



# Resolution Process Pool Training

---

Equity Compliance  
2023-2024



# Agenda

---

- Welcome
- Deputy Title IX Coordinators
- LGBTQ+ Information with Anya Galli Robertson
- Quick Reminders
- Reports
- Resolution Process Review
- Clery Training with Melinda Warthman and Jamie Baker

# Equity Compliance Staff



**Spencer Izor**

Associate Director of  
Investigations



**Maureen Anderson**

Executive Director & Title  
IX/Section 504 Coordinator



**Karen Kibler**

Assistant Director for  
Coordinated Services



**Stephanie Yadloski**

Support  
Specialist



**Amanda Neuhauser**

Associate Director of Education &  
Informal Resolution

# Title IX Deputy Coordinators

- Carolyn Phelps - Provost Office
- Jen Duwel - Human Resources
- Chris Schramm - Student Development
- Angie Petrovic - Athletics
- Shannon Penn - Law School
- Spencer Izor - ECO
- Amanda Neuhauser - ECO

“Guided by our Catholic and Marianist values, the University of Dayton is committed to honoring the intrinsic value and dignity of all people. We strive to foster a campus community where all members, including those who identify as lesbian, gay, bisexual, transgender, and queer (LGBTQ+) are welcomed, respected, safe, and valued.”

*“In the Family Spirit” framework for LGBTQ+ inclusion, April 2023*  
(<https://udayton.edu/diversity/initiatives/lgbtq-inclusion/lgbtq-inclusion.php>)

The University of Dayton does not discriminate against any employee, applicant for employment, student or applicant for admission on the basis of age, race, color, creed, religion, ancestry, national or ethnic origin, **sex/gender, sexual orientation, gender identity, gender expression**, disability, genetic information, military status, veteran status, familial status or any other protected category consistent with the requirements of applicable local, state or federal law, ordinance or regulation.

*Nondiscrimination and Anti-Harassment Policy*

*(<https://udayton.edu/policies/finance/nondiscrimination-policypage.php>)*

# LGBTQ+ Students

---

About 15% of all undergraduate students (+/- 2%, 95% confidence interval) identify as LGBTQ+ (gender, sexual orientation, or both) – Multi Institutional Study of Leadership 2021 – this number is likely higher.

Based on national data and previous UD surveys an estimated 20% of our incoming first years identify as LGBTQ+. The largest growth in identification is around gender identity (especially non-binary identities). 1 in 3 young people ages 18-29 know someone who uses gender neutral pronouns.

This fall's campus climate survey will be essential in updating these estimates.

Resources: Brook Center for Empowerment and Wellbeing (LGBTQ+ Education, LGBTQ+ and Allied Student Lounge, Q\*mmunity Leaders, FOLX, Spectrum), Campus Ministry (LGBTQ+ and Allied Ministry), Counseling Center, Dean of Students

# LGBTQ+ Faculty and Staff

---

Numbers not known (campus climate survey in 2023 will be especially important for this information).

Despite increasingly inclusive campus climate, many faculty and staff do not disclose their identities (or may be out in some contexts but not others). Lack of visibility has contributed to a “don’t ask don’t tell” culture in many spaces on campus.

Resources/policies/practices:

- Single-Occupancy Restrooms (on campus map)
- Inclusive Benefits (healthcare, spousal benefits, parental leave)
- Chosen Name Policy
- QDayton – Affinity Group for LGBTQ+ Employees
- Rainbow Families Caregiving Resource Group



# The Ministerial Exception at UD

---

Non Discrimination and Anti-Harassment Policy:

“This policy covers nondiscrimination in employment as well as access to educational opportunities. **It is the policy of the University of Dayton, while reserving its lawful rights where appropriate to take actions designed to promote the Catholic, Marianist principles that sustain its mission and identity,** to not discriminate or permit discrimination in its educational programs or employment opportunities.”

*LGBTQ+ faculty and most staff are fully protected in employment at UD - “Ministerial exception” applies in limited number of ministerial positions, denoted in job description. Area and Community Coordinators in housing also have specific job responsibilities related to living on campus with partners/spouses.*

# Case from Baylor

---

## **U.S. exempts Baylor University from Title IX sexual harassment rules**

**The private Baptist school had asked the U.S. Education Department to dismiss discrimination complaints filed by LGBTQ+ students that the university said were “inconsistent” with the institution’s religious values**

What trends should we be cognizant of this year?

# Quick Reminders:

---

- Messaging from ECO is intentional in timing and who needs to know what information
- You may not get to know the end results of the case
- Please keep the information of the investigation private, even between other volunteers since we tell all involved that we keep their information private
- Keep your Google calendar up-to-date or provide availability
- Respond to calendar invites that we send for meetings so we are aware of any scheduling conflicts ASAP

# Common Reports



39%

## Reports related to Sex Discrimination

These reports include instances of sexual violence, sexual harassment, and other reports of discrimination based on an individual's sex

- Sexual assault
- Dating violence
- Domestic violence
- Stalking



13%

## Reports related to race discrimination

These reports include reports related to race discrimination including bias incidents, which might not rise to the level of a policy violation

- Racist graffiti
- Microaggressions
- Inappropriate/harmful social media posts



25%

## Reports related to not protected class

Some reports are not related to the protected statuses covered by the NDAH policy. These reports are referred to the appropriate office.

- Bullying
- Alcohol incidents
- Political comments or beliefs



23%

## Reports related to other protected classes

Approximately 20% of cases reported include other areas of protected class or identity

- Sexual orientation
- National origin/ethnicity
- Religion
- Disability

# Nondiscrimination & Anti-Harassment Policy

Age	Race	Color	Creed	Religion
National/ Ethnic Origin	Sex/ Gender	Gender Identity	Gender Expression	Disability
Ancestry	Genetic Information	Military Status	Veteran Status	Familial Status

ECO also works with UD members who have experienced incidents of sexual violence including sexual assault, dating violence, domestic violence, and stalking under Title IX.

## Informal Options

- Restorative Justice
- Facilitated Conversations
- Circling
- Impact Letters

## Supportive Measures

- Academic Support
- Housing Adjustments
- Employment Adjustments
- Links to Campus Resources
- No Contact Orders

## Formal Investigation

- Interviews with Parties and Witnesses
- Evidence Gathering
- Determination of a Policy Violation



Supportive Measures are offered to everyone who engages with ECO. At any point during an investigation, informal options can be requested and the investigation is paused. If informal options are unsuccessful or either party becomes uncooperative, the investigation can resume.



# The policy still looks like this:

---

## 1 Policy 2 Processes

Equity Compliance  
Resolution Process

Sexual Harassment  
Resolution Process

Formal Complaint  
Requirement

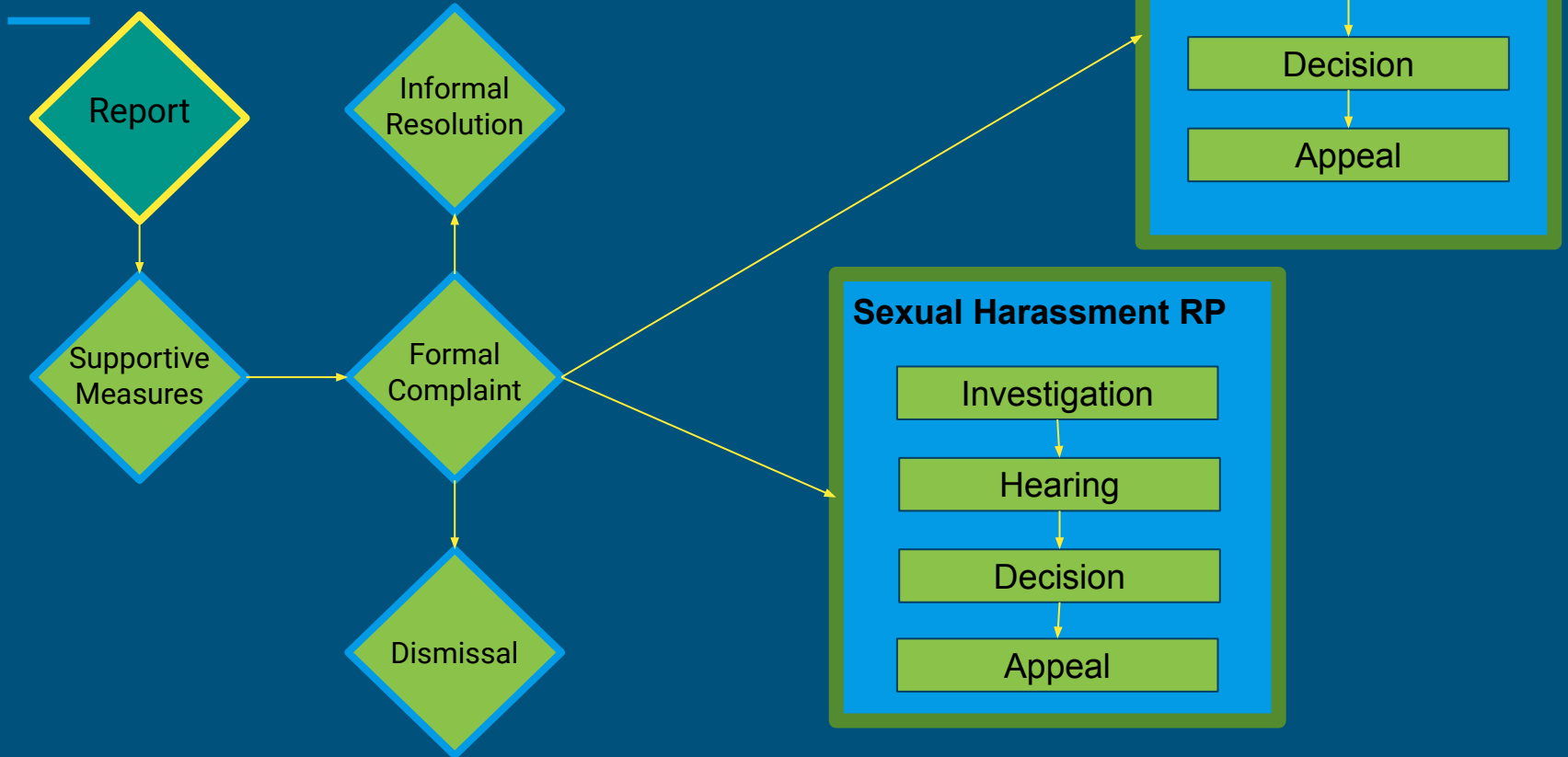
## Definition of Sexual Harassment

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 University's education  
program or activity.

Live Hearing Model

Informal Resolution

# Resolution Processes





# Stages of the Resolution Process: Initial Report

---

Equity Compliance Office receives a report from a Mandatory Reporter:

“One of my residents, Taylor reported that they went out and had a few drinks on Thursday. After having three drinks they decided to walk home. Taylor’s friend Cory offered to walk with them back home. Taylor said Cory came inside when they got back to their apartment and that some stuff happened and they are not sure if they (Taylor) are happy about it.



# Stages of the Resolution Process: Supportive Measures

---

Taylor meets with ECO to discuss the report. During the meeting they share that they have a class with Cory and haven't been going to that class since the incident.

ECO sent a notification to an Assistant Dean in the College of Arts & Sciences so that Taylor's faculty know that they might require some flexibility. Additionally, ECO works with Taylor to find another class so that they don't continue to be in class with Cory.



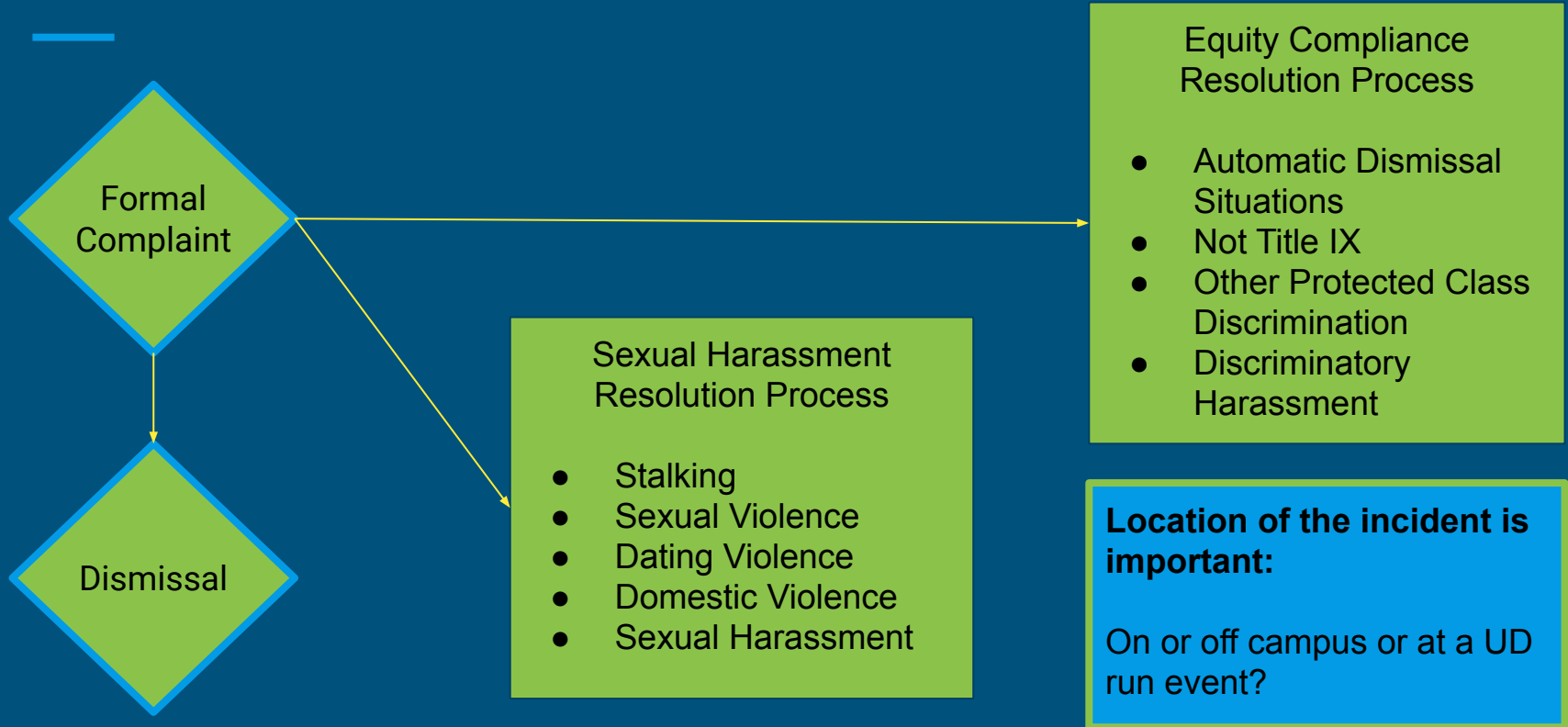
# Stages of the Resolution Process: Formal Complaint

---

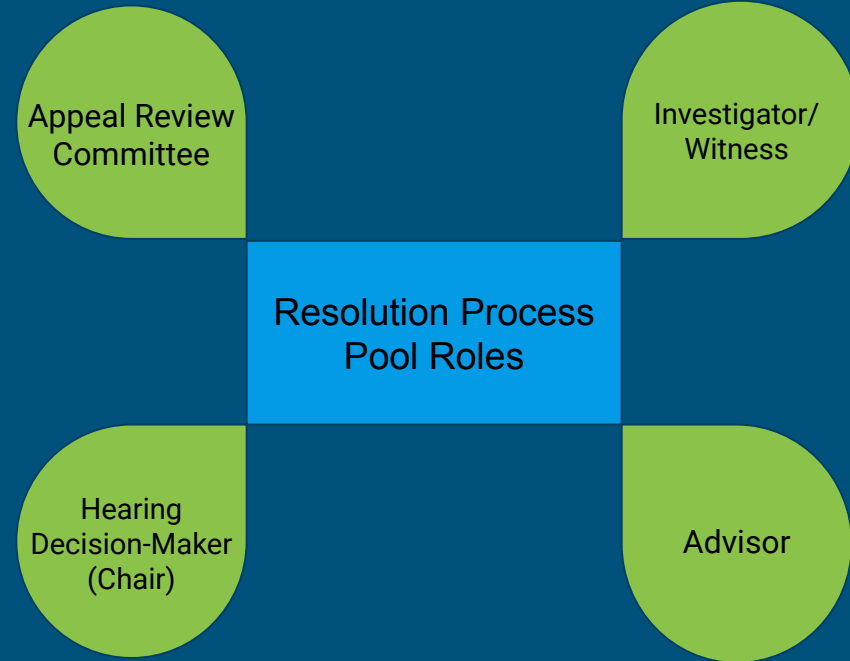
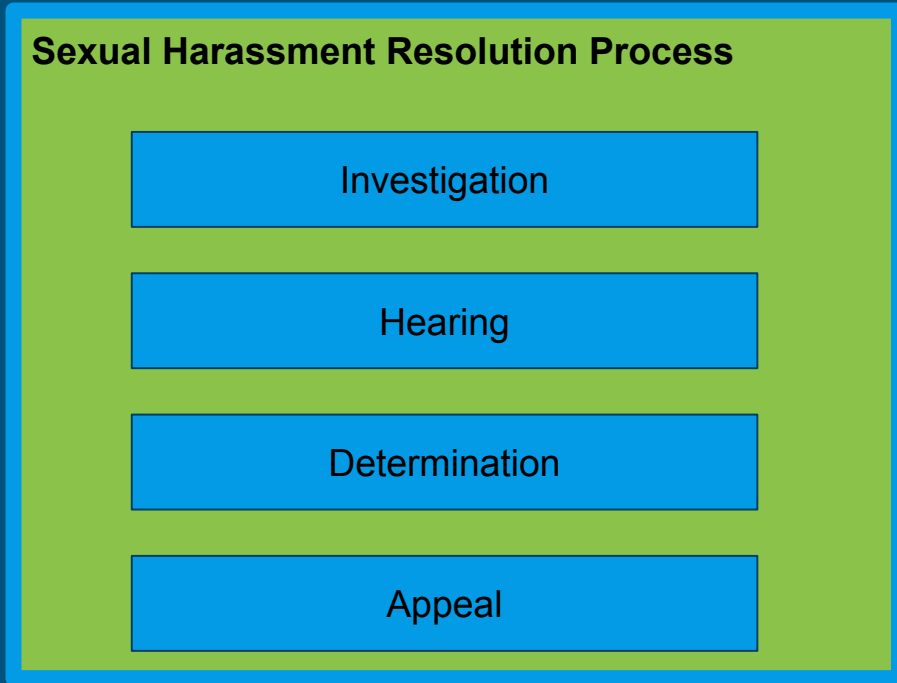
During the intake meeting with ECO, Taylor shared that they were at a party in the Student Neighborhood. They said they went to the party with their roommate, Sam and friend Cory. Before they left for the party, Taylor and Sam had three shots of vodka and Taylor thinks Cory had at least one. At the party, Taylor said they had a few more drinks but couldn't remember how many. An hour or two later, Taylor wanted to go home. Taylor said they remembered feeling drunk and that they couldn't walk straight. Cory offered to walk home with Taylor. On the way home, Taylor said they held Cory's hand and that Cory came in the apartment with Taylor. Taylor said that they started kissing on the couch and they eventually went into Taylor's bedroom. Taylor said they couldn't really remember what happened next, but woke up the next morning and saw that there was a used condom in the trash can.

Taylor says they would like to file a formal complaint.

# Stages of the Resolution Process



# Stages of the Sexual Harassment Resolution Process



# Clery Training with Melinda & Jamie

---

## Objectives:

- Understand Clery Act history
- Your role in Clery compliance
- Your main Clery tasks
- Reviewing Clery basics

# The Clery Area

---



**Melinda Warthman**  
mwarthman1@udayton.edu  
937.229.2742



**Jamie Baker**  
jbaker8@udayton.edu  
937.229.2799

# The Clery Act

---

- First-year student at Lehigh University
- Awakened in dorm room by a fellow student burglarizing her room five days after arriving on campus.
- Jeanne was raped and murdered by the intruder who is spending life in prison.
- Her parents began working through legal channels to force change in crime stat disclosure in higher education settings.
- The bill that became the Clery Act was introduced in March 1989 and signed into law November 1990.
- Institutions participating in federal financial aid programs are subject to Clery.



**Jeanne Clery**  
(1966-1986)



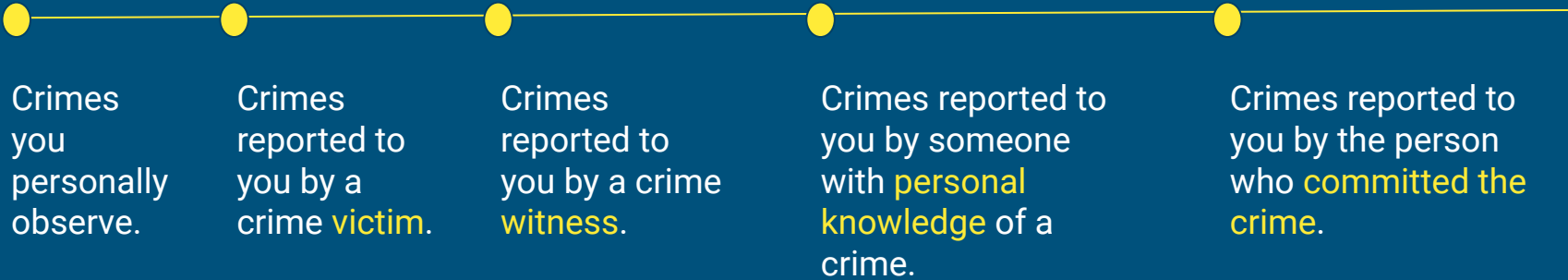
# Why Am I a Campus Security Authority?

---

## Campus Security Authorities

- Designation arising from the Clery Act
- Individuals within a campus community
- Who play a significant role in student life
- Who are most likely to have close contact with students
- Students might contact for advice in the event a crime is committed

# What am I obligated to report?



# Let's Talk About Your CSA Functions

---

## **We rely on CSA for:**

- Frontline fact-gathering and recording
- Issue spotting
- Pinpointing accurate geography
- Identifying incidents that should undergo Safety Advisory assessment

## Frontline Fact Gathering & Recording

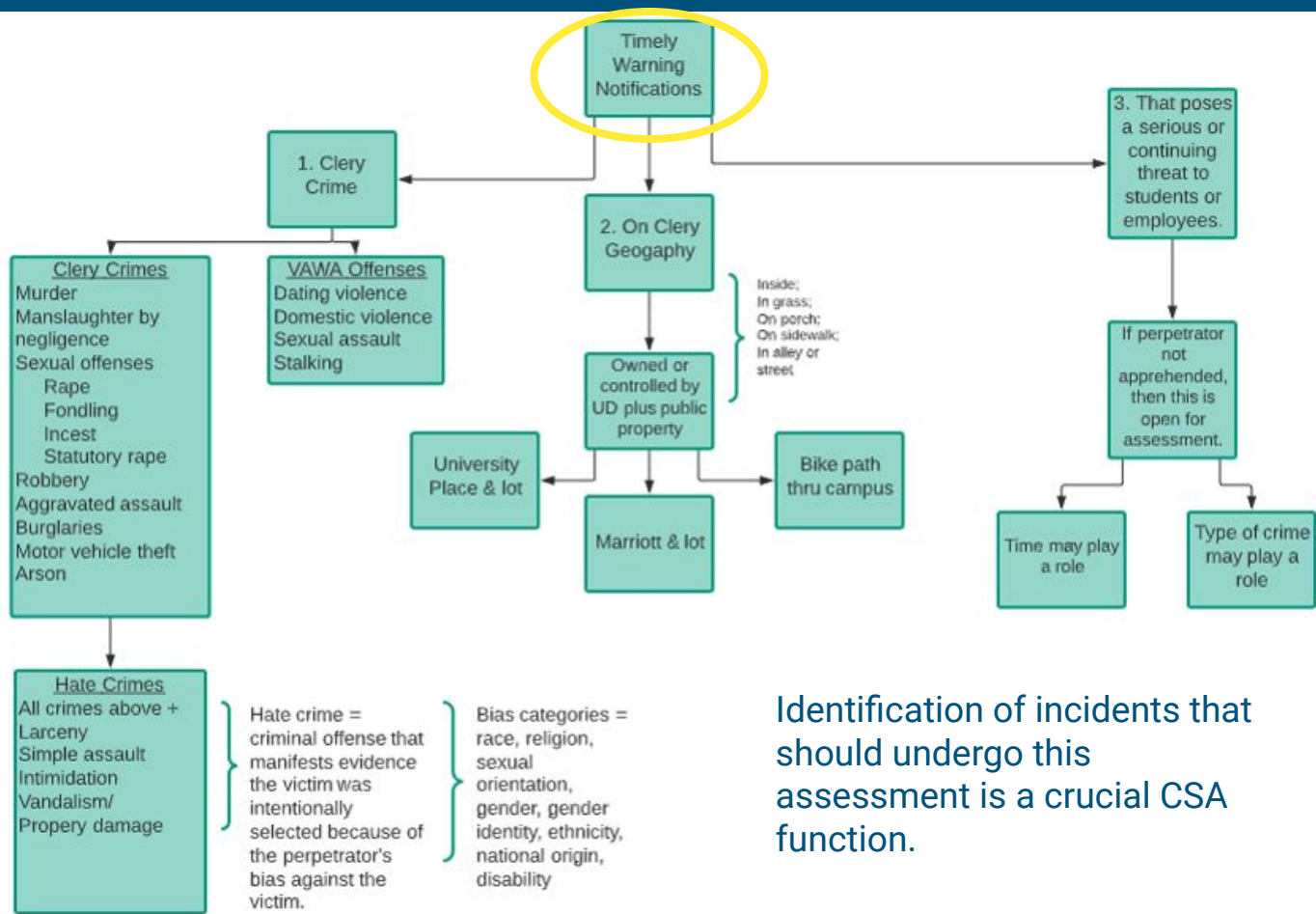
- Build familiarity with Clery crime elements to enable recognition.
- Must record clear and concrete information for submission to the Clery area.

## Issue Spotting

- Recognize Clery-related incidents
- Follow protocols based upon the issues spotted.
  - This could include immediately notifying the ECO to initiate the report to the Clery area.

## Accurately Pinpointing Geography

- Recording proper location of incident
- Providing enough description of location to allow for proper location identification
- Understanding Clery is all about geography



Identification of incidents that should undergo this assessment is a crucial CSA function.

# Clery Basics

What are the Clery crimes?

Clery crimes fall into four buckets:

1. Primary crimes
  2. VAWA crimes
  3. Hate crimes/bias-related incidents
  4. Alcohol, weapon, and drug violations
-



Calibrate your  
filter for ECO  
and Clery  
information

Clery crimes  
often co-occur  
with VAWA and  
bias-related  
incidents.



The facts  
will highlight  
the issues



## Primary Clergy Crimes

- Murder
- Manslaughter by negligence
- Sexual offenses
  - Rape
  - Fondling
  - Incest
  - Statutory Rape
- Robbery
- Aggravated assault
- Burglary
- Motor vehicle theft
- Arson

Criminal homicide → a human dies at the hands of another

Sexual offenses → incest = intercourse between persons related to each other within degrees wherein marriage is prohibited by law.  
→ statutory rape = intercourse with a person who is under the statutory age of consent (16)

Robbery → If person A takes something belonging to person B and person B is present, it is likely a Clergy reportable robbery.

Aggravated assault → Person harmed by another's body or weapon; look for medical evaluation or treatment; broken bones; bleeding; lost tooth; weapons can be everyday items

Burglary → Anytime someone enters a space that does not belong to them with an intent to take something, it can be burglary; space can be unlocked; important to note what spaces are entered

Motor vehicle theft → theft or attempts; cars, electric scooters, motorcycles, etc.

Arson → Fire where it should not be; burning & attempts



# Our Main Goals

- Accurate recording of facts related to Clery-reportable information
  - Facts that establish a Clery crime
  - Locations where incidents occurred
    - Be as specific as possible
  - Dates or time periods of incidents
- Recognition of behavior that may pose an ongoing or continuing threat to the campus community
  - Allows for assessment of the need for campus-wide communication or police response planning