Elon University
Title IX Policies and Procedures
Revised January 2014

Nondiscrimination Policy

Elon University does not discriminate on the basis of sex in its programs and activities. Federal law prohibits discrimination on the basis of sex including sexual harassment as well as sexual violence (Title IX of the Education Amendments of 1972). The University has designated the following person(s) as Title IX Officer(s) to coordinate compliance and handle inquiries regarding this nondiscrimination policy.

**Title IX Officer:** Dr. Jana Lynn Fields Patterson, Associate Vice President for Student Life and Dean of Student Health and Wellness, Ellington Center for Health and Wellness 104, 2970 Campus Box Elon, NC 27244, (336) 278 7200; patters@elon.edu

**Deputy Title IX Officer for Athletics:** Ms. Faith Shearer, Associate Athletic Director and Senior Women’s Administrator, Alumni Field House 239-H, 2500 Campus Box, Elon, NC 27244, (336) 278-6790; fshearer@elon.edu

**Deputy Title IX Officer for the Law School:** Ms. Alexis Martinez-Fedrizzi, Assistant Dean of The Law School for Student Affairs, Law School Room 110-D, 2005 Campus Box, Elon, NC 27244, (336) 278-9256; amartinez5@elon.edu

Elon University has a legal obligation to ensure a working and learning environment that is free from discrimination or harassment. **Elon University has procedures to receive, investigate, respond to and resolve complaints of discrimination, including harassment based on sex.** Title IX violations include discrimination on the basis of sex or gender and include sexual harassment, sexual exploitation, nonconsensual sexual acts, and sexual misconduct. In this policy, “discrimination,” refers generically and inclusively to all forms of discrimination based on sex or gender, including sexual harassment, sexual exploitation, nonconsensual sexual acts, sexual misconduct and sexual violence.

**Definitions**

**Sex Discrimination:** Conduct that denies or limits a person’s ability to benefit from or fully participate in educational programs or activities or employment opportunities because of a person’s sex. Examples of the types of discrimination that are covered under Title IX include, but are not limited to, sexual harassment, sexual misconduct, failure to provide equal opportunity in educational programs and co-curricular programs including athletics, discrimination based on pregnancy, and employment discrimination.

**Gender Discrimination or Gender Harassment:** Prohibited sex discrimination also includes discrimination or verbal, non-verbal or physical harassment which is based on the person’s gender but which is not sexual in nature. Elon University’s policies prohibit gender-based harassment, which may include discrimination or harassment on the basis of sexual orientation, gender identity or gender expression, and harassment or discrimination on the basis of sex stereotyping.
Sexual Harassment: Unwelcome conduct of a sexual nature including unwelcome sexual advances, requests for sexual favors, or other verbal, non-verbal or physical conduct of a sexual nature that is sufficiently severe, persistent or pervasive that it has the effect of unreasonably interfering with, limiting or denying someone the ability to participate in or benefit from the University's educational program. Examples of this type of prohibited sex discrimination include but are not limited, to slurs, threats, derogatory or suggestive comments, unwelcome jokes, exposure to sexually-oriented literature or pictures, sexual violence, teasing or sexual advances and other similar verbal or physical conduct, including e-mail, phone calls or other online communications. Sexual violence including rape, sexual assault, sexual battery and sexual coercion are forms of sexual harassment covered under Title IX.

Non-Consensual Sexual Acts/Sexual Misconduct: Any attempted or actual sexual contact directed against another person in the direct absence of effective, mutually understandable consent. The use of force or perceived force to coerce a person into performing sexual acts against his/her will, or not forcibly or against that person's will where the victim is incapable of giving consent because of his/her temporary or permanent mental or physical incapacity or use of drugs or alcohol; or any groping, touching, or fondling of another against his/her will or where the victim does not or is incapable of giving consent. Examples of sexual acts include but are not limited to contact with breasts, buttocks, groin, genitals, or mouth; oral copulation; or any form of vaginal penetration. Sexual violence including rape, sexual assault, sexual battery and sexual coercion are forms of sexual harassment covered under Title IX.

Sexual Exploitation: Occurs when a person takes nonconsensual or abusive sexual advantage of another for his/her own advantage or benefit, or to benefit or advantage anyone other than the one being exploited. Examples of sexual exploitation which is prohibited sexual discrimination include but are not limited to: prostitution of another student, videotaping or photography without consent; going beyond the boundaries of consent, peeping tommy, inducing incapacitation for the purposes of engaging in sexual activity with the incapacitated person, or knowingly transmitting HIV or an STD.

Making a Report:

The Title IX Officer has primary responsibility for coordinating efforts for the investigation, resolution, implementation of corrective measures, and monitoring the educational environment and workplace to stop, remediate, and prevent discrimination based on sex. To assist Elon in preventing discrimination based on sex or gender, all members of the university community should contact the Title IX Officer or one of the Deputy Officers if they are personally subjected to or if they observe conduct that may be in violation of Elon University's policies prohibiting discrimination on the basis of sex or gender.

The following officers and individuals are designated as mandatory reporters when they receive reports or complaints of alleged sex and gender-based discrimination including sexual harassment, sexual assault, and other forms of sexual misconduct involving students. Mandatory reporters include chairs, deans, department and senior administrators, supervisors, human resources staff, campus safety and security, residence life and student conduct administrators. Faculty and other employees supervising overnight domestic or international student trips are also required to report violations of Title IX. All mandatory reporters must promptly report the incident to one of the University's Title IX Officers, who will determine the most appropriate course of action to ensure a prompt and equitable response, in accordance with University policy.

If the Title IX Officer (or deputy officer) is the person alleged to have discriminated, a complaint may be filed with Ms. Carla Ugboro, Assistant Director of Human Resources for Employee Relations, The Office of Human Resources, Human Resources Building, (336) 278-5560.
To file a complaint, the individual may make a verbal or written report to the Title IX Officer detailing the alleged violation of the law. It is important that the complainant explain what he or she would like to result from the resolution of the complaint. The complaint should be filed as soon as possible and will be investigated in a timely manner.

Persons making a complaint will be informed about options for resolving potential violations of the policies prohibiting discrimination based on sex. These include informal resolution, formal investigation and handling under the applicable University policy, and the availability of resources outside of any University process. Complainants shall also be informed about the range of outcomes of the handling of a complaint including the availability of interim protections, remedies for those being harmed by violations of the policy and actions that may be taken against those accused of a violation.

All investigations should be completed within the guidelines specified by the appropriate adjudicating policy found in the Student Handbook, The Staff Handbook and the Faculty Handbook. Additional information about Title IX grievance procedures may be found at the Inclusive Community website at http://www.elon.edu/e-web/org/inclusive-community/. Grievance procedures may also be reviewed in the Office of Student Health and Wellness located in the Ellington Center for Health and Wellness.

Confidentiality of Reports of Discrimination

The University attempts to balance the needs of the parties for privacy with the institutional responsibility of ensuring a safe educational environment and workplace. Confidentiality is an aspiration, but is not always possible or appropriate. An individual’s requests regarding the confidentiality of reports of discrimination or harassment will be considered in determining an appropriate response; however, such requests will be considered in the dual contexts of the University’s legal obligation to ensure a working and learning environment that is free from discrimination or harassment and the rights of the accused to be informed of the allegations and their source. Some level of disclosure may be necessary to ensure a complete and fair investigation.

Confidential Resources

There are confidential resources available on campus.

To seek advice and confidential resources: Members of the community may seek confidential guidance and support through the following campus resources. These resources may be consulted at any time in the process, including prior to making an official report. Exceptions to confidentiality may be dictated by state statute in cases of imminent danger or child welfare. Because content of discussions with confidential resources is not reported to a Title IX Officer or mandatory reporter, such discussions do not serve as notice to the University to address the alleged discrimination or harassment.

- The Coordinator for Violence Response, (336) 278-7200 or (336) 278-3333 (any time)
- Counseling Services, R.N. Ellington Center for Health and Wellness, (336) 278-7280
- Health Services, R.N. Ellington Center for Health and Wellness, (336) 278-7230
- Members of the Truitt Center for Religious and Spiritual Life staff who are ordained and acting in their role as a clergy-member
- Employee Assistance Program (faculty and staff), Alamance Regional Medical Center, 1238 Huffman Mill Road, Burlington, NC 27215, (336) 538-7475.
The complainant may also, or instead, file a complaint with the United States Department of Education (Office of Civil Rights) at any time.

The OCR office for North Carolina is located at:

Washington DC (Metro)  
Office for Civil Rights  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, D.C. 20202-1475

Telephone: 202-453-6020  
FAX: 202-453-6021  
TDD: 800-877-8339  
Email: OCR.DC@ed.gov

Other Resources

Please also note that emergency response procedures and resources to assist victims of sexual harassment, sexual exploitation or acts of sexual misconduct (including sexual assault) are available by contacting the Office of Campus Safety and Police at (336) 278-3333 or (336) 278-5555 at any time.

Additional education and materials about Title IX, sex discrimination, sexual harassment and other related issues are available:

The Office of Student Health and Wellness, Ellington Center 104  
The Office of Student Conduct, The Center for Leadership  
Elon University Student Handbook  
Sexual Assault and Interpersonal Violence Response at http://www.elon.edu/e-web/students/saa/default.xhtml  
Campus Safety and Police at http://www.elon.edu/e-web/bft/safety/  
Elon University Inclusive Community website at http://www.elon.edu/e-web/org/inclusive-community/  
The Office of Human Resources at http://www.elon.edu/e-web/bft/hr/

Retaliation will not be permitted. An individual who is subjected to retaliation (e.g. threats, intimidation, reprisals, or adverse employment or educational actions) because he or she (a) made a report of discrimination or harassment in good faith, (b) assisted someone with a report of discrimination or harassment, or (c) participated in any manner in an investigation or resolution of a report of discrimination or harassment, may make a report of retaliation under these procedures. The report of retaliation will be referred by the Title IX Officers to the appropriate academic or administrative supervisor or to the University Office of Student Conduct of immediate action.

Centralized Coordination, Monitoring, and Reporting

In some circumstances, investigation and disposition of complaints may be referred to other offices within the University such as University Human Resources or the Office of Student Conduct for proper handling. To assure University-wide
compliance with this policy and with applicable law, the Title IX Officer receives reports of all incidents of sex discrimination and their resolution, regardless of how the complaint is brought, investigated, or resolved, except as noted in Confidential Resources section.

Annual reporting shall be made by the Title IX Officer to the Office of the President, Office of the Vice President for Student Life, and to the Office of the Provost.

The University also complies with federal statistical reporting obligations and timely warning reporting obligations under the Clery Act. All faculty, staff and students will be provided an electronic copy of these procedures annually. No information that identifies individuals will be reported in the annual statistical reports.

Office of Student Health and Wellness, January 2014