

Title IX Coordinator Training



JANET P. JUDGE
SPORTS LAW ASSOCIATES, LLC

AMY FOERSTER
BUCKNELL UNIVERSITY

MELINDA GRIER
NATIONAL ASSOCIATION OF COLLEGE AND UNIVERSITY
ATTORNEYS

June 7, 2017

Today's Webinar



**NEW DAY
NEW TITLE IX ISSUES**

Today's Scenario for Discussion

- Ms. Smith is the School's Title IX Coordinator.
- Looking forward to a quiet day in the office, she arrives early to work, shuts the door, and checks her messages.



- There's a message from the parent of a female student-athlete alleging among other things, that her daughter's coach uses inappropriate and abusive language toward athletes.
- The parent demands an immediate investigation and states that other parents will be calling and emailing throughout the day.



- The second message is from the HR Director.
- A coach has raised pay equity concerns and HR wants to touch base. She notes that it is the first time HR has dealt with an athletics pay equity issue and she is unclear who should address the complaint and how equity is measured in this area.



- The last call is from an administrator in athletics.
- He recently attended an NCAA event on LGBTQ issues in sports where the presenters asked schools if they had policies.
- He also indicates that the some teams have No Dating policies and he wonders if those are okay.



- A colleague stops by to say good morning and bring some coffee.
- He asks if Ms. Smith attended the Title IX speaker event the night before in athletics.
- He said the speaker talked about domestic violence and stalking cases and gave the student-athletes advice about how to respond and how to intervene.



Title IX and Athletics Issues

8

- Thoughts about Targeted Training for Athletics
- Timing/Feedback/NCAA Publications
- Responsible Employees and Limits on Confidentiality
- Specific Discussion Points:
 - Student-Athletes/Team Captains/SAAC
 - Head/Assistant Coaches
 - Senior Administration and Sport Supervisors
 - Entire Staff

Sample Pre-Season Language for Coaches

School U prohibits sexual misconduct. If you or someone you know has been involved in an instance of sexual misconduct, you have a number of options to report and get help. It's important to the school and to me that you understand your options.

I am someone who is trained to recognize issues of sexual misconduct and who is required to pass on to the school's Title IX Coordinator any instances of sexual misconduct that I see or hear about, including things that you may tell me.

I am required to report so that the school can provide a safe environment for everyone in our community.

If you tell me something and then want to keep it confidential, I will tell the Title IX coordinator that you want confidentiality and the Title IX Coordinator will discuss with you whether that request can be honored.

If you want to talk with someone who can keep what you may discuss confidential, there are confidential resources on campus.

Sample Steps: If someone reports sexual misconduct to you or you hear about or observe instances of sexual misconduct, you should [postcard]:

10

1. Advise the student that you can keep information private but not confidential – know who the TIX Coordinator is.
2. If they want to talk to a confidential resource, help make that happen.
3. LISTEN
4. Let them know they have the right to go to the police and you can help them do that.
5. LISTEN
6. Tell the student that the school prohibits retaliation. In other words, ask them to tell you immediately if they believe that others are treating them poorly because they reported an instance of sexual misconduct.
7. Tell them what you are going to do with the information you have.
6. Ensure that the information that you had is provided to the Title IX Coordinator promptly so that s/he can follow up with the student and they can advise the student regarding their rights and the process.
7. Info includes date, time, location of conversation, name of student, names of others, date/time/location of incident, and description of incident IF PROVIDED VOLUNTARILY.
8. Information should be shared on a need to know basis only. Check with the Title IX Coordinator to determine who fits this definition.
9. Feel free to check in with the student but keep it general, e.g., How are you?
10. Keep an eye out for retaliatory behaviors.

- Ms. Smith shuts the door and picks up the school newspaper.



THE SCHOOL U NEWS

www.schoolunews.com

ONE AMAZING NEWSPAPER

Since 1879

Swimming & Diving Team Treading Water



**Women's Equestrian Club Wins
National Championship**

Athletic Director Brock Sullivan announced yesterday that the Department of Athletics is considering dropping the men's and women's swimming and diving in light of recent financial cutbacks at the institution.

Team members and their parents vow to take whatever action necessary to prevent cuts to their program. According to recent Equity in Athletics Disclosure Act posting, it appears that the school does not offer equitable participation opportunities for females.

Calls to Title IX office have not been returned.

13



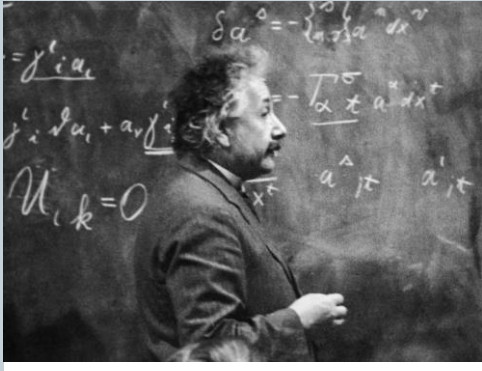
- As Ms. Smith looks at the artwork on her wall, she vaguely remembers she meant to appoint a Deputy Title IX Coordinator for Athletics.
- What should Ms. Smith do?

Analysis: Know Your School's Status

14

Participation Equity under Title IX:

State of Current Program:



On the way to the Athletics Equity meeting ...

15

Ms. Smith first passes by the softball field ...



On the way to the Athletics Equity meeting:

16

Ms. Smith then passes by the baseball stadium ...



Discussion



- Program Equity
 - Participation
 - Financial Aid
 - Treatment >>>>>>>
- Discuss Cuts
- Gender Equity Committee
- Periodic Audits
- Gender Equity Plan

Equipment and Supplies
Scheduling
Travel & Per Diem/Meals (Away)
Academic Services
Coaches
Facilities (LR, Practice, Competition)
Medical & Training
Housing and Dining (Home)
Publicity
Recruitment
Support Services
(Clerical and Sport Supervision)

Sample Title IX Policy - Athletics

18

Title IX prohibits discrimination on the basis of sex. This policy supplements the overall school policy prohibiting sexual harassment, including sexual assault (provide link) which applies to all members of the athletics department, both staff and student-athletes.

Title IX provides that:

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.

School U. believes that its student-athletes should be provided equitable participation opportunities, receive equitable athletic scholarships and that the overall men's and women's athletic programs be afforded equitable treatment. School U. values the educational aspect of athletics and as such offers opportunities to compete in a [NAIA/NCAA] Division [I, II or III] varsity athletics program and is a member of the [name] conference[s], club level and intramural programs.

Title IX Policy – Athletics (cont.)

19

If you believe that you are not being treated equitably under this policy or if you are interested in filing a request for varsity status for an athletic team not currently offered at the varsity level, please contact School U's Title IX Coordinator, titleix@schoolu.edu, Office 405, University Hall, 8-4490.

(If you have a Deputy Title IX Coordinator for Athletics, it is important to identify both the Coordinator and the Deputy Coordinator. If the Deputy Director is employed in the athletics department, you may find that some coaches or students might feel more comfortable contacting someone outside of athletics.)

School U's Commitment to No Retaliation:

Employees and students who ask questions, seek advice or report a suspected violation of this policy are protected by School U's no retaliation policy. Retaliation will not be tolerated. If you suspect that you or another employee may be the victim of retaliation, you should contact Ms. Smith immediately. Those who violate our no retaliation policy are subject to discipline.

Questions?

