

TITLE IX INTRODUCTION





HISTORY OF TITLE IX



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).

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.



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).



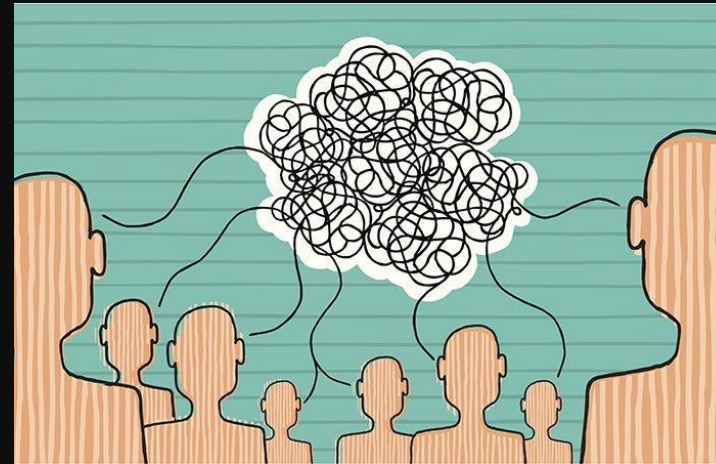
2020 - Regulatory Changes under Trump Administration

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.





WHY IS TITLE IX IMPORTANT?



BUILDS A CULTURE OF ACCOUNTABILITY

Establishes clear protocols for addressing complaints, which help build a culture of accountability and respect. This reduces the likelihood of repeated offenses and strengthens institutional integrity.



SUPPORTS STUDENT AND FACULTY WELL-BEING

Provides resources and support for students and staff experiencing discrimination or harassment. Access to counseling, accommodations, and supportive measures can improve mental health and academic performance, contributing to overall well-being on campus.



IMPROVES CAMPUS SAFETY

Causes universities to address and prevent sexual harassment, assault, and discrimination. This can lead to a safer campus environment where students and faculty feel protected, reducing instances of misconduct and ensuring swift action when issues arise.



PROMOTES DIVERSITY AND EQUAL OPPORTUNITIES

Title IX encourages diverse perspectives within the student body and faculty. This diversity can enhance academic dialogue, research, and innovation, making the institution more competitive and attractive to a broad range of students and staff.



WHY IS TITLE IX IMPORTANT? CONTINUED...

Some potential consequences of ignoring Title IX include:

- **Loss of Federal Funding** - Universities risk losing federal financial assistance, including student aid (U.S. Department of Education, 2020).
- **Reputational Damage** - Negative media attention and loss of public trust can harm the university's reputation, impacting student enrollment and faculty retention.
- **Mandatory Corrective Actions** - Institutions may be required to revise policies, increase training, and adjust how they handle Title IX complaints, under the oversight of the Office for Civil Rights (OCR).
- **Increased Scrutiny and Oversight** - Violations can result in regular audits and more stringent reporting requirements imposed by the OCR.
- **Lawsuits and Legal Penalties** - Students or faculty may file lawsuits, leading to costly settlements or damages under Title IX and other civil rights laws.
- **Impact on Accreditation** - Serious or repeated violations could affect a university's accreditation status, which may jeopardize its ability to operate.
- **Increased Training and Policy Requirements** - Institutions might be required to invest in further training programs and overhaul their procedures, increasing administrative burden.
- **Student and Faculty Turnover** - Violations can create a hostile campus environment, leading to increased transfers, resignations, and difficulty in recruitment

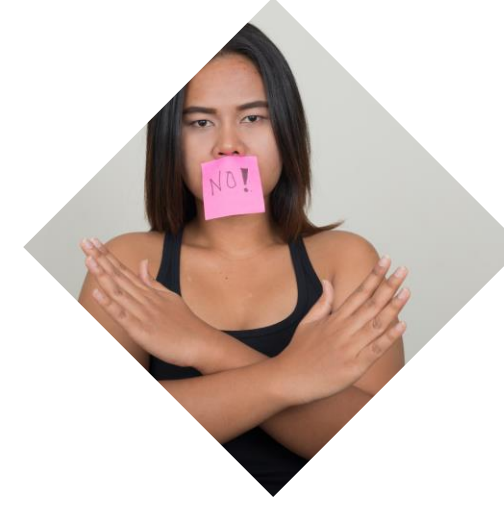


KEY TERMS

As we go through the presentation, try to focus on developing a definition of the following:



Responsible Employee



Consent



Sexual Harassment



Stalking



Retaliation



Mandated Reporter



Supportive Measures



Sexual Assault

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 IS REPORTABLE?

If you are wondering whether or not something rises to the level of a Title IX issue, consider whether or not the incident you witnessed or were told about left room for consent. Just because someone didn't say "no", does not mean they did say "yes."

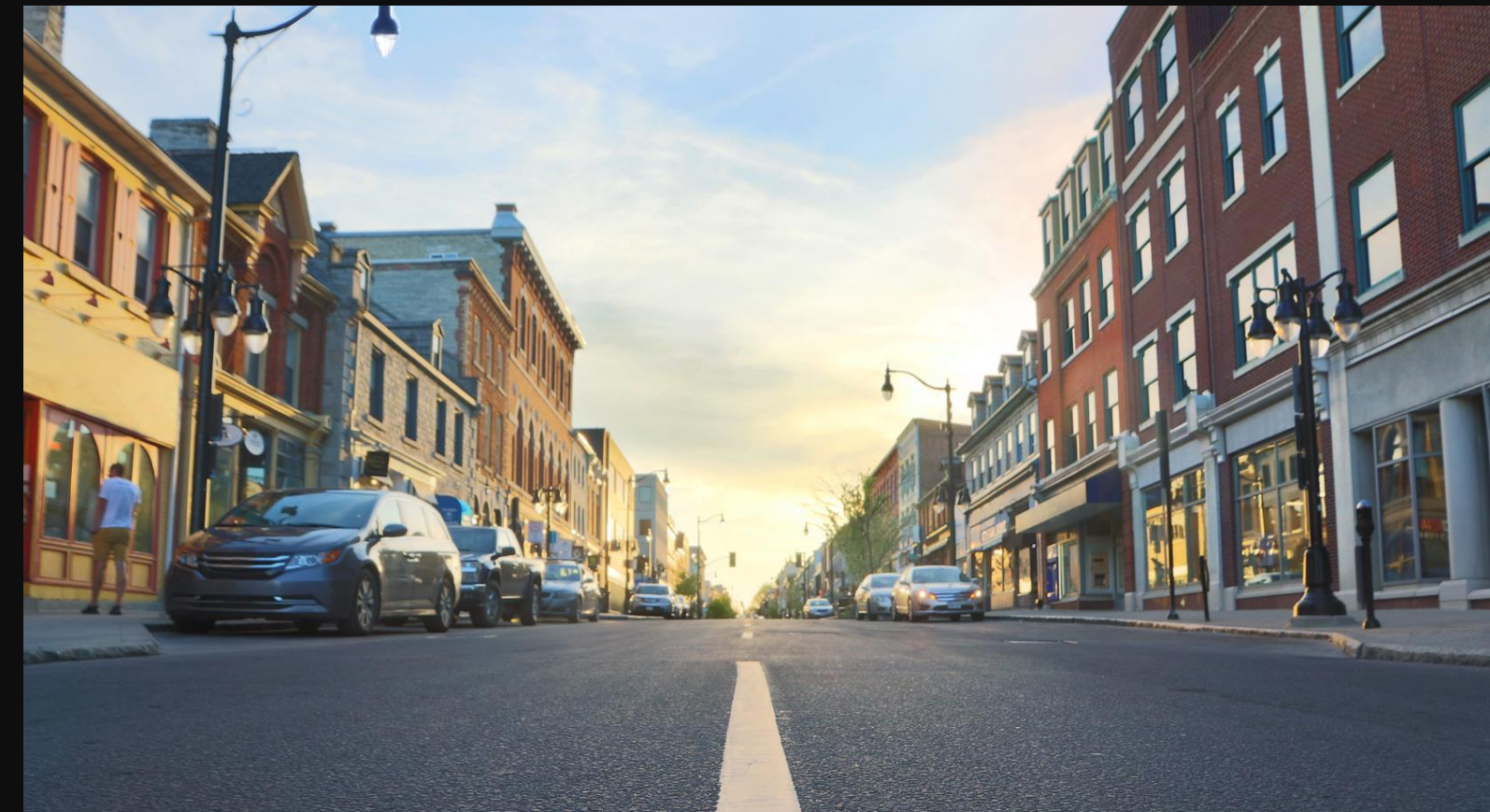
WHAT IS COVERED BY TITLE IX?

People:

- Students
- Faculty
- Staff

Places:

- On campus and off campus
- The most important question is 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, gender identity, or sexual orientation.

➤ 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 Confidentiality

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



EAP SERVICES

WHAT ELSE IS
AVAILABLE?



Suicide/Crisis line - 988



**5 counseling sessions through
Optum - [liveandworkwell.com](https://www.liveandworkwell.com)**



WHAT ARE MY RESPONSIBILITIES?

You are always a Mandated Reporter (someone who must report abuse of the minor to CPS if you become aware of it).

The new Title IX regulations now state that any “responsible employee” is obligated to report Title IX related offenses or the college may face consequences. That is whether you witness the event or the event is shared with you by someone else. So, who is a responsible employee?

Any College employee:

- who has the authority to take action to redress Title IX offenses;
- who has been given the duty of reporting Title IX offenses to the Title IX Coordinator or another appropriate school designee; or
- whom a student could reasonably believe has this authority or duty.



REPORT

WHAT ARE MY RESPONSIBILITIES? CONTINUED...

The Responsible Employee has an obligation to report what the person tells them to the College administration.

What to know about a situation where you will need to report:

- Complainants have the option to request that NVC maintain confidentiality and/or avoid an investigation. Keep in mind, that is a request they can make, but we may not be able to honor the request, depending on the circumstances.
- None of us may promise total confidentiality.
- Know whether you are a confidential or non-confidential employee.
- If you are non-confidential you **MUST** give the student the Title IX Office's Information



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

Dont's

- Do your own investigation
- Guarantee confidentiality
- Share Title IX info with anyone other than the Title IX department

HOW DO I MAKE A REPORT?

- You may make a report by phone, in person, on the website, or via email
- All contact information will be on the flyer we hand out today and on the website





KEY TERMS REVIEW

Let's start building our Title IX definitions.



**Responsible
Employee**



Consent



**Sexual
Harassment**



Stalking



Retaliation



**Mandated
Reporter**



**Supportive
Measures**



**Sexual
Assault**



TITLE IX TEAM



CHARO ALBARRAN

ASSISTANT SUPERINTENDENT/VICE
PRESIDENT, HUMAN RESOURCES,
TRAINING & DEVELOPMENT



KELLY TOMLINSON

TITLE IX & CIVIL RIGHTS
COMPLIANCE MANAGER



SAVANNA PETRI

HUMAN RESOURCES TECHNICIAN &
TITLE IX SUPPORT





THANK YOU



707-256-7198



KELLY.TOMLINSON@NAPAVALLEY.EDU

