

Title IX Compliance Policy

Introduction and Scope

Consistent with its mission, CDU is committed to creating and maintaining a safe learning and working environment. CDU requires that this environment be free from sexual misconduct, which includes but is not limited to, sexual assault, sexual harassment, sexual exploitation, domestic violence, dating violence, and stalking. Such misconduct directed toward students, employees, or other members of the learning community, regardless of sexual orientation or gender identity, interferes with the CDU mission and will not be tolerated; this type of misconduct may also be criminal.

Notice of Nondiscrimination

CDU does not discriminate on the basis of race, color, national origin, sex, disability or age in its programs and services.

Options for Assistance

- Department of Justice Title IX Complaint information:
<https://www.justice.gov/crt/fcs/complaint-process>
- National Domestic Violence Hotline 1-800-799-SAFE (7223) OR 1-800-787-3224 (TTY)
- CDU Headquarters Contacts:
 - Shenandoah Women's Center
236 West Martin Street
Martinsburg, WV, 25401
Phone: 304-263-8522
24 Hour Hotline: Jefferson County 304-725-7080
Fax: 304-263-8559
Website: http://swcinc.org/
 - Charles Town Police Department:
304-725-2714
- Title IX Coordinator
Michele Woodward:
titleIX@cdu.edu
304-724-5000 x730

Prohibited Conduct

Definitions

Dating violence: Sexual or physical abuse, not included in the category of domestic violence, committed within a social or romantic relationship whereby the victim incurs physical harm.

Domestic violence: According to the Department of Justice, domestic violence includes “felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction.” (<https://www.justice.gov/ovw/domestic-violence>)

Hostile environment caused by sexual harassment: Unwelcome conduct, based on sex or gender, which becomes a condition of continued employment or study, and which creates an intimidating, hostile, or abusive environment.

Intimidation: Coercion or discrimination directed at someone in the specific context of a Title IX investigation, or with the intent to deter, prevent, or otherwise affect the outcome or occurrence of such an investigation.

Retaliation: The act of seeking revenge upon another person, including intimidation, threats, coercions, or discrimination directed to someone related to an investigation or related activity defined in this policy.

Sexual assault: Any sexual touching or contact occurring without consent or given after consent is withdrawn to include non-consensual sexual contact and non-consensual sexual intercourse.

1. Non-consensual sexual contact is any touching other than sexual intercourse given without consent.
2. Non-consensual sexual intercourse is any penetration (anal, oral, or vaginal) without consent.

Sexual exploitation: Taking sexual advantage of a vulnerable person or the abuse of power or position.

Sexual harassment: Unwelcome conduct of a sexual nature.

Stalking: Engaging in activity or conduct toward a person that would cause a reasonable person to a) fear for that person's safety or the safety of others known to that person, or b) suffer substantial emotional distress.

Assistance Following an Offense: For emergencies regarding any sexual misconduct, victims should dial 9-1-1 or local or national hotlines. Students and employees may also contact the Title IX Coordinator.

Title IX Coordinator

The CDU Title IX coordinator, or temporary designate, coordinates all reports and investigation processes related to this policy. CDU's Current Title IX Coordinator, Michele Woodward, can be reached at TitleIX@cdu.edu, 304.724.5017, or by mail:

Catholic Distance University
Attn: Title IX Coordinator
115 West Congress Street
Charles Town, WV
Phone: 304-724-5000
Email: TitleIX@cdu.edu

Title IX Coordinator will:

- Be sufficiently trained in, and have access to, CDU Title IX Policies and U.S. Department of Education regulations and guidance with respect to Title IX.
- Coordinate reports and investigations, where appropriate.
- Be accessible to students and employees as appropriate.
- Be sufficiently objective and avoid conflict-of-interest.
- Issue actions as a result of a report or investigation.

Reporting Policies and Procedures

The Title IX reporting policy encompasses a multi-step process in which the Title IX coordinator may process reports after initial intake by responsible parties or external law enforcement or health personnel.

Responsible Party Reporting Requirements:

CDU responsible parties include any member of the administration, student support, human resources, or faculty. A person who wishes to report an incident of sexual harassment, sexual assault, or other incident implicating Title IX may report that incident to any responsible party. Responsible parties have the obligation to:

- Promptly contact the Title IX Coordinator and report what they know about the incident.

- Notify the person involved in the incident that the responsible party has an obligation to report the incident to the Title IX Coordinator and that privacy cannot be granted with regard to the incident and the names of the individuals involved. The Title IX Coordinator will maintain confidentiality per this written Policy (See “Confidentiality” below).

Confidentiality

CDU employees will only disclose information regarding alleged Title IX offenses on a “need to know” basis to individuals who are responsible for handling CDU’s response. In the event CDU determines that it can respect a complainant’s request for confidentiality, CDU will take all reasonable steps to respond to the institutional complaint or responsible employee report consistent with the request and to determine what interim measures are appropriate or necessary. In the event CDU determines it must disclose the complainant’s identity to an alleged perpetrator, CDU will inform the complainant prior to making the disclosure. Duties of the Title IX Coordinator with respect to confidentiality include:

1. Together with other appropriate CDU personnel, the Title IX Coordinator will work with the individual making the complaint to determine if any law enforcement or other authorities should be notified.
2. The Title IX Coordinator will evaluate a request for confidentiality or a request not to pursue an investigation. Such requests will be evaluated based on CDU’s responsibility to provide a safe and nondiscriminatory environment for all students and employees.

Grievance Procedures

CDU will process all complaints in accordance with the procedures in this Policy. CDU respects privacy of the individual and will handle any reports with sensitivity, but will report names and information about an alleged offense consistent with Title IX regulations. Those seeking assistance in filing a report may call or email the Title IX coordinator.

If a person would like assistance in completing this report, please call the Title IX Coordinator at 304.724.5000 or TitleIX@cdu.edu

In emergency situations or in concerns of safety or criminal activity, local law enforcement or 9-1-1 emergency should also be should contacted; *the CDU Title IX reporting is not a substitute for these agencies*. CDU will work with law enforcement or emergency services who will provide an individual with the appropriate trauma-informed care.

When a report is directed to the Title IX Coordinator, the coordinator will attempt to collect as much information as possible, including but not limited to: name, position or title, address,

phone number, email address, date, time and location of incident, name and relationship of parties involved, and a description of the incident or situation. The Title IX Coordinator will also collect information on any other law enforcement, health professional or other parties that have been notified. Supporting documentation and relevant media will also be collected to the extent possible.

Upon obtaining appropriate supporting documentation, relevant media, or other additional information, the Title IX coordinator with necessary CDU personnel will promptly establish a set of required actions, aimed at the safety of the individuals and the learning community. Such actions may include, but are not limited to, reprimand, suspension, or expulsion of a student or reprimand, suspension, or termination of an employee.

A report or series of reports may cause university-wide initiatives, such as additional training and awareness.

Prevention, Education, and Training

CDU Title IX policies will be included in the Catalog and Student Handbook, the CDU Website, the Faculty Handbook, and the Employee Handbook, and students, faculty, and employees will be directed to these policies yearly.