Welcome to Today's
PaperClip Communications
Webinar
Federal Guidance: Title IX Coordinator Mandates & Obligations

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2:00 – 3:30 PM ET

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Panelist

- Claire K. Hall, JD
- Director of Student Conduct and Special Advisor to Student Services
- Johnson & Wales University
Today’s Webinar

• Understanding of institutional obligations as set forth by the April 24 Dear Colleague Letter and the Title IX Resource Guide.

• Requirements and responsibilities of the Title IX Coordinator, including conflicts of interest to avoid.

• Strategies to maximize visibility and presence on campus to best assist the student and staff communities in locating the resources they need.
Today’s Webinar (Continued)

• Direction and advisement with respect to obligations under Title IX and the related laws you must be aware of to address student needs and remain compliant.

• Training mandates for the Title IX Coordinator and how to position this staff member to successfully support students in this key role.
Resources

Resources (continued)

- Title IX Policy Interpretation: Intercollegiate Athletics (December 11, 1979), *available at* [http://www.ed.gov/ocr/docs/t9interp.html](http://www.ed.gov/ocr/docs/t9interp.html)
Resources (continued)

Resources (continued)

Title IX

• A comprehensive federal law that prohibits discrimination on the basis of sex in any federally funded education program or activity.
  – Sexual Harassment
  – Sexual Violence (rape, sexual assault, sexual battery, sexual abuse, sexual coercion)
  – Gender-based Harassment
  – Not Providing Equal Opportunities
“Title IX prohibits sex-based harassment by peers, employees, or third parties that is sufficiently serious to deny or limit a student’s ability to participate in or benefit from the recipient’s education programs and activities (i.e., creates a hostile environment). When a recipient knows or reasonably should know of possible sex-based harassment, it must take immediate and appropriate steps to investigate or otherwise determine what occurred. If an investigation reveals that the harassment created a hostile environment, the recipient must take prompt and effective steps reasonably calculated to end the harassment, eliminate the hostile environment, prevent the harassment from recurring, and, as appropriate, remedy its effects.”

-Title IX Resource Guide, Page 15
April 24 Dear Colleague Letter (DCL)

“I write to remind you that all school districts, colleges, and universities receiving Federal financial assistance must designate at least one employee to coordinate their efforts to comply with and carry out their responsibilities under Title IX of the Education Amendments of 1972 (Title IX), which prohibits sex discrimination in education programs and activities. These designated employees are generally referred to as Title IX coordinators.”

-Catherine E. Lhamon, Assistant Secretary for Civil Rights, 4/24 DCL
April 24 (DCL)

The Title IX coordinator must have **authority and support** and be **sufficiently trained**...SO THAT.. the Title IX coordinator can ensure that **every stakeholder is aware** of the **legal rights** Title IX affords and that every stakeholder knows that the **institution complies** with Title IX.
Stakeholders

• Students
• Parents/Guardians
• Employees
• Applicants for Admission
• Third-Parties
Designate a Title IX Coordinator

- **Independence**: role should be independent, report directly to senior leadership, have appropriate authority.

- **Full-Time**: qualifications, training, authority and time.

- **Avoid Conflict of Interest**: No disciplinary board member, general counsel, dean of students, athletics director, etc. (Full-time avoids conflict).

- **Multiple Coordinators**: not required, but advised.
Multiple Coordinators

• Recipients with more than one Title IX coordinator:
  – Must notify students and employees of the lead Title IX coordinator’s contact information in its notice of nondiscrimination
  – Should make the contact information for its other Title IX coordinators available, including any additional information that would help identify which Title IX coordinator to contact
Retaliation

“Title IX makes it **unlawful to retaliate against individuals**—including Title IX **coordinators**—not just when they file a complaint alleging a violation of Title IX, but also when they participate in a Title IX investigation, hearing, or proceeding, or advocate for others’ Title IX rights. Title IX’s broad anti-retaliation provision protects Title IX coordinators from discrimination, intimidation, threats, and coercion for the purpose of interfering with the performance of their job responsibilities. A recipient, therefore, must not interfere with the Title IX coordinator’s participation in complaint investigations and monitoring of the recipient’s efforts to comply with and carry out its responsibilities under Title IX. Rather, a recipient should encourage its Title IX coordinator to help it comply with Title IX and promote gender equity in education.”

-April 24 DCL, Page 4
Requirements and Responsibilities of the Title IX Coordinator

• Coordinate compliance
• Coordinate grievance procedures
• Receive reports of all complaints
• Monitor outcomes
• Identify and address patterns
• Assess effects on campus climate
• Have sufficient knowledge of policies and procedures
• Be involved with drafting and revision
Requirements and Responsibilities of the Title IX Coordinator (continued)

- Assist in training of others
- Evaluate confidentiality requests
- Coordinate record retention
- Recommend safety measures
- Review effectiveness/recommend proactive steps
Visibility

• Make Title IX coordinator visible to the school

• Post a **notice of nondiscrimination:**
  – School does not discriminate on basis of sex
  – Questions may be referred to Title IX Coordinator
    (including name, office address, phone number, email)
  – Widely disseminated
    • Posted on website
    • Included in bulletins, announcements, publications, catalogs, handbooks, application forms, recruitment materials, etc.
    • Social media???

• Title IX webpage encouraged
Trained Title IX Coordinator

• Must be trained and possess comprehensive knowledge regarding:
  – All Title IX Policies and Procedures
  – Grievance Procedures
  – Other applicable Federal and State Laws, Regulations
  – Different Facets of Title IX

• Must be trained regularly
Collaboration

• Safety & Security
• Student Conduct
• Residential Life
• Administrators
• Mental Health Counselors
• Athletic Directors
• Academic Counselors
• Legal Counsel
• Who else????

Who else????
“30-Second Stretch”

We think your health is important. Please feel free to take a 30 second break to stand, stretch and/or reflect before we continue.
Grievance Procedures

• Provide for prompt and equitable resolution
  – Process
  – Notification
  – Timelines
  – Appeal
  – Record retention

• Written appropriate for age of audience
  – Easily understood and widely disseminated

-See Title IX Resource Guide, Page 4
Athletics

• Monitor participation/disproportionate enrollment (also academics)

• Athletic benefits and opportunities
  – Look to: provision of equipment and supplies; scheduling of games and practice time; travel and per diem allowances; opportunity for coaching and academic tutoring; assignment and compensation of coaches and tutors; provision of locker rooms, and practice and competitive facilities; provision of medical and training facilities and services; housing and dining services; publicity; recruitment; support services.

• Athletic financial assistance
  – reasonable opportunities for financial assistance for members of each sex in substantial proportion to the number of students of each sex participating in interscholastic or intercollegiate athletics.
  – Separate athletic financial assistance for members of each sex may be provided as part of separate athletic teams for members of each sex.

• Student interests and abilities

-See Title IX Resource Guide, Page 11
Athletics- Student Interests and Abilities

• Equal athletic opportunities for members of both sexes and effectively accommodate students’ athletic interests and abilities.

• OCR three-part test:
  – Whether participation opportunities for male and female students are provided in numbers substantially proportionate to their respective enrollments; or
  – Where the members of one sex have been and are underrepresented among athletes, whether the institution can show a history and continuing practice of program expansion, which is demonstrably responsive to the developing interests and abilities of the members of that sex; or
  – Where the members of one sex are underrepresented among athletes, and the institution cannot show a history and continuing practice of program expansion, as described above, whether it can be demonstrated that the interests and abilities of the members of that sex have been fully and effectively accommodated by the present program.

-See Title IX Resource Guide, Page 11
Financial Assistance

• When administering assistance, schools may not, on the basis of sex:
  – provide different amounts or types of financial assistance
  – limit eligibility for such assistance
  – apply different criteria
  – otherwise discriminate
  – assist any agency, organization, or person which offers sex-restricted student aid

• Three exceptions: Scholarships, fellowships, or other awards that are restricted to members of one sex if the award is:
  • created by certain legal instruments, provided the overall effect is nondiscriminatory
  • for study at foreign institutions (if reasonable opportunities for similar studies are available for members of the other sex)
  • athletic financial assistance

-See Title IX Resource Guide, Page 10
Pregnant and Parenting

• Schools must not:
  – apply any rule concerning parental, family, or marital status that treats persons differently on the basis of sex
  – discriminate against or exclude any student from education program or activity on the basis of pregnancy, childbirth, false pregnancy, termination of pregnancy, or recovery
  – Institutions of vocational education, professional education, graduate higher education, and public colleges and universities are prohibited from making pre-admission inquiries as to the marital status of an applicant for admission or discriminating in any other way on the basis of sex

-See Title IX Resource Guide, Page 18
Discipline

- Schools cannot subject “any person to separate or different rules of behavior, sanctions, or other treatment, such as discriminatory discipline, based on sex.” – Title IX Resource Guide, Page 19

- Example:
  – “The Title IX coordinator should review the recipient’s disciplinary records and data to ensure that similarly situated students are not being disciplined differently based on sex for the same offense and that the recipient’s discipline policies do not have an unlawful disparate impact on students based on sex. The Title IX coordinator should also help the recipient to ensure that students are not disciplined based on their gender identity or for failing to conform to stereotypical notions of masculinity or femininity in their behavior or appearance.”

  -Title IX Resource Guide, Page 19
Take Aways

• Designate a Title IX Coordinator(s)
• Know the Responsibilities of the Title IX Coordinator
• Train the Title IX Coordinator
• Support the Title IX Coordinator
• Give the Title IX Coordinator Authority
• Make the Title IX Coordinator Visible
Q/A

How Do I Call-in with a Question?
If you would like to ask a question of our panelist(s) please press *1 and you will be put in a call queue until it is your turn to ask your question.

OR

You can write in a question or comment anytime during the event by clicking on the “Chat” Bubble in the left hand corner of your screen.

For Questions that Arise After the Conference
If you have a question that you were unable to ask of our presenter(s), please feel free to email us at:

Info@paper-clip.com

...and we will be happy to forward it to our panelists!
6 Takeaways from Today:

• Designate a Title IX Coordinator(s)
• Know the Responsibilities of the Title IX Coordinator
• Train the Title IX Coordinator
• Support the Title IX Coordinator
• Give the Title IX Coordinator Authority
• Make the Title IX Coordinator Visible
Feedback

We want your feedback on today’s event!

If you would like to provide suggestions for improvement and/or ideas for future event topics, please email us at:

info@paper-clip.com

and we will send you the link to our brief online survey.

Thank you for your participation,

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- Title IX Documentation & Evidence: Strategies for Compliant Collection, Sharing & Storage – 9/22/15
- Alcohol, Sexual Assault & Sexual Violence: Strategies for Prevention & Education – 9/24/15
- Dealing with Difficult Student Employees: Strategies for Success – 9/29/15
- Sexual Assault and Violence: Creating a Culture of Safe Student Reporting on Your Campus – 10/1/15
- Campus Climate Surveys 2016: Answers to Your Questions – 10/29/15
- Title IX: Conducting Compliant Hearings in Sexual Misconduct Cases – 11/5/15