# Leading and Strategizing as a New Title IX Coordinator Bootcamp

**Establishing Yourself as the New Title IX Coordinator**

**Session One – Wednesday, January 26, 2022**



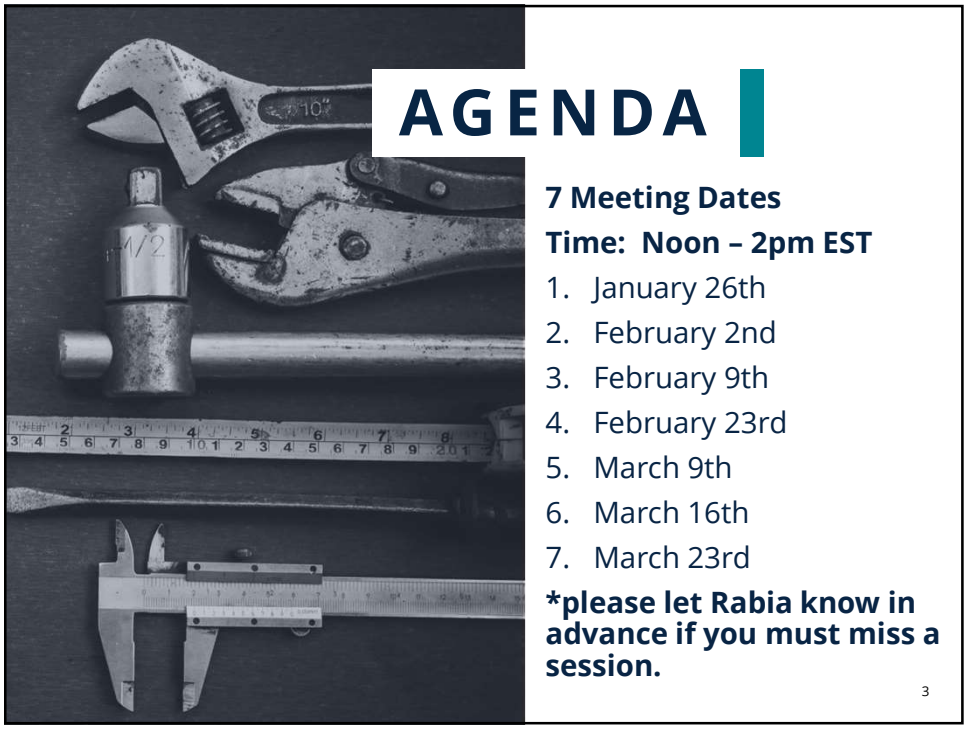
1

## Housekeeping Items

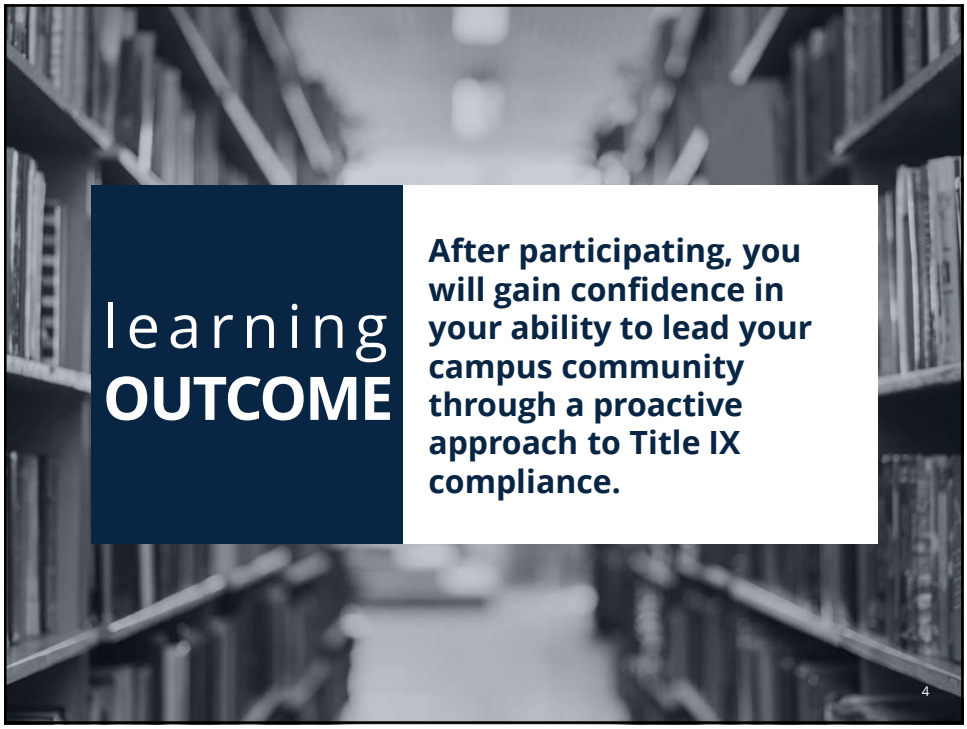
- For an optimal experience, please close all unnecessary applications and windows.
- Please remain muted unless you are talking.
- Questions and comments are encouraged – please use your mic where possible.
- We encourage you to be on camera during the bootcamp, but it's not required.
- The "Chat Box" is visible to all.
- If you cannot see the chat box, exit out of "Full Screen Mode" and choose either "Gallery" or "Speaker" mode.
- Breakouts are not recorded.
- Please update your name and pronouns (if desired) by selecting to view the "Participant" list. Hover over your name and select "Rename" to update.



2


AGENDA
7 Meeting Dates
Time: Noon – 2pm EST
1. January 26th
2. February 2nd
3. February 9th
4. February 23rd
5. March 9th
6. March 16th
7. March 23rd
*please let Rabia know in advance if you must miss a session.
3

3


learning
OUTCOME
After participating, you will gain confidence in your ability to lead your campus community through a proactive approach to Title IX compliance.
4

4

## Meet Your Instructor Team

Rabia Khan Harvey, M.Ed., MSHR
Senior Learning & Development Manager
Academic Impressions
Rabia@academicimpressions.com

Jeanine Bias, MPA, CDT, CDP
Director, Office of Institutional Diversity and Inclusion/Title IX Coordinator
Sam Houston State University
jbias@shsu.edu

Cara Hardin, J.D.
Title IX Deputy Coordinator
Marquette University
cara.hardin@marquette.edu



5

## Now, let's meet you!

- Name
- Title
- Institution
- Fun Fact about You

6

## 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***

TITLE IX



7

## Final Regs Give Title IX Coordinators Many "Hats" to Wear

I. Notification Obligations
II. Establishing the Title IX "Team
III. Training
IV. Policy Development and Implementation
V. Response to Reports
VI. Accepts, Files, Consolidates, Dismisses Formal Complaints
VII. Oversees Grievance Process
VIII. Implements Sanctions/Remedies
IX. Record Keeper

8

ACADEMIC IMPRESSIONS

# #1

## Title IX Coordinator's Top IX Duties Under 2020 Final Regulations

9

9

## I. Notification Obligations (§106.8)

Current and potential members of campus community are entitled to the notification of:

- Designation and contact info of Title IX Coordinator.
- Notification of policy against sex-based discrimination.
- Where to report sexual harassment/discrimination.
- How the institution will respond to a report.
- Direct any questions regarding Title IX to Title IX Coordinator and/or OCR Asst. Secretary.
- Grievance procedures and grievance process

ACADEMIC IMPRESSIONS

10

10

## II. Establishing the Title IX "Team"

- Title IX Coordinator
- Investigators
- Decision-makers (hearing process and appeals)
- Informal resolution facilitators
- *Officials with Authority to institute corrective measures on behalf of the institution*
- Other: Intake specialist, hearing coordinator, victim/respondent advocates, etc.



11

## III. Training (§106.45(b)(10)(D))

- Must ensure Title IX personnel are appropriately trained.
- Must publish materials from all Title IX-related training completed by Title IX personnel.



12

## IV. Policy Development and Implementation §106.8(b)(2)(c)

- Scope of the policy (i.e., jurisdictional reach and actual knowledge)
- Contact info for Title IX Coordinator and personnel
- Definition of Offenses and Terminology
- Institutional response to allegations of sexual harassment
  - Reporting options, supportive measures, emergency removals, party rights, time frames, how to file a formal complaint, presumption of non-responsibility, etc.



13

- Description of grievance process for sexual harassment/grievance procedures for sex discrimination and retaliation.
- Standard of proof
- Possible or range of disciplinary sanctions/remedies
- False statements and submission of false information
- Record keeping



14

## Implementation = Procedures

- Party "notice" procedures
- Investigative process procedures
- Hearing process rules and procedures
- Appeal process procedures



15

## RESOURCES

**OCR Sexual Harassment Definition**

- **OCR Blog Entry 20201007:** https://www2.ed.gov/about/offices/list/ocr/blog/20201007.html
- **Q&A on the Title IX Regulations (July 2021)** https://www2.ed.gov/about/offices/list/ocr/docs/202107-qa-titleix.pdf



16

## V. Response to Reports (§106.30(a))

Must respond to sexual harassment allegations when have notice and jurisdiction ("actual knowledge")

- Response must be equitable to both parties:
  - Complainants: Inform complainants of the availability of supportive measures and the process for filing a formal complaint. § 106.44(a), (b).
  - Respondent: Follow 106.45 grievance process before imposition of disciplinary sanctions and provide supportive measures if they have knowledge of report.
- Determine whether emergency action is necessary.



17

## Emergency Removals (§106.44(c))

- Issued when the Title IX Coordinator determines that emergency action against a respondent is necessary.
  - Emergency Removal (student respondent)
  - Administrative leave (employee respondent)
- An emergency removal can occur before the filing of a formal complaint or at any time during the grievance process.



18

## Emergency Removals - Procedures

- **Step 1:** *Risk assessment:* For an emergency removal to occur, there must be an individualized safety and risk analysis assessment to determine whether there is an immediate threat to the physical health or safety of anyone within the community.
- **Step 2:** *Notice to the Respondent.* Prior to the emergency removal or as soon thereafter as reasonably possible, the Title IX Coordinator will provide to the respondent written notice of the emergency removal.
- **Step 3:** *Challenging an Emergency Removal.* Students must have an opportunity to challenge an emergency removal.



19

## TAKEAWAYS

Establish a behavioral intervention-type team for emergency removals.

Possible team members:

- Title IX Coordinator
- Mental health/behavioral specialist
- Public safety/commissioned police representative
- Student affairs
- Etc.



20

## VI. Accepts, Files, Consolidates, Dismisses Formal Complaints

A formal complaint is a document filed by a…

- Complainant, or
- Signed by the Title IX Coordinator

…that alleges that a respondent engaged in sexual harassment and requests that the institution investigate the allegation(s). (106.30(a)).

***A complainant who files must be participating in or attempting to participate in an education program or activity at the time the complainant files a formal complaint*



21

## Title IX Coordinator Formal Complaint

Before a Title IX Coordinator signs a formal complaint:

- Title IX Coordinator should honor the complainant's wishes on whether to file a formal complaint, when possible.
- File a formal complaint when not "clearly unreasonable" despite complainant's wishes.

**No requirement that complainant is participating or attempting to participate in education program or activity.*



22

## Consolidation of Formal Complaints (§106.45(b)(4))

Consolidation of formal complaints may occur when the formal complaint is:

- Against more than one respondent,
- By more than one complainant against one or more respondents, or
- By one party against the other party,
- Where the allegations of sexual harassment arise out of the same facts or circumstances.



23

## Formal Complaint Dismissals

Jurisdictional Gatekeeper:

- Mandatory causes for dismissal (§106.45(b)(3)(i))
- Discretionary causes for dismissal (§106.45(b)(3)(ii))

***All dismissals are subject to appeal.*



24

## Mandatory Causes for Dismissal

- The allegations, if proven true, do not meet definition of sexual harassment.
- The misconduct occurred outside the university's programs or activities or outside the United States.
- The complainant is not participating or attempting to participate in the school's education program or activity at the time the formal complaint is filed. §106.30



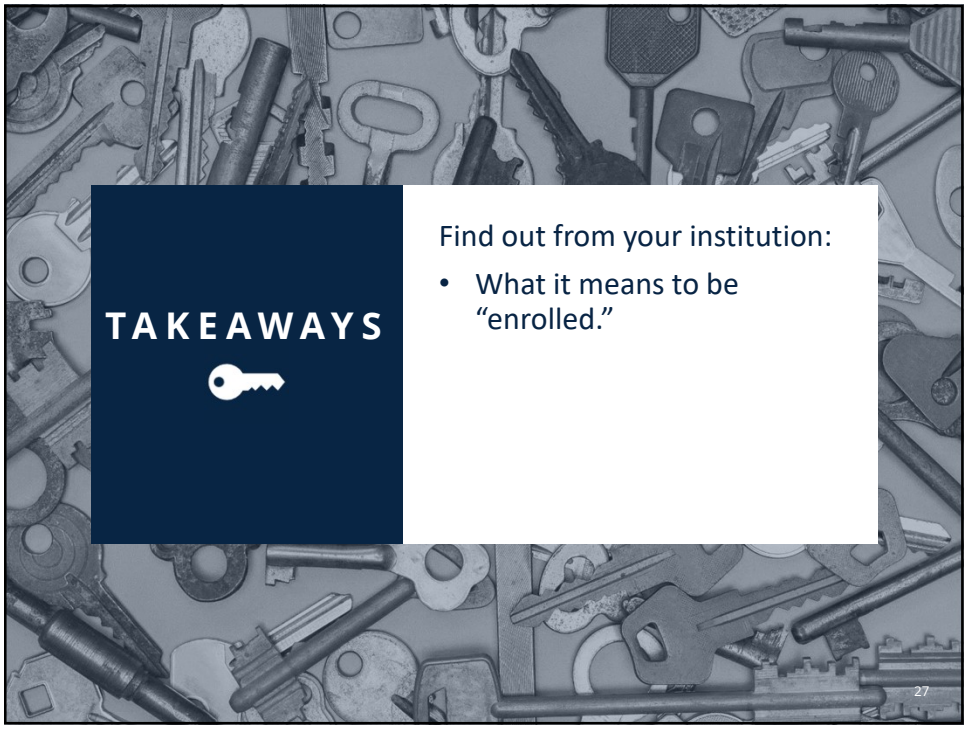
25

## Discretionary Causes for Dismissal

- A complainant requests dismissal at any time during the grievance process.
- When respondent no longer enrolled.
- If evidence can't be obtained to determine responsibility.



26




27

## VII. Oversees Grievance Process

- Ensure parties are treated equitably. §106.8
- Ensure an equitable process:
  - Investigative Process
  - Hearing Process
  - Appeal Process
  - Informal Resolution Process



28

## Fundamentals of Title IX

- Equity
- Impartiality
- Fairness
- Transparency
- Confidentiality/Privacy

ACADEMIC IMPRESSIONS

29

29

## GROUP DISCUSSION

How does your institution employ the fundamentals of Title IX?

- Equity
- Impartiality
- Fairness
- Transparency
- Confidentiality

30

30

## VIII. Implements Sanctions/Remedies

Following a responsibility finding after a formal complaint's resolution, the Title IX Coordinator is responsible for the effective implementation of:

- Disciplinary sanctions
- Remedies



31

## IX. Record Keeper §106.45(b)(10)

Seven-year recording keeping requirement.

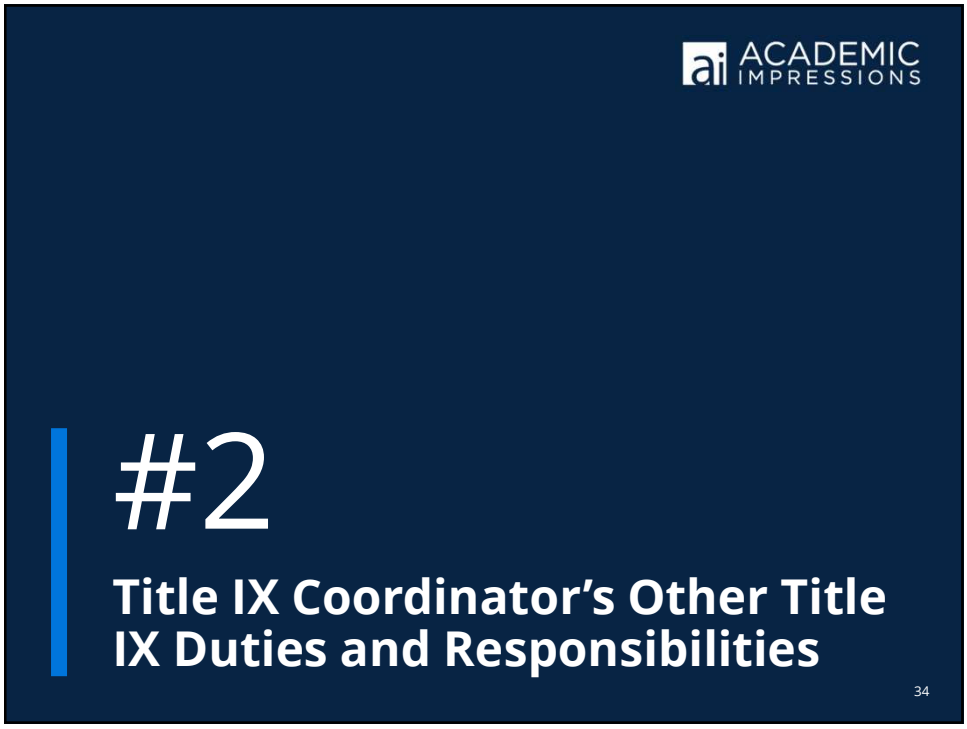
- Documents relating to sexual harassment investigations
- Determinations of responsibility
- Audio or audiovisual recordings or transcripts from grievance process.
- Disciplinary sanctions/remedies
- Appeal and decision on appeal
- Any informal resolution and result thereof
- Supportive measures (or why not delivered)
- Materials used to train Title IX personnel.



32

GROUP DISCUSSION
What questions do you have about the content discussed in Part 1?
33

33


ACADEMIC IMPRESSIONS
#2
Title IX Coordinator's Other Title IX Duties and Responsibilities
34

34

## Title IX Coordinator Duties Outside the Final Regulations §106.8

**Sex Discrimination**

- Program equity, including athletics
- Recruitment, Admissions, & Access
- Pregnant & Parenting
- Employment, Recruitment, & Hiring
- Extra-Curricular Activities
- Housing
- Access to Course Offerings
- Salaries and Benefits
- Financial Assistance
- Facilities
- Funding
- Sex, Sexual Orientation, & Gender Identity
- Female-only programs

**Retaliation**



35

## Title IX Coordinator Duties Outside the Final Regulations (con't)

VAWA mandates (will talk about next week)

State mandates

Campus climate

Campus & Community Liaison



36

## Additional Title IX Coordinator Duties and Responsibilities Cont.

- Case Management
- Collaborator
- Relationship Builder
- Navigating Competing or Supplemental Policies
- Internal & External Communications
- Subject Matter Expert



37

## Case Management Basics

- Receipt of Report
- Report Assessment
  - Safety Concerns
  - Other Reporting Obligations
- Communicating with Complainant
  - Rights, Policy, Resources
  - Intake
  - Follow Up
- Supportive Measures Offered/Provided



38

## Case Management Basics

- Resolution/ Investigation
- Communicating with Respondent/ Other Parties
- Case Oversight
  - Jurisdiction Determination
  - Timeline
  - Advisors
  - Investigative Report Review
  - Facilitate Hearing Process
- Case Completion



39

40

QUESTIONS?
ACADEMIC IMPRESSIONS
41

41

ACADEMIC IMPRESSIONS
#3
Establishing Integrity & Reliability in Your Role
42

42

## Advice for success as a Title IX Coordinator

- Ask more questions than you have answers to
- Seek continuous knowledge & information
- Get to know the campus and vice versa
- Expect the unexpected
- Transparency
- Branding
- Self-care is critical
- Establish partnerships



43

## Establish Relationships with Critical Campus Partners

**Who?**

- President/ Senior Leadership
- Community Leaders
- Student Leaders
- Law Enforcement
- Clery Officials
- Legal Counsel
- Others

**What?**

- Resources
- Collaborations
- Transparency

**How?**

- Face to Face Meetings
- Joint Initiatives
- Social Media



44

## CHAT

**What communication strategies have worked effectively for you when establishing relationships with critical campus partners and stakeholders who can support your job functions?**

45

45

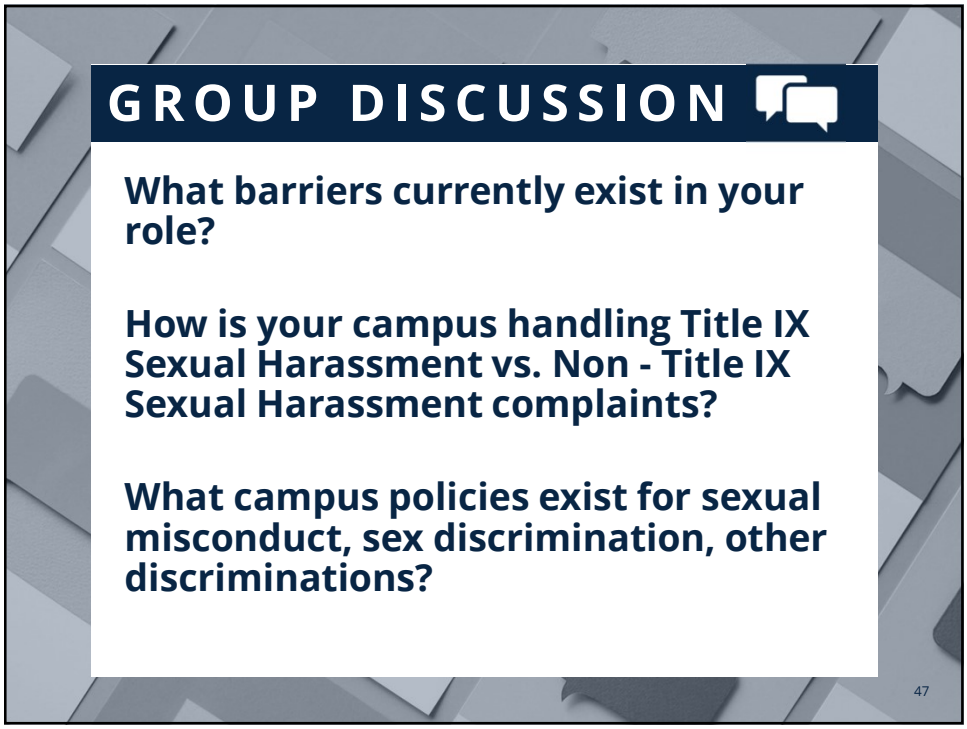
## TAKE A DEEP BREATH!

- 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

ACADEMIC IMPRESSIONS

46

46


GROUP DISCUSSION
What barriers currently exist in your role?
How is your campus handling Title IX Sexual Harassment vs. Non - Title IX Sexual Harassment complaints?
What campus policies exist for sexual misconduct, sex discrimination, other discriminations?
47

47

QUESTIONS?
ACADEMIC IMPRESSIONS
48

48

TAKEAWAYS
Next Bootcamp Meeting:
Wednesday, February 2nd at 12:00 – 2:00p.m. EST
Remember to bookmark the course site to review the syllabus and upcoming assignments.
49

49