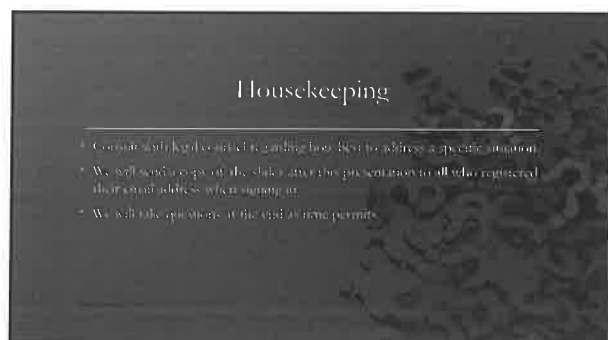
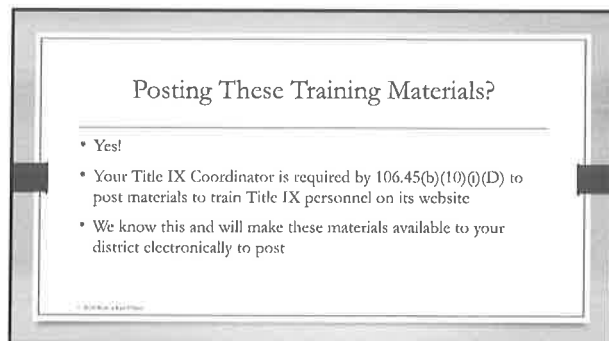




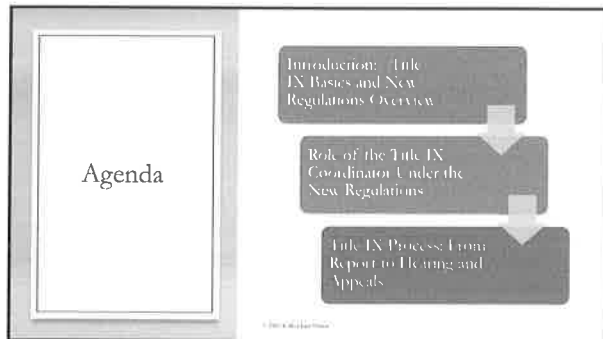
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Title IX Is:

- Federal Law
- Enforced by the Office for Civil Rights (OCR)
- Prohibits discrimination based on sex
- Historically viewed as simply requiring gender equity in athletics

6

What Is/Is Not Title IX Conduct

Is or may be Title IX	Is NOT Title IX
- Discrimination based on gender Sexual Harassment - Pregnancy discrimination Retaliation - Bullying/Cyber-Bullying when it involves sexual misconduct - Hazing when it involves sexual misconduct	- Disability discrimination (ADA) Employment discrimination based on race, religion, or national origin (Title VII) Note overlap with sex - Student discrimination based on race, religion, or national origin (Title VI) - Age Discrimination (ADEA)

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Sexual Harassment

Sexual harassment means conduct on the basis of sex that satisfies one or more of the following:

- Quid pro quo** – An employee of the recipient conditioning the provision of an aid, benefit, or service of the recipient on an individual's participation in unwelcome sexual conduct
- Hostile environment** – 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 recipient's education program or activity; or
- Clery crimes** – Sexual assault, dating violence, domestic violence, or stalking (Clery regulatory definition cited omitted)

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Sexual Assault

- Sexual Assault:** An offense that meets the definition of rape, fondling, incest or statutory rape as used in the FBI's Crime Reporting system. A sex offense in any context not directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.
- Rape:** The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
- Fondling:** The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
- Incest:** Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- Statutory Rape:** Sexual intercourse with a person who is under the statutory age of consent.

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Consent

Consent:

- U.S. DOJ does not require a person to submit to a physical examination or consent to a physical examination or consent to a physical examination

What does this mean?

- Consent is not required for a person to be a victim of a crime. At the same time, a person who is a victim of a crime is not required to consent to a physical examination or consent to a physical examination

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Domestic Violence

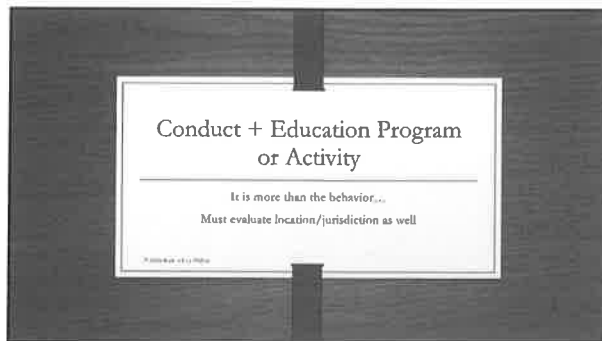
- Domestic Violence:** A felony or misdemeanor crime of violence committed by a current or former spouse or intimate partner of the victim;
- by a person with whom the victim shares a child in common;
- by a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
- by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or
- by any other person against an adult or youth victim who is prosecuted from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

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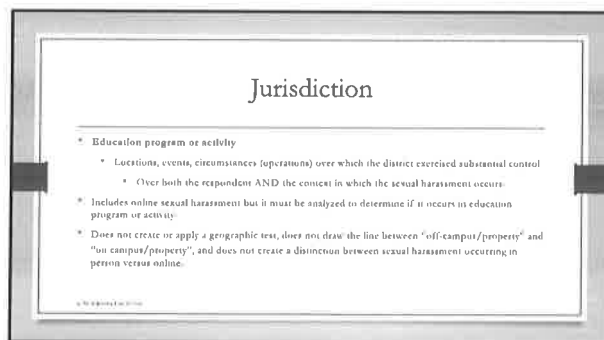
Stalking

- Stalking:** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to:
 - Fear for the person's safety or the safety of others or
 - Suffer substantial emotional distress.
- For purposes of this definition:**
 - Course of conduct** means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any means, method device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person's property.
 - Substantial emotional distress** means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.
 - Reasonable person** means a reasonable person under similar circumstances and with similar identities to the victim.

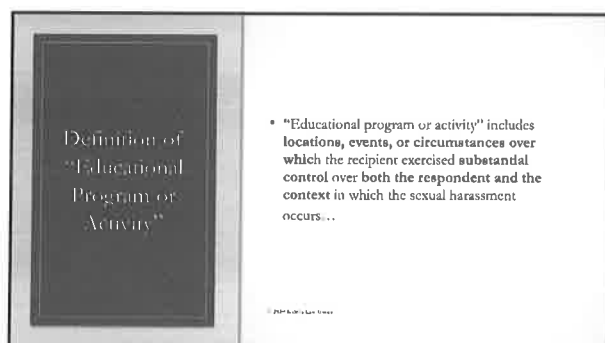
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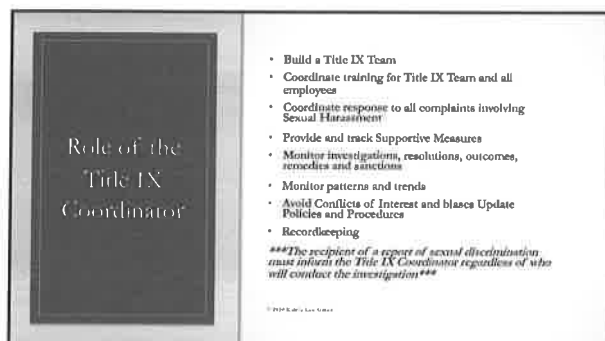
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Who else is on the team?

- Title IX Coordinator
- Investigator (s)
- Decision maker (s)
- Appellate Decision Maker (s)
- Informal Resolution Facilitators
- Employees (reporting)

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Your job is to:

01

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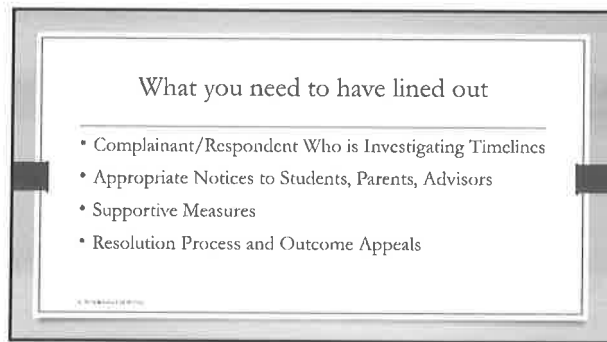
Training,
Training,
Training

- Title IX Coordinator (robust), Investigators, Decision-Makers, Informal Resolution Facilitators, Appellate Decision-Makers
- All employee training

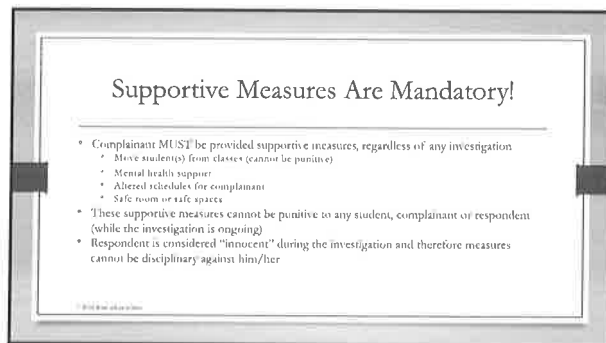
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What makes sure
Supportive Measures
are offered,
implemented, and
monitored?

A: The Title IX Coordinator

- BUT this can be delegated to another staff member who **MUST** be trained
- The coordinator should make sure records are kept regarding when/how/if supportive measures were offered
- If a delegate is assigned to this step (eg. School counselor), they will take over communication with parties regarding available supportive measures.
- This takes communication, coordination and clarity about who will be handling what at a given point.

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What are
Supportive
Measures?

- Supportive Measures means:
 - Not disciplinary, non-punitive individualized services offered as appropriate, as soon as they are available, and without delay or charge, on the completion or the response before or after the filing of a formal complaint or where no formal complaint has been filed.
 - Measures designed to assist in preventing equal access to the recipient's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties on the recipient's educational environment, or deny sexual harassment.
 - Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures.
 - The district must maintain in confidence any supportive measures provided to the complainant or respondent, in the extent that it would not impair the ability of the district to provide the supportive measures.

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Tracking
Supportive
Measures

- When was the event reported
- When were measures offered to Parties
- What measures were offered
- Were they accepted
- When were they re-evaluated/updated

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Supportive Measures: The Bottomline

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Deliberate Indifference

"Clearly unreasonable in light of the known circumstances"

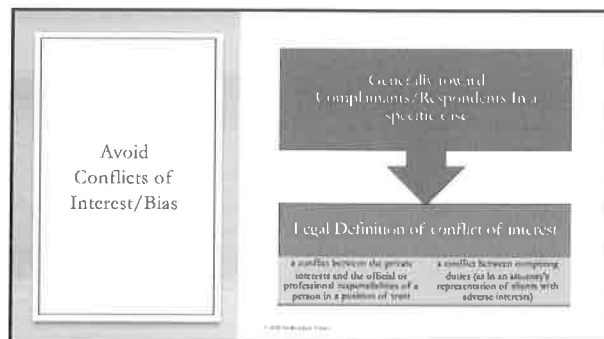
- Must promptly offer supportive measures
- Cannot impose discipline without a formal process
- Must investigate allegations in a formal complaint

● 中国书画函授大学肇庆分校

Monitor Open Cases: Be available for your team



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Journal of Internal Medicine 258: 105–112



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Explicit Bias

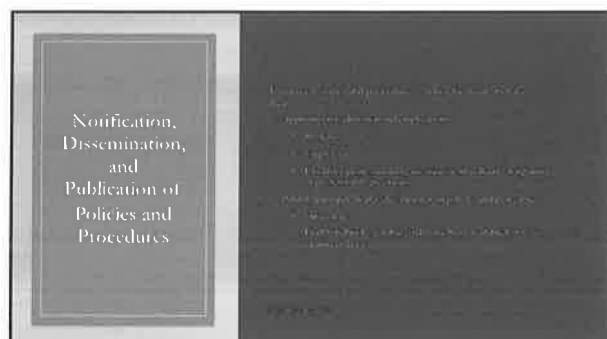
- * "Explicit bias" refers to the attitudes and beliefs we have about a person or group on a conscious level.
 - * Expressed directly
 - * Aware of bias
 - * Operates consciously
- * Example: Statement- "I don't think a woman would make a good CEO...Women are too emotional."

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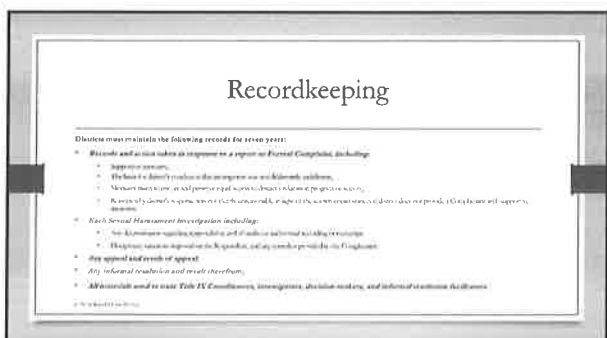
Implicit Bias

- * "Implicit bias" refers to the attitudes or stereotypes that affect our understanding, actions, and decisions in an unconscious manner.
 - * Expressed indirectly
 - * Unaware of bias
 - * Operates subconsciously
- * Example: Assuming that a woman entering a hospital room is a nurse instead of a doctor because of her gender

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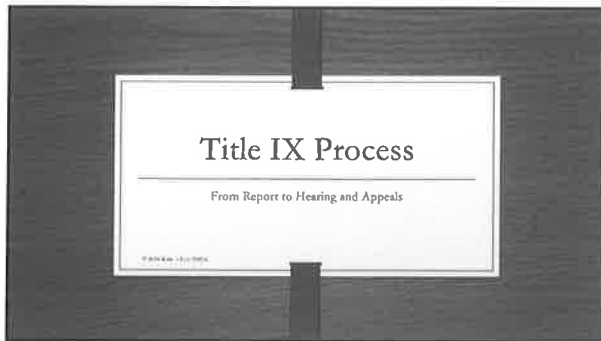
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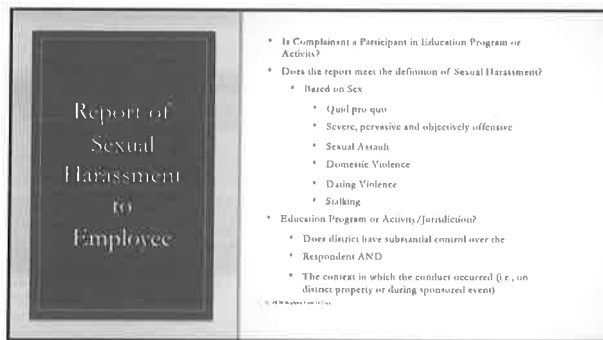
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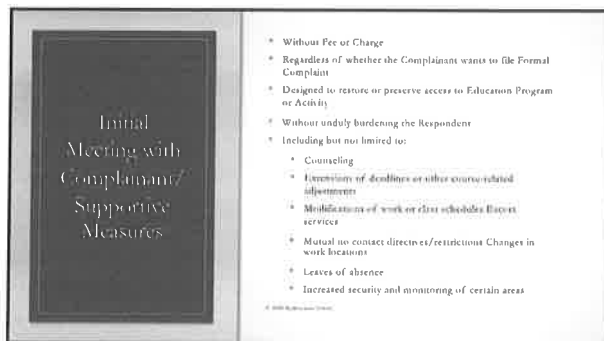
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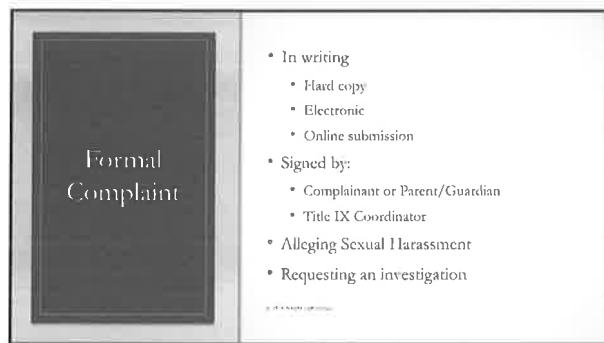
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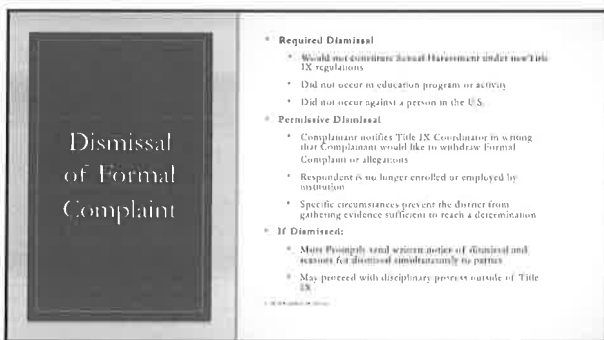
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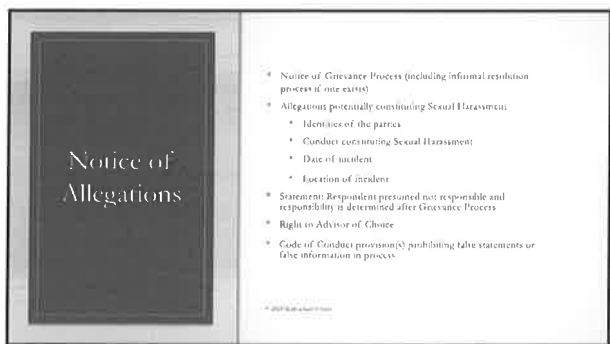
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Notice of Allegations Checklist

- ☐ Notice of Grievance Process including Informal Resolution Process
- ☐ Allegations Potentially Constituting Sexual Harassment
 - ☐ Identities of the Parties
 - ☐ Conduct Constituting Sexual Harassment Date of Incident
 - ☐ Location of Incident
- ☐ Statement: Respondent Presumed Not Responsible/Responsibility Determined After Process
- ☐ Right to Advisor of Choice
- ☐ Code of Conduct Provision Prohibiting False Statements or False Information in Process

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Parties in
Investigation

Complainant

Respondent

Advisor

Witnesses

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What the Title IX Coordinator Will Complete if they are Investigator



Interview with parties and witnesses

including parties with Adverse Notice - prepare for the hearing session
Hearings for all parties and witnesses (if any)



Collect evidence and information

Determine when and how evidence/information was obtained



Allow parties and advisors to review "evidence directly related to the allegations" (10 days)



Write investigation report that "fairly summarizes relevant evidence"



Provide opportunity for parties and advisors to review the report (10 days)

45

What the Title IX Coordinator Will Complete if they are NOT Investigator

Ensures that evidence gathered is shared with appropriate parties for review

Provides for timely sharing of completed investigation report

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Determination Regarding Responsibility

- So what role does the Title IX Coordinator play in the decision-making process?
 - Overall role is to safeguard the integrity of the process
 - Keep track of who has what information at what time
 - Keep an eye on deadlines for reasonable time frames for response
 - Make sure the right parties have the right information at the right time – written questions/answers, determination of responsibility

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Appeals

- What about the appeal process?
 - Again, overall role is to safeguard the integrity of the process
 - Keep track of who has what information at what time
 - Keep an eye on deadlines for reasonable time frames for response
 - Make sure the right parties have the right information at the right time

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Informal Resolution

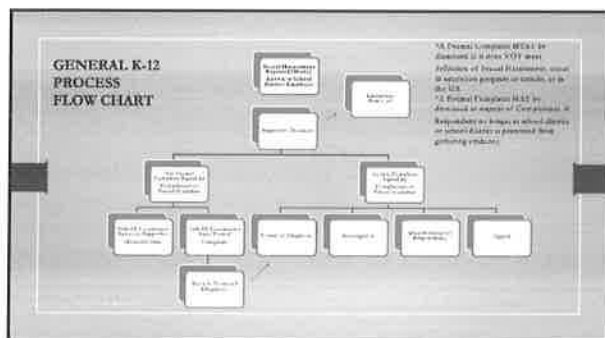
* If you are going to offer an informal resolution option after a formal complaint, you must:

- * Provide written notice disclosing allegations, requirements of the informal resolution process including circumstances under which it preclude the parties from retaining a Formal Complaint arising from the same allegations
- * Allow any party the right to withdraw from the informal resolution process and resume grievance process with respect to Formal Complaint
- * Provides consequences resulting from informal resolution process including records maintained or shared
- * Obtain parties voluntary, written consent to the informal resolution process

****Coordinator can be the informal resolution facilitator or this can be delegated** -NOTE: the delegate MUST be trained****

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Questions?

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