

Title IX Training for Faculty & Staff

Agenda

- Title IX Overview
- Reporting Requirements
- Confidentiality
- Pregnancy
- Retaliation

Title IX of the Education Amendments Act of 1972

“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 educational program or activity receiving federal financial assistance.”

Title IX of the Education Amendments of 1972 Implementing Regulations at:

20 U.S.C. §1681 & 34 C.F.R Part 106

Title IX Overview

- Essentially Civil Rights legislation that specifically addresses gender in education
- U.S. Department of Education Office for Civil Rights (OCR)
- Early impacts seen in Athletics gender equity
- April 4, 2011 Dear Colleague Letter-Sexual Misconduct
- June 25, 2013 *Dear Colleague Letter*-Pregnant and Parenting Students
- April 24, 2013 Dear Colleague Letter - Retaliation

Essential Compliance Elements

- Once a ***Responsible Employee*** has either actual or constructive notice of sexual harassment or sexual misconduct, SWC must take action.
- Who is considered a ***Responsible Employee***?

Essential Compliance Elements

- A ***responsible employee*** includes any employee who:
 - Has the authority to take action to redress the harassment,
 - Has the duty to report harassment or other types of misconduct to appropriate officials, OR
 - Is someone a student could reasonably believe has this authority or responsibility

Essential Compliance Elements

- **SWC *MUST*** take immediate and appropriate steps to investigate what occurred.
- **SWC *MUST*** take prompt and effective action to
 - Stop the harassment
 - Remedy the effects
 - Prevent the recurrence

Confidentiality

- Who can hold confidentiality?
 - Licensed Professional Counselors
 - Clergy
 - Medical Professionals

Everyone else is required to report!!

Reporting

- Title IX Coordinator: Virginia Padilla Vigil, Vice President for Academic & Student Affairs (505) 467-6821
- Emergency
 - Call 911

Investigation

- Options for complainant
 - Criminal
 - Institutional
 - Student Code of Conduct
 - Employee Grievance Procedure
 - Civil
- Title IX Coordinator will review what most appropriate next steps are and put together an investigation team

Title IX and Pregnancy

“A recipient (of federal funds) shall not apply any rule concerning a student’s actual or potential parental, family or marital status which treats students differently on the basis of sex.”

Title IX and Pregnancy

- Specifically prohibits discrimination against a student based on pregnancy, childbirth, false pregnancy, termination of pregnancy, or recovery from any of these conditions.
- Illegal to exclude pregnant students from participating in any part of an educational program, including extracurricular activities.

Title IX and Pregnancy

- School must excuse a student's absences because of pregnancy or childbirth for as long as the student's doctor deems the absences medically necessary. When a student returns to school, she must be allowed to return to the same academic and extracurricular status as before her medical leave began.

Title IX and Pregnancy

- Any special services provided to students who have temporary medical conditions must also be provided to a pregnant student. Therefore, if a school provides special services, such as homebound instruction or tutoring, for students who miss school because of a temporary medical condition, they must do the same for a student who misses school due to pregnancy or child birth.

Title IX and Pregnancy

- A school may require a pregnant student or a student who has given birth to submit medical certification for school participation only if the school also requires such certifications from all students with physical or emotional conditions requiring the attention of a physician.

Retaliation

- Unlawful for the school to retaliate against someone for bringing a complaint forward or participating in an investigation.
- Unlawful for respondent to retaliate against complainant or witnesses for bringing complaint forward or participating in an investigation.
- Easier to prove retaliation in many cases.

Summary

- If you have knowledge of sexual harassment or sexual assault, you must report.
- SWC has an obligation to investigate.
- SWC will take any and all appropriate actions to
 - Stop the harassment
 - Remedy the effects
 - Prevent recurrence

Summary

- Pregnant students are in a specialized circumstance and as such entitled to special Title IX protections
- All parties involved in a report and investigation are covered by federal protections from retaliation

QUESTIONS???