

Title IX and You



Your Rights and Responsibilities
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The Crux of Title IX

Title IX of the Education Amendments of 1972 (Title IX) prohibits discrimination based on sex in education programs and activities that receive federal financial assistance. Title IX 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.



Title IX Protections

- **Title IX Sex and Gender Discrimination Protection**
- This applies equally to all students and employees regardless of the sex, gender, sexual orientation, gender identity, or gender expression of any of the individuals involved.



Title IX Requirements

- A school “shall designate at least one employee to coordinate its efforts to comply with and carry out its responsibilities” under the law, including the investigation of complaints.
- A school shall “notify all its students and employees of the name, office address, and telephone number of the employee(s) appointed...



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Title IX Protections

What is Sexual Harassment?

Sexual Harassment: Sexual harassment is unwelcome conduct of a sexual nature, including

- Unwelcome sexual advances
- Requests for sexual favors, and other verbal, non-verbal, or physical conduct of a sexual nature.
- Obsessive behaviors or inappropriate discussion



Title IX: Awareness/Notice

- The US Dept of Education deems a school to be “**on-notice**” if a “**responsible employee**” knew, or in the exercise of reasonable care should have known about an incident of sexual harassment or sexual violence.
- **Once a school “**becomes aware**” of an incident, it will then be considered “**on-notice.**”*



The Safe Six - College Protections

(Institutions are responsible for these areas)

Campuses



Housing



Athletics



Events



Travel



Cyberspace



Title IX: Responsible Employee

- A “responsible employee” is an employee or contractor who:
 1. Has the authority to redress sexual violence.
 2. Has the duty to report incidents of sexual violence or other student misconduct.
 3. A student could reasonably believe has this authority or duty.



Title IX: Immediate Action

If the College “**becomes aware**” that a member of the College Community may have been subjected to or affected by conduct that violates this statute, the College will:

1. Review the matter and take prompt action.
2. Investigate and take appropriate steps to stop and remedy the sex discrimination or sexual harassment as required.
3. Prevent its recurrence, and address effects to the College Community at large, if applicable.



Title IX: Immediate Action

- Training – The College will provide sexual conduct and response training to all students and staff.
- Reporting – Victims will be apprised of their rights under the law. They will also be entitled to case reports pertaining the response and follow up by the college.
- Injunctions – The College will enforce all injunctions levied on behalf of its students or staff.
- Counseling – The College will provide counseling to any student who has been sexually targeted and requires additional emotional support.



Title IX: Liability

- **Liability is created when:**
- An employee knew or should have known about an alleged misconduct and failed to report the action.
- A College official had the authority to institute corrective measures and did not do so.



Title IX: Liability

- **College Liability**
 - - Attorney's fees
 - - Institutional time and effort to defend
 - - Publicity
 - - Reputation damage to the Institution
 - - Monetary judgments/fines
 - - Plaintiff's attorney's fees



Title IX: Liability

- **Personal Liability**
 - Loss of responsibilities/employment status
 - Attorney's fees for personal attorney
 - Loss of reputation
 - Time, effort, and stress of defending a lawsuit



Title IX: Liability

- Differences between Title IX Investigation and Criminal Investigation:
 - Preponderance of Evidence
 - Beyond a Reasonable doubt
- Law enforcement investigations do not relieve the school of our responsibility to investigate (no waiting period).
- We cannot wait for legal action to be taken.
- Conduct may constitute unlawful sexual harassment under Title IX even if the police do not have sufficient evidence of a criminal violation.



Title IX: Rights of the Accused

- Right to due process
- Right to information and certain evidence
- Right to respond or ask for cross examination.
(*As of 2021 the accuser is not obligated to participate)
- Right to a multi layered investigatory and resolution process
- Right to an appeals process



Tips for Employees

- Do not counsel disgruntled students alone
- Let your supervisor know immediately if you are harassed
- Limit personal outings, parties, or visits with students
- Do not ask students for personal favors
- Use caution when referring to or touching students
- Do not refer to or mimic inappropriate acts when commenting
- Do not ask students about friends, relatives or other students
- Monitor students carefully during trips, visits, and outings
- Become very familiar with the College's policies
- Become very familiar with Title IX legislation
- If you are unsure do not proceed with the comment/action
- If you don't wish to pay, then watch what you say



React! Record! Report! Respond! Resolve! Rectify!



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Reginald Webb
VP Student Services



Larry Pakowski
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Kristen Sykes
Human Resources



Stanley Cromartie
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Campus Safety

KNOW YOUR IX: Video link



<https://www.youtube.com/watch?v=IFAs9fegJsl&t=2s>





Questions

Thank you for your time.