

Public Safety and Title IX Administrators: Working Together

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Public Safety: Between a Rock and a Hard place

- Expected to provide the range of services offered by any municipal police agency:
 - Service assistance
 - Emergency response
 - Law enforcement
- Granted only relative independence because:
 - Public Safety Department is part of the institutional whole
 - Public Safety should assist in the educational mission, which requires attention to institutional compliance

Public Safety can positively impact a college's approach to Title IX Compliance, if:

- 1. Public Safety must acknowledge their non-traditional enforcement role and affirmatively work to collaborate with institution employees, including the Title IX Coordinator and investigators, and
- 2. Reciprocally, campus community, including the Title IX Coordinator, must acknowledge law enforcement's unique potential for making meaningful contributions to the compliance mission.

5 Fundamental principals Public Safety needs to understand in order to effectively assist in College compliance efforts

1. CAMPUS POLICE ARE “RESPONSIBLE EMPLOYEES” AND MUST REPORT ALLEGATIONS OF SEXUAL VIOLENCE TO THE TITLE IX COORDINATOR.

A campus law enforcement officer falls squarely within the definition of a “responsible employee” under Title IX. As a result, if an officer “knew, or in the exercise of reasonable care should have known” about sexual violence that has an actual or potential impact on a school community, the school is also on notice, period. *If the officer fails to report allegations of sexual violence to the Title IX coordinator and the school fails to address the matter as a result, the school is deemed to have stood by idly.*

Communicating to police the nexus between Title IX compliance and other non-traditional law enforcement directives is a critical training component.

**MORE
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#1**

Campus Title IX Coordinators and Investigators should convey the following message to Public Safety:

The College is required to address all allegations of sexual violence disclosed to a “responsible employee.”

As Public Safety officers, you are responsible employees.

As a result, both the law and the institution require you to immediately notify the Title IX coordinator of any allegations of sexual violence reported to you if those allegations could impact the school community.

Delay your reporting only to the extent doing so is critical to the law enforcement function.

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■ **2. STRIVE FOR BALANCE IN YOUR PROCESS.**

- In many cases, both the accuser and the accused are members of your community, and both must be treated fairly and respectfully. A balanced process is one that: (1) observes procedural safeguards designed to protect the parties and the integrity of the process; (2) is conscious of the existence of and ignores biases in fact finding and adjudication; and (3) avoids formation of conclusions prior to assembly and analysis of all of the relevant, available evidence.
- Make sure anyone involved in an incident is safe, choose your words carefully, and convey only a desire to do the right thing – including reporting the matter to the Title IX Coordinator for interim measures, investigation, etc.
- Be aware of your own potential biases concerning any aspect of any incident, including one involving allegations of sexual violence. If you have any biases, keep them out of your communications (whether those communications be verbal, written, or through body language, facial expressions, etc.).
- Don't jump to conclusions. Get all of the evidence first, and only then try to determine what happened.

#4

4. CONFIDENTIALITY IS TRICKY WHEN IT COMES TO TITLE IX

To prevent a reporting party from revealing information that he or she may want to keep confidential, OCR has directed responsible employees—including Public Safety Officers—to make every effort to ensure that the reporting party understands three main points:

- (1) the employee receiving a report is required to notify the Title IX coordinator of the names of the alleged perpetrator and reporting party involved in alleged sexual violence, as well as relevant facts regarding the alleged incident;
- (2) the reporting party has the option to request that the school maintain confidentiality, which the Title IX coordinator will consider; and
- (3) the reporting party may confidentially share information regarding an assault with their treating physicians and counselors (off campus).

#5

5. LAW ENFORCEMENT “BUY-IN” IS CRITICAL TO COMPLIANCE

- The Title IX process is as much Public Safety’s as it is that of any other office. Without all cooperation, the ship is likely to sink.
- We need Public Safety’s help in crafting policy, educate the community, assist with investigations (particularly by sharing information), and cultivate a reputation for promptly, fairly, and adequately responding to reports of sexual violence/harassment.
- Much like traditional law enforcement efforts, Public Safety’s contributions to the Title IX process can be very meaningful, both in terms of serving campus community and protecting it.

Policy Violations (Title IX, code of conduct) v. Criminal Conduct

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- The goals in a college disciplinary process are education, safety and a safe campus environment and to determine if a policy has been violated.
- A lesser standard known as “*preponderance of the evidence*” applies to a violation of a disciplinary rule meaning that the violation was “*more likely than not.*”

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- A criminal investigation is intended to determine if an individual violated a criminal law. The goal is to protect and preserve public safety and to punish individuals who break the law.
- A standard known as “*beyond a reasonable doubt*” is applied to criminal matters.

WHAT QUESTIONS
DO YOU HAVE?

