

Title IX Compliance and the Role of The President's Office

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Title IX Cases in the News

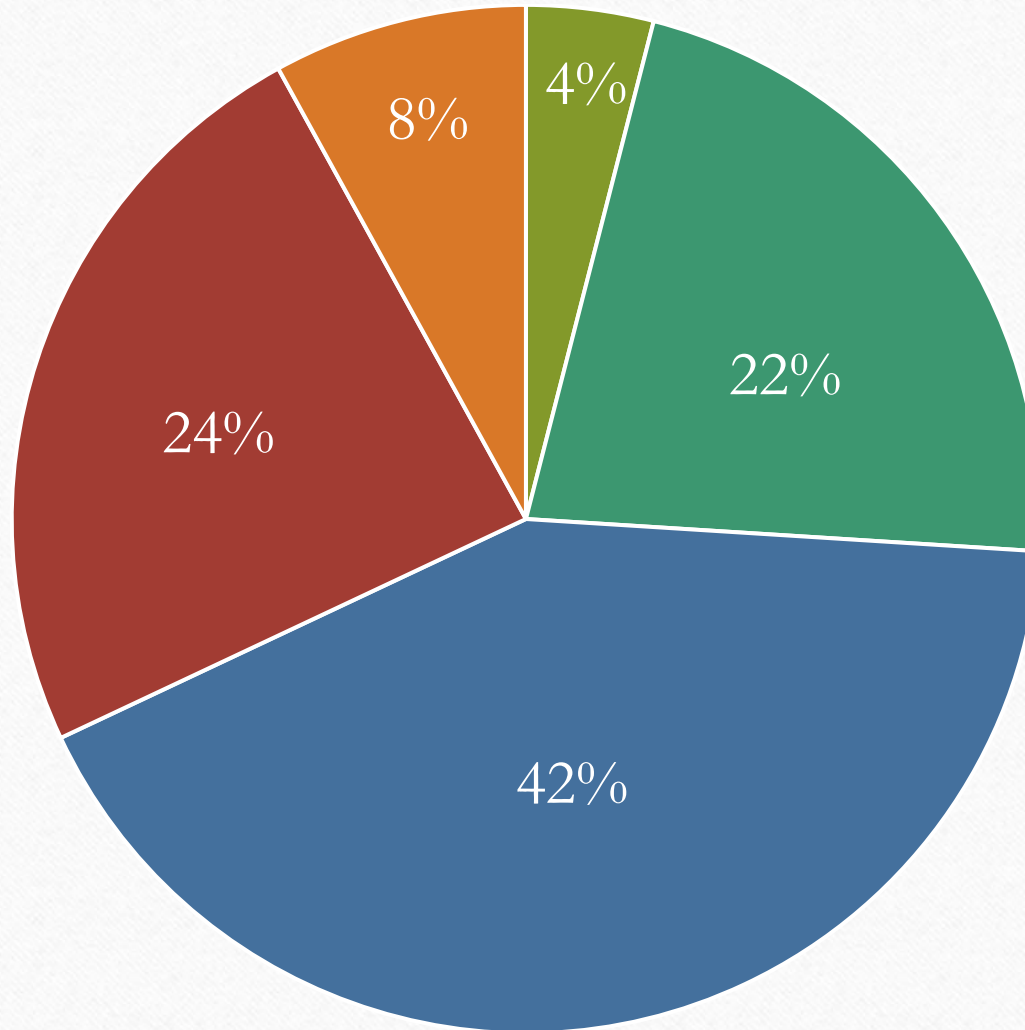
- Stanford University
- Baylor University
- Columbia University
- Florida State University
- University of Virginia
- The Hunting Ground Movie



View from the President's Perspective

- 2015 Gallup Poll to 647 College/Universities Presidents found:
 - 78% of college presidents disagreed or strongly disagreed that sexual assault was prevalent on their campus,
 - 75% of presidents agreed or strongly agreed that their institutions were doing a good job protecting women from sexual assault
 - 90% agreed or strongly agreed that their schools provided appropriate due process for students accused of assault.

Presidents:
Is Sexual
Assault an
Issue on
College
Campuses
in the US?



■ Strongly Disagree ■ Disagree ■ Neutral ■ Agree ■ Strongly Agree

Title IX- Education Amendment (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 education program or activity receiving Federal financial assistance.”



Protections Under Title IX

- Prohibits sexual harassment, including sexual violence and all forms of sexual misconduct
- Places obligations on institutions regardless of any law enforcement action
- School must provide appropriate interim remedies to address safety and well-being of both parties prior to the final outcome of the investigation

If a school **knows** or **reasonably should have known** about sexual harassment (including sexual violence), the school must take immediate action to:

Eliminate the
Harassment

Address its Effects

Prevent its
Reoccurrence

Scope of Title IX/VAWA

- Sex discrimination and harassment

- Verbal
- Physical
- Electronic

- Sexual violence

- Rape
- Sexual Assault
- Exploitation

- Stalking

- Cyberstalking



- Interpersonal violence

- Intimate partner violence
- Domestic violence
- Dating violence
- Relationship violence

- Retaliation

- Gender-based discrimination and harassment (DCL 2015)

Application of Title IX in Higher Ed

- **Any harassment of students, faculty or staff** based on hostile environment if conduct is sufficiently serious that it interferes with or limits ability to participate in or benefit from the school's program
 - The more severe the conduct, the less need there is to show a repetitive series of incidents to prove hostile environment, particularly if the harassment is physical (e.g. rape=hostile environment)
- Protects **third parties** from sexual harassment or violence in an institution's programs and activities
- Protects students and employees in connection with all the academic, educational, extracurricular, athletic and other programs that occur:
 - On-campus including retaliation following an off-campus, non-school event
 - Off-campus activities that are school-related (school bus, class at another location, field trip)

2011 “Dear Colleague” Letter

- A “significant guidance document” issued by the OCR
- Expands upon 2001 Revised Sexual Harassment Guidance
- Provides a road map as to how OCR will evaluate whether a school is in compliance
- Institutions must have:
 - Grievance procedures which are prompt and equitable
 - Investigation must be adequate, reliable, and impartial
 - Both parties must have opportunity to present witnesses and other evidence
 - Both parties must be afforded similar and timely access to any information
 - All persons involved must have training or experience in handling complaints

Jeanne Clery Act & VAWA

- Clery expanded in 2013
 - Reporting crime statistics
 - Timely warnings
 - Victim rights
 - Policies on prevention education
 - Policies on retaliation
 - Disciplinary procedures



Impacts from New Administration

- Pendulum is swinging back
- Deregulation of current guidance
 - Standard of Evidence
 - Investigatory Model
- Feb 22, 2017- New DCL
 - Rescinded rights of May 2016 DCL for transgender rights
- DOE Investigations may cease
- State decisions may impact processes (Georgia HB 5)¹

“Responsible Employees” & The President

- **Report** incidents of sexual harassment, sexual violence, dating violence and stalking
 - “Responsible Employees” **MUST** report incidents to Title IX Coordinator
 - All others are **Strongly Suggested** to report incidents to Title IX Coordinator
- **Support** students and employees and help them understand what resources are available if an incident is reported

Best Ways Presidents Can Be Involved

Recommended

- Get monthly updates of statistics on-campus
- Send out welcome email in Fall to all new students with policy
- Get to know the TIX Staff
- Know your campus statistics
- Ensure Campus has MOUs

Not Recommended

- Ask for specifics about open investigations (may be appeal officer)
- Cut funding for education based programs around this topic
- Taking a stance on a particular case (ie. William Patterson)

Questions?

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