

Title IX Overview

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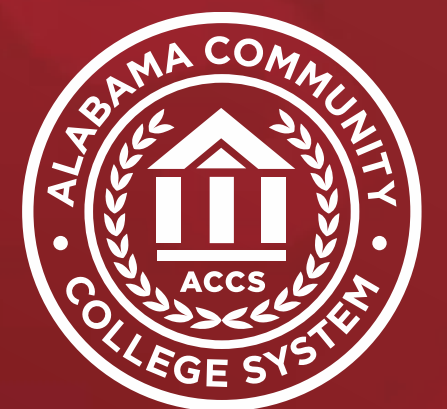
Spring 2023

Charlotte McLendon

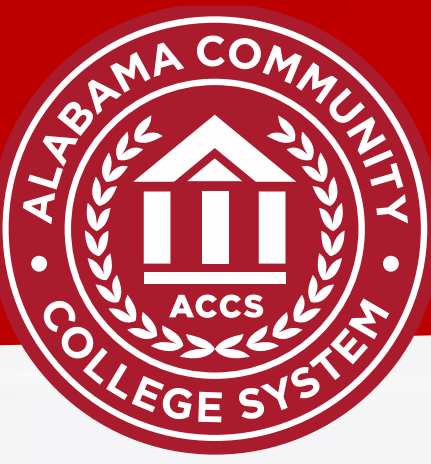
Student Success Compliance Officer

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MEETING AGENDA



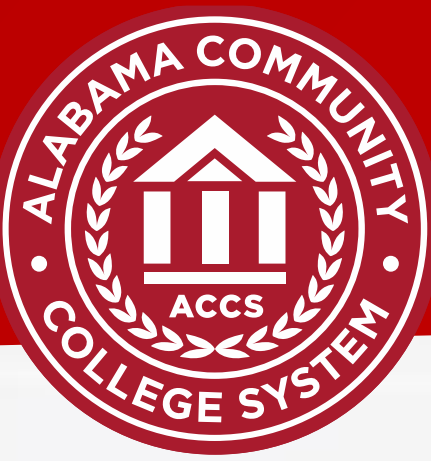
- What is Title IX
- Current Title IX Law
- Title IX Key Terms
- Reporting Title IX
- Pregnant and Parenting Students
- Retaliation
- Title IX- What Role Do I Play?
- Cost of Non-Compliance
- Possible Changes- Biden Administration
- Upcoming Training
- Resources

HOUSEKEEPING ISSUES



- **This presentation refers to general topics of high sensitivity, however no detailed examples of sexual misconduct will be used in the presentation.**
- **There is an obligation to conduct Title IX matters free from bias and unlawful discrimination. That includes this training.**

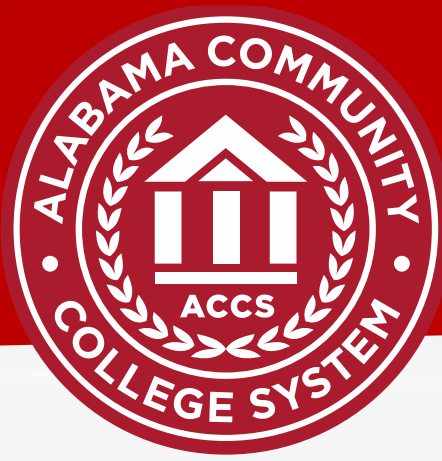
TITLE IX



Title IX is a federal civil rights law that states “No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.”

- Covers not only equity in athletic programming, but all forms of discrimination based on sex.
- Protects students and employees.
- Applies to all institutions that receive federal financial assistance, either directly or indirectly.
- Enforced by the U.S. Department of Education’s Office of Civil Rights.

TITLE IX CURRENT REGULATIONS



Current Title IX regulations were published on May 6, 2020, and took effect August 14, 2020

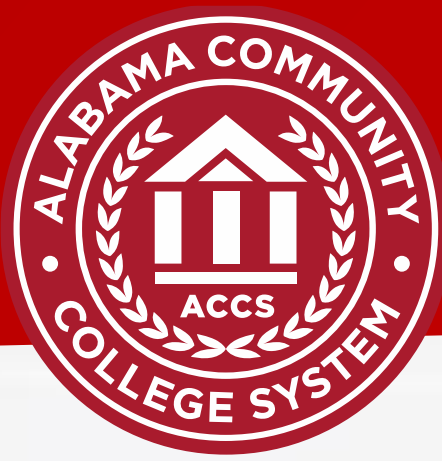
- Requires schools:
 - Respond promptly and supportively to persons alleged to be victimized by sexual harassment.
 - Resolve allegations of sexual harassment promptly and accurately under a predictable, fair grievance process that provides due process protections to alleged victims and alleged perpetrators of sexual harassment.
 - Effectively implement remedies for victims.

TITLE IX APPLIES TO.....



- Student on student matters
- Employee on employee matters
- Employee on student matters
- Student on employee matters

TITLE IX KEY TERMS



Complainant- An individual who is alleged to be the victim of conduct that could constitute sexual harassment. (The Accuser)

Respondent- An individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment. (The Accused)

Officials with Authority- any official who has authority to institute corrective measures on behalf of the college

Supportive Measures – non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or the Respondent before or after a filing of a Formal Complaint or where no Formal Complaint is filed designed to restore or preserve equal access to the College’s education program or activity without unreasonably burdening the other party.

TITLE IX KEY TERMS



Title IX Grievance- the notice of sexual harassment or allegations of sexual harassment to the Title IX Coordinator or an Official with Authority

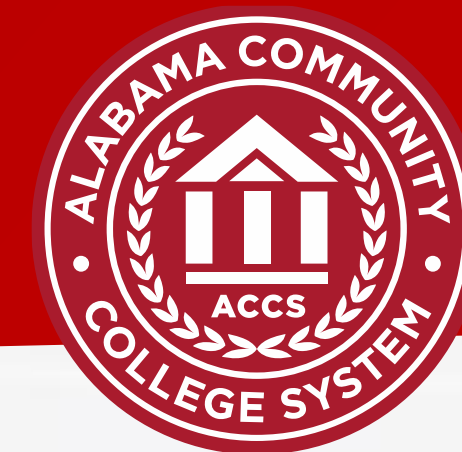
Formal Title IX Complaint- is a document signed by the Complainant or signed by the Title IX Coordinator alleging sexual harassment against a Respondent and requesting that the College investigate the allegation of sexual harassment.

Jurisdiction- Locations, events, or circumstances (operations) over which the institution exercises substantial control over both the Respondent AND the context in which the sexual harassment occurs.

Title IX Jurisdiction

Pertains to actions of Prohibited Conduct committed by or against students and employees when:

- **On campus or property** owned or controlled by the College, including buildings owned or controlled by a student organization that is officially recognized by the College
- **In the context of a College employment or educational program or activity,** including, but not limited to, research, online, or internship programs



What is or May Be Title IX vs. What is NOT Title IX

What is or May be Title IX	What is NOT Title IX
<ul style="list-style-type: none">• Discrimination based on gender• Sexual Harassment• Bullying/Cyber-Bullying or Hazing when it involves sexual misconduct• Sexual Assault• Dating Violence• Stalking• Domestic Violence• Pregnancy Discrimination	<ul style="list-style-type: none">• Disability Discrimination (ADA)• Employment or Student Discrimination based on race, religion, or national origin (Title VII and Title VI)

FORMAL TITLE IX COMPLAINT



To qualify for a formal Title IX complaint the grievance must satisfy one or more of the following and have occurred within the college's jurisdiction.

An employee of the recipient (the College) conditioning the provision of an aid, benefit, or service of the recipient on an individual's participation in unwelcome sexual conduct.

Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the school's education program or activity.

Sexual assault, dating violence, domestic violence, or stalking as defined in the Clery Act.

MANDATORY & PERMISSIVE DISMISSAL



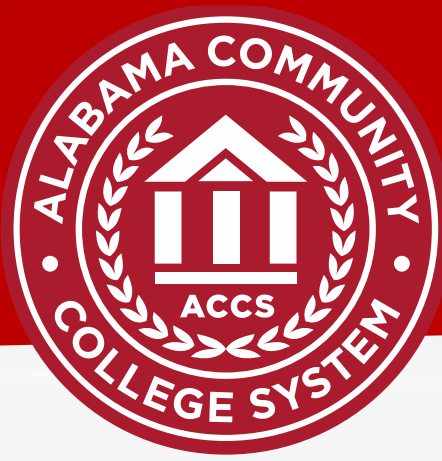
Mandatory Dismissal –

- The grievance does not meet the definition of sexual harassment as defined in the Title IX regulations
- Occurred outside the college's jurisdiction
- Did not occur in the U.S.

Permissive Dismissal –

- Complainant notifies the Title IX Coordinator in writing requesting to withdraw the Formal Complaint
- Respondent is no longer enrolled or employed by the institution
- Specific circumstances prevent the institution from gathering evidence sufficient to reach a determination

TITLE IX - REPORTING



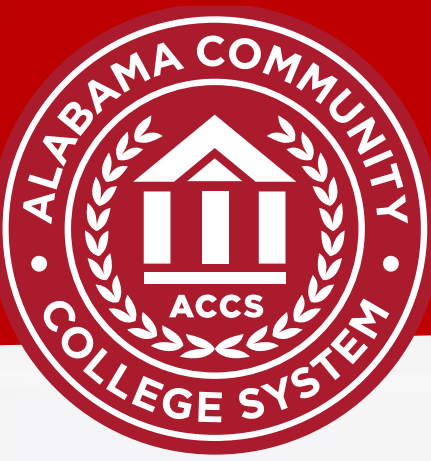
Anyone can report sexual and gender-based misconduct.

If you are a victim of sexual harassment or have knowledge of any conduct constituting sexual harassment in an educational program or activity of the College or which occurred on property owned by the College or controlled by the College, you are encouraged to report the grievance to the college's Title IX Coordinator or an Official with Authority.

Ways to Report

- Email
- Telephone
- Written Notice/Title IX Reporting Form
- In Person

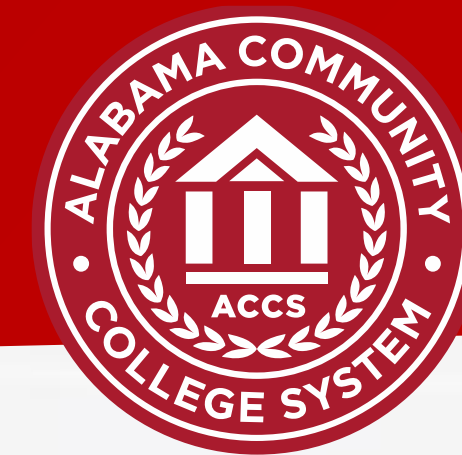
SUPPORTIVE MEASURES



Supportive measures may include, but are not limited to, the following:

- Counseling
- Extensions of deadlines or other course-related adjustments
- Modifications of work or class schedules
- Campus escort services
- Mutual restrictions on contact between the parties
- Changes in working or housing locations
- Leaves of absence
- Increased security and monitoring of certain areas of the campus.
- Medical Treatment

TITLE IX – PREGNANT & PARENTING



Title IX prohibits discrimination on the basis of sex – including pregnancy, parenting, and related conditions – in education programs and activities that receive federal funding.

Colleges and Universities cannot discriminate on the basis of:

- Pregnancy
- Childbirth
- False Pregnancy
- Termination of pregnancy
- Recovery therefrom

TITLE IX- PREGNANT & PARENTING



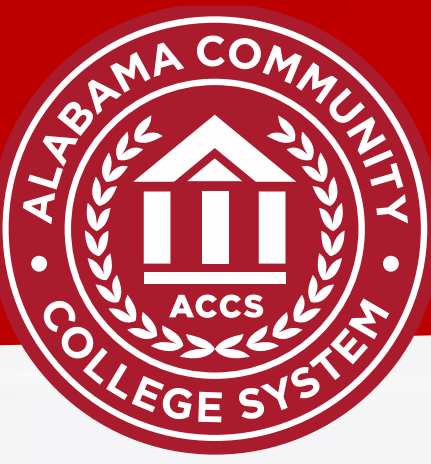
- Students with pregnancy related conditions have the right to continue with their educational program for as long as they determine they are able.
- Students are under no obligation to disclose their pregnancy or pregnancy related condition, however if a student tells you they are pregnant or experiencing a pregnancy related condition, you may ask them if accommodations are needed and refer them to the Title IX Coordinator for assistance.
- Faculty and instructors should not request medical documentation or details related to the student's pregnancy or any related medical condition from the student.

EXCUSED ABSENCES AND MEDICAL LEAVE



- **Allow a student to continue participating in classes and extracurricular activities** even though they are pregnant. Pregnant student-athletes with pregnancy related conditions must be treated the same as ill or injured athletes.
- **Excuse absences** due to pregnancy related conditions for as long as the doctor says it is necessary.
- **Allow student to return** to the same academic and extracurricular status as before medical leave began, which should include **giving the student the opportunity to make up any work missed while out.**
- **Ensure that teachers understand the Title IX requirements related to excused absences/medical leave.** A teacher may not refuse to allow a student to submit work after a deadline that's missed because of pregnancy related conditions.
- If a teacher's grading is based in part on class participation or attendance and a student missed class because of pregnancy related conditions, the student **should be allowed to make up the participation or attendance.**
- Provide students with pregnancy related conditions with the **same special services** it provides to students with **temporary medical conditions.** This includes homebound instruction/at-home tutoring/independent study

RETALIATION



PROHIBITED

Neither the College nor other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose interfering with any right or privilege secured by Title IX, or because the individual has made a report or complaint, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing conducted under the sexual harassment policy.

Retaliatory acts could include:

- giving students failing grades
- preventing students from participating in school activities
- threatening expulsion

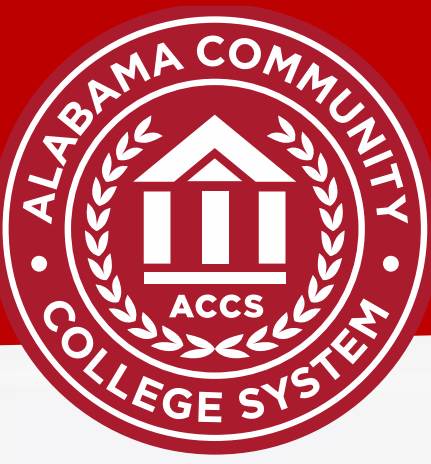
HELPING A STUDENT, EMPLOYEE, OR COLLEAGUE



If you become aware that someone has been impacted by prohibited conduct- take the following steps:

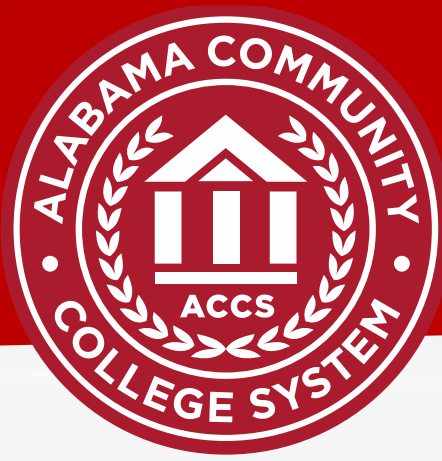
- Listen to what the person is sharing along with informing them that it's strongly encouraged that you report the information.
- Thank them for sharing with you but avoid asking investigative questions.
- Ask if they have any concerns about their safety or the safety of others.

HELPING A STUDENT, EMPLOYEE, OR COLLEAGUE



- Be supportive- Don't tell them what they should do.
- Explain that you want to connect them with support and information about their options.
- If you are an Official with Authority, let them know you will contact the Office of Title IX. The Title IX Coordinator will then outreach to them and offer supportive measures.
- Reassure them it is their decision if or how they want to proceed with support from the Office of Title IX.

IMPORTANCE OF REPORTING



Everyone is encouraged to report sexual and gender-based misconduct.

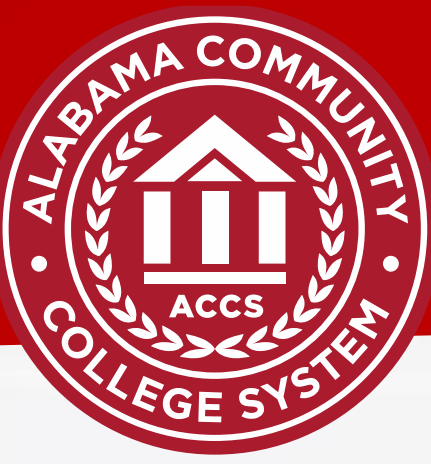
- When not reported or taken seriously, it cannot be effectively addressed.
- Many who experience sexual and gender-based misconduct do not report it because they fear nothing will happen or they won't be believed.

COST OF NON-COMPLIANCE



- The ultimate penalty for non-compliance with Title IX regulations is the withdrawal of federal funds, including monies earmarked for student loans.
- Reputational Damage
 - Michigan State – Larry Nassar
 - Penn State – Jerry Sandusky

BIDEN ADMINISTRATION



NPRM Estimated Timeline:

July 2022 - Notice of Proposed Rule Making was officially published in the Federal Register.

September 2022 - Public Comments Closed

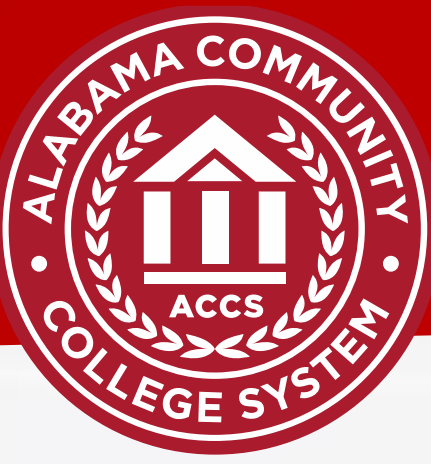
May 2023 - Final Regulations will be released.

Fall 2023(?) - Final Regulations will be implemented.

EXPECTED CHANGES

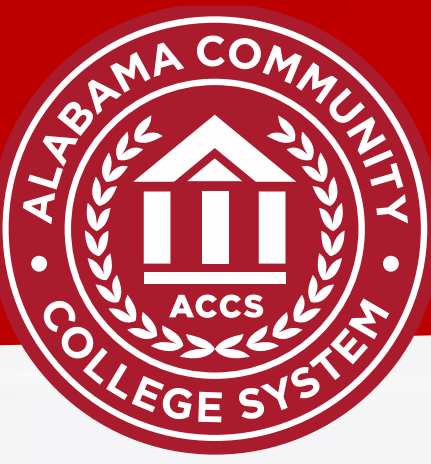


- Mandated Training Expanded
- Additional/Modified Definition
- Additional Duties for Title IX Coordinators
- Updated Reporting Requirements
- Strengthened Retaliation Protections
- Discrimination Based on Pregnancy



Questions?

UPCOMING TRAINING



Mark Your Calendars!

- Tuesday, February 28, 2023
- Topics to be Covered
 - Civil Rights Laws (Title IX, Title VII, Title VI, and ADA) and what to do when the roads meet.
- More information will be provided January 2023!

RESOURCES



ACCS 620.03 Sexual Harassment Complaints Policy and Chancellor's Procedures - <https://www.accs.edu/about-accs/board-of-trustees/policies-and-procedures/>

ICS Title IX University - <https://icslawyer.com/titleixu/>

The Office Of Civil Rights (OCR) - <https://www2.ed.gov/about/offices/list/ocr/index.html>

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