

Welcome to HR Partners!

HR PARTNERS: AGENDA

- Latosha Dexter, Office of Legal Counsel:
Reporting Harassment and Discrimination
- Announcements
 - Take Our Daughters and Sons to Work Day
 - Health Plan for Graduate Assistants
 - Summer Youth Work Program
 - Student Employment Update
 - WorkforUM clarification
 - New HR Web sites
 - Computer Lab
 - New Employees
 - Fond Farewells
- Spin the Wheel!

HR PARTNERS: REPORTING DISCRIMINATION & HARASSMENT

Latosha Dexter, Office of Legal Counsel

Title IX and the University of Memphis

Responding to the Call to Action

What is Title IX?

- ▶ Title IX of the Education Amendments of 1972 prohibits sex discrimination in educational programs and activities.

No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.

Title IX of the Education Amendments of 1972

It's Been Around Since 1972!
So....



2011 Office of Civil Rights Dear Colleague Letter

- “The sexual harassment of students, including sexual violence, interferes with students’ right to receive an education free from discrimination and, in the case of sexual violence, is a crime.”
- “The statistics on sexual violence are both deeply troubling and *a call to action* for the nation.”
 - ▶ 1 in 5 women are victims of completed or attempted sexual assault while in college.
 - ▶ 6.1% of males were victims of completed or attempted sexual assault during college.
 - ▶ In 2009, college campuses reported nearly 3,300 forcible sex offenses as defined by the Clery Act.

Violence Against Women Reauthorization Act (VAWA) of 2014

- Included a provision known as the Campus Sexual Violence Act (“SaVE Act”) which basically codified the DCL.
- Requires colleges and universities to:
 - ▶ Report domestic violence, dating violence, and stalking, beyond crime categories the Clery Act already mandates;
 - ▶ Adopt certain student discipline procedures, such as for notifying purported victims of their rights; and
 - ▶ Adopt certain institutional policies to address and prevent campus sexual violence, such as to train pertinent institutional personnel.

The Law Protects the University Community from...

- Sex discrimination. Which includes all forms of sexual harassment, including verbal sexual harassment and sexual violence by employees, students, or third parties against employees, students, or third parties.
- Sexual harassment. Unwelcome conduct of a sexual nature that is sufficiently severe, persistent or pervasive that it unreasonably interferes with, denies, or limits someone's ability to participate in or benefit from a program or activity.

The Law Protects the University Community from...

- Domestic violence. A crime of violence committed by spouse, cohabitant, parent of victim's child, or similarly situated person
 - ▶ as relationships/protections are defined under state domestic or family violence laws.
- Dating Violence. Violence against a person when the victim and accused are dating, or who have dated, or who have or had a sexual relationship.

The Law Protects the University Community from...

- Sexual Assault. The nonconsensual sexual contact when force or coercion is used to accomplish the act, the sexual contact is accomplished without consent of the victim, and the perpetrator knows or has reason to know at the time of the contact that the victim did not or could not consent.
- Stalking. A willful course of conduct involving repeated or continuing harassment of another individual that would cause a reasonable person to feel terrorized, frightened, intimidated, threatened, harassed, or molested, and that actually causes the victim to feel terrorized, frightened, intimidated, threatened, harassed, or molested.

The University's Obligation

Roles and Responsibilities

Title IX Coordinator

A school “shall designate at least one employee to coordinate its efforts to comply with and carry out its responsibilities” under the law, including the investigation of complaints.

- Latosha Dexter is currently serving as the Title IX Coordinator for the University of Memphis.
- The Office for Institutional Equity is the office responsible for investigating complaints of Title IX violations.

Office for Institutional Equity
156 Administration Building
The University of Memphis
Memphis, TN 38152-3370
Tel: (901) 678-2713
Fax: (901) 678-4800

What is Required of the University?

- Once the University knows or reasonably should know of a possible violation, it must take immediate and appropriate action to investigate.
 - ▶ 60 calendar days to complete an investigation
- The University must take prompt and immediate steps to end the sexual harassment or misconduct, prevent its recurrence, and address its effects.

Who is Required to Report?

- Responsible Employees (per OCR): Any person who has the authority to take action to redress sexual harassment/misconduct; who has been given the duty of reporting incidents of sexual harassment or misconduct by students to the Title IX coordinator, or who a student reasonably believes has this authority or duty.
- Campus Security Authority (CSA): Any official with significant responsibility for student and campus activities.

Examples of Responsible Employees and Campus Security Authorities

- President, Senior Vice President, Provost, Vice Presidents, Associate Vice Presidents, Assistant Vice Presidents;
- Deans, Associate Deans, Assistant Deans, Directors, Associate Directors, Assistant Directors, Department Chairs/Heads;
- Faculty and graduate teaching assistants;
- Academic advisors;
- Advisors for student organizations including volunteers;
- Residence Hall/Housing staff including resident assistants;
- Athletic coaches and trainers;
- Employees who occupy a supervisory or management position; and
- University Police.

What It Means to be a Responsible Employee/CSA

- A complaint made to a Responsible Employee/CSA, no matter how informal, equals notice to the University. WHEN IN DOUBT, REPORT IT.
- Responsible Employees/CSAs are **required** to report the complaint to the Title IX Coordinator/Office for Institutional Equity as soon as possible. Reports may also be made to one or more of the following:
 - ▶ Office for Student Conduct
 - ▶ University of Memphis Police Services
 - ▶ Vice President for Student Affairs

A Responsible Employee/CSA's Failure to Report Could Mean....

- Liability for the University which might include:
 - ▶ Attorney's fees to defend
 - ▶ Institutional time and effort to defend
 - ▶ Publicity
 - ▶ Reputation damage to University, college and program
 - ▶ Monetary judgments/fines
 - ▶ Plaintiff's attorney's fees

A Responsible Employee/CSA's Failure to Report Could Mean....

- Liability for the Responsible Employee/CSA which might include:
 - ▶ Loss of employment
 - ▶ Depending on allegation, possible personal liability
 - ▶ Attorney's fees for personal attorney
 - ▶ Loss of reputation
 - ▶ Time, effort and stress of defending lawsuit

What Should You Do if you Receive a Complaint?

- Simply get the basic facts. What happened and when?
 - ▶ OIE will perform the investigation and analysis
- Confidentiality
 - ▶ Assure student you will keep information private to the extent possible but **DO NOT** promise the student that you will keep the information absolutely confidential. (unless you are legally bound to provide confidential services)

Reluctant Complainants

- Offer to go with the student to report their complaint.
- Let him/her know that the University doesn't condone this type of behavior and the effect it has on others.
- Tell him/her that you have an obligation to report what you have been told.
- Inform the student that s/he will probably be contacted by someone who works with these types of complaints so that options are explained.
 - ▶ The student can decide at that point if they want to cooperate.

What If...

- The incident occurred off-campus?
Doesn't matter if it occurred on-campus, off-campus, or on spring break in Mexico.
- It occurred five years ago? Doesn't matter. There is no "statute of limitations." This is not "Law and Order".
- The accused is a faculty or staff member?
Doesn't matter. They have no special immunity. As long as there is a reasonable connection to the University, the University has an obligation to act.

What About the Police?

- Law enforcement involvement does not relieve the University from investigating under Title IX.
- Also, the standard of proof is different. Therefore, you may have a Title IX violation (preponderance of evidence) without a criminal violation (beyond a reasonable doubt).



Resources for Victims

- University Counseling Center,
<http://www.memphis.edu/cpcc/>, 214 Wilder Tower,
901/678-2068, counseling@memphis.edu
- Shelby County Rape Crisis Center,
<https://www.shelbycountyttn.gov/index.aspx?NID=737>
, 901.222.4350
- Family Safety Center,
<http://www.familysafetycenter.org>, 901.222.4400
- Memphis Crisis Center,
http://memphiscrisiscenter.org/?page_id=602,
901.274.7477
- University Student Health Center,
<http://saweb.memphis.edu/health>, 901.678.2287
- University of Memphis Polices Service,
<http://www.memphis.edu/police>, 901.678.4357

“Students cannot learn if they don’t feel safe, and sexual harassment and sexual violence interfere with a student’s right to receive an education free of discrimination...”

Assistant Secretary for Civil Rights Russlynn Ali

HR PARTNERS: ANNOUNCEMENTS

Take Our Daughters and Sons to Work Day

Kimberly Stevenson,
Employee Relations & Engagement

Thursday, April 23, 2015
8:30am-4:30pm

HR PARTNERS: ANNOUNCEMENTS

Health Plan for Graduate Assistants

Amanda Clarkson,
University Benefits Administration

HR PARTNERS: ANNOUNCEMENTS

MPLOY: Summer Youth Work Program

Brennan Reeves, Workforce Management

HR PARTNERS: ANNOUNCEMENTS

Student Employment Update

Danny Linton, Human Resources
Shemeka Hancock, Student Employment

HR PARTNERS: ANNOUNCEMENTS

WorkforUM Clarification

Danny Linton,
Human Resources

HR PARTNERS: ANNOUNCEMENTS

New HR Web Sites

Danny Linton,
Human Resources

HR PARTNERS: ANNOUNCEMENTS

OED Training Lab

Danny Linton,
Human Resources

HR PARTNERS: NEW EMPLOYEE

Rikki Anderson,
University Benefits Administration

HR PARTNERS: FOND FAREWELLS



Glenie Wilson,
University Benefits Administration

HR PARTNERS: FOND FAREWELLS



Amanda Clarkson,
University Benefits Administration

HR PARTNERS: FOND FAREWELLS



Evonne Walton,
HR Records Management

Retiring after 28 years

HR PARTNERS: FOND FAREWELLS



Debbie Wooddell,
Human Resources

Retiring after **43** *years!!!*

**LET'S SPIN
THE WHEEL!!**