

Leading and Strategizing as a New Title IX Coordinator Bootcamp

Foundational Federal Legal Requirements
Session Two – Wednesday, February 2, 2022

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■ Housekeeping Items

- For an optimal experience, please close all unnecessary applications and windows.
- Please remain muted unless you are talking.
- Questions and comments are encouraged – please use your mic where possible.
- We encourage you to be on camera during the bootcamp, but it's not required.
- The "Chat Box" is visible to all.
- If you cannot see the chat box, exit out of "Full Screen Mode" and choose either "Gallery" or "Speaker" mode.
- Breakouts are not recorded.
- Please update your name and pronouns (if desired) by selecting to view the "Participant" list. Hover over your name and select "Rename" to update.

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Disclaimer

The information provided in this training does not, and is not intended to, constitute legal advice; instead, all information, content, and materials available during this training are for training and general informational purposes only.

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CHAT



Refresh & Reset

Please use your “raise hand” emoji to be called upon, if you’re able and interested or use the Chat to respond:

What is one valuable lesson that most resonated with you from last week’s session or what is one thing you’re hoping to learn today?

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TAKE A DEEP BREATH!



- You are not alone
- Ask for help
- Ask for resources
- Know the regs
- Know your policy
- Know your campus
- Establish a consistent process
- Proactive vs. Reactive

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#1

Title IX and the VAWA Amendments to the Clery Act

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■ 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 subjected to discrimination under any education program or activity receiving Federal financial assistance.”

— Title IX, Education Amendments of 1972

Sexual Harassment

- Quid Pro Quo
- Hostile Environment
- Sexual Assault
- Dating Violence
- Domestic Violence
- Stalking

Sex Discrimination

Retaliation

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■ The Clery Act



Stephanie Esposito

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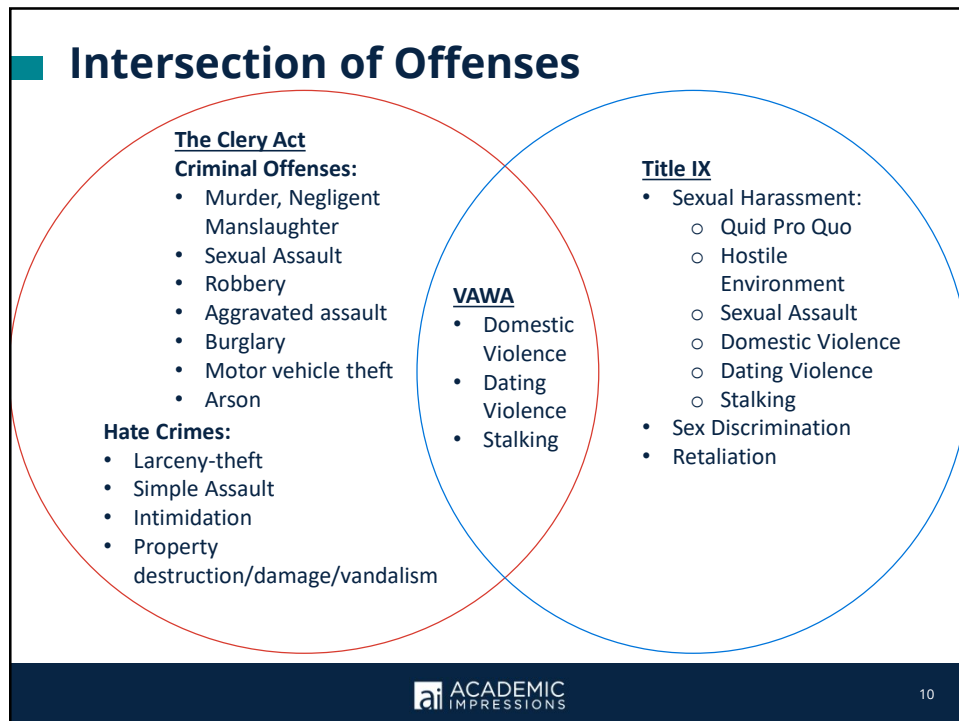
CLERY ACT & CRIME REPORTING

Requires higher education institutions to:

- Maintain and disclose crime statistics on and near campus
- Provide support to victims of campus crime.
Issue timely warnings that pose a serious or ongoing threat to students/employees.
- Adhere to VAWA standards in disciplinary proceedings for sexual assault domestic/dating violence, and stalking cases.
- Offer sexual violence primary prevention and awareness programs to students/employees

ACADEMIC IMPRESSIONS 9

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■ Similar Disciplinary Proceeding Requirements

34 CFR 106.45
34 CFR 668.46(k)

- Anticipated and reasonable timelines
- Decision-making process
- How to file a complaint
- Standard of evidence
- List of possible sanctions
- Describes range of protective [supportive] measures for complainants (even if don't file complaint)
- Prompt, fair, and impartial process by trained individuals
- Confidentiality
- Advisors can accompany party (role can be restricted)
- Parties entitled to info to be considered during disciplinary proceeding
- Timely notice of meetings
- Simultaneous notification to both Parties of result of disciplinary proceeding and opportunity to appeal
- When result becomes final
- No retaliation

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■ Comparable Record Keeping Requirement

An institution must maintain:

- Title IX reports and related records for 7 years.
- Complete and publish data about reported crimes on and adjacent to campus over a 3-year period.

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■ Analogous Outreach Responsibilities

Following reported alleged offense:

- Title IX: The Title IX Coordinator must promptly contact the complainant. §106.44(a)
- VAWA: Requires the institution to furnish specific information to all victims of sexual assault, dating/domestic violence, and stalking. VAWA § 304

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■ Distinctions

Jurisdiction

- **Title IX**: Institution has control over the respondent and the context of the alleged sexual harassment (i.e., alleged misconduct occurred within an education program or activity)
- **Clery Act**: Campus and all public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus, or immediately adjacent to and accessible from the campus ("Clery Geography").

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■ Training Programs

- **Title IX:**
 - Required training for personnel with specific duties related to Title IX.
- **Clery Act:**
 - Primary prevention and awareness training for all incoming students and new employees.
 - Ongoing prevention and awareness campaigns for students and employees.

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 A background image showing several light blue question marks scattered across a grey surface that resembles a collection of papers or cards.

QUESTIONS?

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#2

The Title IX Coordinator's Role Specific to the Clery Act

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■ Clery Act: Campus Security Authority 34 CFR § 668.46(a)

Individual at the institution who, because of their function for the institution, have an obligation under the Clery Act to notify the institution of alleged Clery Act Crimes that are reported to them.

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■ CSAs generally include:

1. A member of a campus police/security department.
2. Individuals having responsibility for campus security in some capacity but are not members of a campus police/security department.
3. People or offices that are not members of a campus police/security department, but where policy directs individuals to report criminal offenses to them or their office.
4. Officials having significant responsibility for student and campus activities, including but not limited to, student housing, student discipline and campus judicial proceedings.

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The background of the slide is a light gray with a pattern of various shades of question marks. In the center, there is a dark blue rectangular box with the word "QUESTIONS?" written in white, bold, sans-serif capital letters.

QUESTIONS?

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#3

Developing a Relationship with the Clery Officer

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CHAT



What department within the institution houses Clery compliance?

What is your current relationship with your institution's Clery Officer?

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■ Getting to Know Your Clery Officer

- Who?
 - Law Enforcement
 - Compliance
 - Other
- Frequency of meetings
- Timeline of Reporting
- Support
- CSA Training

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■ Reporting Information to Your Clery Officer

- Policy Changes
- CSA Reporting
- Monthly Reporting
 - CSA Reports Submitted
 - Program Reporting
- Contributions to Annual Report



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#4

Best Practices for Training & Programming

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CHAT

What are the current programs and training listed in your 2021 Annual Security Report?

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■ Training & Programming under Title IX, VAWA, and other training mandates



- Compliance Requirements
- Training Plan
- Program Plan
- Ongoing Awareness Campaign

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■ Who needs training under Title IX, VAWA, and other training mandates?

- Training for Title IX Coordinators, Deputy Coordinators, Investigators, Decision Makers, Informal Resolution Facilitators, and Appellate Authority
- Training for Responsible Employees
- NCAA Sexual Violence Prevention Training for Athletics
- Primary Prevention Training
- Ongoing prevention programming
- State Law requirements?
- Other considerations?



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■ Training Your Title IX Team

- Auditing your team's knowledge and skill level
- Identifying training gaps
- Internal training resources
- External training resources
- Cross training your team
- Your role as facilitator
- Self-guided resources and training



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■ Critical Training Topics for Your Title IX Team

- Sexual Harassment Definitions
- Scope of education programs and activities
- Grievance Process
- Bias and impartiality
- Stereotypes
- Conflicts of Interest
- Relevance
- Credibility
- Technology



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VAWA Requirements

Each institution must develop and implement a comprehensive prevention and outreach program on sexual misconduct including but not limited, to sexual harassment, sexual assault, dating violence, and stalking. The comprehensive prevention and outreach program must address a range of strategies to prevent sexual misconduct, including sexual harassment, sexual assault, dating violence, and stalking. The program should include a public awareness campaign, primary prevention, bystander intervention, and risk reduction strategies.

-Violence Against Women's Act

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CHAT



Who is responsible for primary and ongoing prevention training/education on your campus?

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Primary Prevention Training

Delivery <ul style="list-style-type: none"> - Online - In-person - Alternatives 	Audience <p>Incoming students</p> <ul style="list-style-type: none"> - Freshmen - Transfer - Graduate students <p>Employees</p>
Content <ul style="list-style-type: none"> - Length - Definitions - Policy - Resources 	Completion Requirement <ul style="list-style-type: none"> - Deadline - Penalty

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Ongoing Prevention Programming Considerations

Delivery <p>Who?</p> <p>When?</p> <p>How?</p> <p>Frequency?</p>	Collaborations <p>Victim Advocacy Centers</p> <p>Health Center</p> <p>Counseling Center</p> <p>Academic Departments</p>
Special Populations <p>Greek Life</p> <p>Residence Life</p> <p>Athletics</p> <p>Others?</p>	Topics <p>Consent</p> <p>Bystander Intervention</p> <p>Victim Empowerment</p> <p>Risk Reduction Measures</p> <p>Others?</p>

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■ Title IX & NCAA Compliance

- Partnership with Athletics
- Timeframe
- Content



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■ PROGRAM PLANNING ACTION PLAN

- Create Comprehensive Program Goals
- Content Development
- Delivery
- Campus-Wide Programming vs. Custom Programming
- Budget



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What are your most successful training programs to date?

What are your programming challenges or limitations?

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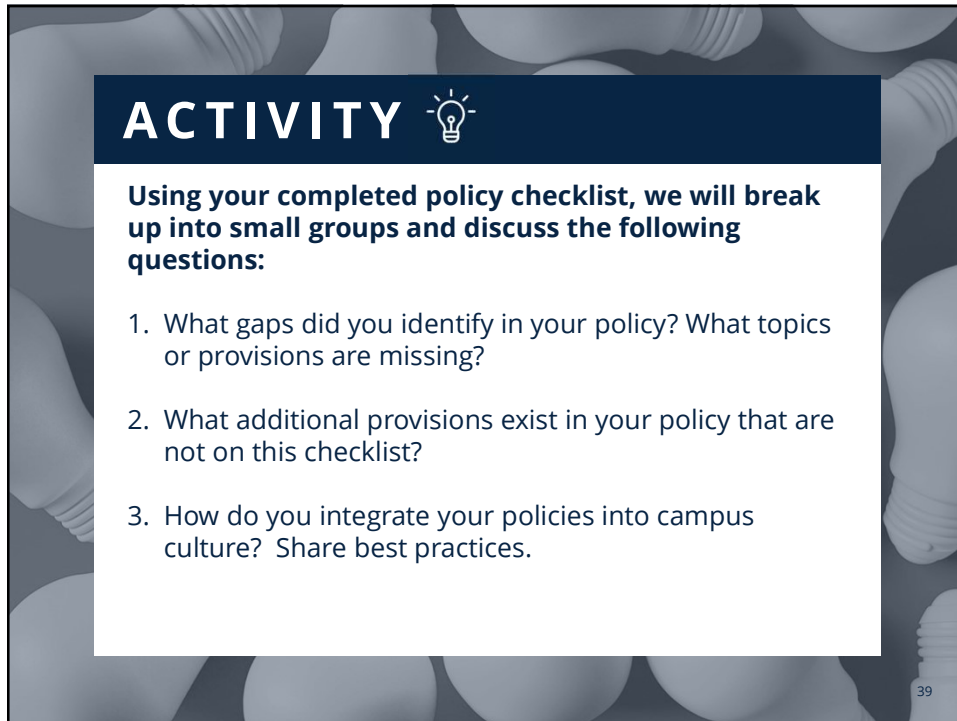


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Integration into Current Policies

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The slide features a dark blue header with the word "ACTIVITY" in white, followed by a lightbulb icon. The background of the slide is a collage of various lightbulbs in different shades of gray. The main content is in a white box with dark blue text.

ACTIVITY

Using your completed policy checklist, we will break up into small groups and discuss the following questions:

1. What gaps did you identify in your policy? What topics or provisions are missing?
2. What additional provisions exist in your policy that are not on this checklist?
3. How do you integrate your policies into campus culture? Share best practices.

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The slide has a dark blue header with the word "QUESTIONS?" in white. The background is a collage of question marks in various shades of gray. The main content is in a white box with dark blue text.

QUESTIONS?

ACADEMIC IMPRESSIONS

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TAKEAWAYS



Next Bootcamp Meeting:
Wednesday, February 9th
at 12:00 – 2:00p.m. EST

Remember to visit the
course site to review the
syllabus and upcoming
assignments.

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