### **Title IX Coordinator Training**

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### **Course Overview**

- $\bullet$  Title IX and Clery – Dear Colleague Letter and Campus SaVE
- The Key Responsibilities of Title IX Coordinators
- Understanding Sexual Harassment and Sexual Violence and the Legal Responsibilities of the Institution
- Overseeing or Conducting Sexual Harassment and Sexual Assault Investigations
- Review of Institutional Policies: Part 1 & 2
- Notice and Training Obligations
- Best Practices in Athletics

### Agenda

- Introduction to Title IX
  - Sex Discrimination
  - Sexual Harassment
  - Sexual Violence
- Introduction to the Clery Act
  - o Campus SaVE Act Amendments of the Reauthorization of the Violence Against Women Act (VAWA)
- Making Title IX and Campus SaVE Work Together

## Title IX • Regulations – 1975 O Sexual harassment - 2001 o Sexual violence - 2011 o Bullying - 2010 o Retaliation - 2013 o Athletics − 1996, 2008, 2010

## **Clery Act**

- Campus Awareness and Campus Security Act 1990
- Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act – 1998
- Campus SaVE Act 2013

• Statute – 1972

• Letter Guidance

- Reporting requirements effective October 2014
- Program requirements effective March 2014
- o Negotiated rulemaking draft April 2014

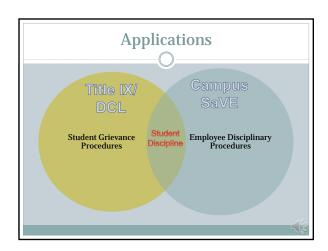
### Title IX – Sexual Violence

- Dear Colleague Letter April 2011
- Student-on-Student sexual harassment including sexual violence and sexual stereotyping
- Prompt response to stop, prevent, remedy
- Any procedure where sexual harassment/ sexual violence will be at issue
  - Grievance Procedures
  - Student Disciplinary Procedures

## Clery/Campus SaVE Act

- Reauthorization of the Violence Against Women Act
- Education, awareness, prevention programs
- Disciplinary procedures considering allegations of sexual assault, dating violence, domestic violence and stalking.
- Both student and employee disciplinary standards and procedures

# Title IX & Clery/Campus SaVE Title IX Sex Discrimination, including sexual harassment & gender based harassment Sex Discrimination, including sexual Assault, Domestic Violence, Dating Violence, Stalking (When sex of the victim is not a factor) Sex Discrimination, including sexual Assault, Domestic Violence, Dating Violence, Stalking (When sex of the victim is not a factor)



### **Requirements for Student Disciplinary Procedures**

- Jurisdiction over Title IX complaints
- complaints
  Definitions of sexual
  harassment, sexual violence,
  sexual assault, dating
  violence, domestic violence,
  stalking and hostile
  environment
  Reporting protocols
  Confidentiality and who
- Confidentiality and who evaluates requests
- Prohibition on retaliation Right to file both criminal *and* a Title IX complaints
- Notice of interim measures &
- options for assistance
- Description of prompt, fair & impartial procedures that include investigation, resolution & remediation
  Notice officials involved will be trained annually
- Opportunity for parties to have advisors of their choice
- Rights of parties regarding attendance at a hearing, witnesses, etc.
- Preponderance of Evidence
- Equal notice of interim & final outcome & appeal
- Potential sanctions



### **Sexual Violence Definitions**

- Title IX Sexual Violence
  - o "Physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent." DCL p.1
  - o Includes rape, sexual assault, sexual battery and sexual coercion
- Clery Sexual Assault
  - o "An offense that meets the definition of rape, fondling, incest, or statutory rape." Proposed Rules, §668.46(a)
    - × Incest or statutory rape non-forcible offenses



### Sexual Violence in Context

- Any student can be a victim of sexual assault
- · Any student can sexually assault another student
- Violence and stalking in the LGBTQ community
  - Sexual violence
  - Dating violence
  - o Domestic violence
  - Stalking



## Title IX - Gender-based Harasxment Acts of verbal, non-verbal or physical aggression. intimidation or hostility based on sex or sex-stereotyping even if those acts of ont involve conduct of a sexual nature. DCL fin. 9, 2001 Guidance, 2010 DCL Harasxment & Bullying Campus SaVE Demestic Violence A follony or misdemeanor crime of violence committed against a current or former spouse, someone similarly situated, a co-parent or an adult or youth protected under state domestic or family violence laws. Proposed Regulations 9608-66(a) Dating Violence Violence by a person who is or has been in a social relationship of a romantic or intimate nature Proposed Regulations 9608-66(a) Stalking A course of conduct directed at a specific person that would cause a reasonable person to fear for her safety, the safety of others or suffer substantial emotional distress. Proposed Regulations 8608-66(a) Course of conduct means two or more acts Directly, indirectly or through third parties Substantial emotional distress near on trequire medical or other professional treatment. Consent Campus SaVE — The definition in reference to sexual activity in the applicable jurisdiction Title IX — Sexual violence is against a person's will or when a person is unable to give consent

### **Shared Requirements**

- Develop and publicize policies and procedures
- Provide training
- Investigate
- Parity and fairness for parties
- Protect confidentiality

## Responsible Employee, Campus Security Authority, or Mandatory Reporter? Responsible Employee – Title IX Authority to redress sexual violence Obligation to report incidents Students could reasonably believe have authority Campus Security Authority – Clery Act Campus Security position or responsibility Identified to receive reports of crime Significant responsibility for student and campus activities Mandatory Reporter – State Law Obligation to report suspected child abuse & neglect Resident Assistants Responsible Employee? - Authority or duty to redress or report misconduct -- Title IX CSA? – "Monitors" access to dormitories – Clery Act

## Complementing or Competing?

- Application off-campus
- Confidentiality
- Responding to reports and providing assistance
  - O Describe support and available options
  - Offer interim measures
- Standard of proof
- Timeliness
- Working with Law Enforcement

### **Additional Clery Act Resources**

• NACUA Online Course: The Fundamentals of Clery Act Compliance for Campus Counsel and Administrators

 $\frac{\text{http://beta.nacua.org/program-events/online-courses/2015-online-course-series-clery-act}{}$ 

• Higher Education Compliance Alliance – Campus Safety

 $\underline{http://www.highered compliance.org/resources/campus-safety.html}$ 

• Clery Act Resource Page (NACUA members only):

 ${\bf http://beta.nacua.org/resource-library/resources-by-topic/campus-police-safety-crisis-management/clery-act}$