



# TITLE IX REFRESH

Dr. Rachel Boldman, Ed.D.



# DISCLAIMER

This is going to be a very quick overview! More trainings will be scheduled to dive deeper into each aspect of Title IX (Examples: Investigations, Report-Writing, Trauma)



# REMINDERS

## **TITLE IX**

Prohibits sex-based discrimination, including sexual harassment, in educational programs activities receiving federal funds.

## **PREVENTING SEXUAL VIOLENCE IN HIGHER EDUCATION ACT**

Illinois law. Requires higher education institutions to adopt comprehensive policies concerning sexual violence, domestic violence, dating violence, and stalking.

## **ILLINOIS HUMAN RIGHTS ACT**

Prohibits discrimination in Illinois, including in employment. Also prohibits sexual harassment in elementary, secondary, and higher education.

## **VIOLENCE AGAINST WOMEN ACT**

Expands the rights afforded to campus survivors of sexual assault, domestic violence, dating violence, and stalking.

## **CLERY ACT**

Requires institutions to maintain and disclose crime statistics and security information.



# TITLE IX SEXUAL HARASSMENT

## QUID PRO QUO

Employee of the college conditions help, benefits, pay, a position or other opportunities for advancement on an individual's submission to unwelcome sexual conduct.

## ANY INSTANCE OF:

Sexual assault, dating violence, domestic violence or stalking (as defined in the Clery Act/VAWA)

## HOSTILE ENVIRONMENT

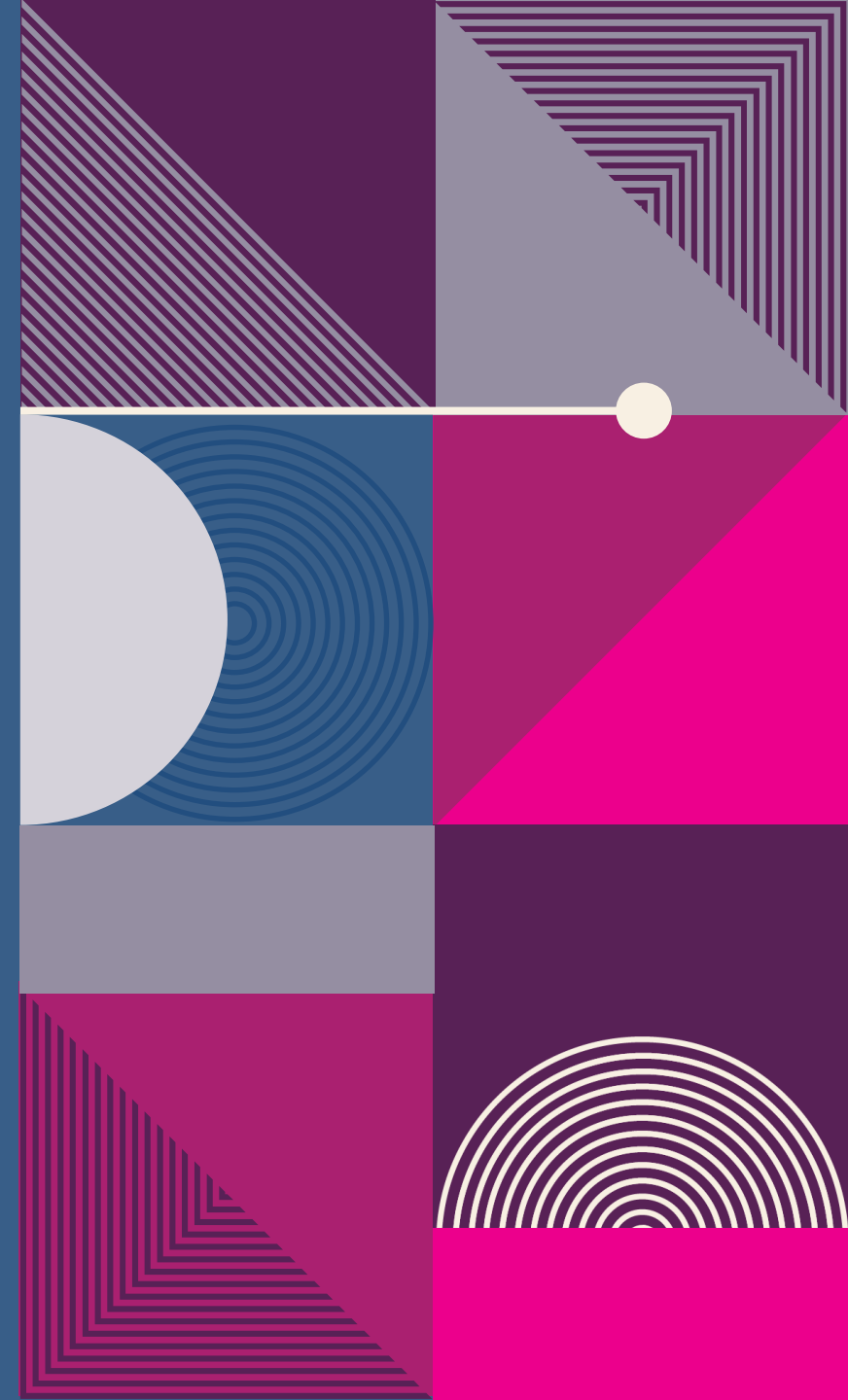
Unwelcome conduct of a sexual nature that a reasonable person would find so severe, pervasive, and objectively offensive that it denies a person equal educational access

# HOSTILE ENVIRONMENT

Unwelcome conduct that a reasonable person would find so severe, pervasive, and objectively offensive that it denies a person equal educational access

Severe AND pervasive AND offensive

Denial of equal educational access



# WHEN MUST AN INSTITUTION RESPOND?

## EDUCATION PROGRAM OR ACTIVITY

What constitutes an education program or activity?

## SCOPE

Locations, events, or circumstances over which the institution exercised substantial control over both the respondent and the context in which the sexual harassment occurred; and

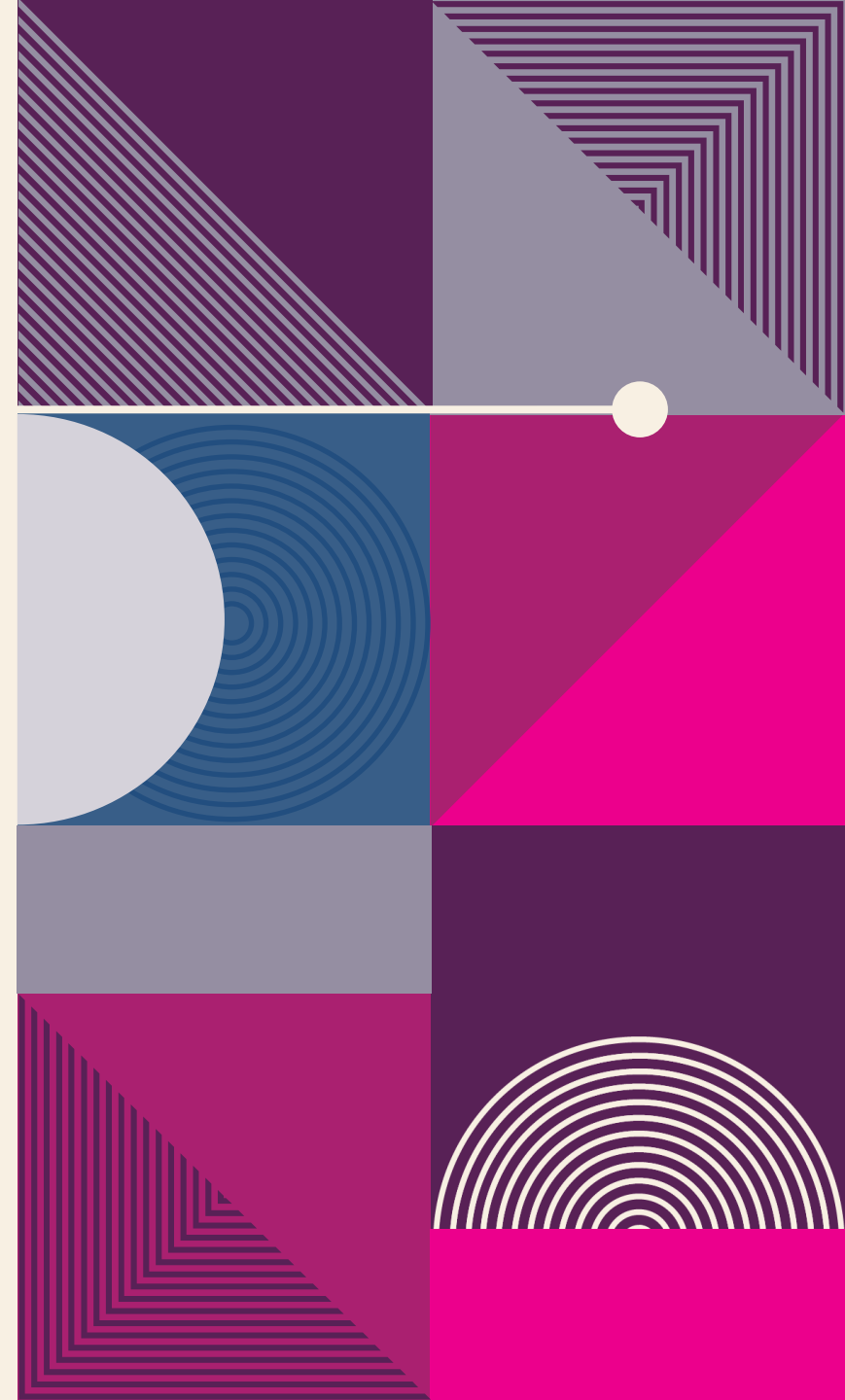
Any building owned or controlled by a student organization that is officially recognized by a postsecondary institution

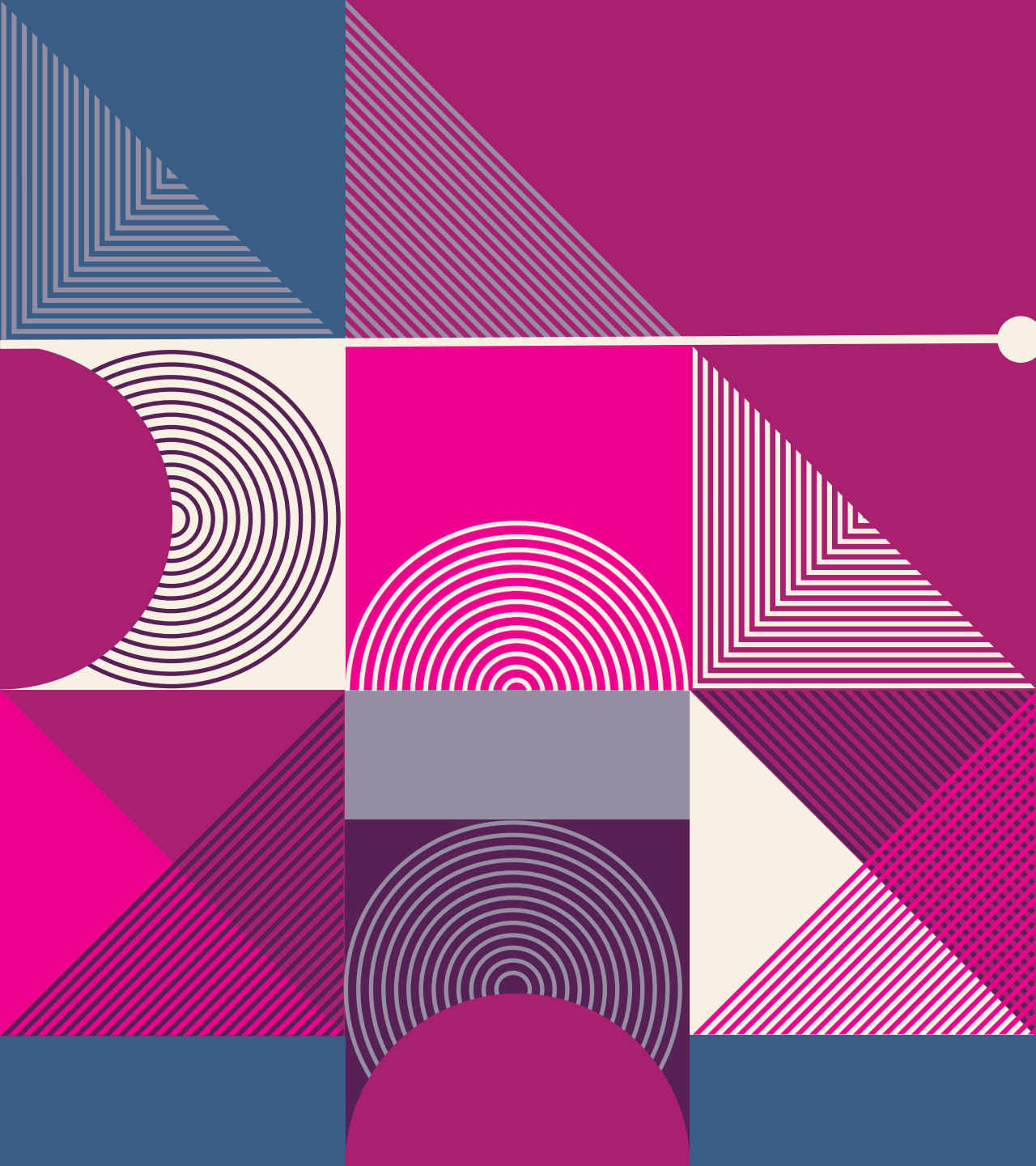
## FORMAL REPORT

“Signed” by the complainant (the person who experienced the incident)

## AGAINST A PERSON IN THE UNITED STATES

What about Study Abroad?





# RESPONSE (BRIEFLY)

# TITLE IX FORMAL RESPONSE MODEL



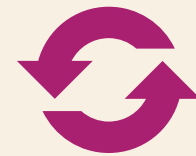
## INVESTIGATION

Investigator gathers information, culminating in an investigative report which is accessed by



## HEARING

Live hearing (can be in separate rooms or online).  
Cross-examination of witnesses, complainant & respondent by "advisors."  
Hearing officer/decision maker is not the Title IX Coordinator.



## DECISION & SANCTIONS

Decision-maker issues a written decision and sanctions (if applicable), with rationale.



# INFORMAL RESOLUTION



## INVESTIGATION/ INQUIRY

There is still some sort of investigation or fact-finding, though it can be less formal



## AGREEMENT

All parties must agree to an informal resolution. Sometimes this may involve the respondent taking responsibility for the situation.



## WITHDRAWING

Can be withdrawn (any party) and referred back to formal process at any time.

# FUTURE TRAINING

Association of Title IX Administrators (ATIXA) membership!

<https://www.atixa.org/>

Full access to training materials, Member Library, and more!

You will receive an email from ATIXA with a temporary password (signing you up this afternoon)



# FUTURE TRAINING

Topics for future training:

In-depth overview with Robbins Schwartz (including roles)

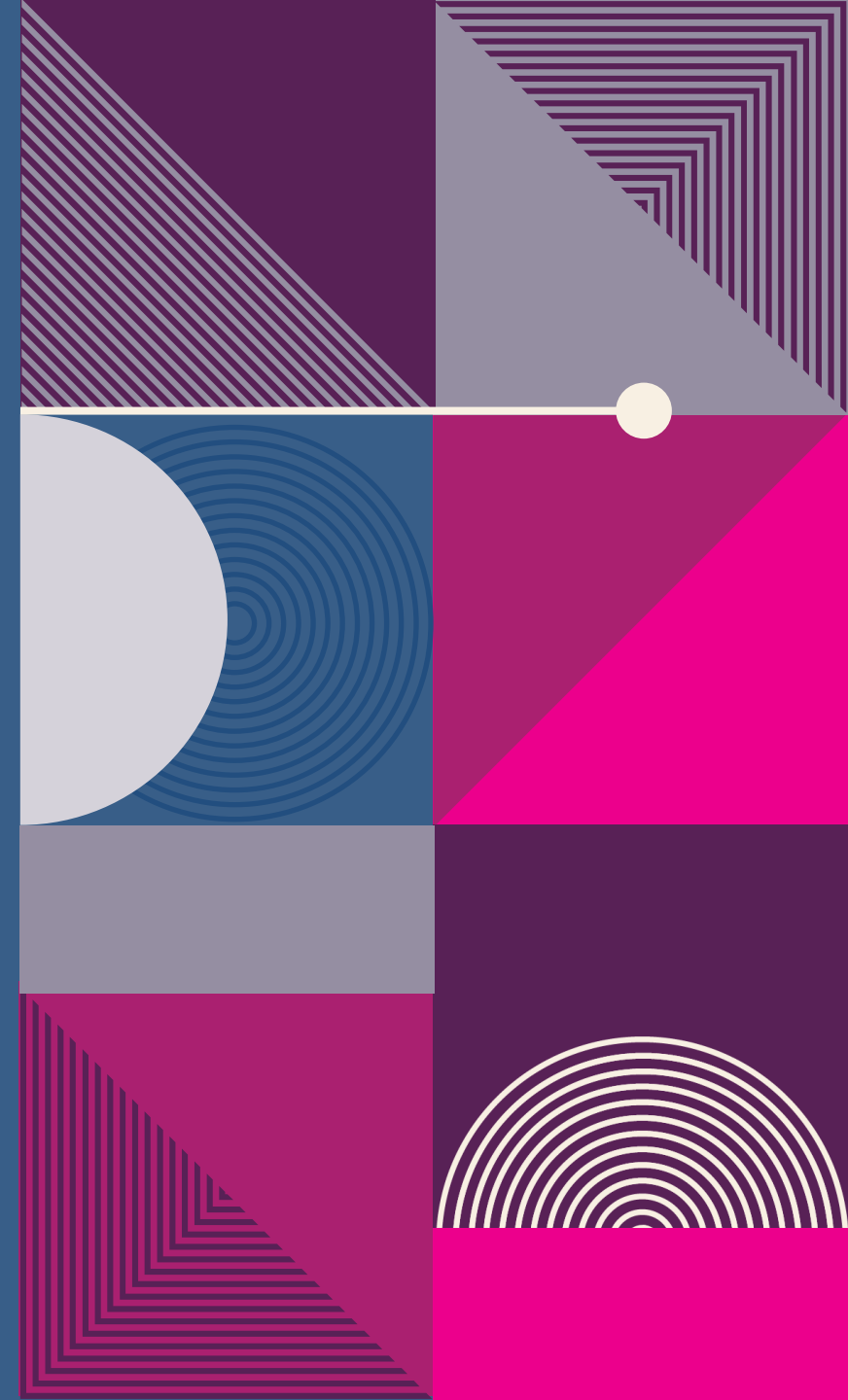
Investigation

Report-writing

Decision-making

Hearing process

Informal resolution



# FUTURE OF THIS TEAM

## BIAS & DISCRIMINATION REPORTS

- [www.mchenry.edu/concern](http://www.mchenry.edu/concern)
- Currently:
  - Report comes to Rachel & Candice
  - Rachel or Sam meets with student(s)
  - If an employee is involved, referred to supervisor
  - Resolution
    - Sanction
    - Educational opportunity
- Opportunities for this group to be involved



# QUESTIONS?

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