsibility to provide education and support and to conduct a process that not only addresses concerns, but operates in a manner that works toward resolution and prevention and advocates for a safer environment for all.

This guide is not exhaustive; full details are available online in the A-Z directory- look for Title IX/Sexual Misconduct. Eliminating acts of sexual misconduct and Title IX incidents is a community responsibility. We encourage you to learn more and serve as a participant in prevention and support. We hope this information prompts you to look further into our processes and procedures and gain greater insight into our goal to create a campus community where we exercise education, belonging, accountability, and resources.

Sincerely,

The Title IX Coordinators

What is Title IX?



titleix@roanoke.edu

Title IX is a federal civil rights law that prohibits sex-based discrimination. The law is designed to provide a prompt response and effectively take steps to prevent it from occurring. Title IX includes all forms of sexual harassment, violence, sexual assault, dating violence and stalking as well as discrimination in educational programs, equal access to and within educational programs.

Who is protected under this federal law?

Everyone and anyone – students, faculty, staff, and visitors are protected under this law. Title IX is not exclusive to higher education, this anti-discrimination law includes public and private elementary Pre K – 12 and school districts.

Often thought of as only applying to females, the law protects all gender identities and sexual orientations and expressions and includes parenting students. Support for each member of our campus community is an essential element for creating a community of inclusion, belonging and accountability.

Definitions and Terms

Complainant – An individual who is alleged to be the victim of conduct that would constitute Sexual Misconduct, whether they are the person who reports the incident or files a complaint.

Complaint – A written document signed by the Complainant or the Title IX Coordinator alleging conduct that if proven would constitute Sexual Harassment, and contains a request for the College to investigate the allegation(s).

Respondent – An individual who has been reported to be the perpetrator of conduct that could constitute Sexual Harassment.

Sexual Harassment – Defined by Title IX and its implementing regulations means alleged conduct on the basis of sex that satisfies one or more of the following:

- 1) Unwelcomed conduct that constitutes “sexual assault,” “dating violence,” “domestic violence,” or “stalking” as those terms are defined by federal law.
- 2) Unwelcomed conduct that conditions the providing of any assistance, benefit or service of the College on the other person’s participation in unwelcomed sexual conduct (a *quid pro quo* or “*something for something*” arrangement between an employee and a student or another employee).
- 3) Unwelcomed conduct determined to be so severe, pervasive, and/or objectively offensive from the perspective of a reasonable person that it effectively denies a person equal access to an educational program or activity of the College.

No evaluation of the severity, pervasiveness, and offensiveness of the unwelcomed conduct and no separate finding of a denial of equal access is required when the College receives a report of alleged Sexual Misconduct that falls with points 1 and 2, as those elements are presumed from the nature of those allegations.

More Definitions and Terms

There are several limits to this Title IX definition. First, the alleged incident(s) of alleged sexual harassment must have occurred in the United States. Second, the incident(s) of all sexual harassment must occur in connection with an educational program or activity of the College. Addressing off campus incidents are limited and extends to the three (3) following situations:

- 1) The incident occurs as part of the College's operations;
- 2) The College exercises substantial control over the Respondent and the context where the sexual harassment is alleged to have occurred; or
- 3) The incident of sexual harassment occurs in a building owned or controlled by a student organization officially recognized by the College.

Educational Program and Activity – Programs conducted or in association with the College and any owned property. This includes student organizations, athletics, student academic settings and break trips and activities.

Confidential Resources – These resources are obligated to keep a report of Title IX strictly confidential, meaning that information and details about a report are not reported to the Title IX Coordinator. These employees are employees who work in or for either the Office of Student Health and Counseling Services, the Office of the Chaplain, or the Athletic Trainers in the department of Athletics.

Mandatory Reporters – All employees other than the recognized Confidential Resources are obligated to report any incident of sexual misconduct and Title IX to the Title IX Coordinator or Deputy Title IX Coordinators.

Title IX Coordinators, Title IX Advisors and Professional Designee(s)

Title IX Coordinator – Person who oversees the Sexual Misconduct and Title IX process and has an emphasis on process, education, and prevention. The current Interim Title IX Coordinator is **Ennis McCreery**. She can be reached at mccrery@roanoke.edu or 540-375-2412.

Deputy Title IX Coordinators – The Deputy Title IX Coordinators work closely with the Title IX Coordinator with the process, education, prevention and receives training as well as serve on the campus Title IX Committee. They may conduct Supportive Measures meetings and many of the duties performed by the Title IX Coordinator, depending on the role and any additional training. The current Deputy Title IX Coordinators are **Amy Perkins** and **Michele Vineyard**. Amy Perkins can be reached at perkins@oanoke.edu and Michele Vineyard can be reached at vineyard@roanoke.edu.

Title IX Advisors – The Complainant and Respondent may each be accompanied by a Title IX Advisor of their choice during any meeting or interview held regarding the Policy. The Advisor may be but is not required to be an attorney (“Advisor”) if a party intends to use a Title IX Advisor, she/he/they will provide prompt advance notice. The Title IX Advisor may consult with the person she/he/they is there to support, but may not interfere with any meeting or interview or role conducted by an investigator, decision maker, or facilitator. Please refer to the detailed policy at www.roanoke.edu/titleix.

Professional Designee(s) – Known as a leader in Title IX, Equity, ADA, and Clery, the Grand River Solutions are a group of devoted leaders in providing more equitable work and educational environments for many higher education institutions. As a client, Roanoke College utilizes their practitioners in sexual assault and Title IX processes, consultation, and as our designee for hearings conducted **in real time** with members of our campus community, when needed. Learn more at www.grandriversolutions.com



Roanoke College's Sexual Misconduct & Title IX Policies, Procedures and Support (abbreviated)

Go to www.roanoke.edu/titleix for
detailed policies and procedures

Fairness

It is important that all members of our community understand that Title IX recognizes due process. Due process is the process due in light of the circumstances. In other words; the fair treatment of all parties involved in the incident(s). Our community will balance support as much as possible for the person who made the complaint while being fair to the person who has been reported. Both sides have a right to due process.

Both parties have the right to present their case, have a Title IX advisor of their choice present during the proceedings and receive notification of the outcome.



Applicability of this Policy

The policy applies to all aspects of Title IX compliance at the College and covers any allegations of sexual harassment made by or against a student or employee of the College, or a third party. The College's disciplinary authority, however, may not extend to third parties who are not students or employees of the College. Allegations of sexual misconduct which occur a significant distance from the campus may be more difficult for the College to investigate.

The Title IX Grievance process supersedes and replaces any and all policies and procedures that may exist in the Student Handbook, Faculty Handbook, or Staff Handbook relating to the regulations and proceedings regardless of the status of the Complainant or Respondent as it is federal law and beyond community standards.

Sexual Misconduct is broadly defined to include any unwelcomed conduct of a sexual nature, and the College will respond in a timely manner to all allegations whether the complaint is filed, or whether Title IX applies. Supportive Measures to a Complainant is always available, even if a Complainant has not filed a grievance or the matter doesn't meet the criteria of sexual harassment under Title IX.

Details of the policy can be found at www.roanoke.edu/titleix

Accountability

The Department of Education's Office for Civil Rights enforces Title IX and investigates complaints filed by students when a college or university's response falls short.

Schools may not retaliate against anyone filing a complaint, and they must make an effort to protect the victim/survivor from retaliatory behavior and harassment.

Confidentiality

The College will respect and will make every feasible effort to preserve the confidentiality of the information shared by and the identities of the individual who made the report of sexual misconduct, any Complainant, any person reported to be a perpetrator of sexual misconduct, any Respondent, and any witness, except as permitted by FERPA ([Family Educational Rights and Privacy Act](#)). However, nothing shall prevent the Title IX Coordinator or other designee from disclosing or using the information as permitted by Title IX and its implementing regulations.

Reporting

Anyone can report an incident of sexual harassment and Title IX.

Information about an incident can be relayed to any employee of the College, who will share the information with the Title IX Coordinator or Deputy Title IX Coordinator as a Mandatory Reporter and not share the information with the Respondent or with others, even as appropriate and necessary to address the allegations. Any deviations are in consultation with the Title IX Coordinator.

When sharing with a Confidential Resource, information is strictly confidential and not part of the person's records and will not be reported to other College personnel, to the Respondent, or to others, unless the disclosing individual gives permission to the disclosure or the law requires it in matters that involve a minor or under conditions of imminent physical harm.

Information can also be shared anonymously through [Silent Witness](#) at <https://webforms.Roanoke.edu/formfinder/department/18>

Types of Support

- No-Contact Orders
- Campus Safety escort
- Changing on-campus housing
- Changing on-campus work assignments
- Permitting temporary absence
- Providing expedited access to counseling
- Facilitating academic accommodations
- Excused absences
- Rescheduling classwork responsibilities
- Arranging for victim to take incompletes
- Moving class sections
- Providing course completion options

Routes of Resolution: (www.roanoke.edu/titleix)

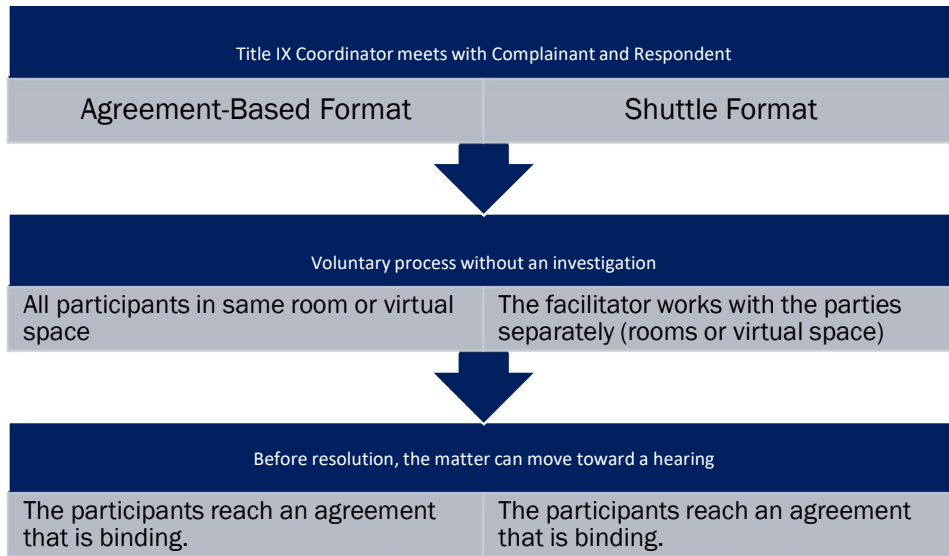
In all circumstances, a Complainant has the right to request that the College not investigate the information or allegation(s), decide not to file a Complaint and/or decide not to cooperate in the investigation and/or resolution of the allegation(s). Regardless of an individual's request or decisions, Title IX requires the College to take reasonable action in response to the information known to it, which will involve offering Supportive Measures.

The College will respect and take such requests and decisions seriously; however, such requests and decisions may limit the College's ability to investigate and take reasonable action in the absence of or in response to a Complaint. In such cases, the College will evaluate such requests and decisions in the context of the College's commitment to provide a reasonably safe and non-discriminatory environment.

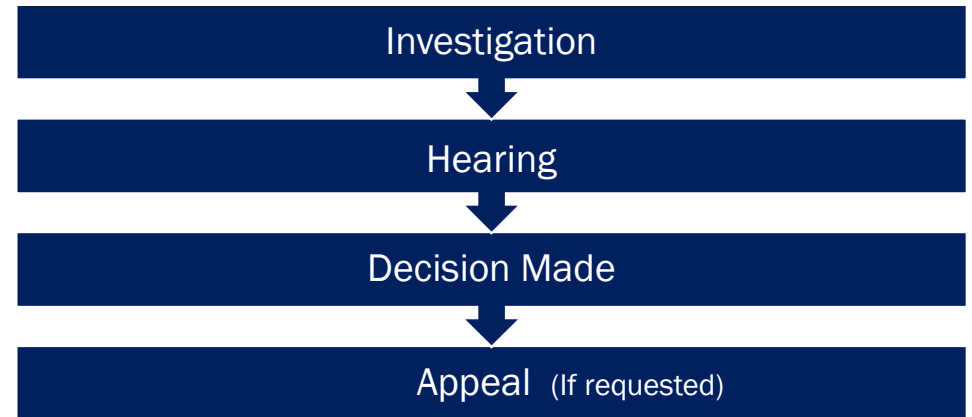
Should the Complainant decide to participate in proceedings there are two routes:

- 1.) **Facilitated Resolution or Mediation** - this process is voluntary for both the Complainant and the Respondent and does not require an investigation for declaration of responsibility. This process is confidential and the resolution is between the parties.
- 2.) **Hearing** – this process is more formal in nature and requires an investigation, a separate decision maker, and a right to appeal by either party. The parties are present for each portion of the proceedings and conducted live and real time with a trained hearing committee or the College's trained designee, depending on availability and circumstance.

Facilitated Resolution (Mediation)



Hearing (Formal Process)



Appeals can be requested by either party.

Title IX Advisors are permitted to attend any and all meetings.

Resources:

Sexual Misconduct & Title IX Policy	https://www.roanoke.edu/titleix
Office of Civil Rights	www.hhs.gov/civil-rights/index.html
Student Health and Counseling Services	540-375-2286
Title IX Coordinator	540-375-2412
Dean of Students Office	540-375-2592
Campus Safety	540-375-2310
Chaplain's Office	540-375-2300
S.A.R.A. (Sexual Assault Response Awareness)	https://sararooke.org hotline- 540-981-9352
Anonymous Reporting (Silent Witness)	https://webforms.roanoke.edu/silentwitness

titleix@roanoke.edu