



Title IX Compliance

Title IX

Education Amendments of 1972, Title IX:

- A federal law intended to end sex discrimination in all areas of education.
- Applies to:
 - Non-discrimination based on sex/gender
 - Program equity such as athletics
 - Sexual misconduct including sexual harassment and assault
- Who must comply?
 - Any recipient of federal funds, both public & private institutions

Title IX

Who must comply? And, how?

- Under the regulations, a recipient of federal funds must designate at least one employee to serve as its Title IX coordinator.
 - Ideally, this person may be the employee designated to handle Section 504¹ complaints.
- The recipient must notify all its students and employees of the employee(s) designated to serve as the Title IX coordinator.

Title IX Coordinator, East Falls

- Zoe Gingold, Director of Student Accessibility Services

Deputy Title IX Coordinators, East Falls

- Ali Stefanik, Assistant Director of Student Engagement
- Beth Shepard-Rabadam, Associate Provost

¹ Rehabilitation Act of 1973 that prohibits discrimination based upon disability.

Title IX

Role of the Title IX Coordinator

1. Prevention and remediation of

- Gender Discrimination
- Sexual Misconduct:
 - Sexual Harassment
 - Sexual Assault
 - Intimate Partner Violence / Relationship Violence
- Bullying and Cyberbullying
- Retaliation

2. Assurance of compliance with mandate to:




3. Assurance of compliance with final sanctions in investigations

Title IX

| | Education Amendments of 1972: Title IX | Jeanne Clery Act of 1990: Violence Against Women Re-Authorization Act |
|------------------------------|---|---|
| Safety | × | × |
| Institutional responsibility | × | × |
| Survivor protections | × | × |
| Nature of laws | Civil rights legislation to ensure gender equity | Consumer information legislation regarding crimes on-campus, surrounding public property, non-campus property |
| Violations | No person should be denied the benefits of or subjected to discrimination under any educational program | Specifies sexual violence crimes and provides detailed definitions of what constitutes certain crimes |
| Triggering events | When someone at the institution knew or should have known. | When an incident is reported. |

Title IX

Who is a responsible employee with the duty to report?

| Education Amendments of 1972: Title IX | Jeanne Clery Act of 1990: Violence Against Women Re-Authorization Act (amendment) |
|--|---|
| All employees are "mandatory reporters." | Campus Security Authorities (CSAs) <ul style="list-style-type: none">• Campus police and/or security• Those with significant responsibilities for student and campus activities, including advisors. |
| Must report all known information regarding an incident without delay. | |
| Confidential/Privileged Reporting: <ul style="list-style-type: none">• Licensed professional counselors ¹• Pastoral counselors• Licensed medical professionals ¹ |  Non-identifiable, aggregate information regarding incidents disclosed to them. |

¹ To be confidential/privileged, an individual must be acting in the capacity in which they are employed, within the scope of their license, and must receive this disclosure during the scope of that employment.

Title IX

Mandatory reporters are:

- Academic administration, Chancellor, Provost, Dean, Program Director, Directors/Managers, Coaches, etc.
- Faculty members
- Student Affairs and Residential Life professionals
- Staff members

What are the roles of a mandatory reporter:

- Complying with Title IX.
- Supporting reporting parties and survivors.
- Helping the University maintain a safe environment by striving to eliminate, prevent, and address discrimination on the basis of sex, including sexual violence.



Title IX

If a student or colleague approaches you, or if something is widespread, openly visible, or well known:

1. Ensure your safety and safety of the reporting party.
2. Inform the reporting party *immediately* that you are required to report the incident.
 - Although every effort will be taken to ensure *privacy*, you cannot guarantee confidentiality.
 - If the student is uncomfortable without strict confidentiality, you must refer to Confidential & Non-Confidential Resources.
3. Listen. Collect information, including the location of the incident.
4. Refer reporting party to campus resources listed in Title IX brochure and www.philau.edu/titleix.
5. Report the incident with as much information as possible to a Title IX Coordinator or Deputy.

Title IX

Dear Colleague Letter (DCL) Rescission and Interim Guidance

- The laws (Title IX and VAWA) remain unchanged.
- DOE:
 - Withdrew DCL (2011) and Q&A (2014)
 - Entered into Rulemaking
 - Provided new Interim Guidance, e.g.
 - Interim measures
 - Prompt inquiry/investigation
 - Equitable
 - Notice of investigation and interview
 - Investigation report
 - Standard of proof
 - Sanctioning
 - Appeals

Title IX

Questions?