

Salisbury University

Sexual Misconduct Compliance Initiatives

As of December 1, 2015

Compiled by the Office of Institutional Equity: Fair Practices, Diversity and Inclusion

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The previous version of this document reported on compliance initiatives as of January 27, 2015.

I. Title IX Compliance Oversight

- A. President Janet Dudley-Eshbach approved the creation of the Office of Institutional Equity: Fair Practices, Diversity and Inclusion (OIE) in late November 2013. The OIE supports the University in its compliance and enforcement efforts by serving as an integral resource for Title IX issues. A strategic master plan for the OIE was developed, and it was formally launched in March 2014. The reporting structure was changed to the President's Office on April 1, 2014.
- B. The OIE is headed by the Vice President of Institutional Equity, Humberto Aristizábal, who has been designated Title IX Coordinator by President Dudley-Eshbach.
- C. The University appointed a new General Counsel, Susan Griisser, who works closely with the OIE to review its procedures and policies for legal sufficiency.
- D. The following positions were added to the OIE to support the University's compliance efforts: a Complaint Resolution and Compliance Specialist, a Fair Practices Coordinator, and a Diversity and Inclusion Specialist. Additionally, a second Fair Practices Coordinator position has been approved on a full-time, contingent basis, and a search is underway.
- E. Salisbury University's Title IX Coordinator was appointed to the workgroup convened by the Office of the Attorney General and University System of Maryland (USM) to work on sharing of best practices in procedures and training elements. The workgroup met on July 30 and October 9, 2014.
- F. Presently, the University's Title IX Team includes:
 1. Team Chair:
 - a) *Title IX Coordinator and Fair Practices Officer / Associate Vice President of Institutional Equity*
 2. Team Members:
 - a) *Senior Vice President of Academic Affairs and Provost*
 - b) *Vice President of Administration and Finance*
 - c) *Vice President of Advancement and External Affairs*
 - d) *Vice President of Student Affairs*
 - e) *Associate Provost*
 - f) *Associate Vice President for Human Resources*
 - g) *Assistant Vice President of Student Affairs / Dean of Students*
 - h) *Athletics Director*
 - i) *Complaint Resolution and Compliance Specialist*
 - j) *Diversity and Inclusion Specialist*
 - k) *Fair Practices Coordinator*

II. Notice of Nondiscrimination

- A. The University developed and published its "Title IX Statement," a notice of nondiscrimination. The notice was reviewed for legal sufficiency by the General Counsel and the Office of the Maryland Attorney General, and is compliant with the provisions set forth in the USM Policy on Sexual Misconduct.
- B. The notice is widely available to all campus constituents. It is prominently displayed on the University website and throughout campus, including administrative offices, common areas in academic and nonacademic buildings and residence halls, and distributed electronically to campus community members.

III. Prompt Investigation and Resolution

- A. Investigations of complaints of Sexual Misconduct, whether involving faculty, staff or students, are conducted by the trained OIE staff. The comprehensive investigation is conducted in a fair and equitable manner. Findings are based on the preponderance of evidence standard. Action taken seeks to eliminate the Sexual Misconduct, prevent its recurrence and address its effects.
- B. Notice of the outcome of the investigation or any changes to the outcome are disseminated to the parties concurrently, in writing, after a legal sufficiency review.

IV. Policy and Procedures

- A. In compliance with the USM Policy on Sexual Misconduct, and after discussions with various campus constituents, the University revised the following policy and procedures:
 1. The *Policy Prohibiting Sexual Misconduct and Other Sex- and Gender-Based Discrimination*, approved by the President on November 24, 2015, in compliance with the USM Policy on Sexual Misconduct; and
 2. The *Procedure for Investigating and Adjudicating Complaints of Sexual Misconduct and Other Sex- and Gender-Based Discrimination Against Non-Students*, effective November 24, 2015; and
 3. The *Procedure for Investigating and Adjudicating Complaints of Sexual Misconduct and Other Sex- and Gender-Based Discrimination Against a Student*, effective November 24, 2015.

B. The Student Code of Conduct, Policies and Procedures 2015-2016 was revised most recently in August 2015 to include:

1. Reference and link to both the *Policy Prohibiting Sexual Misconduct and Other Sex- and Gender-Based Discrimination* and the *Procedure for Investigating and Adjudicating Complaints of Sexual Misconduct and Other Sex- and Gender-Based Discrimination Against a Student*;
2. Description of the prohibited behavior;
3. Contact information for the University's Title IX Coordinator; and
4. The University's Title IX Statement.

C. The Fair Practices investigation process was formalized with the development of the implementation of the Sexual Harassment Complaint Form, Complainant's Advice and Choice of Resolution Option Form, Internal Fair Practices Complaint Intake Form, questionnaires, and fair practices investigation logs.

V. Clery Act Compliance

A. On August 14, 2014, members of the Title IX Team met with the Command Staff of the Salisbury University Police Department to address changes in the requirements of Clery report for 2014 required under the Violence Against Women Reauthorization Act (VAWA).

VI. MOU with Local Law Enforcement and Rape Crisis Program

A. On August 13, 2014, a meeting with the Wicomico County State's Attorney's Office was convened to discuss a partnership between the University and the State's Attorney's Office. The main objectives were to improve communication in cases of Sexual Violence and to develop MOUs with local law enforcement agencies. An Assistant State's Attorney was designated as the liaison with the University. A second meeting was held on January 24, 2015, and a follow-up meeting with the designee is forthcoming.

B. A meeting with the Director of the Life Crisis Center was convened to discuss a partnership between the University and this rape crisis program, which provides services to Wicomico County and surrounding jurisdictions (i.e., Worcester and Somerset counties). A draft of the MOU was submitted to the Office of the Attorney General for legal review.

VII. Amnesty Policy for Students

A. The University's Amnesty Policy has been broadened to reflect the requirements of HB 571 and USM Policy. It is no longer narrowly defined as a *Medical Amnesty Policy*, and it clearly states its applicability to students serving as witnesses in matter covered under the Policy.

VIII. Training

A. Prevention and Awareness Training Programs

1. On September 2, 2015, the OIE launched the following mandatory online training programs for all current employees (faculty, staff and student employees):
 - a) *Preventing Discrimination and Sexual Violence: Title IX, VAWA and Clery Act for Faculty and Staff*
 - b) *EEO Laws and Discrimination Prevention for Higher Education*
2. The following constituencies received targeted training:
 - a) *Resident Assistants (RA Orientation)*
 - b) *Housing and Residence Life Professional Staff*
 - c) *Incoming Students and Orientation Leaders (New Student Orientation)*
 - d) *Teaching Assistants and Graduate Assistants (TA/GA Orientation)*
 - e) *Department Chairs of All Schools (on Dear Colleague Letter of April 4, 2011)*
 - f) *New Faculty (New Faculty Orientation)*

B. Training for Persons Involved in Sexual Misconduct Cases

1. The Title IX Coordinator completed the following training program:
 - a) *Higher Education Discrimination Law: Essential Updates and New Challenges*
2. Other Title IX Team members completed the following training programs:
 - a) *Bullet Proof your Student Handbook: Policies to Avoid Liability in 2015*
 - b) *Life Crisis Center: Dating Violence 101 and the Lethality Assessment Program*
 - c) *Accountability Alliance: How to Successfully Manage Fraternity and Sorority Conduct Cases*
 - d) *Basic Investigative Techniques and Discrimination Law Theory*
 - e) *Threats and Vulnerabilities to College Campuses*
 - f) *Interrupting Violence on Campus: Engaging Men as Allies*
 - g) *Four Schools Share Lessons from Title IX Survey Experiences*
 - h) *MCASA Salisbury University Regional Training for Investigators (hosted by Salisbury University)*
 - i) *Looking Back, Moving Forward: Honoring 25 Years of the Jeanne Clery Act!*
 - j) *Youth on Campus: Policies and Protocols for 2016*
 - l) *Writing Investigative Reports*

2. The Title IX Coordinator is currently completing the online course “The Fundamentals of Clery Act Compliance for Campus Counsel and Administrators.”
3. The Title IX Coordinator provided training to fair practices/Title IX investigators, including members of the former student disciplinary board, no longer active, and the Salisbury University Police Department.
4. Six staff members attended a two-day Title IX Investigator Training offered by ATIXA:
 - a) *Associate Provost/Deputy Title IX Coordinator;*
 - b) *General Counsel;*
 - c) *Salisbury University Police Detective;*
 - d) *Complaint Resolution and Compliance Specialist;*
 - e) *Fair Practices Coordinator; and*
 - f) *Diversity and Inclusion Specialist*
5. The following staff members have completed the eight-week Title IX Coordinator course offered by NACUA:
 - a) *University President;*
 - b) *Provost and Senior Vice President for Academic Affairs;*
 - c) *Vice President of Administration and Finance;*
 - d) *Vice President of Advancement and External Affairs;*
 - e) *Vice President of Student Affairs;*
 - f) *Chief of Staff;*
 - g) *Deputy Chief of Staff, Director of Government and Community Relations;*
 - h) *Associate Provost;*
 - i) *Associate Vice President of Human Resources;*
 - j) *Associate Vice President of Institutional Equity;*
 - k) *Associate Vice President of Student Affairs;*
 - l) *General Counsel;*
 - m) *Chief of Police;*
 - n) *Assistant Vice President of Student Affairs/
Dean of Students;*
 - o) *Assistant Dean of Students;*
 - p) *Dean of Fulton School of Liberal Arts;*
 - q) *Dean of Henson School of Science and Technology;*
 - r) *Dean of Perdue School of Business;*
 - s) *Dean of Seidel School of Education and Professional Studies;*
 - t) *Dean of Graduate Studies and Research;*
 - u) *Dean of Libraries and Instructional Resources;*
 - v) *Director of Athletics*
 - w) *Lieutenant/Administrative Commander;*
 - x) *Complaint Resolution and Compliance Specialist;*
 - y) *Diversity and Inclusion Specialist; and*
 - z) *Fair Practices Coordinator*

IX. Record Keeping

- A. The OIE has created a metric baseline and database for discrimination cases at SU (Title IX and EEO), including internal and external complaints.
- B. The University has enacted a process to maintain records of any Sexual Misconduct trainings, including lists of trainees, dates of training and training content.

X. Other

- A. The OIE concluded an extensive review of its website and launched a revamped web page at the onset of the 2014-2015 academic year. It now features comprehensive access to information regarding diversity and inclusion in the Salisbury University campus, including information on Sexual Misconduct and other forms of discrimination.
- B. As part of its extensive website redesign, the OIE has created a “Document Library,” available at www.salisbury.edu/equity/library, where relevant policies and procedures, forms, statements, notices, etc., are easily accessible to the campus community and the public.
- C. The OIE and other campus stakeholders are presently in the initial stages of planning a Campus Climate Survey targeting students, faculty and staff, which would include questions regarding diversity and inclusion topics, including those related to campus sexual violence. The campus climate survey will be conducted during the spring 2016 term.



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