Title IX
&
YOU

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Session Overview

• What is Your Title IX IQ?

• Scenarios with Lived Experiences

• What Are You Called To Do?

• Q & A
Title IX History
Title IX of 1972

- Is a portion of the United Education Amendments of 1972
- Introduced by Senator Birch Bayh
- Civil Rights Act of 1964, NOW, ERA
- Signed into law by President Nixon
Title IX 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, Education Amendments of 1972 §1681. Sex. (a)
Title IX Amendments of 1972

• Requires equal access by sex to federally funded educational programs or activities

• Focuses on the institutional response to gender discrimination
Dear Colleague Letter (DCL)

• The “Wake-up Call”
  April 2011 Title IX Dear Colleague Letter

• Prior to April 2011, access for women to athletics, admissions, etc. was the focus

• Post April 2011 sexual harassment/assault is the focus

• July 2015 - DCL implementation of the VAWA
Pertinent Title IX Definitions

- Sex Discrimination
- Sexual Harassment
- Sexual Violence
- Hostile Environment
Testing Your Title IX IQ
Scenario # 1

Dr. Smith is Mei’s dissertation chair. He is meeting with Mei to discuss her failure to meet the academic progress criteria required for her degree. In the course of the conversation, Mei begins to reveal that it has been a hard semester because she has a dating violence situation with a fellow graduate student from her home country.
Scenario # 2

Dr. Baker is a faculty member in a creative writing program. As part of a class assignment, students are asked to write about a significant event in their lives. As he is reviewing the papers, Dr. Baker reads one where the student discloses he was sexually assaulted while on Spring Break.
Scenario # 3

Jose is a graduate teaching assistant for a large introductory course. During office hours, a student comes in to talk about her failing grade on the last exam. The student reveals that she is being stalked by her ex-girlfriend. Jose comes to you for advice.
Our Obligations Under Title IX?

A school must take prompt and effective steps to:

1. **investigate** the behavior
2. immediate actions to **stop** the behavior
3. **prevent** its recurrence, and
4. **address** its effects.

http://www2.ed.gov/about/offices/list/ocr/docs/dcl-factsheet-201104.html
What Are The University Obligations Under Title IX?

Must:

• Take immediate and appropriate action to investigate or otherwise determine what occurred.

• Take prompt and effective steps to end the sexual violence, prevent its recurrence, and address its effects, whether or not the sexual violence is the subject of a criminal investigation.

• Take steps to protect the complainant as necessary, including interim steps taken prior to the final outcome of the investigation.

• Provide a grievance procedure for students to file complaints of sex discrimination, including complaints of sexual violence.

• Include an equal opportunity for both parties to present witnesses, evidence and appeal rights.
  
  – Use the preponderance of the evidence standard to resolve complaints of sex discrimination.

Notify both parties of the outcome of the complaint.

http://www2.ed.gov/about/offices/list/ocr/docs/dcl-factsheet-201104.html
Pregnant & Parenting Students

• Title IX specifically prohibits

  – discrimination against a student based on pregnancy, childbirth, false pregnancy, termination of pregnancy, or recovery from any of these conditions.

  – school from applying any rule related to a student’s parental, family, or marital status that treats students differently based on their sex.

• Under Title IX, it is illegal for schools to exclude a pregnant student from participating in any part of an educational program.

• A school must excuse a student’s absences because of pregnancy or childbirth for as long as the student’s doctor deems medically necessary. Upon return a student must be allowed to return to the same academic and extracurricular status as before.

http://www2.ed.gov/about/offices/list/ocr/docs/pregnancy.pdf
Pregnant & Parenting Students Con’t

• Any special services provided to students who have temporary medical conditions must also be provided to a pregnant student.

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

http://www2.ed.gov/about/offices/list/ocr/docs/pregnancy.pdf
Violence Against Women Reauthorization Act of 2013 (VAWA)

• Intended to promote the awareness of violence against women particularly in the areas of:
  – Domestic Violence
  – Dating Violence
  – Sexual Assault
  – Stalking
  – Consent

• Added additional obligations for Colleges and Universities
VAWA General Requirements

Under VAWA, colleges and universities are required to:

• Report domestic violence, dating violence, and stalking, beyond crime categories the Clery Act already mandates;

• Adopt certain student discipline procedures, such as for notifying purported victims of their rights; and

• Adopt certain institutional policies to address and prevent campus sexual violence, such as to train in particular respects pertinent institutional personnel.
The Graduate/Professional Student Population

- Legislation applies

- Dual role (student and employee) of graduate assistants, graduate teaching assistants, graduate research assistants

- International graduate students
Title IX and You
What Are You Called To Do?

Under the April 2011 DCL

- Educating Your Colleges, Staff and Students
- Offer a “presumption of innocence” mindset
- Do not engage in “pre-investigations”
- Continuously update/refine policies, procedures, and Protocols
What Are You Called To Do?

- Know how to spot incidents of sex discrimination including sexual harassment, sexual violence, dating violence, domestic violence, and stalking.

- Create a culture that doesn’t tolerate sex discrimination.

- Know how and where to report incidents.

- Know about the people and resources who are available to help.

- Educate yourself.
On the Horizon

- Pending Legislation
- Required Campus Climate Surveys
- National and Media Attention
Q & A
Resources

DCL Title IX Significant Guidance Letter April 4, 2011
http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201104.html

DCL Sexual Violence Summary Re: DCL April 4, 2011
http://www2.ed.gov/about/offices/list/ocr/docs/dcl-factsheet-201104.html

DCL Retaliation Guidance April 24, 2013
http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201304.html

US Dept. of Education Office for Civil Rights, Questions and Answers on Title IX and Sexual Violence April 2014 PDF http://www2.ed.gov/about/offices/list/ocr/publications.html#TitleIX-Docs

US Dept. of Education Office for Civil Rights, Pregnant and Parenting Students
http://www2.ed.gov/about/offices/list/ocr/docs/pregnancy.pdf
Resources

Violence Against Women Act
https://www.federalregister.gov/articles/2014/06/20/2014-14384/violence-against-women-act

Violence Against Women Reauthorization Act

DCL on Title IX Coordinators – April 24, 2015
http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201504-title-ix-coordinators.pdf

Title IX Resource Guide – DOE – April 2015
https://www2.ed.gov/about/offices/list/ocr/docs/dcl-title-ix-coordinators-guide-201504.pdf

DCL on Implementation of the VAWA Final Regulations – July 22, 2015
http://ifap.ed.gov/dpcletters/GEN1515.html