

# TITLE IX BASICS AND OVERVIEW

# AGENDA

- Title IX Overview
- Reporting Requirements
- Confidentiality
- Pregnancy
- Retaliation

# TITLE IX OF THE EDUCATION AMENDMENTS ACT OF 1972

*“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 educational program or activity receiving federal financial assistance.”*

Title IX of the Education Amendments of 1972 Implementing Regulations at:

20 U.S.C. §1681 & 34 C.F.R Part 106

# TITLE IX OVERVIEW

- Essentially Civil Rights legislation that specifically addresses gender in education
- U.S. Department of Education Office for Civil Rights (OCR)
- Early impacts seen in Athletics gender equity
- April 4, 2011 *Dear Colleague Letter*-Sexual Misconduct
- June 25, 2013 *Dear Colleague Letter*-Pregnant and Parenting Students
- April 24, 2013 Dear Colleague Letter - Retaliation

# RELEVANT STATISTICS

- 20% of college women and 6% of college men will be victims of attempted or actual sexual assault
- 13% of college women report being stalked each year
- 4 in 10 violent crimes against college students are committed while one or both parties are using drugs or alcohol
- In 8 out of 10 cases of rape, the victim knows the perpetrator
- More than 90% of sexual assault victims on college campuses do not report the assault

National Sexual Violence Resource Center <https://www.nsvrc.org/statistics>

Campus Sexual Assault Study Final Report (Christopher Krebs et al 2007)

# ESSENTIAL COMPLIANCE ELEMENTS

- Once a ***Responsible Employee*** has either actual or constructive notice of sexual harassment or sexual misconduct, Mitchell must take action.
- Who is considered a ***Responsible Employee***?

# ESSENTIAL COMPLIANCE ELEMENTS

- A *responsible employee* includes any employee who:
  - Has the authority to take action to redress the harassment,
  - Has the duty to report harassment or other types of misconduct to appropriate officials, OR
  - Is someone a student could reasonably believe has this authority or responsibility

# ESSENTIAL COMPLIANCE ELEMENTS

- Mitchell ***MUST*** take immediate and appropriate steps to investigate what occurred.
- Mitchell ***MUST*** take prompt and effective action to
  - Stop the harassment
  - Remedy the effects
  - Prevent the recurrence



# SCENARIO

On April 27<sup>th</sup>, Amy Craft, a first year student at ISU, sets up a time to meet with her History Professor, Casey, for later that afternoon. Upon arriving for the appointment, Casey can see that Amy is very upset and looks exhausted. Casey asks if everything is ok and Amy asks if she can close the door. Casey gets up, closes the door, sits back down and Amy blurts out, “I think I was raped last weekend in my dorm room by another student, a friend of a friend named Todd.”

What should Casey do next?

# CONFIDENTIALITY

- Who can hold confidentiality?
  - Licensed Professional Counselors
  - Clergy
  - Medical Professionals

**Everyone else is required to report!!**

# REPORTING

- Title IX Coordinator – Dr. Alicia Martinez, Dean, Student Experience and Belonging (860) 701-7708
- Deputy Coordinator (Employee) – Scott Barnes, HR Generalist (860) 701- 3529
- Deputy Coordinator (Students) – Alexandria Donkor, Director of Residence Life, Policy and Conduct (860) 701- 5045
- Deputy Coordinator (Athletics) – Kimberly Camara-Harvey, Associate Athletic Director/SWA (208) 282-4503

# TITLE IX & PREGNANCY

*“A recipient (of federal funds) shall not apply any rule concerning a student’s actual or potential parental, family or marital status which treats students differently on the basis of sex.”*

# TITLE IX & PREGNANCY

- Specifically prohibits discrimination against a student based on pregnancy, childbirth, false pregnancy, termination of pregnancy, or recovery from any of these conditions.
- Illegal to exclude pregnant students from participating in any part of an educational program, including extracurricular activities.
- Specifically prohibits discrimination against a student based on pregnancy, childbirth, false pregnancy, termination of pregnancy, or recovery from any of these conditions.
- Illegal to exclude pregnant students from participating in any part of an educational program, including extracurricular activities.
- School must excuse a student's absences because of pregnancy or childbirth for as long as the student's doctor deems the absences medically necessary. When a student returns to school, she must be allowed to return to the same academic and extracurricular status as before her medical leave began.

# TITLE IX & PREGNANCY

- Any special services provided to students who have temporary medical conditions must also be provided to a pregnant student. Therefore, if a school provides special services, such as homebound instruction or tutoring, for students who miss school because of a temporary medical condition, they must do the same for a student who misses school due to pregnancy or child birth.
- A school may require a pregnant student or a student who has given birth to submit medical certification for school participation only if the school also requires such certifications from all students with physical or emotional conditions requiring the attention of a physician.

# RETALIATION

- Unlawful for the school to retaliate against someone for bringing a complaint forward or participating in an investigation.
- Unlawful for respondent to retaliate against complainant or witnesses for bringing complaint forward or participating in an investigation.
- Easier to prove retaliation in many cases.
- It's important to note that all parties involved in a report and investigation are covered by federal protections from retaliation.

# MITCHELL COLLEGE SEXUAL MISCONDUCT POLICY AND PROCESS

## Key Definitions:

1. **Reporting Party or Complainant:** An individual who brings forth a report of a violation against whom or on behalf of whom a possible violation occurred
2. **Responding Party or Respondent:** An individual accused of a violation



# MITCHELL COLLEGE SEXUAL MISCONDUCT POLICY AND PROCESS DEFINITIONS

- 1. Quid Pro Quo Sexual Harrasment:** An employee of the College conditioning the provision of an aid, benefit, or service of the College on an individual's participation in unwelcome sexual misconduct.
- 2. Sexual Harrasment:** Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to any of the College's education programs or activities.
- 3. Sexual Assault:** Any sexual act directed against another person, withouth the consent of the victim, including instances wher the victim is incapable of giving consent. Sexual assault can occur between individuals of the same of different sexes and/or genders. This includes Rape, Fondling, Incest, Statutory Rape

# MITCHELL COLLEGE SEXUAL MISCONDUCT POLICY AND PROCESS DEFINITIONS

4. Stalking: A pattern of actions or course of conduct directed at a specific person that would cause a reasonable person to feel fear for their safety or the safety of others, or suffer substantial emotional distress. For the purpose of this definition, the following further definitions apply:

- Course of conduct: two or more acts, including, but not limited to, acts in which he stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.
- Reasonable person: a reasonable person under similar circumstances and with similar identities to the victim
- Substantial emotional distress: significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment and counseling.

# MITCHELL COLLEGE SEXUAL MISCONDUCT POLICY AND PROCESS DEFINITIONS

**Dating Violence:** Violence committed by a person who is or has been in a social relationship in a romantic or intimate nature with the victim. The existence of such a relationship will be determined based on the reporting party's statement and consideration of the length of the relationship, the type of relationship and the frequency of interaction between the persons involved in the relationship. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.

**Domestic Violence:** Includes felony or misdemeanor crimes of violence, on the basis of sex, committed by: a current or former spouse or intimate partner.....

**Retaliation under this policy:** Retaliation is prohibited by this Policy. Retaliation includes intimidation, threats, coercion, or discrimination against any individual, including through third parties and /or legal counsel, for the purpose of interfering with any right or privilege protected by this policy, or because the individual made a report or complaint of misconduct, or testified, or refused to participate, etc.

Questions? Comments?

See you at the next training on December 16.

There is not training next Friday, December 9 due to the JED Campus Visit