

# Public Safety/College Police Title IX Reporting Checklist

On August 14 2020 the new Title IX regulations went into effect. In order to comply with the new regulations, the Maricopa County Community College District developed policies and procedures for the reporting, investigation, and disposition of allegations of sexual harassment and retaliation, as outlined in the new regulations.

The new 2020 Title IX regulations clarify what triggers Maricopa County Community College District's (MCCCD) response obligation. **The triggering event under the new 2020 Title IX regulations centers on when the District receives actual knowledge of allegations of sexual harassment/ discrimination. Actual knowledge means that the MCCCD Title IX Coordinator or an Official with Authority has received notice of sexual harassment/discrimination or notice of allegations of sexual harassment/discrimination.**

**MCCCD law enforcement employees are Officials with Authority under the new Title IX policy.** An Official with Authority (OWA) means an employee of the MCCCD explicitly vested with the responsibility to implement corrective measures for sexual harassment on behalf of the MCCCD. **Notice to any official with authority conveys actual knowledge to the institution.**

**Officials with Authority are required to report** any witnessed sexual harassment, any incidents reported to him/her of sexual harassment or sexual harassment allegations from a complainant (i.e., a person alleged to be the victim) or a third party (e.g., the complainant's parent, friend, or peer); or any written or verbal complaint about sexual harassment or sexual harassment allegations **to the Title IX Coordinator.** Failure on the part of an Official with Authority to report not only triggers liability for the institution but is also actionable as a policy violation (up to and including termination from employment).

**The following procedures must be followed (in the order as outlined below) upon notice of potential behavior meeting the definitions:**

1. Ensure that the situation is not ongoing, is stable, and that all parties are safe.
2. Notify the designated college Title IX Coordinator—**ALWAYS and IMMEDIATELY. This notification includes providing the Title IX Coordinator with a copy of the complaint or any other information shared by the Complainant.**
3. Determine whether the alleged conduct constitutes a potential crime. Implement investigation procedures if a crime is alleged.
4. Identify the facts and circumstances involved in the alleged conduct, including location of conduct, persons involved and their roles, and witnesses.
5. Document the information provided in the initial inquiry.

**The college Title IX coordinator for this location is:**



## Examples of sexual harassment/discrimination/dating or domestic violence/stalking include:

- An adjunct professor asks a student to go on a date with them in exchange for a good grade on a midterm assignment. This constitutes sexual harassment regardless of whether the student agrees to the request and irrespective of whether a good grade is promised or a bad grade is threatened.
- A student repeatedly sends graphic, sexually-oriented jokes and pictures around campus via social media to hundreds of other students. Many don't find it funny and ask the sender to stop, but the sender does not. Because of these jokes and pictures, one student avoids the sender on campus, and another drops a class they had together.
- An ex-partner widely spreads false stories about their sex life with a former partner to the clear discomfort and frustration of the former partner, a student at the college, turning the former partner into a social pariah on campus.

### Examples of Stalking

- Students A and B were friends with benefits. Student A wanted a more serious relationship, which caused student B to break it off. Student A could not let go, and pursued student B relentlessly. Student B obtained a campus no-contact order. Subsequently, Student B discovered their social media accounts were being accessed, and things were being posted and messaged as if they were from them, but they were not. Whoever accessed their account posted a picture of a penis, making it look as if they had sent out a picture of themselves, though it was not their penis. This caused them considerable embarrassment and social anxiety. They changed their passwords, only to have it happen again. Seeking help from the Title IX Coordinator, Student B met with the IT department, which discovered an app on their phone and a keystroke recorder on their laptop, both of which were being used to transmit their data to a third party.
- An employee working as an on-campus tutor received flowers and gifts delivered to their office. After learning the gifts were from a student they recently tutored, the employee thanked the student and stated that it was not necessary and would appreciate it if the gift

deliveries stopped. The student then started leaving notes of love and gratitude on the tutor's car, both on-campus and at home. Asked again to stop, the student stated by email, "You can ask me to stop, but I'm not giving up. We are meant to be together, and I'll do anything to make you have the feelings for me that I have for you." When the tutor did not respond, the student emailed again, "You cannot escape me. I will track you to the ends of the earth. If I can't have you, no one will."

### Examples of Sexual Assault

- Amanda and Bill meet at a student chess club party. They spend the evening dancing and getting to know each other. Bill convinces Amanda to find an empty room in the campus' student center. After finding an empty room, Bill uses every line he can think of to convince Amanda to have sex with him, but she adamantly refuses. Despite her clear communications that she is not interested in doing anything sexual with him, Bill keeps at her, questions her religious convictions, and accuses her of being "a prude." He brings up several rumors that he has heard about how she performed oral sex on a number of other guys. Finally, it seems to Bill that her resolve is weakening, and he convinces her to "jerk him off" (hand to genital contact). Amanda would have never done it but for Bill's incessant advances. He feels that he successfully seduced her and that she wanted to do it all along but was playing shy and hard to get. Why else would she have gone away with him to an empty room with him. If she really didn't want it, she could have left.

### Examples of Retaliation

- A faculty member alleges gender inequity in pay within her department. The Department Chair subsequently revokes his approval for her to attend a national conference, citing the faculty member's tendency to "ruffle feathers."
- A student from Organization A participates in a sexual misconduct investigation as a witness whose testimony is damaging to the Respondent, who is also a member of Organization A; the student is subsequently removed as a member of Organization A because of their participation in the investigation.

