

CPD- Title IX Training

Title IX- Napa Valley College

- Website
- Videos

What is Title IX?

“No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subject to discrimination under any educational program or activity receiving federal financial assistance”

2011- Dear Colleague Letter (Office of Civil Rights/U.S. Department of Education)

“The sexual harassment of students, including sexual violence, interferes with students’ right to receive an education free from discrimination and, in the case of sexual violence, is a crime.”

School’s Basic Responsibilities:

If a school reasonably knows of possible sexual violence or sexual harassment it must take immediate and appropriate steps to investigate and determine what occurred and eliminate any possible hostile environments.

Investigation: Thorough—Reliable--Impartial

Process: Prompt—Effective—Equitable

Remedies: End the Discrimination--Prevent its Recurrence--Remedy Effect Upon Victim/Community

STOP—PREVENT--REMEDY

Title IX Basics

Lingo:

Reporting Party (Victim)

Responding Party (Suspect)

What is Sexual Harassment?

- Unwelcome
- Sexual, sex-based/gender-based verbal, written, online, or physical conduct

What is Sexual Violence?

Sexual violence refers to physical sexual acts perpetrated against a person's will or when a person is incapable of giving consent. These acts include rape, sexual assault, sexual battery, sexual abuse, and sexual coercion. (Per the US Department of Education and OCR)

What is a Hostile Environment?

- Sufficiently severe or
- Persistent or pervasive and
- Objectively offensive that it:
 - unreasonably interferes with, denies, or limits someone's ability to participate or benefit from the school's educational/social/residential or employment programs

Responsible Employee:

- Has the authority to take action
- Has the duty to report
- Someone a student could reasonably believe has this authority or responsibility

Actual Notice:

- Individual files a Title IX complaint
- Individual notifies Title IX Coordinator or Responsible Employee
- Individual reports to Campus Police

When does Title IX Investigate?

- Upon receipt of a formal signed complaint
- Coordinator deems investigation is warranted
- Rumors, gossip, social media

Jurisdiction

Title IX does not apply outside the U.S. (OCR will not enforce extraterritorial complaints)

Title IX applies and jurisdiction is required when the institution has:

- Control over the harassed (discriminator) AND
- Control over context of the harassment (discrimination)

Sexual Misconduct and Title IX:

- Off Campus "Nexus"
- Geographic and Temporal
- "Student"
- Prior to enrollment or employment

Institutional Obligation: STOP-PREVENT-REMEDY

Student Sanctions:

What can the college do?

- Warning
- Probation
- Loss of Privileges
- Counseling Assessment
- No Contact
- Campus Housing (suspension/removal)
- Limited Access to Campus
- Service Hours
- Online Education
- Parental Notification
- Alcohol/Drug Assessment or Counseling
- Training/Education
- Suspension
- Expulsion
- Discretionary Sanctions

Employee Sanctions

What can the college do?

- Warning (Verbal/Written)
- Reduction in Pay
- Probation
- Loss of Annual Raise
- Performance Improvement/Management Process
- Training
- Counseling
- Loss of Privileges
- Discretionary Sanctions
- Loss of Supervisory or Oversight Responsibilities
- Paid/Unpaid Leave
- Suspension
- Termination