

Title IX Overview



Audit and Compliance Committee Presentation
By Alex Tzoumas, Chief Compliance Officer
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Training Objectives

- Gain insight into Title IX regulations.
- Gain insight into terms associated with Title IX.
- Understand reporting obligations regarding sexual harassment.
- Understand New College compliance and Title IX personnel.
- See university policies and procedures pertaining to Title IX.

Title IX of the Education Amendments of 1972



"No person in the United States shall, based on sex, be excluded from participating in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance."

Title IX Terminology



Terminology

Complainant: An individual who is alleged to be the victim of conduct that could constitute sexual discrimination or harassment.

Respondent: An individual who has been accused of conduct that could constitute sexual discrimination or harassment.

Actual Knowledge: Notice of sexual harassment or allegations of sexual harassment to a District's Title IX Coordinator or any official of the District who has the authority to institute corrective measures on behalf of the recipient or to any employee of the university. Once a university receives actual notice, it must take action whether a formal complaint is filed or not.

Formal Complaint: A document filed by a Complainant or signed by the Title IX Coordinator alleging sexual harassment against a Respondent and requesting that the school district investigate the allegations of sexual harassment.

Deliberate Indifference: A clearly unreasonable response in light of the known circumstances.

Terminology

Supportive Measures: non-disciplinary, non-punitive, individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant and the Respondent before or after the filing of a formal complaint or where no formal complaint has been filed.

- Such measures are designed to restore or preserve equal access to the education program or activity without unreasonably burdening the other party, including measures design to protect the safety of all parties or the educational environment, and deter sexual harassment.
- Supportive measures may include counseling, mutual restrictions on contact between the parties, changes in work locations, increased security and monitoring of certain areas of the campus, or other similar measures deemed appropriate under the circumstances.

Title IX Definition of Sexual Harassment

Quid Pro Quo

An employee **conditioning the provision** of an aid, benefit, or service on an individual's participation in unwelcome sexual conduct.

SPOO

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.

Sexual Assault, Dating Violence, Domestic Violence and Stalking

Sexual assault as defined in the Cleary Act; or **dating violence, domestic violence, or stalking**, as defined in the Violence Against Women Act.

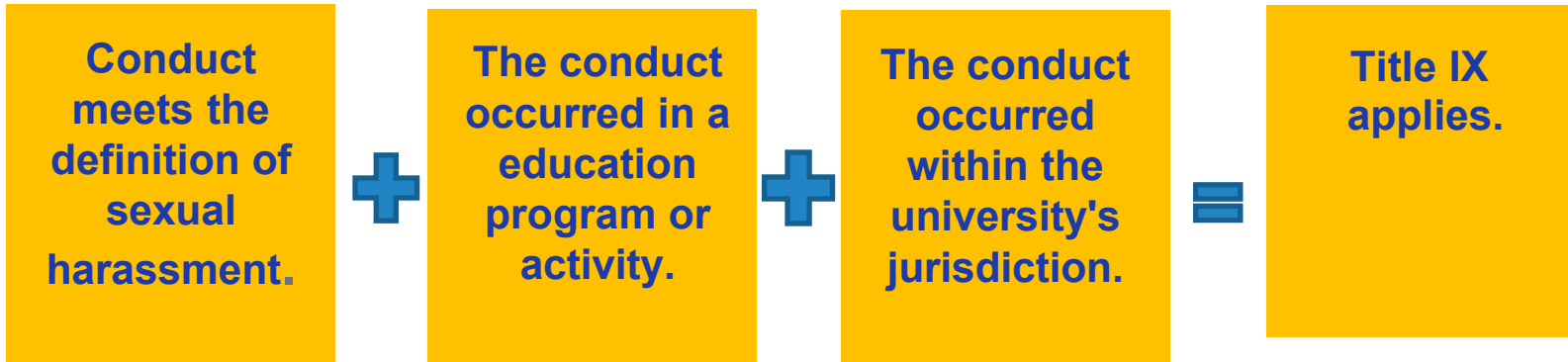
Education Programs

Education programs or activities include locations, events and circumstances over which the university exercises substantial control over both the Respondent and the context in which the harassment occurs, including, but not limited to:

- Classes
- Extracurricular activities
- Transportation
- Field trips
- Club meetings



When does Title IX apply?



If the requirements above are met, Title IX applies, and the grievance process must be followed. If any of the above elements are missing, Title IX does not apply.

University Regulations, Training & Website

- NCF Regulation 3-4018 Sexual Discrimination/Harassment
- NCF Student Code of Conduct - Title IX Sexual Harassment Matters
- Title IX for Higher Education mandatory training
- Title IX Website - <https://www.ncf.edu/life-at-new/safety-conduct/title-ix/>





The Title IX Team

Title IX Coordinator

The Title IX Coordinator is responsible for:

- Training Investigators and Decision-Makers.
- Conducting initial assessment of allegations and/or complaints.
- Supervision and coordination of the investigative process.
- Helping investigators develop investigation strategy.
- Coordinating supportive measures.
- Guiding timeline compliance.
- Recordkeeping.
- All records relating to sexual harassment must be maintained for no less than seven (7) years.

Appellate Decision-Makers

Title IX Appellate Decision-Makers are responsible for:

- Understanding the pertinent Title IX definitions and grounds for appeal.
- Responding to appeals in a timely manner.
- Conducting a formal hearing.
- Providing the parties with a determination on the appeal.

Advisors

- Parties (Complainants and Respondents) have the right to have an advisor of their choice to assist them throughout the process, including attending meetings and/or interviews.
- An advisor may be an attorney but is not required to be an attorney.
- If the Complainant or Respondent is a student, the advisor can be a person in addition to their parent or guardian. If the Respondent is an employee, the advisor can be another person in addition to their union representative.

Title IX Process

