Title IX Training

WHAT IS TITLE IX?
Mandatory R.A. Training

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AUGUST 16, 2019
Title IX Agenda

- Overview of Title IX (9) History and Related Laws
- What does the Title IX Coordinator Do?
- Summary Investigation Process Overview
- Significant Concepts – Discussion
- What Can I do as an R.A.?
What is going on?
The Beginning......Linda Brown
1954 - Brown v. Board of Education of Topeka, 347 U.S. 483 (1954), was a landmark United States Supreme Court case in which the Court declared state laws establishing separate public schools for black and white students to be unconstitutional.
1964 - Title VII of the Civil Rights Act prohibits discrimination based on race, color, sex, religion or national origin. Passed in 1964, Title VII is the cornerstone of all federal anti-discrimination law.

1972 - Title IX of the Education Amendments of 1972 prohibits sex discrimination in all college programs and activities.

Applies to schools!
No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance.
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Title IX of the Education Amendments of 1972 Implementing Regulations at:
Title IX of the Education Amendments of 1972 is a federal law intended to end sex discrimination in all areas of education.

- Applies to non-discrimination based on gender to all recipients of federal funds, both public and private institutions.
- Applies to issues of program equity, such as in athletics, and also to sexual harassment and sexual assault.
- In addition to implementing regulations – guidelines provided by U.S. Department of Education, Office of Civil Rights (OCR) – currently under discussion.
Post-Title IX/HSMD Federal History

* 1990 - The Clery Act is a federal law that requires colleges to report certain crimes, including Hate Crimes, that occur “on campus” and school safety policies.


* 2013 - Campus Sexual Violence Act (“SaVE Act”) is a provision of the Clery Act which requires colleges to have “prevention and awareness” programs about sexual assault, dating violence, stalking, and domestic violence in place.
What is a Title IX Coordinator?

Federally Mandated Position Responsible for:

- coordinating compliance with the law
- charged with managing the CIA’s response to reports of sexual assault, sexual harassment, dating violence, domestic violence, and stalking when those reports involve members or visitors to the CIA community.
- aims to ensure that the CIA’s responses promptly and effectively stop problem behavior, prevent its recurrence, and remedy its effects.
What does the Office of the Title IX Coordinator do?

- **Overseeing** the college’s response to sexual misconduct to ensure prompt and equitable resolution of all complaints.
- **Providing a central place to report** an incident and overseeing the reporting process.
- **Providing information** about college policies and procedures.
- **Providing referrals** to campus and community resources and victim advocates.
- **Facilitating accommodations** to address safety concerns and to support victims and complainants so that academic and professional pursuits may continue unimpeded.
What does the Office of the Title IX Coordinator do?

- **Collaborating with community partners** to assist with a resolution that balances the needs of the individuals involved with those of the larger community.
- **Keeping records** to ensure patterns of behavior are identified.
- **Overseeing investigations of misconduct** to ensure fairness, impartiality, and equity.
- **Coordinating and providing training, education, and prevention programs for the entire CIA community.**
Title IX and Protecting the Student Educational Experience

How the Title IX Office can assist students:

- Works with Dean of Student Affairs Office to assist with the student’s educational environment
  - Academic class schedules
  - College housing
  - Campus activities
  - Letters of “no contact”
  - Amnesty
  - Addressing retaliation
Other Laws Enforced by the Title IX Coordinator

* Federal Campus SaVE Act ("Campus Sexual Violence Elimination Act") specifically applies to incidents of sexual assault or other sexual violence, domestic violence, dating violence or stalking

* The Campus SaVE Act seeks to address the violence women face on campus: the highest rates of stalking, the highest risk of nonfatal intimate partner violence, and 20-25% of female students experiencing rape or attempted rape.

* New York State Law- "Enough is Enough" ("129-B") – On July 7, 2015, New York Governor Andrew Cuomo signed into law new legislation that changed the way that public and private colleges and universities in New York must respond to reports of sexual misconduct. Also commonly known as “Yes Means Yes”
**New York Law 129-B**

* Also commonly known as the “Affirmative Consent Laws” or “Yes Means Yes”
  - Toughest law in the nation!
  - Provides for state-wide definitions of “affirmative consent”
  - “knowing, voluntary, and mutual decision among all participants…Consent can be given by words or actions, as long as those words or actions create clear permission”
NO TEA.
New York 129B (Continued)

- Alcohol and/or Drug Use Amnesty for reporters
- Students’ Bill of Rights/On-Campus Assistance and Resources
- Mandatory Disclosures and Resources for Reporting Individuals
- Transcript notation “permanent record”
- Providing victims with their rights
- Providing a biennial campus climate survey
Title IX Compliance Elements

* Once a college has notice of sexual harassment/sexual misconduct of a student, it should:
  1. Take immediate and appropriate steps to investigate what occurred
  2. Take prompt and effective action to:
     * End the harassment
     * Remedy the effects
     * Prevent the recurrence
  * A Title IX Officer is appointed to oversee all the compliance elements
CIA Procedures-HSMD Policy

- https://www.ciachef.edu/harassment-policy/
- https://ciamainmenu.culinary.edu/studentservices/titleIX/Pages/titleIX.aspx

- Reporting
- Investigation
- Hearing
- Appeals
- Conclusion
How can a complainant (accuser) report an incident?

- Through “Responsible CIA Employees”
- The CIA Reporting “Hotline”
- [https://www.ciachef.edu/harassment-policy/](https://www.ciachef.edu/harassment-policy/)
Misconduct, and Discrimination Response & Prevention

GET HELP

REPORT A COMPLAINT

Harassment, Sexual Misconduct, and Discrimination Policy Statement
What is Title IX?
Who is the Title IX coordinator?
What does the Title IX coordinator do?
How do I report a complaint?
“Responsible Employees” – employees who are required to report any incident of assault, sexual harassment, harassment or discrimination to their Manager/Supervisor; the Office of Student Affairs; the Campus Safety Office; and the Title IX Coordinator as well as the Human Resources Department. This includes all CIA employees in the following roles;

- Campus Safety
- Student Affairs
- TIX Coordinator
- Faculty
- Associate Deans and Deans
- Managers
- Other supervisory campus employees/HR

COMING ATTRACTIONS- See Dean Malave’s Presentation - On Call Response/Mise En Place Guide
Procedures - Formal Investigation

- Submit Complaint and supporting documentation
- Open formal case file
- Title IX Officer Assigns Investigator, Manages Case
- Consideration of “Interim Actions”, separation of students, employees, etc.
- Initial meeting with Respondent (accused)
- Meeting with Complainant (accuser)
- Investigation Interviews and Completion of Investigation (Normally Completed with 60 Business days, but could be longer depending on various factors –plus 15 days to issue report)
- 15 additional days to review findings with parties
When reporting an incident all individuals have the right and can expect:

* to have incidents of harassment or discrimination taken seriously by the CIA when formally reported
* to have those incidents investigated and properly resolved through appropriate administrative procedures, and
* that only people who need to know will be advised of the circumstances and that this information will be shared only as necessary with Investigators, witnesses, and the accused individual.
* “to the extent possible”
Procedures - Findings

- Review findings with both parties (Complainant and Respondent)(accused and accuser)
- If either rejects the findings, Title IX Coordinator will appoint a Hearing Officer
- A Hearing Officer reviews the findings, and will consider additional evidence and other witnesses
- Either party can appeal the Hearing Officer Decision
Procedures- Standard of Proof
Procedures- Standard of Proof

* NOT “Law and Order”
* NOT “Reasonable Doubt”
* Preponderance of the evidence:
  * 50.1% (50% plus a feather)
  * “More likely than not”
  * The “tipped scale”
Sex Discrimination includes:

- Sexual Harassment
- Sexual Assault
- Sexual Violence
- Discrimination due to the gender of an individual.
Sexual Harassment is:

* Unwelcome, gender-based verbal or physical conduct that is,

* Sufficiently severe, persistent or pervasive such that it,
  
  * Unreasonably interferes with, limits or deprives someone of the ability to participate in or benefit from the university’s educational program and/or activities, and is…

* Based on power differentials (quid pro quo), the creation of a hostile environment, or retaliation.
Harassment- Hostile Environment

* Any situation in which there is harassing conduct based on sex or gender that is severe, pervasive/persistent and objectively offensive such that it alters the conditions of education or employment, from both a subjective (the alleged victim’s) and an objective (reasonable person’s) viewpoint.

* The determination of whether an environment is “hostile” must be based on the “Totality of the Circumstances”. These circumstances could include…
Considerations for Hostile Environment

* The frequency (persistent or pervasive), nature and severity of the conduct;
* Whether the conduct was physically threatening;
* Whether the conduct was humiliating;
* The effect on the alleged victim’s mental or emotional state;
* Whether the conduct was directed at more than one person;
* Whether the conduct unreasonably interfered with the alleged victim’s educational or work performance;
* Whether the statement is an utterance of an epithet which is offensive, or offends by discourtesy or rudeness
* Whether the speech or conduct deserves the protections of academic freedom or the 1st Amendment protection.
Harassment- Quid Pro Quo

Exists when there are:

1) Unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature; and

2) Submission to or rejection of such conduct results in adverse educational or employment action.
* Is any adverse employment or educational action taken against a person because of the person’s participation in a complaint or investigation of discrimination or sexual misconduct?
* Also includes retaliation against the victim by the accused or by the accused friends or others who are sympathetic to the accused.
* Also can include retaliation directed toward a 3rd party because of their participation in a grievance process or for supporting a grievant.
Sexual Assault/Fondling

- **Sexual Assault**: any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.

- **Fondling**: The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
What kind of Issues are you seeing as students? (Discussion)

* Sexual Harassment?
* Sexual Assault/Fondling lack of consent?
* Sexual/Domestic/Dating Violence?
* Faculty/Student issues?
* Drugs/alcohol involved?
* Discrimination due to the gender of an individual?
* How do you hear about issues/incidents?
* “I heard that this happened to ___ and no one is doing anything about it……….. ”
It makes me feel uncomfortable when I can feel you feeling uncomfortable for me.
How Does the CIA know to Investigate an Issue?

Someone has to tell us!
So what is my “reporting role” as an R.A.?
- Know the resources available to students
- Know the difference between “Privacy” and “Confidentiality” (Dean Malave - Coming Attractions!)
- Be supportive!
- Report what you have seen/heard immediately to your R.D.
- Do not conduct your own investigation. You are not reporting for the truth of what you may have been told or what has been said – “it is what it is”....
Where can you find Joe and Danielle?

Joe x1314  Roth S324
Danielle x4369 Roth W401
Questions?