

FACULTY SEXUAL VIOLENCE PREVENTION EDUCATION

DISABILITY OVERVIEW AND STUDENT ACCOMMODATIONS

Shelly Liapes & Matt Lahey

Spring 2018



In other news...



POLICIES!



2016 Sexual Conduct and Campus Climate Questionnaire

4% of students reported they
have personally experienced
sexual assault, and

14% of students reported they
have personally experienced
non-consensual sexual contact.

6%

**Women Reported
Sexual Assault**

24%

**Women Reported
Non-Consensual
Sexual Contact**

Consent

Consent

Consent

Consent

Consent

Affirmative Consent

Consent

Consent

Consent

Consent

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INCAPACITATION

Inability to make a **knowing** and **deliberate** choice.

Policies @

Dating Violence

Domestic Violence

Stalking

Hostile Environment



Jeff & Brooke

A few days before Jeff's house party, a girl named Brooke, in his Marketing class, posted a snap story of her and her friends posing in the mirror with the caption, "We give a f**k." Jeff didn't think much of it until Brooke showed up at his party. The two started talking after a few beers and they ended up in Jeff's room at the end of the night. Both were tipsy, but not drunk. Jeff kissed Brooke on the cheek. She held his hand and moved it up against her breast. They began kissing each other. Jeff lifted Brooke's shirt, and she helped him take it off. Then, Jeff took off his own shirt. They continued kissing and touching each other's chests. Jeff unbuttoned Brooke's shorts, and she pulled down his athletic shorts. Jeff asked "How far do you want to go?" Brooke replied "I'm fine. I just don't want to have sex." Jeff put his hand inside Brooke's underwear and asked her, "are you good?" Brooke responded, "yeah." Jeff began inserting his fingers into Brooke's vagina, but 2 minutes later, Brooke moved Jeff's hand away and said "I think we should stop." Jeff stopped and said "Is everything OK?" Brooke said "It's fine. I just have a test in the morning and I think I should study a little bit more." They both got dressed and Jeff walked her back to her dorm. They kissed and he left.

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BAYLOR
UNIVERSITY

PENNSSTATE



MICHIGAN STATE

UNIVERSITY®



UNIVERSITY OF MINNESOTA



Duty to Report

NOT TO DO LIST



Try to resolve or investigate on your own.



Wait until you have “perfect” information.



Be dismissive or underestimate seriousness.



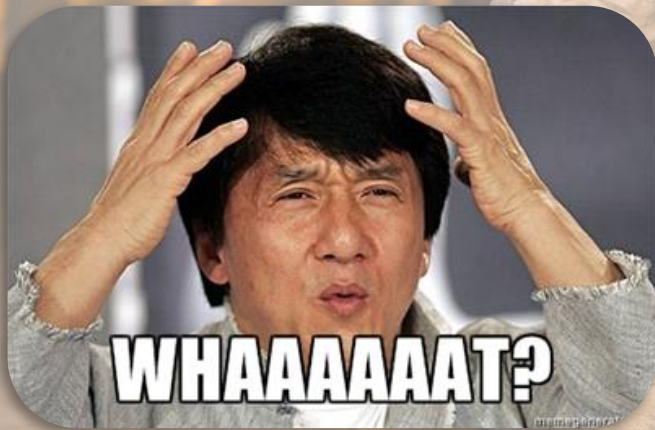
Guarantee confidentiality.



Report Despite...



**FAKE
NEWS**



Who Do I Report To?



Shelly Liapes
Faculty Affairs Specialist
(574) 631-3100
sliapes@nd.edu

Mark Kocovski
Interim Director, Office of Institutional Equity
University Title IX Coordinator
(574) 631-0443
equity@nd.edu

Amber Monroe
Manager, Student Title IX Services
(574) 631-7728
DepTitleIXCoordinator@nd.edu

When a Student Shares Information



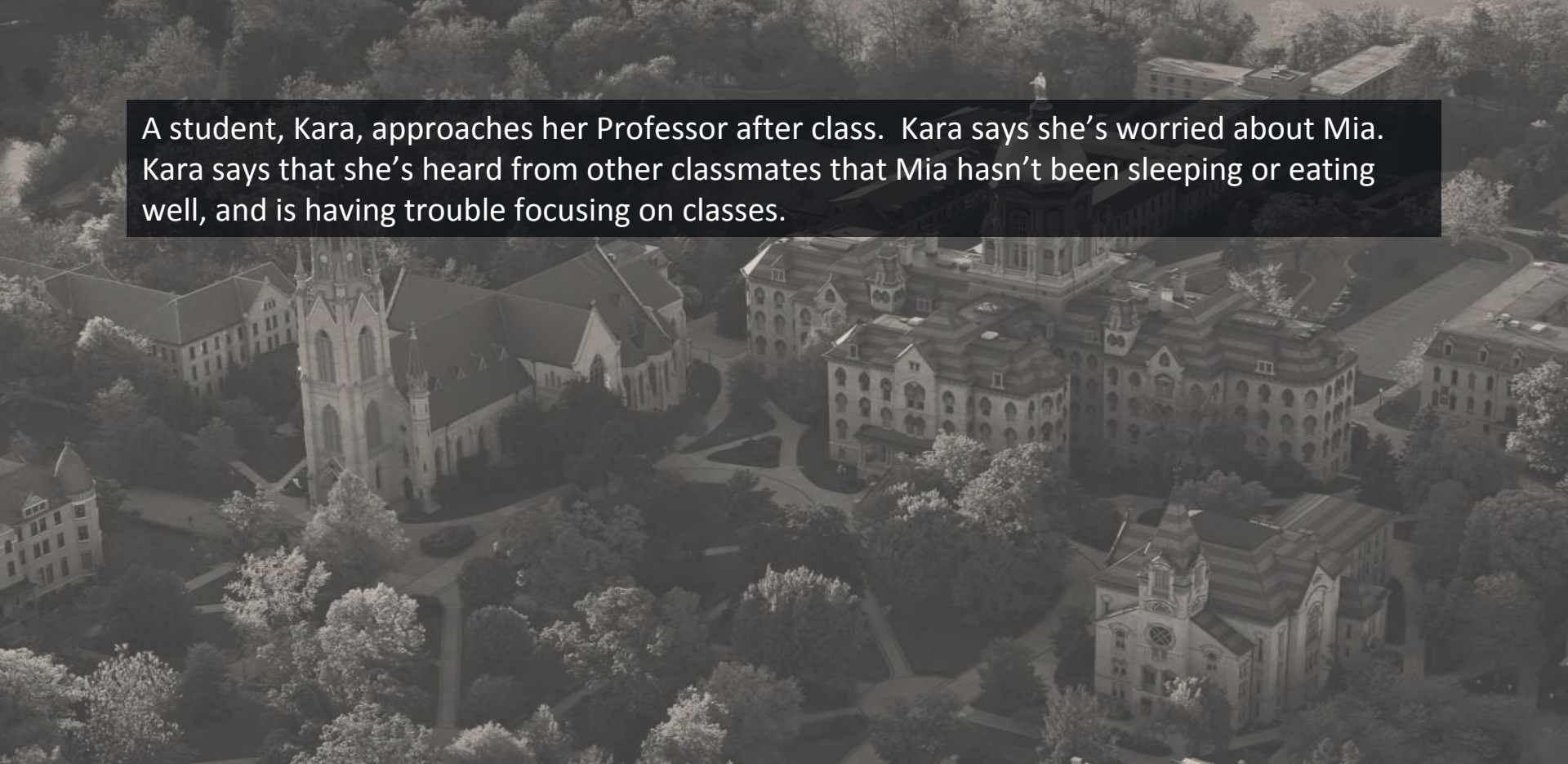
Mia & Eric

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INITIAL HANDLING OF REPORT

- Meeting with complainant
- No-Contact orders -- Resources Coordinators -- Interim Measures
- Initial Assessment --Decision on proceeding
- Meeting with respondent
- Support the student by encouraging them to use their assigned RC to get answers to questions and to connect with resources

ADMINISTRATIVE RESOLUTION PROCESS

- Involves an investigation
- Support students by encouraging use of RC--prepare for length of process
- Interviews of complainant, respondent and any witnesses
- Result -- Possible disciplinary action
- Preliminary Report --opportunity to submit additional evidence
- Final Report with finding(s) and outcome(s)--Administrative Review Board role

ALTERNATIVE RESOLUTION PROCESS

- Remedies based -- not disciplinary in nature--voluntary -- both parties must agree
- Either party can request to end at any time -- complainant can request referral to Administrative Resolution if respondent does not agree to participate
- Support students by encouraging use of RC and advisor resources
- If parties reach agreement, matter is closed with Title IX office -- NCO remains in place
- If respondent not complying with agreement, Title IX will first communicate with respondent and contact in athletic department to seek cooperation, but if refusal, case referred to OCS

Sam and Chris

- The Student Title IX office receives Sam's report. An initial meeting is scheduled with Sam. Sam wishes to pursue the Alternative Resolution Process. The University reviews the case and decides the Alternative Resolution Process is an available manner of resolution. Chris also agrees to the process.
- The University seeks to complete the process within 60 days. The NCO remains in place.
- During the Alternative Resolution process, the parties reach an agreement. Chris is required to attend a series of educational sessions and meetings over the next three months, but remains at the University and the NCO remains in place.

Sam and Chris

Sam decides to pursue an Administrative Resolution Process.

An investigation begins involving interviews with Sam, Chris and several students who are named as witnesses. The University seeks to complete the Administrative Resolution process within 60 days. During the time the process is ongoing, the NCO remains in place.

Following the Administrative Resolution process, there is a finding of no policy violation. --or--

Following the Administrative Resolution Process, there is a finding that Chris is responsible for a policy violation, and Chris is placed on disciplinary probation for the remainder of the semester and next semester with the NCO remaining in place.

What you can do once a report is made and the Title IX Process is underway:

- **Know the resources available for students (They all have a Resource Coordinator)**
- **Make sure students know your role and its limits--your role is support not as an advisor or information gatherer**
- **Stay in touch with Title IX Office and reach out with questions**
- **Best way to help your students is to take care of yourself**

If you have direct concerns: (<https://equity.nd.edu/get-help/>)

Confidential Resources: (<https://equity.nd.edu/get-help/confidential-resources/>)

Disability Overview and Student Accommodations

Topics

- Notre Dame Policy
- Defining Disability
- Students with Disabilities at Notre Dame
- Types of Accommodations
- Interactive Process
- Responsibilities

Notre Dame Policy

The University of Notre Dame is committed to the fair and equitable treatment of all members of the University community. Qualified students with disabilities will be provided equal opportunities in accordance with the requirements of the Americans with Disabilities Act, Section 504 of the Rehabilitation Act of 1973, and other applicable state and federal laws.

Who Has a Disability?

- A person who has a physical or mental impairment that substantially limits one or more major life activity.

What is a Major Life Activity?

- Caring for oneself, Performing manual tasks, Eating, Sleeping, Walking, Standing, Lifting, Bending, Speaking, Breathing, Working
- Seeing, Hearing, Learning, Reading, Concentrating, Thinking, Communicating

Most Common Notre Dame Disability Types

- Attention Deficit Hyperactivity Disorder (ADHD)
- Mental Health Condition
- Chronic Medical Condition
- Learning Disability
- Visual
- Hearing
- Mobility
- More than 800 students with disabilities in 2016-2017

Who is Qualified?

A student who can meet the essential requirements of our programs or classes with or without reasonable accommodations.

What is a Reasonable Accommodation?

A modification to a non-essential component of a course or academic program that removes a barrier in order to provide equal access. The accommodation cannot alter fundamental components of the course or academic program, nor can it lower academic standards.

Types of Accommodations

- Testing Accommodations
- Auxiliary Aids and Services
- Academic Modifications
- Non-Academic Accommodations

Interactive Process

- The University must consider accommodation requests on a case-by-case basis, no matter how stated
- Depending on the nature of the accommodation requested, the Disability Services may need to have discussions with:
 - Instructor of course
 - DUS or DGS
 - Assistant or Associate Dean of College
 - Provost's Office

What Does the Office of Disability Services Provide to Students with Disabilities?

- Equal Access and Inclusion
 - An equal opportunity to demonstrate what a student knows
 - Not an advantage
 - “Level the playing field”
- Administer and coordinate the process by which qualified students with disabilities can request and receive reasonable accommodations

Faculty Responsibility

- Be aware of University policies regarding students with disabilities. All are available on the Disability Services website.
- Refer students to Sara Bea Disability Services when necessary – and when in doubt.
 - If a student asks you for an academic accommodation, make no commitments; instead, refer the student to Disability Services.
- If consulted by Disability Services, determine what the essential components of your course are – and why.

Student's Responsibility

- Must self identify to Sara Bea Disability Services and provide documentation of the disability
- Must meet with Coordinator or Associate Coordinator at Disability Services to request accommodations
- Must follow process for requesting and implementing accommodations

Sara Bea Disability Services Responsibility

- Obtain and review medical documentation to determine if the student is a qualified student with a disability
- Receive requests for accommodations and initiate discussions with faculty or other campus partners, as appropriate
- Make final determination if an accommodation is reasonable

Confidentiality

Disability Services does not share information about a student's identity or disability with an instructor without student consent

Questions and Contact Information

Sara Bea Center for Students with Disabilities

- Scott Howland, Coordinator showland@nd.edu
- Mandie Waling, Associate Coordinator awaling@nd.edu
- sarabeadisabilityservices.nd.edu/
- (p) 574-631-7157
- (f) 574-631-2133

