

BOOTCAMP

Title IX Coordinator Bootcamp

February 23 / March 2, 2022

Session 1

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INSTITUTIONAL
COMPLIANCE SOLUTIONS

ABOUT US



Courtney Bullard
Founder
Institutional Compliance Solutions



Betsy Smith
K-12 Lead/Athletics Specialist



Celeste Bradley
DEI & EEO Lead

Housekeeping



-
- Chat bar
 - Breaks
 - Materials

Agenda

- Work alongside the Compliance Workbook
- Collaborate and share with colleagues
- Work through hypotheticals on key concepts

Purpose of ICS Training



Not Legal Advice

Designed to help you work through your compliance efforts for your institution



All Levels

Course is appropriate for all levels and we have all levels in here!



Title IX Regulations

This course goes well beyond the Title IX regulations, but we will cover it

*Take a break,
take a breath!*

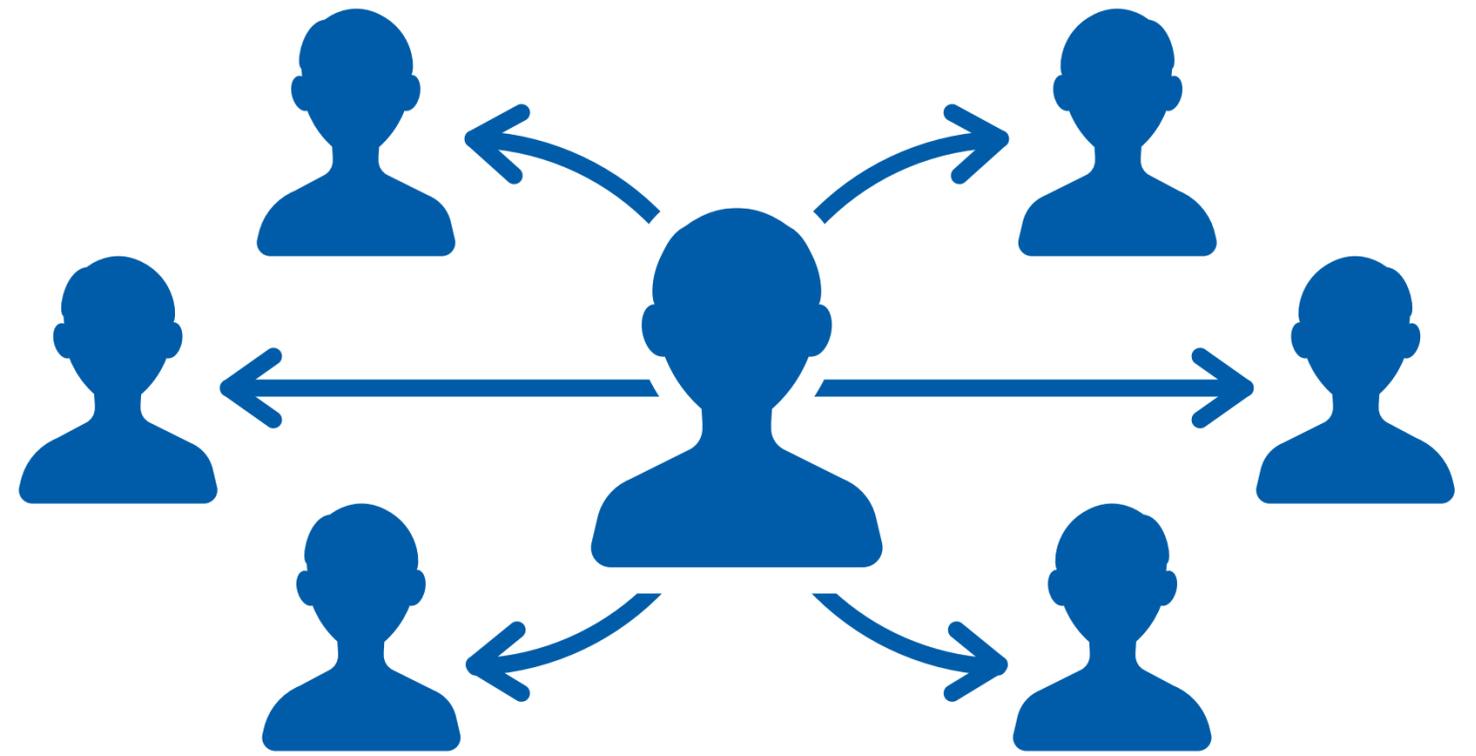
What We Know...



Your Role



The Title IX Coordinator is the leader of a team & coordinates all Title IX compliance efforts.



Title IX Coordinator

Education & Prevention

- Data/Trends
- Outreach
- Liaisons
- Training
 - In person
 - Online
 - Students
 - Faculty
 - Staff

Support

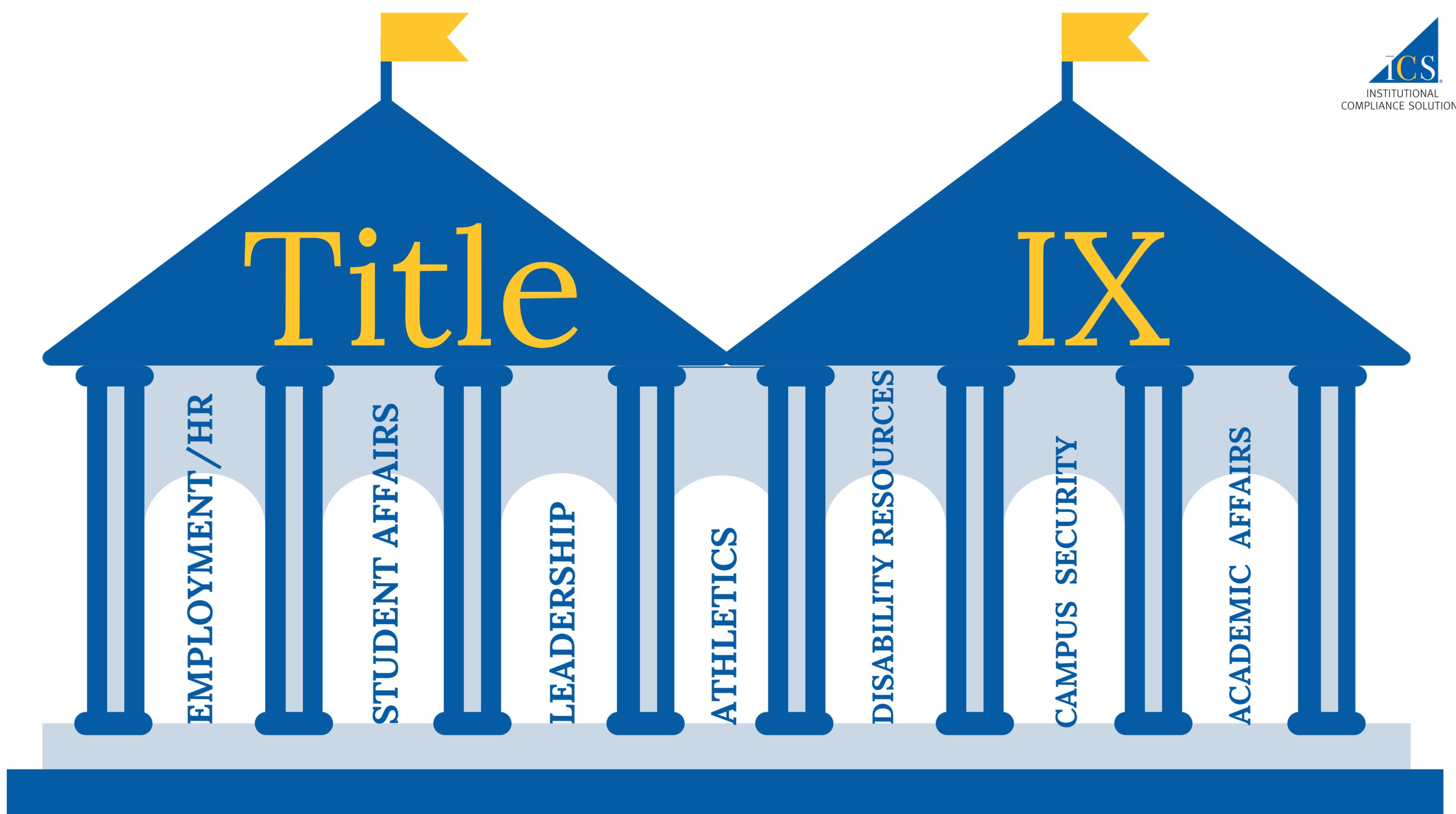
- Intake
- Respondent
- Complainant
- Students
- Employees

Investigations

- Title IX
- Non Title IX
Sexual Harassment
- Students
- Employees

Resolutions

- Formal
Grievance
Process
- Informal
Resolution
(Adaptable
Resolution)
- Students
- Employees



Team Leader Responsibilities

1. Regular meetings with team
2. Facilitate process
3. Available for team during process
4. Triage reports of discrimination
5. Policy & procedure expert & review



Sexual
Harassment

Gender
Equity in
Athletics

Pregnancy
Discrimination

Discrimination
Based
on Sex

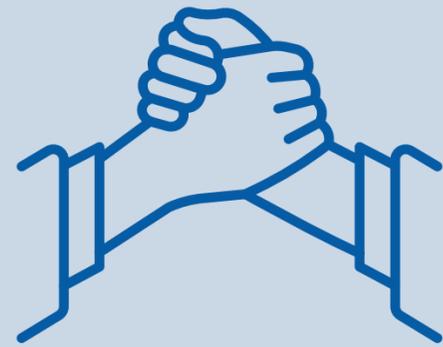
COMPLIANCE



It's more than compliance...



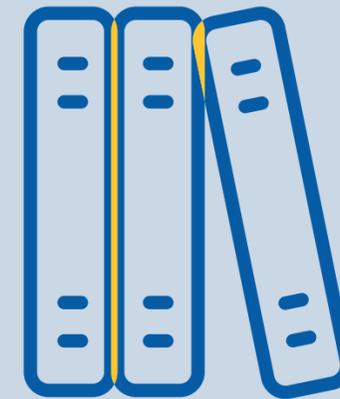
Care



Support



Prevention



Education

What Has Been Happening with Title IX Compliance

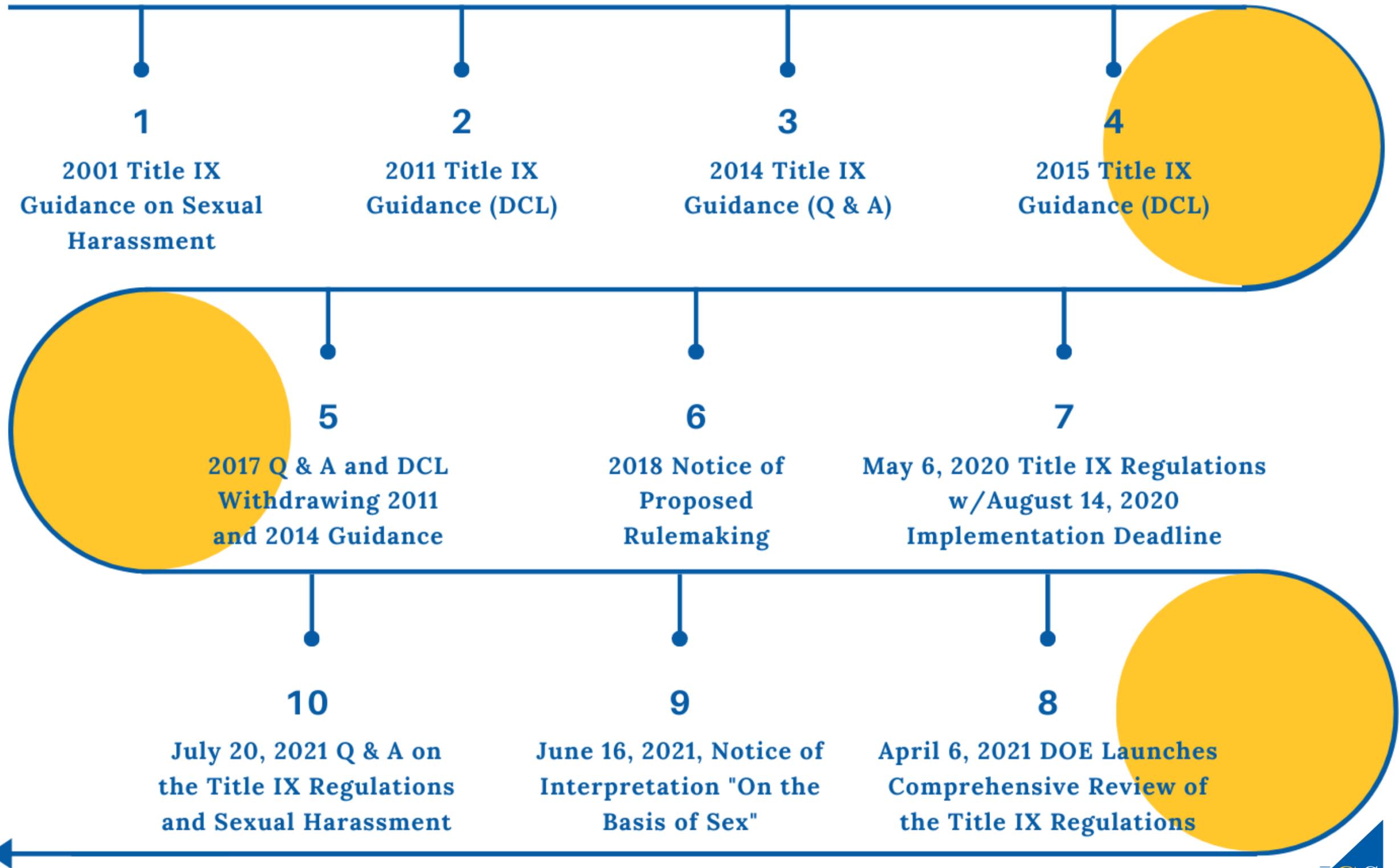
REGULATIONS

COMPLIANCE

REQUIREMENTS

The Evolution of Title IX

Sexual Harassment



EXPECTED

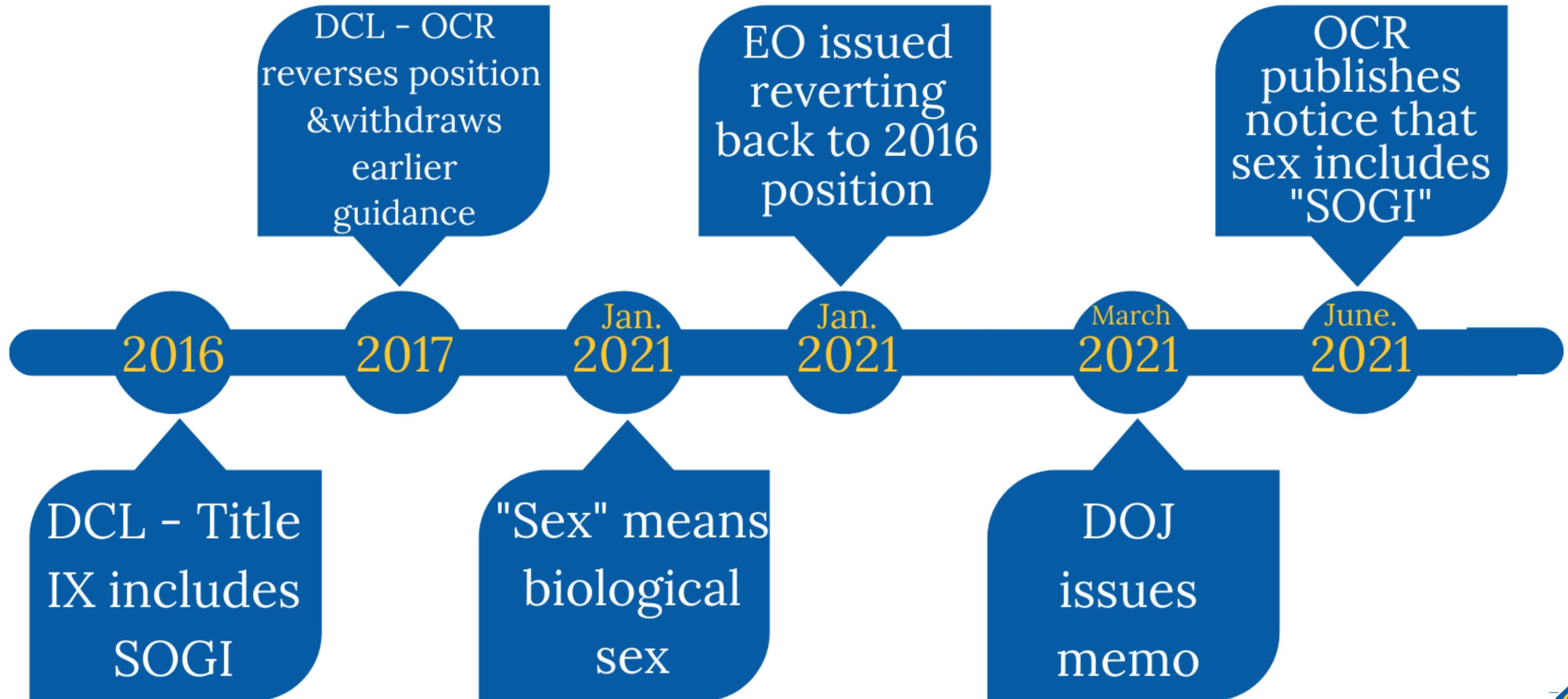
April

May 2022

Title IX Rule

Changes/Amendments

Evolution of Sub-Reg guidance re: SOGI under Title IX



Evolution of Title IX Offices and Institutional Responses



What We are Seeing



*Stand alone coordinator
*Coordinator + dedicated investigators

*Title IX Office
*Sexual Misconduct Prevention & Response
*Office of Institutional Equity
*Office for Civil Rights & Gender Equity

Questions?



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Structural Evaluation



Visibility & Access of Title IX Coordinator

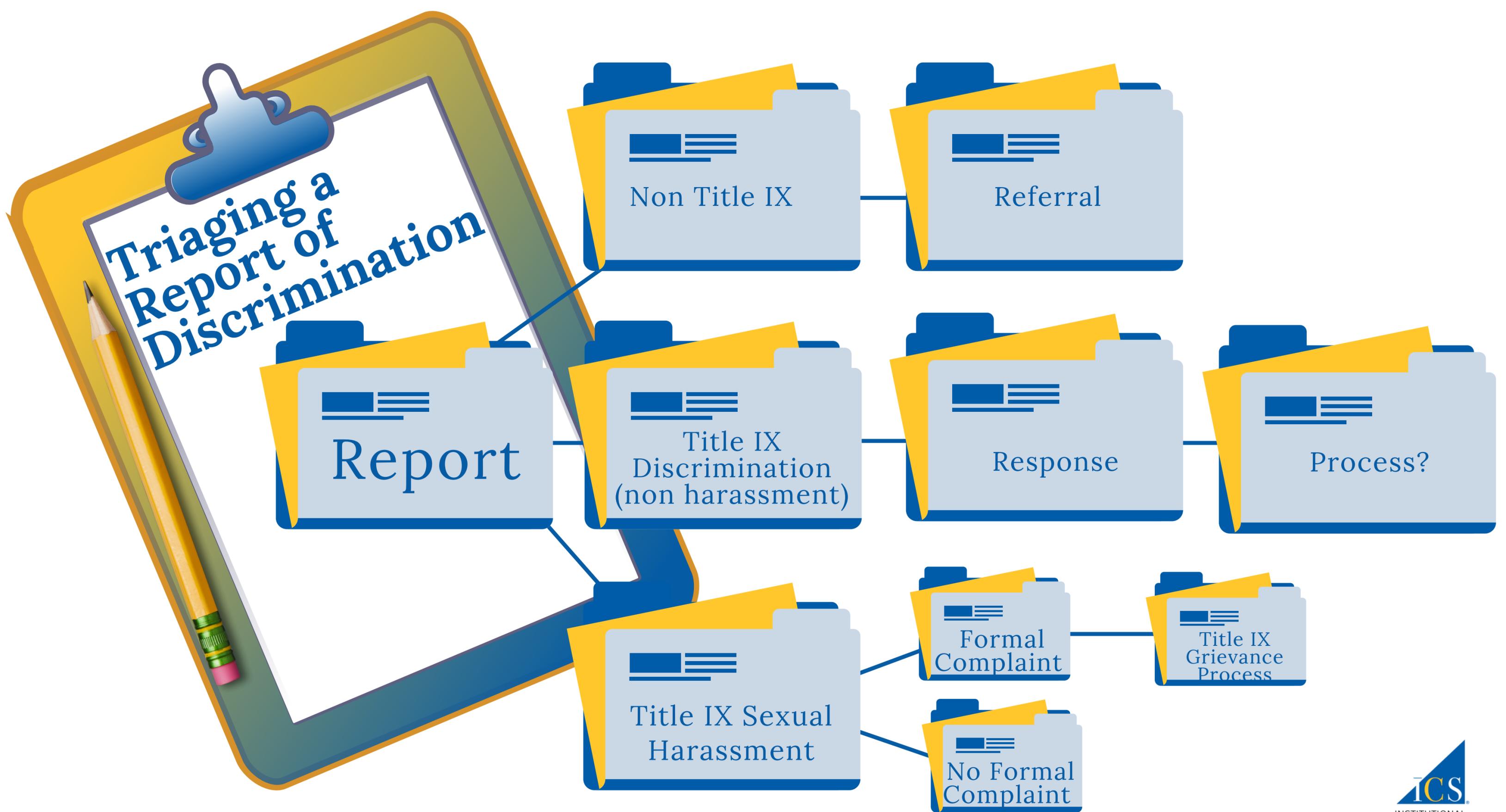
- ✓ Address
- ✓ Phone Number
- ✓ Voicemail?
- ✓ Email Address
- ✓ Accessibility of Reporting On-line
- ✓ Location
- ✓ Safety
- ✓ Comfort

Evaluation of Program, Policy, Positions, & People



Policy Evaluation





Policy Evaluation: Ownership, Review, Internet Search



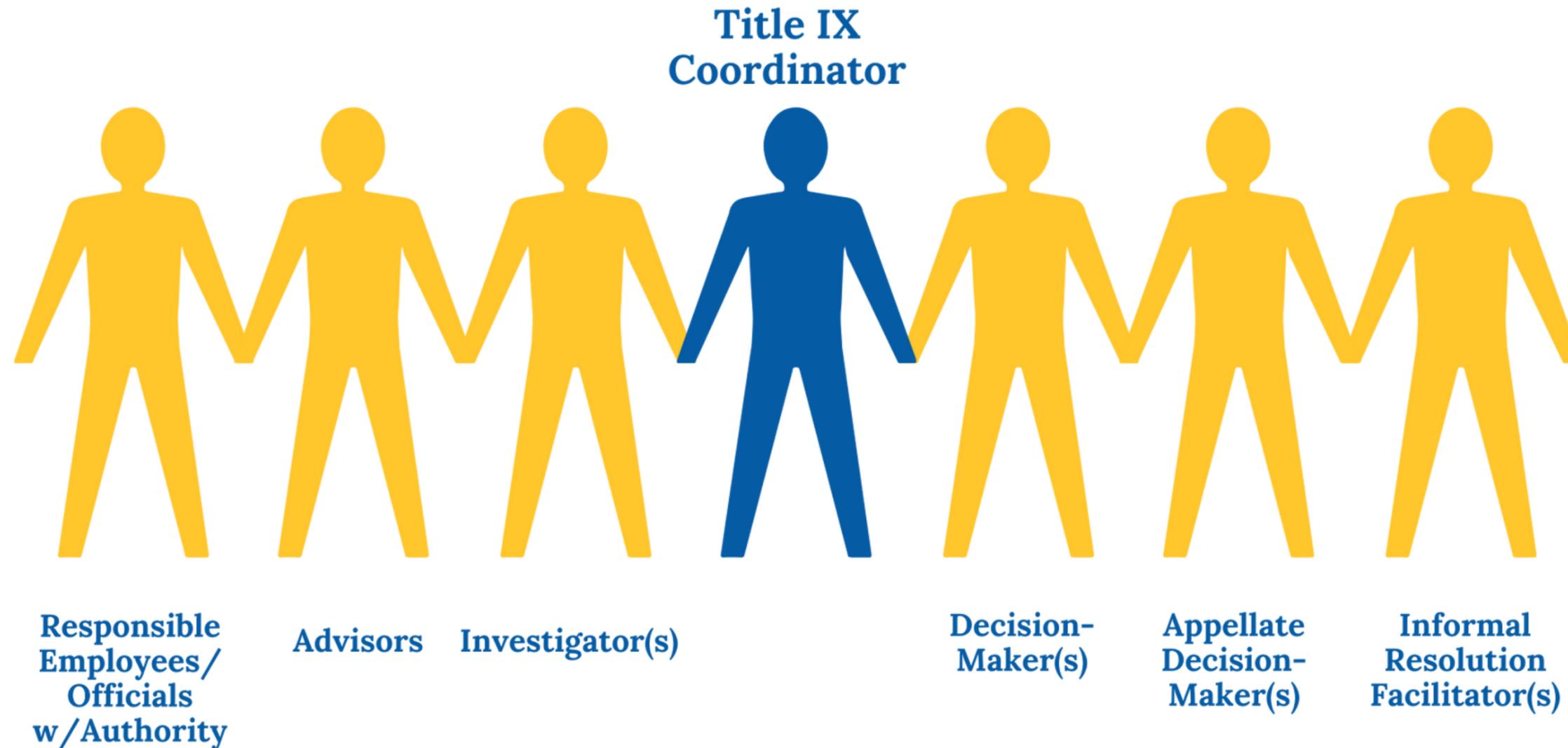
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Evaluation of Positions - Title IX Team



TITLE IX TEAM



INVESTIGATOR

Cannot serve as the Decision-Maker or Appellate Decision-Maker. May be the Title IX Coordinator but if possible, it is recommended that this individual be separate from the Title IX Coordinator. It is not recommended that an Investigator serve as the Informal Resolution facilitator in a case that they have started, or later serve, as an Investigator.

TITLE IX TEAM

TITLE IX COORDINATOR

Cannot serve as the Decision-Maker or Appellate Decision-Maker. May serve as an Investigator-though if possible, it is recommended that another individual serve as an Investigator. May serve as an Informal Resolution Facilitator.

DECISION MAKER

Cannot be the Title IX Coordinator. Cannot serve as the Investigator or Appellate Decision-Maker. It is not recommended that a Decision-Maker serve as the Informal Resolution facilitator in a case that they may later serve as a Decision-Maker.

APPELLATE DECISION MAKER

Cannot be the Title IX Coordinator. Cannot serve as the Investigator or Decision-Maker. It is not recommended that an Appellate Decision-Maker serve as the Informal Resolution facilitator in a case that they may later serve as an Appellate Decision-Maker.

INFORMAL RESOLUTION FACILITATOR

May be the Title IX Coordinator. It is not recommended that an individual who has or will serve as an Investigator, Decision-Maker or Appellate Decision-Maker in the same case serve as the Informal Resolution Facilitator.



Beyond the Title IX Team

Evaluation of Campus Allies/Partners



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Title IX Advisory Committee Evaluation

Member Considerations: Campus Safety, HR, Counseling, Student Affairs, Academic Affairs



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Other Committees Evaluation

BIT, CARE, Bias Response, SMRV, Workplace Violence Committee



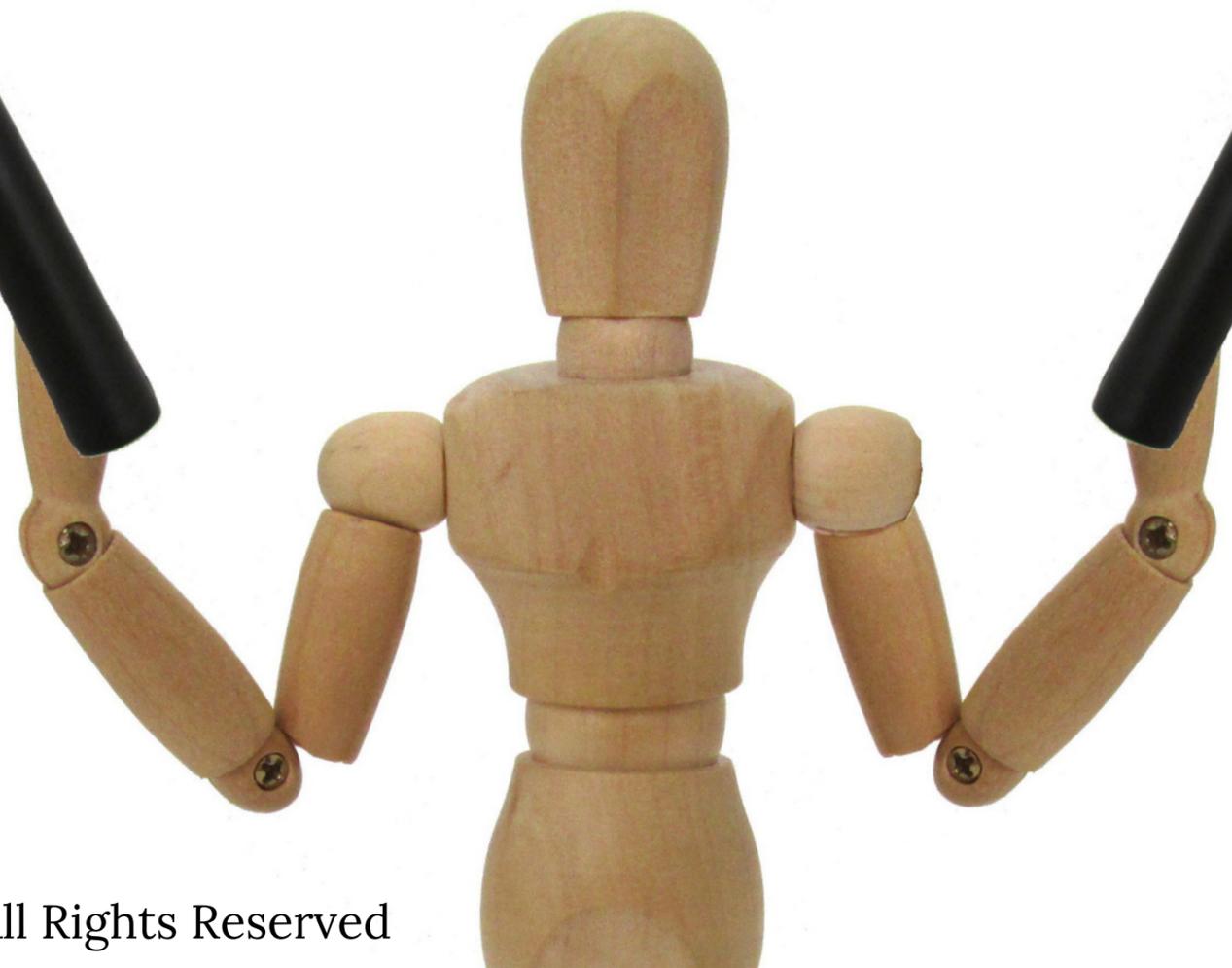
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Education, Training, & Prevention Evaluation



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Training Evaluation

Student Training, Title IX Team, Faculty, Staff, High Risk Areas



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Care & Support Evaluation

Remember, care and support prevent barriers to reporting.



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Report vs Formal Complaint

Report



Initiates
a
response

Formal Complaint

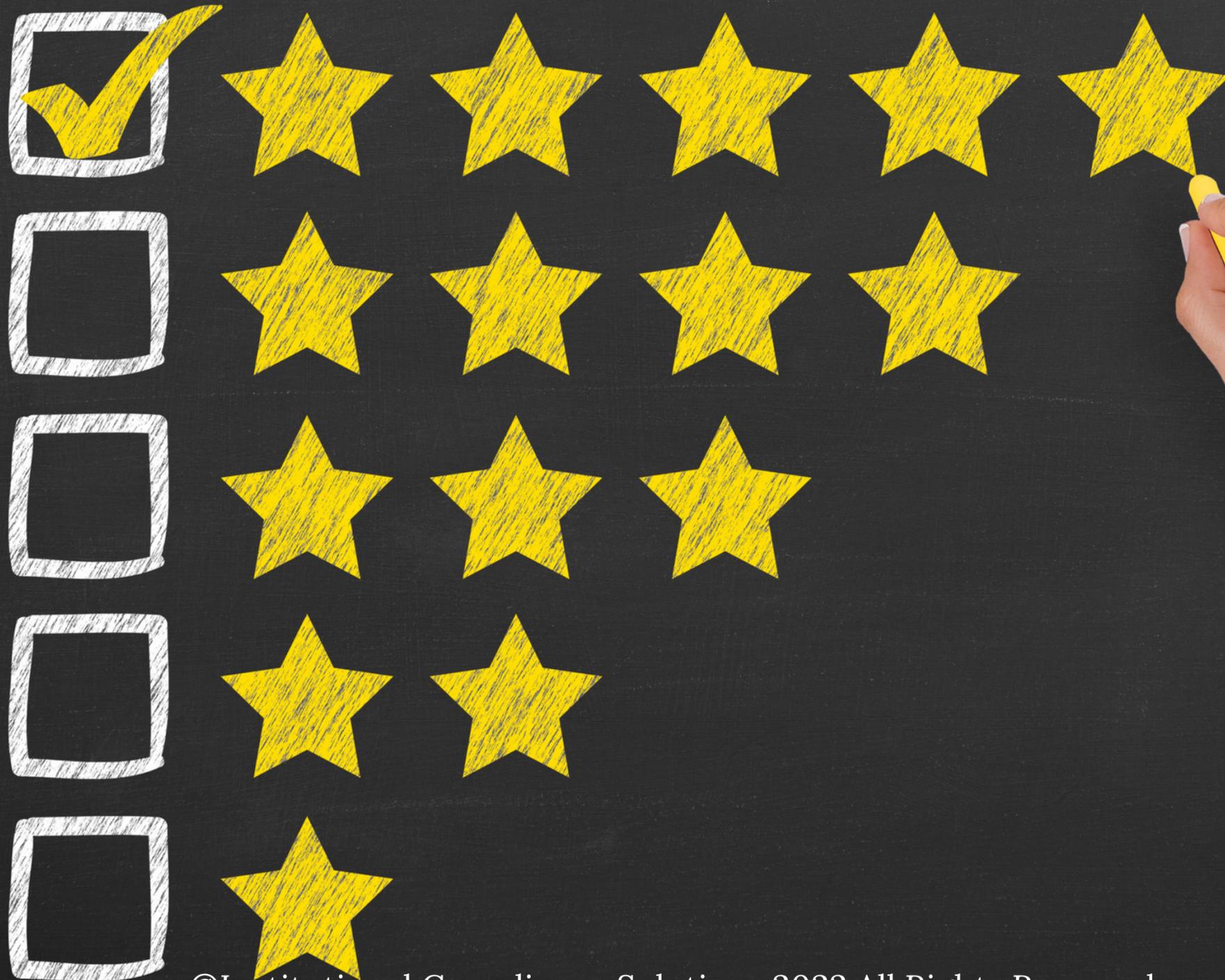


May initiate
a formal
Title IX
Grievance
Process



Evaluation

Who makes initial contact with reporter? Who makes initial contact with complainant?
How is it made?



Supportive Measures



Conduct a 12 month analysis.



How often are you revisiting them?



How are they tracked?

SUPPORT

Ultimate Goal: Removing Barriers to Reporting



Location



Team Not Knowing Roles



Website Deficiencies



Policy Deficiencies



Reputational Harm



Barriers to Reporting Evaluation



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Questions?



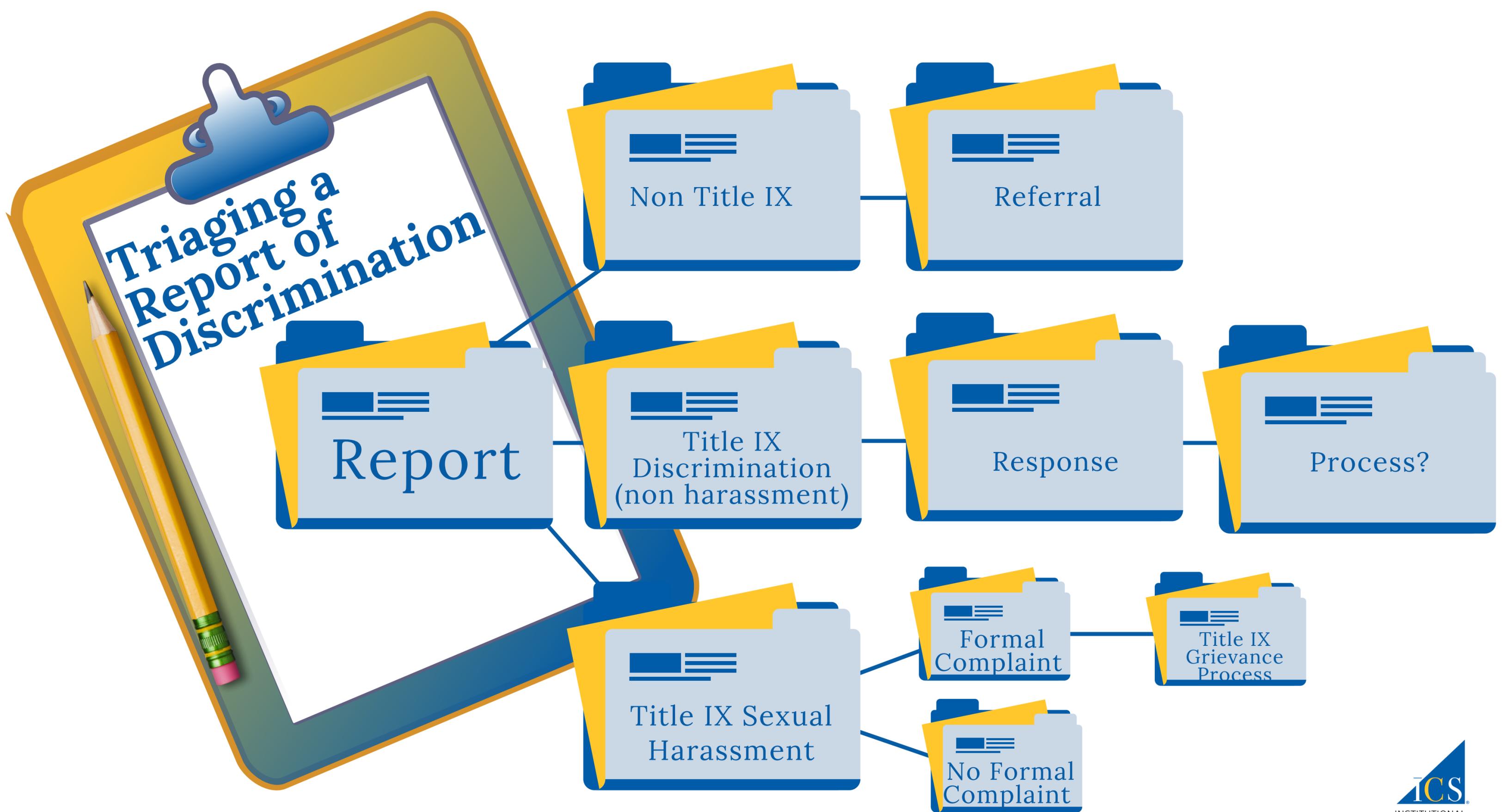
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Triaging a Report

Reminder





**Title IX
Discrimination?**

Yes

**Sexual
Harassment?**

Yes

**Formal
Grievance
Process**



Changes & Requirements Overview



Prescriptive
Title IX Process



Officials
with Authority



Policies &
Procedures



Team & Training



Coordinator
with Authority



TITLE IX SEXUAL HARASSMENT



EDUCATION PROGRAM/ACTIVITY



TITLE IX FORMAL GRIEVANCE PROCESS

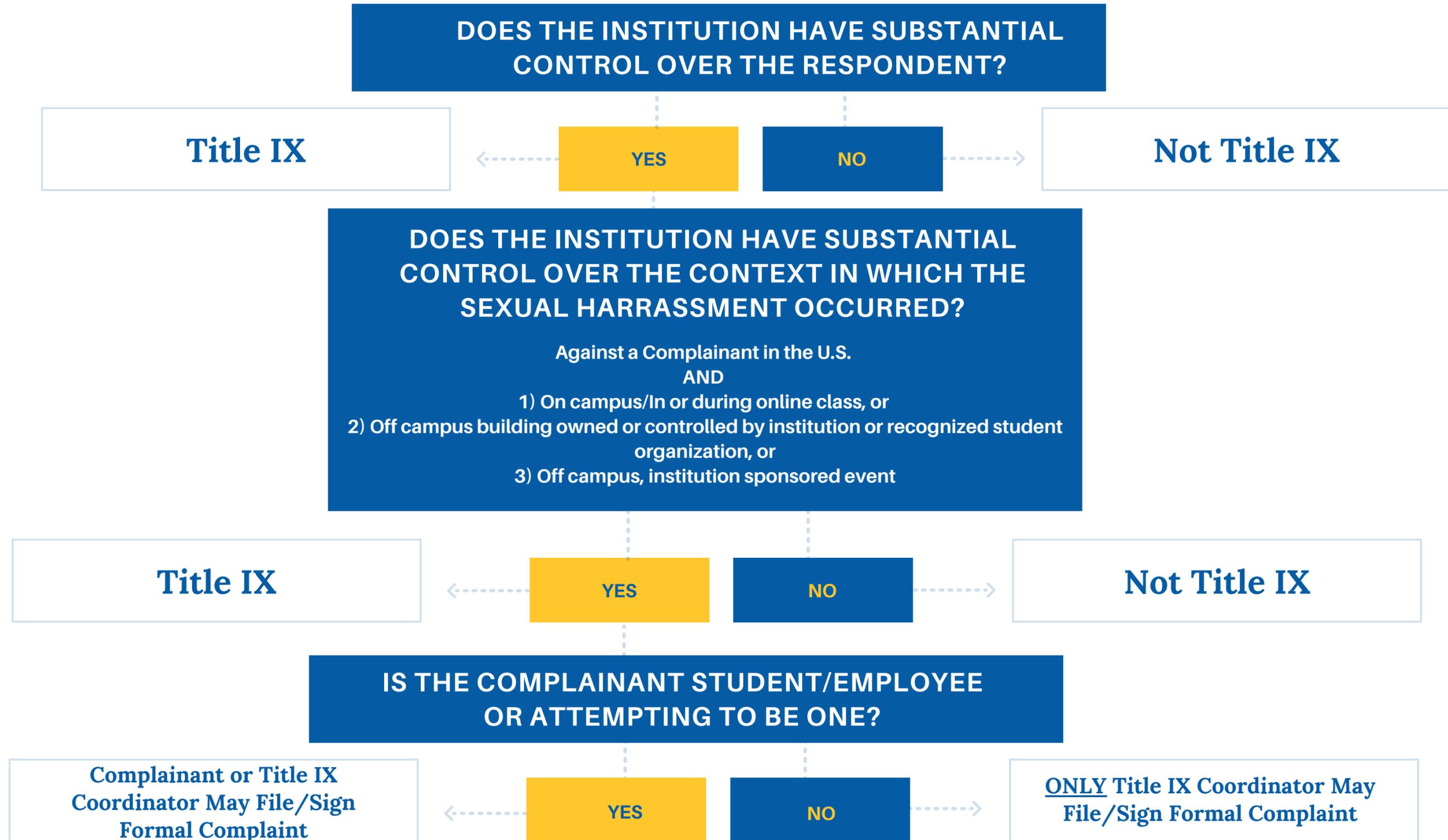


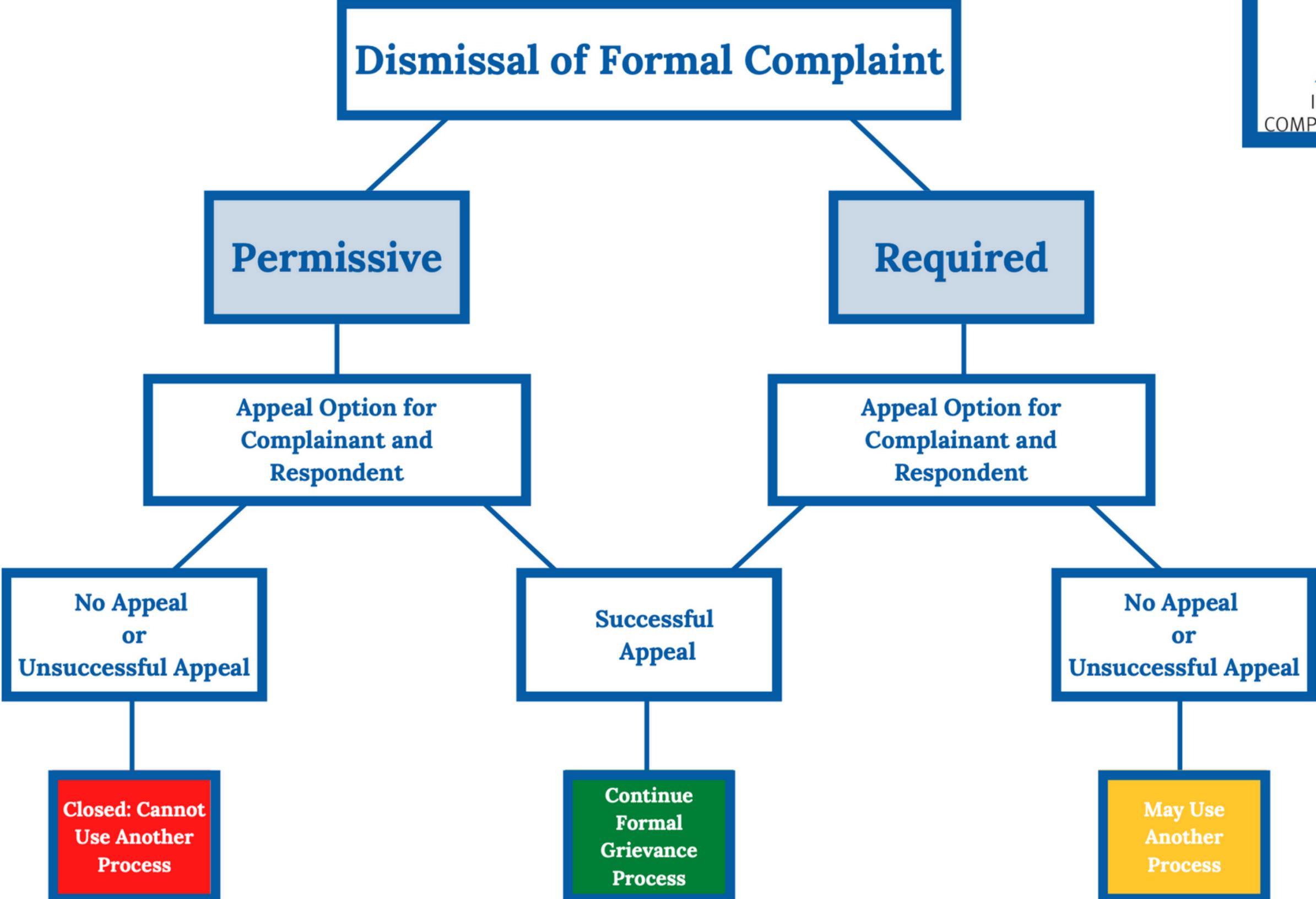
Sexual Harassment



- Conduct on the basis of sex that satisfies one or more of the following:
 - An employee of the recipient conditioning the provision of an aid, benefit, or service of the recipient on an individual's participation in unwelcome sexual conduct;
 - Unwelcome conduct determined by a reasonable person to be so severe, pervasive AND objectively offensive that it effectively denies a person equal access to the recipient's education program or activity; or
 - "Sexual Assault," "Dating Violence," "Domestic Violence" or "Stalking" as defined in the Clery Act.

Education Program or Activity/Jurisdiction





Report

Hal, a professor, files an online report alleging that a student in his class is harassing him because he is gay. Hal alleges that the student has called him derogatory names under his breath during class on several occasions and that when he arrived at class the other day, "fag" was written on the board in class. As a result of the comments and the chalkboard incident, he no longer feels safe teaching his course.

Report

Sandra is a student in the dental assisting program. She is 7 months pregnant and experiencing complications. As a result, her physician has ordered bedrest. Sandra alleges that she informed her professor that she could not complete the final course requirements in person as a result of her bedrest. Her professor has told her that she will fail the course because she must take the final exam in person. Sandra files a report with your office.

Report

Campbell files an online report of sexual harassment with your office. Campbell is a staff member in the admissions office. She alleges that another staff member continues to "hit on her." He has asked her out on two occasions, and she has turned him down. On one other occasion he told her she has a nice ass. On another occasion he told her that he wants to see her in a bathing suit when she was talking with a friend about going to the pool with her over the weekend.

Report

Assume the facts in the prior slide; however, Campbell files a Formal Complaint containing the same information. What should you do?

Report

Olivia is a staff member in financial aid. She alleges that her supervisor is making her uncomfortable and making inappropriate comments.

TITLE IX FORMAL COMPLAINT - EMPLOYEE

My name is Olivia Smith. I am an employee at ICS University.

Bob Lyon sexually harassed me on or about _____ [insert date/time] at work [insert location].

INSERT ALLEGATIONS

hit on me
inappropriate comments
I feel uncomfortable. He is my boss.

I am requesting that ICS University investigate these allegations.

Name Olivia Smith

Signature Olivia Smith

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Report

After speaking with Olivia, you learn that Bob has made the following comments: "One night with me, and you would be on your way to a raise." "All my girls in the office know that to get the best treatment, you have to give the best treatment." Olivia does not have specific dates/times that these occurred but can provide you with a ballpark.

Report

Charlotte is a freshman at ICS University. Her friend, Tyler, sends you an email that states he is concerned for Charlotte. The other night she told him she was sexually assaulted at a party by a "guy named Hal." Tyler thinks Hal is a predator and thinks the university needs to do something about his behavior.

Report

You are able to speak with Charlotte. She says she was raped in a bathroom at a bar off campus by Hal. She states that she did not even know him but later learned his name. She states that he followed her in, locked the door and assaulted her. She is terrified, has not told her parents, and does not want anything done. The assault happened about a week ago.

Report

A few weeks later, Charlotte returns to your office. She states that she keeps seeing Hal around campus. He is trolling her on social media, he has been outside of her classroom on several occasions, and her friends state that he is asking about where she lives saying she was a "good lay." Charlotte wants it to stop, but does not want to do anything formal.

Formal Complaint Deep Dive

-  C student/R is student
-  C files the day before s/he graduates/R is a student
-  C is not an employee/student and R is current employee/student
-  C is student/employee and R is a third party

Questions?

Connect With Us!



- Institutional Compliance Solutions
- Courtney Bullard
- Betsy Smith
- Celeste Bradley



Institutional Compliance Solutions
Groups:
Title IX Coordinators Closed Group
K-12 Title IX Coordinators



@TitleIXLawyer



@ICSLawyer

Religious Exemptions Under Title IX FREE Webinar

March 4

Care & Support Administrators Training

March 10

Investigator Training

April 20



Spring Schedule: