

# RESPONSIBLE EMPLOYEE TRAINING

TITLE IX



# Responsible Employee Training

You have been invited to take this training because you have been identified as a “Responsible Employee.”

All Responsible Employees are required to complete training on the obligation to report Title IX Discrimination.

Please review each slide carefully. If you have any questions or concerns, please contact the Title IX Office on your campus.

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# Minnesota States' Commitment

- **System Procedure 1B.1.1 Investigation and Resolution**
  - <https://www.minnstate.edu/board/procedure/1b01p1.html>
- **System Procedure 1B.3.1 Response to Sexual Violence**
  - <https://www.minnstate.edu/board/procedure/1b03p1.html>
- **System Procedure 1C.0.1 Employee Code of Conduct**
  - <https://www.minnstate.edu/board/procedure/1c0p1.html>
- **System Procedure 3.6.1 Student Conduct**
  - <https://www.minnstate.edu/board/procedure/306p1.html>

Minnesota State is committed to workplace, educational, and recreational environments that are safe and accessible, and free from all forms of discrimination, discriminatory harassment, and sexual harassment, non-consensual sexual contact, sexual violence or assault, domestic violence, dating violence, and stalking and retaliation toward any individual(s) who reports or participates in the investigation of any alleged incident of sex and/or gender based discrimination.

# Who is a Responsible Employee?

Any employee who has the authority to take action to redress sexual violence; who has been given the duty of reporting incidents of sexual violence or any other misconduct to the Title IX Coordinator or other appropriate school designee:

OR

Any employee whom a community member could reasonably believe has this authority or duty.

Examples of Responsible Employees:

- Senior Administrators  
(Directors and above)
- Deputy Title IX Coordinators
- Ombudsmen
- Residence Hall Directors
- Chairs of Academic Departments
- Athletic Coaching Staff
- College Recognized Sport Club Coaches

Employees who have the authority to take action to redress or who have been given the duty to report sexual violence or any other misconduct, or who a community member could reasonably believe has this authority or duty are Responsible Employees.

# What is Title IX?

Title IX is the Education Amendments of 1972, which is a comprehensive Federal civil law.

“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.

# Educational Programs & Activities Covered

- Admissions
- Recruitment
- Financial Aid
- Recreation
- Athletics
- Housing
- Employment
- Grading
- Academic Programs
- Student Treatment and Services
- Counseling & Guidance
- Classroom Assignment
- Vocational Education
- Physical Education
- Sanctions and Discipline
- Study Abroad

Examples of educational programs and activities covered by Title IX include, but are not limited to, these listed here.

# Title IX Prohibits

Sex and/or Gender Based Discrimination  
Sexual Harassment

Sexual Assault,  
Domestic Violence,  
Dating Violence,  
Stalking &  
All Other Forms of  
Violence

Sexual assault, domestic violence, dating violence, stalking and all other forms of sexual misconduct are extreme forms of sexual harassment. Sexual harassment is a form of gender based discrimination prohibited by law.

# Title IX Covers

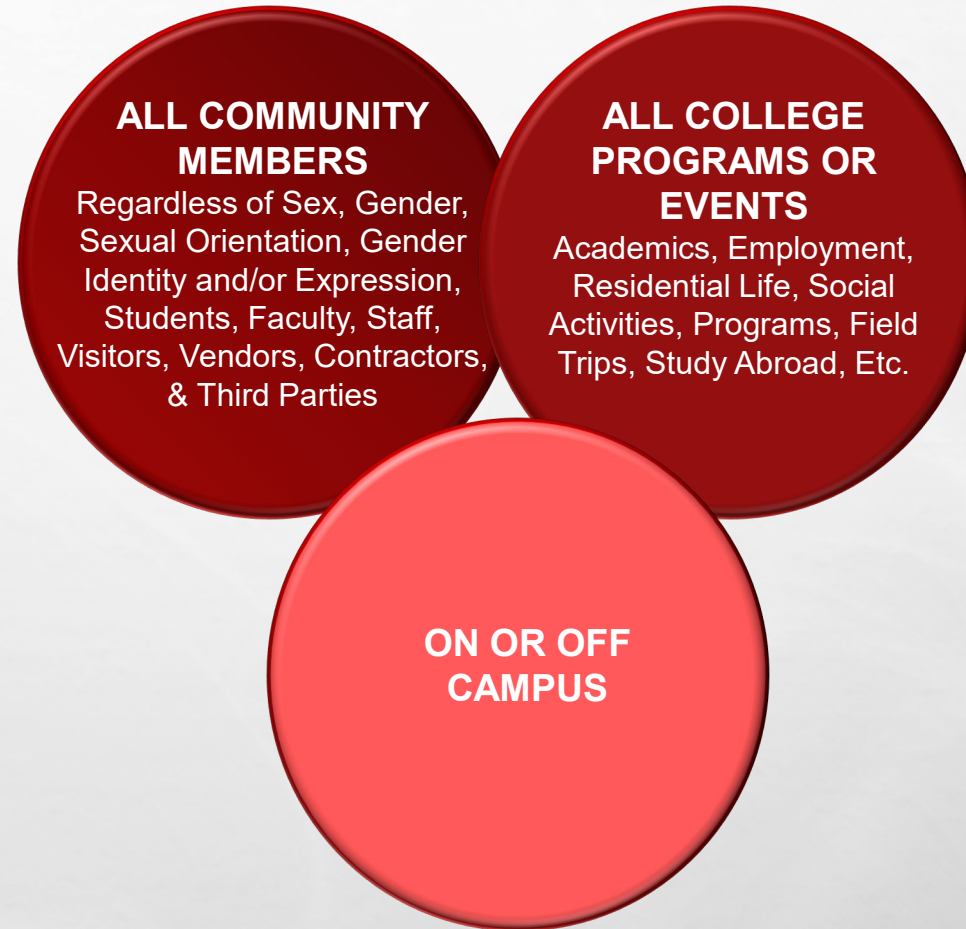
There is no “typical” member of a Minnesota State community of settings that could be involved in a Title IX case.

ANYONE can be a complainant.

ANYONE can be a respondent.

ANYONE can report.

Title IX Discrimination applies to any Minnesota State program or event-regardless of whether it is on-campus.



If an event or its participants are related to the college, it may be covered under Title IX. When in doubt, report.

The College is even required to sexual misconduct that occurs at off-campus events, like a party that a student club hosts at a private house or at an off-campus athletic event.



# Title IX Requires

Once Minnesota State has NOTICE of possible sexual harassment or violence, it MUST:

## NOTICE

Take *immediate* and *appropriate* steps to INVESTIGATE what occurred; AND

## INVESTIGATE

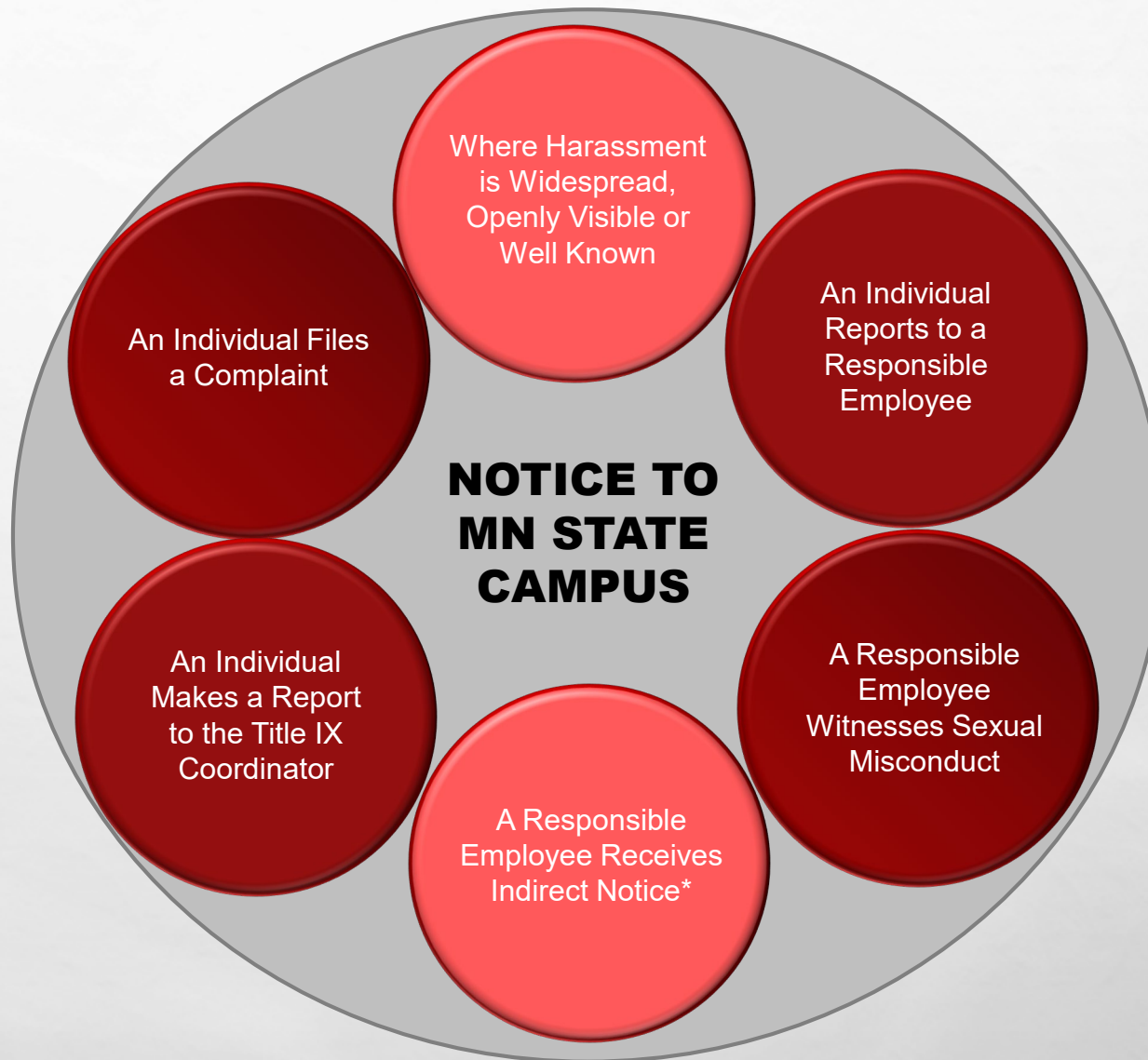
Take *prompt* and *effective* ACTION to

- 1) END the harassment,
- 2) REMEDY its effects, AND
- 3) PREVENT it from occurring again.

## ACTION

Not only investigate. Once Minnesota State has notice, we are required to take prompt and effective action to end the harassment, remedy its effects and prevent it from occurring again.

# When does a Minnesota State Campus have notice?



\*Sources of indirect notice include other faculty, staff or students, news or media reports.

Once a Responsible Employee is aware of Title IX discrimination then the Minnesota State campus, as an institution, has notice of that discrimination and is required by law to investigate and take appropriate action.

# Options for Reporting Individuals

## FILE A COMPLAINT



- Title IX Coordinator
- Safety & Security
- Responsible Employee
- Local or State Police

## ADDITIONAL OPTIONS



- Clergy or Pastoral Counselors (working in their official capacity)
- Medical or Mental Health Professionals (working in their official capacity)
- Community Resources

## NO REPORT



All members of the campus community who experience sexual misconduct have the right NOT TO REPORT TO ANYONE.

However, Minnesota State encourages everyone to seek medical attention, counseling and support.

It is never too late to report – but delays in reporting often make investigating an incident and determining responsibility more difficult.

Whether or not a report is filed there are various options and resources available. Campus Title IX offices are available to anyone who wishes to report an incident.

The Title IX Office will start an investigation and can work with other offices if interim steps are required to prevent re-occurrence or stop on-going discrimination.

# In an Emergency...

**IF AN  
EMERGENCY  
EXISTS, OR  
THERE IS ANY  
CHANCE OF  
ON-GOING  
DANGER:**



**REPORT TO  
CAMPUS  
SAFETY!**



**DIAL 911!  
CONTACT LOCAL  
LAW  
ENFORCEMENT**

# Who Should Report? Everyone.

**If you experience, observe, or become aware of discrimination...REPORT IT.**

All members of Minnesota State are encouraged to report any incident of discrimination, including those on the basis of sex, gender and/or gender identity or expression.

Anyone who experiences, observes, or becomes aware of an incident of sexual misconduct or gender discrimination should **report it to the Title IX Office** or another campus official as soon as possible.

## **Limited Exception: CONFIDENTIALITY**

Only two protected classes of Minnesota State employees can completely honor an individual's request for confidentiality. Either a licensed healthcare provider and/or clergy (both of whom must be informed while performing their job responsibility).

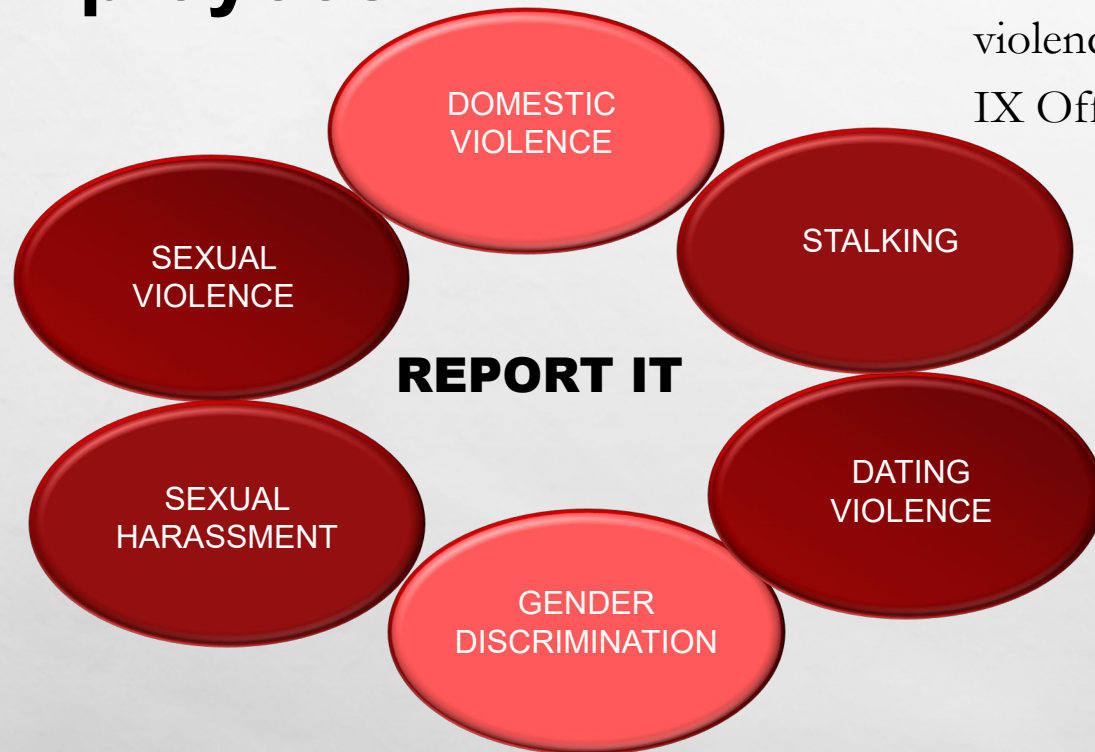
**ALL OTHER EMPLOYEES**  
Should report the incident to the **Title IX Office**.

Any member of the campus community is able to report and Minnesota State campuses want to hear about all incidents of discrimination.

There are limited exceptions. Certain types of employees cannot report because the nature of their position requires them to honor an individual's request for confidentiality, for instance a health professional acting in that capacity. Everyone can report discrimination to the Title IX coordinator or a college official.

# Who Must Report? Responsible Employees.

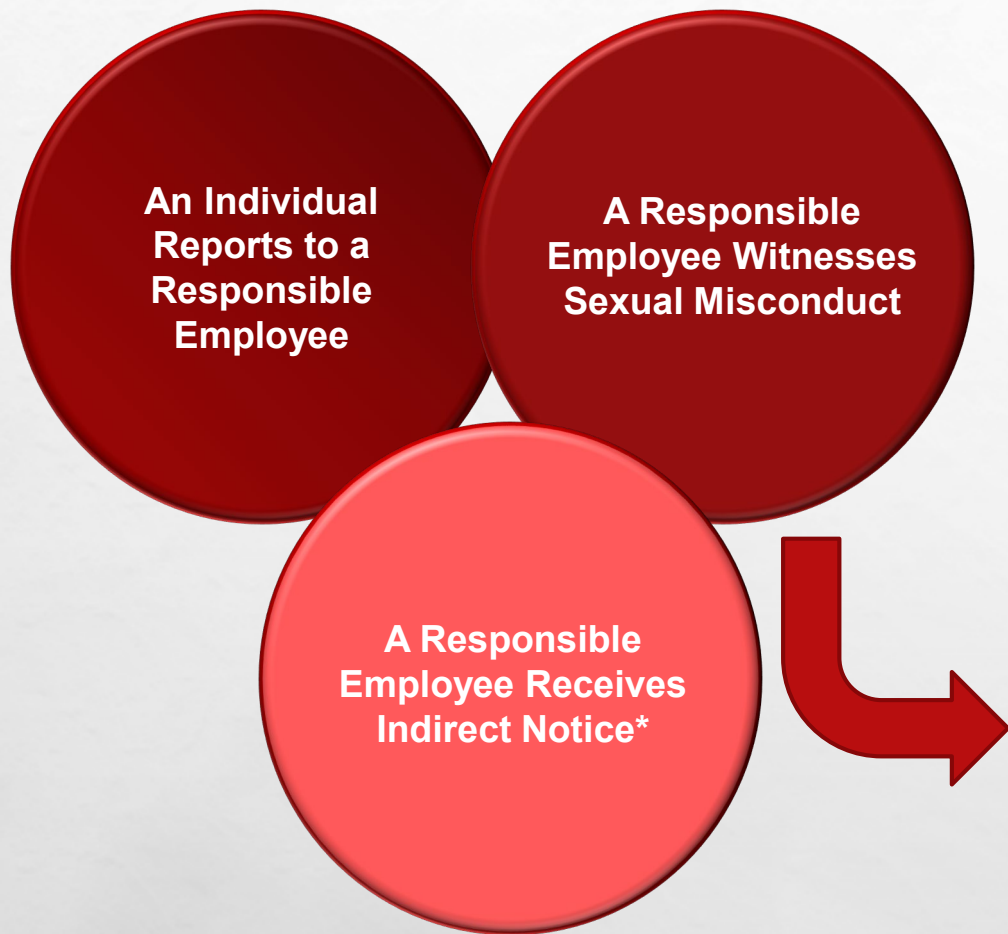
**Responsible Employees are required to report** incidents of sex or gender based discrimination, sexual harassment or other forms of sexual misconduct or violence such as domestic violence, dating violence or stalking to the Title IX Officer **IMMEDIATELY**.



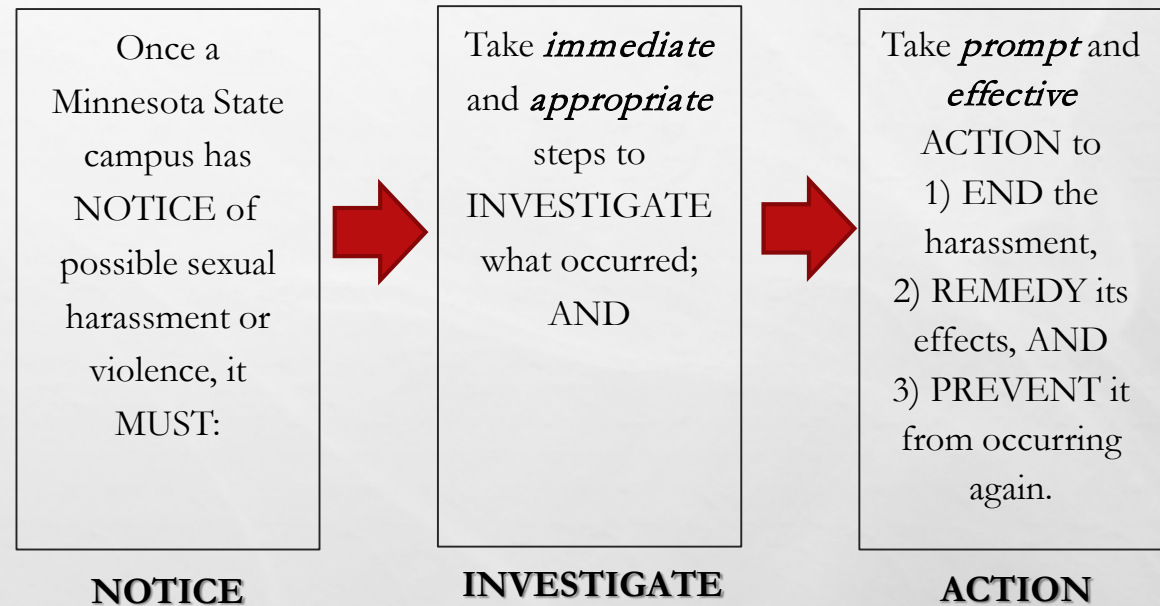
**Note:** incidents learned about as a result of public awareness events, such as Take Back the Night, need not be reported.

What if I overhear a private conversation between students about an incident of sexual violence?

If you are taking this training, you have been identified as a Responsible Employee. Responsible employees are required to report all incidents of sexual misconduct to the Title IX Office immediately.



**REMEMBER...**once a Responsible Employee is aware of an incident of sexual misconduct, the Minnesota State campus has NOTICE. NOTICE triggers a legal obligation under Title IX for that campus to INVESTIGATE and take ACTION.



\*Sources of indirect notice include other faculty, staff or students, news or media reports.

Fulfilling your obligation as a Responsible Employee is essential for the campus to fulfill its obligation under Title IX.

# What Do I Do When A Reporting Individual Comes to Me?



## **INFORM**

Inform the Reporting Individual of your role, their rights and confidential options that are available BEFORE they disclose information that you are required to report.



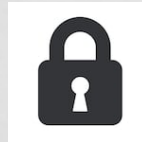
## **LISTEN**

Listen to what they have to say. Be empathetic, but impartial.



## **REPORT**

Report the information disclosed to the Title IX Office as soon as possible.



## **RESPECT**

Respect the Reporting Individual's privacy. Direct them toward resources and support services.

Inform, Listen, Report and Respect – these are the four principles which must guide your response to a Reporting Individual.





# THE COMPASSIONATE PAUSE

An individual may be coming to you because they are looking for someone to talk to, not because they want to report and prompt an investigation. **BEFORE an individual “reveals information that they may wish to keep confidential,”** you should stop them and make every effort to ensure that the individual understands:

1. Your **obligation to report** incidents to the Title IX Office including the names of anyone known to be involved in or witness to any incident and any relevant facts such as the date, time and locations of the incident; AND
2. A Reporting Individual’s option to request that the campus maintain confidentiality or make no investigation which the Title IX Coordinator will consider to the extent allowable by law; AND
3. The individual’s option to share this information instead with a resource such as a Title IX Complaint Navigator, who is able to assist the individual with support, resources and information on how to make a report should they choose to do so.

An individual may be coming to you because they are looking for someone to talk to, not because they want to report and prompt an investigation. Therefore, before an individual “reveals information that they may wish to keep confidential,” you should stop them and make every effort to ensure that the individual understands your role as a Responsible Employee and offer options that are available.



# THE COMPASSIONATE PAUSE

## *How do I do that?*

It can be difficult to interrupt a person who is trying to tell you something emotional and perhaps traumatizing. Remember that even if it feels uncomfortable or impolite, you are acting in their best interest and to preserve their choices and options. Here are some examples of how you might begin:

*“Before you continue, I want to make you aware that I am required to report any incidents of sexual misconduct or gender discrimination to the Title IX Office here on the campus. If you do not want this reported to the Title IX Office, we provide a variety of services. Multiple options are available.”*

*“Let me interrupt you for one moment. I want to make sure that you understand that due to my position on this campus, I am obligated to report any incidents of sexual misconduct to the Title IX Coordinator. If you prefer, the campus does offer other resources.”*



## What if a Reporting Individual still wants to tell you what happened and requests confidentiality?

1. You should make every effort to make sure that the Reporting Individual understands your duty to report.
2. You should tell the Reporting Individual that the Title IX Coordinator will consider the request but that you cannot *guarantee* that the campus will be able to honor it.
3. You should tell the Reporting Individual that even though neither you nor the Title IX Office can guarantee confidentiality, *campus officials will maintain their privacy to the greatest extent possible.*
4. You should be sure to include the Reporting Individual's request for confidentiality and/or not to investigate when you report the details to the Title IX Coordinator.

Regardless of whether you are able to take a compassionate pause, you should make every effort to inform the Reporting Individual of your obligation to report.

Make sure that they understand that the Title IX Office will consider their request but you cannot guarantee that the campus will be able to honor it and that even though neither you nor the Title IX Office can guarantee confidentiality, *campus officials will maintain their privacy to the greatest extent possible.*



## Listen

If a Reporting Individual decides to proceed with telling you about what happened, listen. Keep in mind the information that you must report if it is disclosed to you:

- The date, time and location of the incident.
- The date and time the report was made to you.
- The name and contact information of the Reporting Individual and any other persons involved.
- All details of the incident as described to you.
- If the Reporting Individual has requested confidentiality.
- Whether the Reporting Individual has reported the incident to any other office or individual (for example if you received this information from your subordinate and not the Reporting Individual).

You need not and should not, however, question the individual to obtain these or any other details or particular pieces of information. The Reporting Individual will be interviewed by the Title IX Office.

Remember that all Reporting Individuals will be subsequently interviewed by the Title IX Office and students have the right not to be asked to unnecessarily report their account of the incident.



# Be Empathetic But Impartial

In some instances Reporting Individuals may be relaying information to you that is difficult and may have been traumatizing. Keep in mind your interaction may be the first conversation the individual has had about those events and therefore you may have a significant impact on the quality of their recovery.

- Be an empathetic, compassionate listener.
- Stay objective and impartial.
- Do not express an opinion about the Reporting Individual or any other individuals involved in the incident.
- Never question the validity or likelihood of any of the events described.
- Never imply any fault or suggest anyone should have acted in a different manner.

Be an empathetic but impartial listener. Reporting Individuals have the right to be treated with dignity and respect and to have their disclosures taken seriously.

# Listen, Inform & Report



- Do not prompt the Reporting Individual to give you additional details over and above what they want to tell you.
- Do not attempt to discuss the incident with anyone else mentioned by the Reporting Individual, including any witnesses or anyone else involved in the incident(s).
- Responsible Employees do not investigate, adjudicate or issue sanctions.

Your role as a Responsible Employee is to listen, inform and report the information provided.



# What Must I Report?

**You MUST REPORT all known details about the alleged incident and how you came to know about the alleged incident.**



Any incidents of **sexual violence, sexual or gender-based harassment, domestic violence, dating violence, stalking and/or retaliation;**

That are reported to you or which you observe or learn about;

**MUST** be **IMMEDIATELY** reported to the Title IX Office.

As a Responsible Employee you must report all details reported to you or that you observe or learn about to the Title IX Office.



# Report it

Any observed, experienced, or known sexual discrimination, including sexual harassment and/or sexual violence must be reported.

It does not matter if you heard about it from the parties involved or from a third party. It does not matter if the incident occurred on-campus, off-campus, or on Spring Break outside of the United States. If the situation involves employees, patients, visitors, contractors, faculty, students or if the situation occurred while pursuing employment or education or participating in any other programs or activity at any Minnesota State campus, the Title IX Office needs to hear about it.

Moreover, it does not matter if the incident occurred yesterday, last month, or two years ago. If you came to know about the incident during your tenure as a Responsible Employee, contact the Title IX Office immediately.

Witness

Student

Overheard

Faculty

Two Years Ago

Off Campus Program

Visitor

Patient

On Campus Activity

Spring Break

Told in Confidence

If an event or its participants are related to a Minnesota State campus, it is likely covered by Title IX and you are required, as a Responsible Employee, to report it to the Title IX Office. When in doubt, report.





# Where Should I Report?

**Campus Title IX Office or Title IX Coordinator** – Tam Bukowski in Room 108 or at 320-762-4415.

**Campus Human Resources Office** – Shari Maloney in Room 110 or at 320-762-4466.

**Campus Public Safety or Security Department** – *Public Safety/Security should only be contacted without the Reporting Individual's prior consent if you feel that an on-going and immediate threat exists to the Reporting Individual or the campus community.*

Report any known incidents of sexual misconduct to the Title IX Office or Title IX Coordinator. Report any on-going and/or immediate threats to campus police or security.

# What Happens After I Report?

The Minnesota State campus is required to:

- Take immediate, appropriate action to investigate or otherwise determine what occurred once we know or reasonably should have known about possible sexual harassment/sexual violence;
- Take prompt and effective steps to end the sexual harassment/sexual violence and prevent its recurrence;
- Protect the complainant, including taking interim steps prior to the final outcome of the investigation; and
- Notify any involved parties of the outcome of the complaint.

After receiving any Title IX report, Minnesota State will take all appropriate steps to determine what happened, remedy and prevent discrimination and to protect the campus community.

# What Happens After I Report – Informal Resolution

AFTER PROCESSING THE REPORT/COMPLAINT THE DESIGNATED OFFICER MAY CONSIDER INFORMAL RESOLUTION TO RESOLVE THE REPORT/COMPLAINT AS APPROPRIATE. THE DESIGNATED OFFICER MAY CONSIDER, BUT IS NOT LIMITED TO, USE ONE OR MORE OF THE FOLLOWING METHODS TO RESOLVE THE REPORT/COMPLAINT:

- CONDUCT OR COORDINATE EDUCATION AND TRAINING;
- FACILITATE VOLUNTARY MEETINGS, IF REQUESTED BY THE COMPLAINANT, BETWEEN THE PARTIES;
- RECOMMEND SEPARATION OF THE PARTIES, AFTER CONSULTATION WITH APPROPRIATE COLLEGE, UNIVERSITY, OR SYSTEM OFFICE PERSONNEL;
- OTHER POSSIBLE OUTCOMES MAY INCLUDE RECOMMENDING CHANGES IN WORKPLACE ASSIGNMENTS, ENROLLMENT IN A DIFFERENT COURSE OR PROGRAM, OR OTHER APPROPRIATE ACTION;
- A COLLEGE OR UNIVERSITY MAY OFFER MEDIATION AND OTHER ALTERNATIVE DISPUTE RESOLUTIONS TO THE COMPLAINANT AND RESPONDENT. THE PARTIES MUST VOLUNTARILY CONSENT, IN WRITING, TO PARTICIPATE IN PROCESSES THAT INCLUDE MEDIATION AND OTHER ALTERNATIVE DISPUTE RESOLUTIONS. AT ANY TIME BEFORE AGREEING TO A RESOLUTION, ANY PARTY HAS THE RIGHT TO WITHDRAW FROM THE PROCESS AND RESUME THE FORMAL COMPLAINT PROCESS.



# Privacy vs. Confidentiality

Even though your obligation to report means you are unable to honor a request for complete confidentiality, you must still respect and maintain the privacy of everyone involved to the greatest extent possible.

- The information reported to you should be relayed to the Title IX Office or Title IX Coordinator (*and/or to the campus public safety or security department in the event an immediate threat to the Reporting Individual or the campus community exists*).
- Information should be relayed only as necessary for the Title IX Office or Coordinator to investigate and seek a resolution or for Minnesota State to end the misconduct and prevent it from occurring again.
- Respect for privacy must be maintained, whether or not a request for confidentiality is made.

It is important that individuals understand that, even though you and the Minnesota State officials cannot guarantee confidentiality, their privacy will be maintained.

# Comprehensive Assistance & Support

## BE SAFE



Make sure the Reporting Individual is safe and has a safe place to go to. If there is any immediate danger, contact campus police or security, or dial 911 for local police.

## EMOTIONAL SUPPORT



Emotional support services can serve a critical role. Make sure a Reporting Individual understands they are not alone. Refer them to the Title IX website where they can get information on resources and options.

<https://www.knowyourix.org/college-resources/title-ix/>

## MEDICAL ATTENTION



Ask if the Reporting Individual needs medical attention. A SANE (Sexual Assault Nurse Examiner) at a local hospital emergency center provides free medical services for victims of sexual assault.

## FILE A REPORT



Just because you must report the incident does not mean the Reporting Individual should not also report if they wish to. Tell them they may file a complaint with the Title IX Office.

The safety and well-being of Reporting Individuals and the campus community is always our first concern. Reporting individuals have the right to contact law enforcement and to receive health care and counseling services, where available.

# Supporting Reporting Individuals

## Campus Resources Available

- Title IX Coordinator
- Campus Counseling Center
- Campus Public Safety or Security
- Student Health Center
- Student Faith Center or Organization

## Off-campus Community Resources

- Minnesota Day One Crisis Hotline
  - 1.866.223.111
- Sexual Violence Services
  - <https://cornerstonemn.org/for-adults/sexual-violence-services/>
- MNCASA
  - <https://www.mncasa.org>
- Sexual Violence Center
  - <https://www.sexualviolencecenter.org>

Various resources throughout Minnesota State can provide support to Reporting Individuals. Shown here are some of the resources that may be available to a Reporting Individual.

# Know Your Title IX Office

**Tam Bukowski**

Harassment/Discrimination Complaints, Human Rights and  
Title IX Compliance Officer

Office of Safety and Public Safety – Room 108, Main Building

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Alexandria Technical and Community College

1601 Jefferson Street, Alexandria, MN 56308

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