

# title ix introduction







# HISTORY OF TITLE IX

## 2011- The "Dear Colleague" Letter from the Obama Administration

A landmark guidance document, known as the "Dear Colleague" letter, was issued by the Department of Education under President Obama. It expanded Title IX's focus to address sexual violence and required schools to take proactive measures to prevent and address sexual misconduct (U.S. Department of Education, 2011). The letter emphasized that all employees who knew or should have known of sexual misconduct were required to report it.



## 2024 - Amendments under Biden Administration

The regulations seek to broaden the definition of sexual harassment and expand protections for LGBTQ+ students. The changes also provide greater flexibility in how schools can resolve complaints, eliminating the mandatory live hearings requirement (U.S. Department of Education, 2023). The amendments further emphasize inclusivity and address misconduct that occurs off campus or online.

## 2025 – Sixth Circuit Decision

A national appeals court vacated the 2024 Title IX regulations nationwide, ruling that the U.S. Department of Education exceeded its authority by expanding the definition of sex discrimination beyond the statutory scope of Title IX. The court found that the Department's interpretation, which sought to include gender identity and sexual orientation under sex-based protections, was not supported by the original legislative intent of Title IX. Additionally, the court held that the regulations violated constitutional free speech protections by compelling the use of gender-aligned pronouns, thereby infringing upon individuals' First Amendment rights. This decision reinstates the 2020 Title IX regulations, requiring educational institutions to revert to the policies and procedures established under those rules.

## 1972 - Legislation Passed

Initially, the law was primarily aimed at ensuring equal opportunities in education, particularly in athletics, by mandating gender equity in sports (U.S. Department of Education, 2021).

## 1980s–1990s - Expansion into Sexual Harassment

In *Cannon v. University of Chicago* (1979), the Supreme Court ruled that individuals had the right to sue under Title IX. By the late 1980s, the Court had expanded Title IX to include protections against sexual harassment (*Meritor Savings Bank v. Vinson*, 1986).



## 2020 - Regulatory Changes under Trump Administration

New regulations were issued by the Department of Education, which changed how schools handled sexual harassment claims. The regulations focused on due process protections for those accused and narrowed the definition of sexual harassment (U.S. Department of Education, 2020). Schools were required to hold live hearings with cross examination in sexual harassment cases.





# Title IX and law enforcement Partnership

## A Case with Title IX Implications Requires:

- Prompt and impartial response to reports of sexual misconduct.
- Collaboration with the Title IX Office while maintaining appropriate distinctions between criminal investigations and administrative processes.
- Prevention of retaliation against those involved in Title IX cases.
- Understanding the legal definitions of sexual harassment and sexual violence under Title IX versus the criminal code.

## Title IX is NOT:

- Title IX is not a replacement for the criminal justice system
- It is not dependent on whether a complainant chooses to file criminal charges.

Schools must still act under Title IX even if police do not file charges





# WHAT IS REPORTABLE?

## Sexual Harassment

- Creating a hostile environment
- Quid pro quo
- Indecent exposure
- Invasion of sexual privacy

## Sexual Violence

- Intimate partner violence
- Sexual assault
- Stalking

## Unequal Treatment

- Unfair hiring
- Pay inequities
- Discrimination based on pregnancy or lactation needs

## Compliance Failures

- Failure to report
- Retaliation based on someone reporting
- Failure to follow no contact orders

## What This Means for Campus Police

- Not all Title IX violations are crimes, but all Title IX reports must be addressed.
- Campus PD must report incidents to the Title IX Office, even if a crime is not pursued.
- Consent matters—Just because someone didn't say "no" does not mean they said "yes."



# What is Consent?

**Definition:** Consent is an informed, enthusiastic, and ongoing agreement to engage in a specific activity.

- **Key Principles:**

- Freely given
- Reversible
- Informed
- Enthusiastic
- Specific

## Consent in Context

- Verbal vs. Non-Verbal:
  - Verbal: Clearly saying “Yes” or expressing agreement.
  - Non-verbal: Body language that aligns with enthusiastic participation.
- What Consent is NOT:
  - Silence or lack of resistance.
  - Coerced or manipulated agreement.
  - Assumed based on previous interactions.

## Socialization and Consent

- How Social Norms Affect Understanding:
  - Women’s Socialization:
    - ❖ Research shows women are often socialized to prioritize others’ comfort over their own boundaries (Tolman, D. L. (2002). *Dilemmas of Desire: Teenage Girls Talk About Sexuality*
    - ❖ Social norms may discourage assertiveness, leading to ambiguity in expressing or withholding consent (Hirsch, J. S., & Khan, S. (2020). *Sexual Citizens: A Landmark Study of Sex, Power, and Assault on Campus*
  - Men’s Socialization:
    - ❖ Expectations to “pursue” can create pressures that blur consent dynamics (Flood, M. (2019). *Engaging Men and Boys in Violence Prevention*



# What is covered by title ix?

## People:

- Students
- Faculty
- Staff
- Vendors/Contractors

## Places:

- On campus and off campus
- online if NVC controls the online vector

*\*The most important question is whether NVC had substantial control over the activity and whether the incident had to do with a school program or activity\**







# what are my rights?

## ➤ Right to a Safe Work Environment

Staff are entitled to work in an environment free from sex-based discrimination and harassment, including sexual harassment and misconduct. If a faculty member experiences or witnesses discriminatory behavior, they have the right to report it under Title IX. Schools must take immediate action to address complaints.

## ➤ Protection Against Retaliation

Staff who report Title IX violations or participate in investigations are protected from retaliation. Institutions cannot take adverse actions, such as demotion or dismissal, against faculty for exercising their Title IX rights.

## ➤ Right to Due Process

When staff members are accused of violating Title IX, they have the right to fair and impartial investigations. This includes being informed of the allegations, having the opportunity to present evidence, and the right to appeal decisions. The 2020 regulations emphasized due process rights, such as the ability to cross-examine during hearings, although some of these procedures are subject to change under the 2024 revisions.



## ➤ Right to Equal Treatment in Employment

Title IX prohibits sex discrimination in employment, including hiring, pay, promotion, and benefits. Staff are protected from unequal treatment based on sex.

## ➤ Right to Access Supportive Measures

Staff members who are victims of harassment or discrimination are entitled to supportive measures, which may include counseling, adjustments to work assignments, or changes in work environment, regardless of whether they file a formal complaint.

## ➤ Right to Participate in Title IX Training

Staff are entitled to regular training on their rights and responsibilities under Title IX. This ensures that they are aware of how to identify and report discrimination or harassment and how to support students and colleagues.

## ➤ Right to Privacy

Staff who report incidents or are involved in a Title IX process have the right to a degree of confidentiality. Institutions are required to keep complaints and investigations as confidential as possible, sharing information only with those directly involved in resolving the situation.



# What can Title IX do for students?

## Provide Supportive Measures

- Academic adjustments (e.g., extensions, schedule changes)
- Counseling and mental health referrals
- Housing or on campus work accommodations.
- No-contact directives between parties.

## File and Investigate Complaints

- Assist with filing formal Title IX complaints.
- Conduct impartial investigations of sexual harassment or discrimination.
- Ensure a fair grievance process with opportunities for both parties to present evidence.

## Ensure Rights Are Protected

- Inform students of their rights under Title IX.
- Provide the option to participate or decline informal resolution processes.
- Maintain confidentiality to the extent possible.

## Act as a Resource

- Connect students with campus and community resources (e.g., legal aid, health services).
- Offer guidance on external reporting to law enforcement or other agencies.

## Promote a Safe Environment

- Take immediate steps to address safety concerns.
- Work to prevent retaliation and ensure ongoing access to educational programs.





# Campus Police responsibilities

## Mandatory Reporting

As campus law enforcement, you are a mandatory reporter. This means:

- You must report all potential Title IX violations to the Title IX Coordinator.
- You cannot promise confidentiality. Title IX requires disclosure to ensure institutional response.
- Survivors should be informed of their rights and support services regardless of their decision to file criminal charges

## Coordinating with the Title IX Office

- **Parallel Investigation** Criminal and Title IX investigations can happen simultaneously but are separate.
- **Different Standards of Proof**
- **Criminal** Beyond a reasonable doubt.
- **Title IX** Preponderance of the evidence (more likely than not).
- **No interference** Title IX cases must continue even if criminal cases are pending.

## Supporting Complainants and Respondents

- Explain the difference between Title IX and criminal complaints
- Direct complainants to Title IX resources and support services
- Ensure no bias or pressure to file a criminal complaint if they choose not to.
- If an individual is a minor, immediate reporting to CPS or law enforcement is required under mandated reporting laws.





# what are my responsibilities



## What to Know about a Situation Where You Will Need to Report:

### You cannot promise confidentiality!

- It is your duty to report, and in some cases, it will be the Title IX Coordinator's duty to move forward with the case even when the complainant does not wish to.
- The information will need to be shared with relevant parties to resolve the complaint. Please explain to the individual reporting to you that you **are not** able to promise confidentiality.
- You should give the student the Title IX Office's information in addition to filing a report.
- You can bring an issue to the Title IX Office's attention through phone, email, the website, or by stopping by. This information will be provided at the end of the slideshow.

Under the 2020 regulations, the student in question will have to sign a formal complaint to move forward with the case (unless the Title IX Coordinator sees the complaint as a safety risk and chooses to sign the complaint themselves)

If a formal complaint is filed, the respondent has the right to a communication with the complainant's name and the charges leveled against the respondent.

- None of this information should deter you from reporting.
- It is an important responsibility, and it is unusual for the Title IX Coordinator to move forward without the complainant's consent.
- If you do not report the information, you are denying the complainant access to supportive measures which may make a stressful and traumatic experience more bearable.





# DO'S AND DONT'S

## Do's

- Report even if you are unsure if it is a Title IX issue
- Get as much information as you can from the complainant
- Give the Title IX office information to the complainant
- Inform the individual of your duty to report the situation
- Let the complainant know that the Title IX office also offers supportive measures

## Dont's

- Do not discourage a complainant from pursuing a Title IX report.
- Do not conduct a full scale investigation without Title IX coordination.
- Do not delay reporting an incident to the Title IX Office.
- Do not make credibility judgments based on gender, clothing, or prior relationships.
- Do not assume lack of physical resistance equals consent.





# what is retaliation?



**Retaliation** under Title IX is any action taken to intimidate, threaten, coerce, or discriminate against an individual for filing a Title IX complaint or for participating in an investigation, hearing, or proceeding.

## **Examples of Retaliation**

- Lowering grades or unfair evaluations.
- Dismissal from a program or organization.
- Exclusion from campus activities or opportunities.
- Threats, harassment, or bullying.

Retaliation can be against the complainant or the respondent, so be careful not to remove a student from a program etc. over a Title IX complaint unless the program already has its own policy in place that the respondent or complainant ran afoul of.

## **Protections Against Retaliation**

- Schools must ensure no adverse actions are taken against individuals exercising their Title IX rights.
- Separate Investigations: Retaliation complaints are handled separately from the original Title IX case.

**If you witness an incident of retaliation, contact the Title IX Coordinator immediately!**



# how do make a report?

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**Website:** <https://www.napavalley.edu/about/title-ix/index.html>

- Reporting Form
- Book an Appointment through Conex Ed.

**Office Drop-in:** Bldg 1500 Rm 1546

**Email:** [kellytomlinson@napavalley.edu](mailto:kellytomlinson@napavalley.edu)

**Phone:** TIX Office at 707-256-7198

**QR Code:** -----

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# TITLE IX TEAM



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# thank you



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