

TITLE IX BASICS AND OVERVIEW

AGENDA

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

TITLE IX OF THE EDUCATION AMENDMENTS ACT OF 1972

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 Sexual Misconduct
- June 25, 2013 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

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

- 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 27th, 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?



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

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.
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- 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.

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.

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MITCHELL COLLEGE SEXUAL MISCONDUCT POLICY AND PROCESS

Key Definitions:

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

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 refuse 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