Foundations for New Title IX Coordinators

VIRTUAL TRAINING | Wednesday, August 18, 2021

LEARNING OUTCOME

After participating...

you will be better equipped to navigate the demands of your complex new role on campus.
AGENDA

Welcome and Introductions
12:00 - 12:30 p.m. ET

Title IX Key Concepts: Scope, Jurisdiction, and Institutional Obligations
12:30 - 1:15 p.m. ET

Break

Federal Regulations, Navigating Your Policy, Procedures, and Case Management
1:30 - 2:30 p.m. ET

Break

Strategies to Lead Training & Campus-Wide Programming Efforts
3:00 - 4:00 p.m. ET

Break

Making Your Action Plan
4:15 - 4:45 p.m. ET

Final Q&A and Wrap Up
4:45 - 5:00 p.m. ET

Foundations for New Title IX Coordinators

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Director of Institutional Diversity and Inclusion & Title IX Coordinator | Sam Houston State University
ACTIVITY

Introductions

• Name
• Institution
• If you could only take away one thing from this training, what would it be?

TITLE IX KEY CONCEPTS
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 of the Education Amendments of 1972
Implementing Regulations at:

SCOPE

The Title IX Coordinator is responsible for coordinating the recipient’s responses to all complaints involving possible sex discrimination. This responsibility includes monitoring outcomes, identifying and addressing any patterns, and assessing effects on the campus climate.

April 24, 2015 Dear Colleague Letter issued by the Office for Civil Rights
THE MANY “HATS” OF A TITLE IX COORDINATOR

1. Oversight of Title IX compliance and grievance process
2. Campus & Community Liaison
3. Training and Education
4. Policy Development and Implementation
5. Assess Campus Climate

SPECIFIC APPLICATIONS WITHIN “NEW RULE”

- Promptly respond to all reports of sexual harassment
- Gatekeeping responsibility for formal complaints
- Serve as facilitator through Grievance Process
- Ensure all university personnel with specific duties related to Title IX are appropriately trained, document completion, and publish record of training on designed website (including training materials)
SPECIFIC APPLICATIONS WITHIN “NEW RULE”

- Notification of Title IX Policy & Procedures to both current and potential members of the campus community
- Responsible for maintaining a record of all complaints, files, evidence, and other documents for a period of seven years

JURISDICTION

“Title IX Applies” When...
- A formal complaint has been filed by an affected individual/student (or parent on behalf of a student under 18) indicating they have experienced one or more forms of Title IX Sexual Harassment and requesting that the institution investigate the incident. The Title IX Coordinator may also file a formal complaint if warranted. (Actual Knowledge)
- At the time of filing the formal complaint, the complainant must have been participating in or attempting to participate in an institution’s education program or activity.
• “Title IX Applies” When...
  – Institution must have had substantial control over the respondent and the context where the sexual harassment occurred.
  – The sexual harassment must have occurred towards a person in the United States.

Title IX Sexual Harassment Defined

• **Title IX Sexual Harassment** refers to Sexual Misconduct that meets one or more of these three types of behavior:
  
  – (i) A Component’s Employee conditioning provision of an aid, benefit or service of the Component on an individual’s participation in unwelcome sexual conduct ("quid pro quo" harassment which may be express or implied and need not be "severe" or "pervasive" as a single incident is inherently "offensive" and jeopardizes equal educational access;

  – (ii) 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 Component’s Education Program or Activity, or

  – (iii) "Sexual Assault," "Dating Violence," "Domestic Violence" or "Stalking" as defined in referenced statutes.
JURISDICTION

What happens if a report does not meet the Jurisdiction Requirements?

✓ Compliance vs. Campus Climate

IN LIFE AND IN TITLE IX...

Change is the only constant in life

CHANGE
FOCUS ON THE BIGGER PICTURE

FUNDAMENTALS OF TITLE IX

Equity
Impartiality
Fairness
Transparency
BASIC PRINCIPLES OF TITLE IX

INVESTIGATION =
- Thorough
- Reliable
- Impartial

PROCESS =
- Prompt
- Effective
- Equitable

REMEDIES =
- End Discrimination
- Prevent Recurrence
- Remedy effects upon victim & community

INSTITUTIONAL OBLIGATIONS

- Publish: Publish Notice of Non Discrimination
- Designate: Designate Title IX Coordinator
- Disseminate: Disseminate Policies on Sexual Discrimination/ Misconduct
- Address/Investigate: Address/Investigate Complaints
- Adopt and publish: Adopt and publish fair & equitable grievance procedures
INSTITUTIONAL OBLIGATIONS

Once a school knows or reasonably should know of possible sexual violence, it must take immediate and appropriate action to investigate.

If sexual violence has occurred, prompt and immediate steps to end the sexual violence, prevent its recurrence, and address its effects MUST be taken.

INSTITUTIONAL OBLIGATIONS

Must take steps to protect the Complainant AND RESPONDENT as necessary, including supportive measures steps taken prior to the final outcome of the investigation.

Provide a grievance procedure for filing reports/complaints of sex discrimination, including complaints of sexual violence.

Equal opportunity for both parties to present witnesses and other evidence.
INSTITUTIONAL OBLIGATIONS

Institution must determine standard of evidence to resolve complaints

Notify both parties of initial notice and outcome of the complaint as well as appeal rights.

Equal opportunity for both parties to present witnesses and other evidence.

INSTITUTIONAL OBLIGATIONS

Train individuals with heightened responsibilities

Train students and employees

Provide ongoing awareness campaign and programming
TAKE A DEEP BREATH
ADVICE FROM A SEASONED TIX COORDINATOR

• You are not alone
• Ask for help
• Ask for resources
• Know the regs
• Know your policy
• Know your campus
• Establish a consistent process
• Proactive vs. Reactive

RESOURCES

Office for Civil Rights
https://www2.ed.gov/about/offices/list/ocr/newsroom.html

• Title IX Regulations Addressing Sexual Harassment (unofficial copy)
• Title IX Regulations Addressing Sexual Harassment (Federal Register)
• Title IX: Fact Sheet: Final Title IX Regulations
• Title IX: U.S. Department of Education Title IX Final Rule Overview
• Title IX: Summary of Major Provisions of the Department of Education’s Title IX Final Rule
• OCR Blog
QUESTIONS

BREAK
## NAVIGATING YOUR POLICY/PROCEDURES

### POLICY FOUNDATION

#### LEGAL REQUIREMENTS

<table>
<thead>
<tr>
<th>Title IX</th>
<th>Clery</th>
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<tbody>
<tr>
<td>- Regulations&lt;br&gt;- DCLs</td>
<td>- Timely Warning&lt;br&gt;- Policy Definitions</td>
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<th>VAWA</th>
<th>Other</th>
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<tr>
<td>- Rights&lt;br&gt;- Procedural Requirements&lt;br&gt;- Training/Programming</td>
<td>- State Law&lt;br&gt;- FERPA</td>
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</table>
YOUR INSTITUTIONAL POLICY AND PROCEDURES

- Comprehensive Institutional Policy
- Other related university policies
- Flowcharts
- Checklists
- Document templates

POLICY CONSIDERATIONS

1. Where can you access the policy?

2. Is the policy reader-friendly for multiple audiences?

3. How often do you review the policy? Opportunity for feedback?
POLICY CHECKLIST

✓ Non-Discrimination Statement
✓ Statement of Jurisdiction
✓ Confidentiality
✓ Definition Section
✓ Mandatory Reporting Obligations
✓ How to Report Instructions
✓ Title IX Coordinator Information
✓ Grievance Procedures
✓ Timeframes for process
✓ Resources
✓ Training & Prevention
WHY IS CASE MANAGEMENT CRITICAL FOR TITLE IX COORDINATORS?

- Compliance
- Institutional Memory
- Clery Reporting
- State Law
AGENDA

I. Best practices for tracking cases

II. Model checklist & timeline for case consistency and efficiency

III. Sample Notice Letters for parties during cases

IV. Developing your own case management log

POLL

Do you currently have a strategy for managing cases?
From: Smith, Taylor  
Subject: Fw: Makeup Request  

Good morning Title IX Coordinator,

I just received this email from a student. I am not sure what to do. Please advise.

Dr. Smith

Forwarded Message

From: Johnson, Jayden
Subject: Makeup Assignment

Hey Dr. Smith,

I apologize for emailing you and not being in class lately, but is it possible to make up the exam from last week? I was assaulted in my dorm room the other day, had to go to emergency room, and then I was at the police station multiple times. I haven’t been able to go back to my dorm, so my parents are picking me up today, and I don’t know when I will feel comfortable coming back on campus.

Thanks for understanding!
Jayden
ELEMENTS FOR TRACKING A CASE

- Receipt of Report
- Report Assessment
- Communicating with Parties
- Investigation/Resolution
- Case Oversight
- Case Completion/Compliance

RESOURCE

Case Management Log
REPORT ASSESSMENT

Safety Concerns
- Threat to campus
- Individual safety

Reporting Obligations
- Clery
- State Law
- University Officials

Report Review
- Reporter Information
- Pattern

Additional Information
- Follow Up
- Other reporters?

RESOURCE

Checklist Template
COMMUNICATING WITH THE PARTIES

- Initial Contact with Complainant
  - Methods of Outreach
- What should the communication include
  - Purpose of communication
  - Rights
  - Resources
  - Policy
  - Request to meet
- Complainant response
  - Positive response
  - Negative response
  - No response

COMMUNICATING WITH THE PARTIES

- Initial Contact with Respondent
  - Methods of Outreach
- What should the communication include
  - Purpose of communication
  - Rights
  - Resources
  - Policy
  - Request to meet
- Respondent response
Initial Communication Template

- **Pre-Meeting**
  - Location and set up
  - Technology
- **Initial Meeting**
  - Introduction
  - Rapport Building
  - Address Immediate Needs
    - Safety
    - Support/ Referrals
    - Academics
  - Intake Checklist
  - Gather additional information (if appropriate)
- **Post-Meeting**
Intake Checklist Template

INVESTIGATION/RESOLUTION

- Support Services
- Informal Resolution
- Formal Investigation
Sample Notice Letters & Sample Communication Log

CASE OVERSIGHT

- Timeline
- Advisors
- Investigative Report Review
- Process Facilitator
  - Hearing
  - Appellate Process
CASE COMPLETION/COMPLIANCE

- Remedies
- Final Outcomes
- File Preservation

BEST PRACTICES IN CASE MANAGEMENT

- Be organized
- Develop a process
- Seek assistance
- Utilize a case management system
What obstacles have faced or do you anticipate in case management?
BREAK

STRATEGIES TO LEAD TRAINING & CAMPUS-WIDE PROGRAMMING EFFORTS
AGENDA

- Compliance requirements
- Training plan
- Program plan
- Ongoing awareness campaign
- Marketing efforts

WHAT DO WE HAVE TO DO?

Each institution must develop and implement a comprehensive prevention and outreach program on sexual misconduct including but not limited to sexual harassment, sexual assault, dating violence, and stalking. The comprehensive prevention and outreach program must address a range of strategies to prevent sexual misconduct, including sexual harassment, sexual assault, dating violence, and stalking. The program should include a public awareness campaign, primary prevention, bystander intervention, and risk reduction strategies.

-Violence Against Women’s Act
WHAT DO WE HAVE TO DO?

- Training for Title IX Coordinators, Deputy Coordinators, Investigators, Decision Makers, and Appellate Authority
- Training for Responsible Employees
- NCAA Compliance Training for Athletics
- Primary Prevention Training
- Ongoing prevention programming
- State Law requirements?
- Other considerations?

TRAINING YOUR TITLE IX TEAM

- Auditing your team’s knowledge and skill level
- Identifying training gaps
- Internal training resources
- External training resources
- Cross training your team
- Your role as facilitator
- Self guided resources and training
TRAINING FOR TITLE IX TEAM

• Critical Content
  – Definition
  – Bias
  – Stereotypes
  – Conflicts of Interest
  – Relevance
  – Credibility
  – Technology

TRAINING FOR RESPONSIBLE EMPLOYEES/CAMPUS AUTHORITIES

<table>
<thead>
<tr>
<th>Delivery</th>
<th>Content</th>
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<tbody>
<tr>
<td>• Who?</td>
<td>• Definitions</td>
</tr>
<tr>
<td>• When?</td>
<td>• Reporting Responsibilities</td>
</tr>
<tr>
<td>• How?</td>
<td>• Failure to Report</td>
</tr>
<tr>
<td>• Frequency?</td>
<td>• Policy</td>
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</table>
NCAA COMPLIANCE

- Partnership with Athletics
- Timeframe
- Content

PRIMARY PREVENTION TRAINING

Delivery
- Online
- In-person
- Alternatives

Audience
Incoming students
- Freshmen
- Transfer
- Graduate students

Content
- Length
- Definitions
- Policy
- Resources

Completion Requirement
- Deadline
- Penalty
Who are your campus collaborators when it comes to Title IX programming efforts?
## ONGOING PREVENTION PROGRAMMING REQUIREMENTS

### VAWA Amendments to Clery

6. Programs to prevent dating violence, domestic violence, sexual assault, and stalking:
   - Comprehensive, intentional, and integrated programming, initiatives, strategies, and campaigns intended to end dating violence, domestic violence, sexual assault, and stalking that:
     - Are culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to community needs, and informed by research or assessed for value, effectiveness, or outcome; and
     - Consider environmental risk and protective factors as they occur on the individual, relationship, institutional, community, and societal levels.
   - Programs to prevent dating violence, domestic violence, sexual assault, and stalking include both primary prevention and awareness programs directed at incoming students and new employees and ongoing prevention and awareness campaigns directed at students and employees.

7. Awareness programs: Community-wide or audience-specific programming, initiatives, and strategies that increase audience knowledge and share information and resources to prevent violence, promote safety, and reduce perpetration.

8. Bystander intervention: Safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking; Bystander intervention includes:
   - Understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking actions to intervene.

9. Ongoing prevention and awareness campaigns: Programming, initiatives, and strategies that are sustained over time and focus on increasing understanding of topics relevant to and skills for addressing dating violence, domestic violence, sexual assault, and stalking, using a range of strategies with audiences throughout the institution.

10. Primary prevention programs: Programming, initiatives, and strategies informed by research or assessed for value, effectiveness, or outcome that are intended to stop dating violence, domestic violence, sexual assault, and stalking before they occur through the promotion of positive and healthy behaviors that foster healthy, mutually respectful relationships and sexuality, encourage safe bystander intervention, and seek to change behavior and social norms in healthy and safe directions.

## ONGOING PREVENTION PROGRAM CONSIDERATIONS

**Delivery**

- Who?
- When?
- How?
- Frequency?

**Collaborations**

- Victim Advocacy Centers
- Health Center
- Counseling Center
- Academic Departments

**Special Populations**

- Greek Life
- Residence Life
- Athletics
- Others?

**Topics**

- Consent
- Bystander Intervention
- Victim Empowerment
- Risk Reduction Measures
- Others?
PROGRAM PLANNING
ACTION PLAN

1) Create Comprehensive Program Goals
2) Content Development
3) Delivery
4) Campus-Wide Programming Vs Custom Programming
5) Budget

BEST PRACTICES IN ONGOING PREVENTION PROGRAMMING

• Passive Marketing Campaign
• Training Peer Educators
• Calendar of Significant Events
  – Domestic Violence Awareness Month
  – Sexual Assault Awareness Month
ONGOING PREVENTION PROGRAMMING

Annual Calendar of Events:
• NOMC Take the Pledge Shirt Give-A-Way - August
• Consent Week - September
• NOMC Interest Meeting 1 - September
• NOMC New Member Orientation - September
• NOMC Interest Meeting 2 - October
• Domestic Violence Awareness Month Essay Contest - September
• Domestic Violence Awareness Self Defense Training Class - October
• Bystander Intervention Training - November
• Healthy Relationships Workshop - January
• Love is Love Week - February
• Alcohol & Spring Break Preparedness Training - March
• Sexual Assault Awareness Month Events - (All Month Long in April)
ONGOING PREVENTION PROGRAMMING

SHSU SAAM PRESENTS
DEAR SURVIVOR
Digital Art Tribute Supporting Sexual Assault Survivor

CREATE A SONG, DANCE, MELODY, POSTER, OR POEM AND TAG SHSUSAAM FOR POSTING

SAAM LIVE
"WAIT, I CAN GET FIRED?" VIRTUAL WORKSHOP
Join Us for a Sexual Assault Awareness Month Virtual Brown Bag Workshop to Learn about Title IX Legislation Changes Impacting Smith Faculty and Staff Employees. This Workshop will Be Facilitated by Jasmin Bag, SHSU Title IX Coordinator.

TUES, APRIL 7TH 12PM - 1PM
ZOOM MEETING ID: 581844960

FOR MORE INFO CONTACT SAAM EVENTS AT 936-294-5969.

What are your most successful programs to date?
What are your programming challenges or limitations?
BREAK

Making Your
YOUR ACTION PLAN
Creating Your Action Plan
Thank you!

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