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INTRODUCTION

This booklet will help inform faculty, staff and students of how to respond to Title IX issues during travel programs including international trips. Title IX, rights of students, faculty and staff, and the procedures for reporting and investigating a complaint are included.

WHAT IS TITLE IX?

Title IX of the Education Amendments of 1972 prohibits discrimination based on gender in education programs and activities in federally funded schools at all levels. Essentially, no student can be excluded, denied opportunities or benefits, separated, or treated differently based on their gender. Extracurricular activities such as athletic teams, clubs, and travel abroad programs are all covered under Title IX.

Title IX protects those at the institution including all students, employees, potential students and employees from any type of discrimination. This includes discrimination based on gender identity, not conforming to traditional male or female gender roles and sexual orientation, nationality, race, disability or pregnancy. Title IX includes dating violence, domestic violence, stalking, and sexual harassment. Unless authorized to do so under Title IX, no one may discriminate on the basis of the traits listed above.

Under Title IX, an institution is obligated to designate a Title IX coordinator. For the duration of the travel abroad activities, the supervisor or sponsor of the activities will be assigned the role of a mandated reporter. Your job under Title IX will be to respond immediately to the complaint, separate those involved as much as possible, mediate the situation, and contact the main Title IX coordinator and inform him/her of the situation.

RIGHTS OF THOSE INVOLVED

Schools must be assertive in ensuring that the campus, as well as its students and staff, are free from gender discrimination. Both parties, as well as third-party reporters have rights when it comes to filing and receiving a complaint. Schools are not permitted to allow mediation of the complaint between the victim and the accused and must keep all parties that are involved safe.

Rights of the Complainant

- Against retaliation
- To request a no contact order
- To access on-campus services at no cost
- To have an advisor present at all meetings
- To be notified of the outcome
- To be fully informed throughout the process
- To appeal the outcome
- Against being discouraged to continue education
- To report to law enforcement

Rights of the Accused

- Against retaliation
- To an investigation
- To access on-campus services at no cost
- To a closed hearing
- To be notified of the outcome
- To be fully informed throughout the process
- To appeal the outcome
- Against being discouraged to continue education
- To make an impact statement

PROCEDURES

All institutions under Title IX must have procedures in place to quickly and efficiently act on complaints that arise.

1. Faculty must make arrangements to keep all parties safe (i.e. new hotel rooms, being separated, etc.)
2. Faculty must meet with the Title IX Coordinator to discuss options, and send students home, if necessary
3. Title IX Coordinator and faculty/staff lead will determine the next steps
4. Faculty and staff lead must document the process

When you are informed of a complaint:

Do

- Listen
- Stay calm
- Be supportive
- Ask before you take action

Don't

- Promise confidentiality (you are a mandated reporter)
- Force a victim to do anything they do not want to
- Blame the victim by saying "What were you wearing?" or "You shouldn't have been drinking."

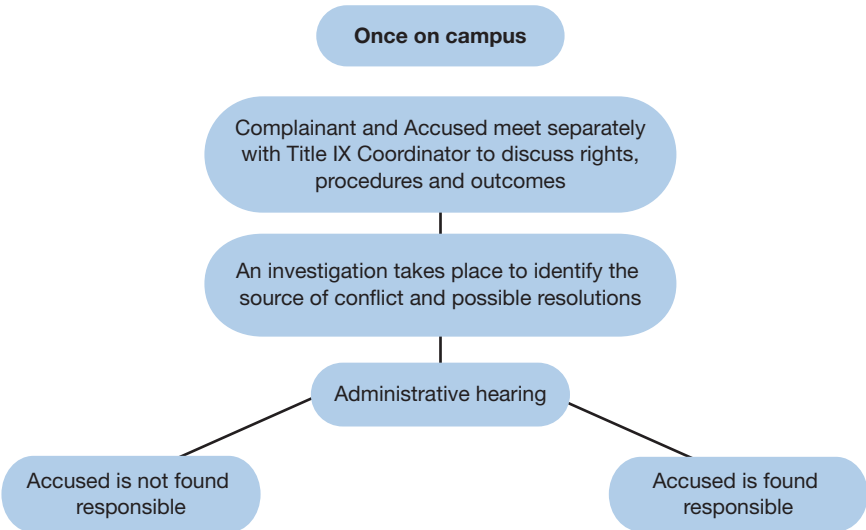
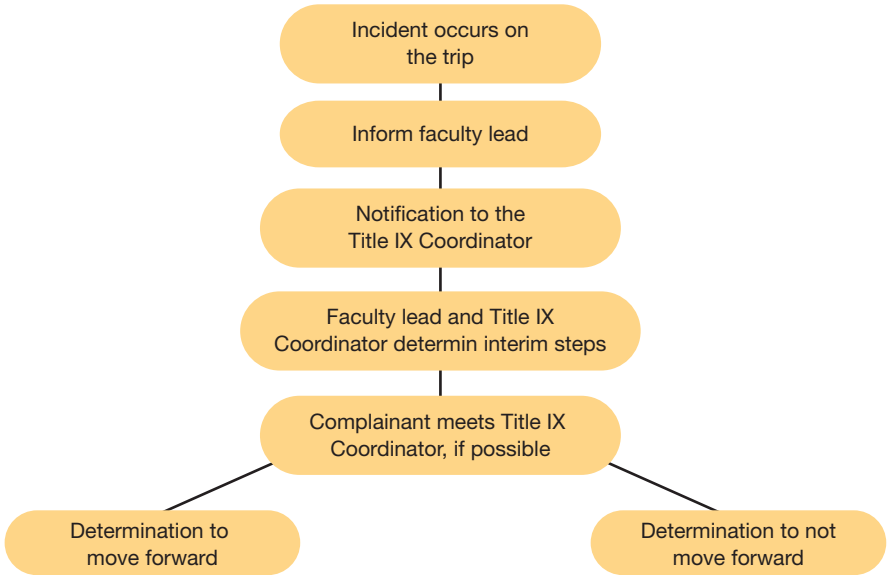
GRIEVANCE PROCEDURES

If you are traveling, and the trip is funded by the institution or is faculty led, American protective laws are still in effect in terms of how to handle a discrimination or harassment report.

After a report is submitted, an investigation on that complaint begins. The case will be investigated by the Title IX Coordinator. In order to identify the root of the problem, he/she will investigate and interview as necessary to propose a resolution. Both parties may contribute ideas of resolution that are appropriate to the case. Any evidence gathered will be considered confidential, unless the investigator speaks directly with the complainant or the accused. After reviewing evidence and interviewing fellow peers, the standard of evidence is based on a preponderance of evidence, meaning more likely than not that the conduct occurred.

During the investigation process, there are steps that can be taken to ensure that the threat has ceased and to ensure the safety of the student, faculty member, and anyone else that might be impacted. These include changing residence halls, host family or hotel rooms, classrooms, removal from the location of the trip or travel abroad program and the issuance of no contact orders.

FLOW CHART OF FHSU PROCEDURES



WHAT TO REPORT

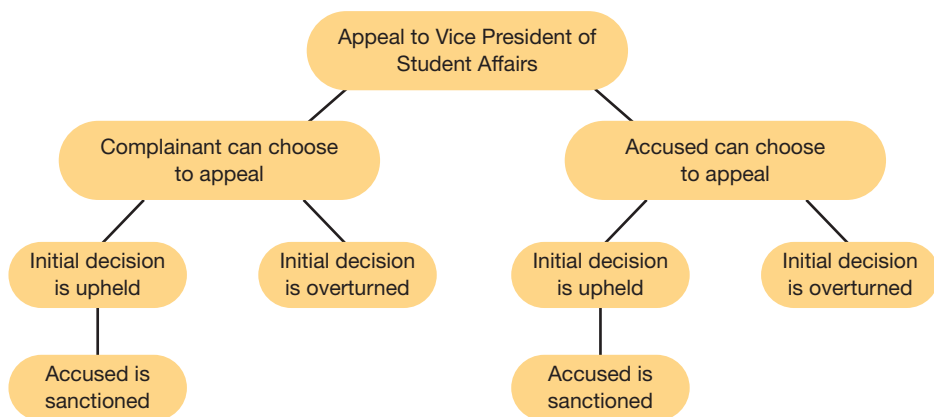
- Dating Violence
- Harassment
- Hazing
- Intimidation
- Rape
- Sexual Assault
- Sexual Harassment
- Stalking

WHERE TO REPORT

- Criminal Process
 - Police Department - 911
 - University Police Department - 785-628-5304
 - Offers partial confidentiality
 - Witnesses, the accused, and others involved will be contacted
- Administrative Process
 - Dr. Keegan Nichols, FHSU Title IX Coordinator - 785-628-5824
 - Staff/Faculty/Trip lead
 - Offers partial confidentiality
 - Must conduct an investigation where the accused party and responsible employees will be notified
- Confidential Process - will not expose details to any party
 - Kelly Center
 - Picken Hall, Lower Level - 785-628-4401
 - Student Health Center
 - Memorial Union, Lower Level - 785-628-4293
 - Options Domestic & Sexual Violence Service
 - 2716 Plaza Ave, Hays, KS - 785-625-3055

APPEALS PROCESS

Requests for appeal can be made within five business days of receiving the outcome. Appeals must be submitted in writing and include the date of the original hearing, the time, date and location of the incident, and any documented grounds for appeal. Decisions made at the appellate level are considered final. Below is a hypothetical flowchart of procedures if the original outcome was that the accused was found guilty.



TERMS

Accused - The party being accused of an incident

Complainant - The party reporting an incident

Consent - Voluntary, positive agreement between the participants with the appropriate mental capacity to engage in specific sexual activity

Dating Violence - Controlling, abusive behavior towards an intimate partner

Harassment - Creating a hostile, intimidating or offensive work, educational, and living environment using words, threats, physical violence and written notes

Hazing - Acts that are likely to cause physical or psychological harm or social ostracism to any person within the university community when related to the admission, initiation, pledging, joining, or any other group-affiliation activity

Intimidation - To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or conduct, but without displaying a weapon or subjecting the victim to actual physical attack

Rape - Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim

Recipient - The educational institution or organization receiving federal funding

Retaliation - Intimidating, threatening, coercing, or in any way discriminating against any individual because of the individual's complaint or participation

Sexual Assault - Any intentional sexual touching however slight with any object by a person upon another person that is without consent and/or by force

Sexual Harassment - unwelcome sexual or gender-based verbal, written, online, and/or physical conduct

Stalking - Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others or suffer substantial emotional distress



TITLE IX



Gender-Based Violence and Title IX Information

TRAVEL ABROAD



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