

TITLE IX AND EXECUTIVE LEADERSHIP: WHAT YOU NEED TO KNOW

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ai ACADEMIC
IMPRESSIONS



LEARNING OUTCOME

After participating...

... you will be better equipped to protect your constituents/stakeholders [i.e., students, faculty, and staff] to be more compliant with Title IX regulations.

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IMPRESSIONS 2

AGENDA

- What is Title IX?
- Compliance 101
- Lessons learned from other institutions
- Steps college executives need to take



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WHAT IS TITLE IX?




Discrimination
The prejudicial treatment or conduct
of a person, racial group, minority,
based on category rather than indi-
vidual, excluding or restricting members of
the group on the grounds of race, sex, or age

CIVIL RIGHTS / Title IX

Title IX of the Education Amendments of 1972

- Intended to end sex/gender discrimination in all areas of education at federally funded institutions
- Applies to issues of **program equity**, such as in athletics and student organizations
- Guidance from OCR - "Dear Colleague Letters"
- Prohibits sex discrimination, gender inequity, and gender-based misconduct/violence

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(End Rape On Campus)

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CURRENT FEDERAL ADMINISTRATION INITIATIVES



President Obama's Administration

- White House "Not Alone" Task Force
- It's on Us Campaign
- OCR cases and resolution agreements



Discrimination
The prejudicial treatment or denial of a person, racial group, minority, based on category rather than individual merit, excluding or restricting members of the group on the grounds of race, color, or age.


CIVIL RIGHTS / Title IX

- Common understanding
 - Sexual assault/rape
 - Sexual harassment
 - Athletics

Discrimination
The prejudicial treatment or conduct
of a person, racial group, minority,
based on category rather than indi-
vidual, excluding or restricting members of
the group on the grounds of race, sex, or age


CIVIL RIGHTS / Title IX

- Not so common understanding
 - Dating/domestic violence (VAWA/Campus SaVE Act)
 - Stalking (VAWA/Campus SaVE Act)
 - Pregnancy & parenting discrimination
 - Same sex violence
 - Gender discrimination of minority genders on campus (e.g., trans* students, gender non-conforming students, minority genders in a field of study dominated by opposite gender, etc.)

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COMPLIANCE 101

 **ACADEMIC**
IMPRESSIONS 12



CHAT

What keeps you up at
night when you think
about Title IX compliance?



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TITLE IX COMPLIANCE 101

- Wide dissemination of a Non-Discrimination Policy
 - Institution does not discriminate on the basis of sex
- Prompt and effective steps to eliminate a hostile environment:
 - End the sexual harassment,
 - Prevent its recurrence and,
 - Remedy any harm.
- Provide interim safety measures to reporters
- Appointment of an employee(s) to provide oversight over all Title IX reports & processes (e.g., Title IX Coordinator) and provide contact information and access to all

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Slide 14

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I assume Rabia is doing this compliance section (slides 14-19)? Not noted in the notes section.

Mickey Fitch, 10/4/2016

TITLE IX COMPLIANCE 101

- Protects students, staff and faculty in all areas of education:
 - On facilities owned/managed/operated by the University (i.e., residence halls or apartments, locker rooms, classrooms, etc.)
 - School-sponsored events,
 - Study-abroad programs,
 - Off-campus private locations involving current students,
 - During travel to/from campus for student organization and athletic events (e.g., buses, hotels, another institution, etc.)

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TITLE IX COMPLIANCE 101

- Comprehensive annual training for Title IX investigators, hearing board officers, Deputy/Title IX Coordinators, and appellate officers
- Designation and training of “Responsible Employees” and “Campus Safety Authority”
- Education and training for ALL students
 - Prevention and Awareness
 - Bystander Intervention
 - Reporting options (on-campus and with local police)
 - Confidential resources
 - Anonymous reporting option
- Retaliation prohibited by institution and/or accused

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GRIEVANCE PROCEDURE

- Adopt a fair and impartial grievance procedure that is equitable to both the Complainant and Respondent
 - Prompt and equitable resolution for all complaints
 - Right to “due process”
 - Investigation and findings determined within 60 days
 - Right to an Advisor of their choosing
 - Right to request accommodations



GRIEVANCE PROCEDURE

- Adopt a fair and impartial grievance procedure that is equitable to both the Complainant and Respondent
 - Right to present relevant witnesses and evidence
 - Mediation prohibited in cases of sexual violence
 - Similar and timely access to information
 - Preponderance of the evidence standard
 - Notice of the outcome in writing to both parties
 - Right to an appeal (if provided) to both parties



OFFICE OF CIVIL RIGHTS

DEAR COLLEAGUE LETTERS

- **April 4, 2011** - Sexual harassment/violence is covered under Title IX
- **April 24, 2013** - Retaliation strictly prohibited by the University or by the Accused
- **June 25, 2013** - Pregnant & Parenting Students protected under Title IX
- **April 4, 2014** - 52 point Q&A about Campus Sexual Violence
- **April 24, 2015** - Title IX Coordinators
- **May 13, 2016** - Discrimination based on gender identity, including trans* identity is strictly prohibited

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QUESTIONS

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LESSONS LEARNED FROM OTHER INSTITUTIONS



■ UNFORTUNATE EXAMPLE:



BAYLOR
UNIVERSITY

- Background
- Issues
- Outcome
- Lessons learned



UNFORTUNATE EXAMPLE:



- Background
- Issues
- Outcome
- Lessons learned

POSITIVE EXAMPLE:



- Background
- Issues
- Positive steps taken
- Lessons learned

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This is it

Beverly Baligad, 10/4/2016

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■ POSITIVE
EXAMPLE:



BROWN

- Background
- Issues
- Positive steps taken
- Lessons learned

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**STEPS COLLEGE EXECUTIVES NEED TO
TAKE**

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This is it

Beverly Baligad, 10/4/2016



POLL

Which of the following should
an institution focus on first?

STEP #1

UNDERSTAND THE FIVE "P'S"

- Policy
- Process
- People
- Professional Development
- Programming

■ STEP #2

UNDERSTAND THE RISKS FOR NON-COMPLIANCE

- Potential loss of federal funding
- Potential for review/investigation by OCR
- Potential for negative institutional publicity
- Potential for lawsuit

■ STEP #3

UNDERSTAND POTENTIAL LEGAL INTERSECTIONS

- Constitutional protections (due process, first amendment)
- VAWA/Campus SaVE Act/Clery Act
- ADA/Section 504
- FERPA
- Title IV
- Title VII
- EDGAR Part 86 (DFSCA)

■ STEP #4

GAIN AN UNDERSTANDING OF YOUR INSTITUTIONAL NEEDS

- Know that each institution is unique; Title IX issues on one campus may be different from issues on another campus
- Consult with cross campus constituencies (Advisory Group)
- Campus climate check
- Institutional capacity (financial, human resource, etc.)
- Previous internal/external audits- were findings/issues addressed? why or why not?

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■ STEP #5

DEVELOP AN INSTITUTIONAL PLAN AND WORK TOWARDS A GOAL- STARTING FROM THE TOP

- Train Executive Leadership and Boards on Title IX (high level training)
- Develop an institutional “philosophy” (regarding sex/gender based discrimination)
- Develop policies and procedures that supports that philosophy
- Designate appropriate institutional resources

STEP #5 (continued)

DEVELOP AN INSTITUTIONAL PLAN AND WORK TOWARDS A GOAL- STARTING FROM THE TOP

- Support the professional development and ongoing campus-wide awareness and programming
- Identify necessary support resources (on campus and within the community)
- Get regular updates; stay in the know
- Do what's right for the right reasons



RESOURCE

1. OCR DCL: Title IX Coordinators. April 2015.
<http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201504-title-ix-coordinators.pdf>
2. OCR: Q&A. April 2014.
<http://www2.ed.gov/about/offices/list/ocr/docs/qa-201404-title-ix.pdf>
3. Chronicle of Higher Education Title IX Investigation Website.
<http://www2.ed.gov/about/offices/list/ocr/docs/qa-201404-title-ix.pdf>





TAKEAWAYS

- Understand the basic requirements of Title IX and how to apply the federal law to your institution's policy and protocol.
- Develop a plan on your campus to ensure that the implementation of Dear Colleague Letters issued by the OCR will occur.
- Analyze and apply valuable lessons learned from other institutions on your campus.
- Identify short-term and long-term steps that you, as the University/College executive needs to implement on your campus.



QUESTIONS



EVALUATION

Thank you!

Please remember to complete the event evaluation.
Your comments will help us continually improve the
quality of our programs.

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