

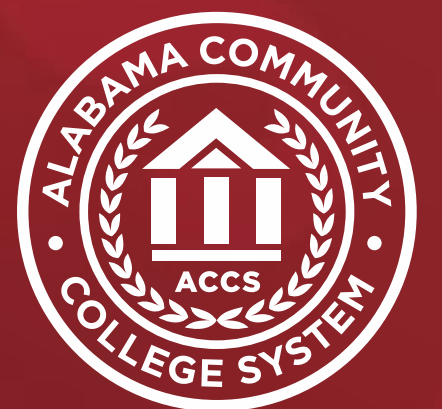
Title IX Overview

Faculty and Staff- MMI

Taylor Hilyer
Director of Student Life
Alabama Community College System

09.25.2023

REAL. *Life.* **EDUCATION.**

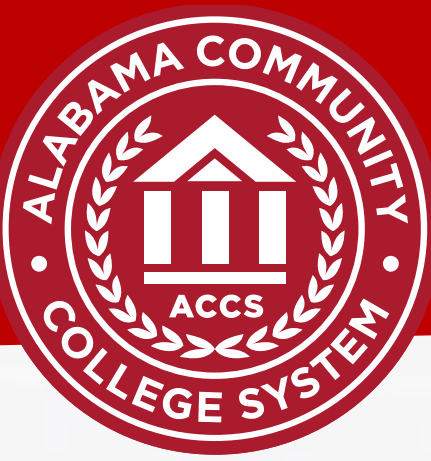


MEETING AGENDA



- Overview of Title IX
- Title IX Key Terms
- Title IX- How it applies to Faculty, Staff, and Students
- Possible Changes- Biden Administration
- Case Scenarios

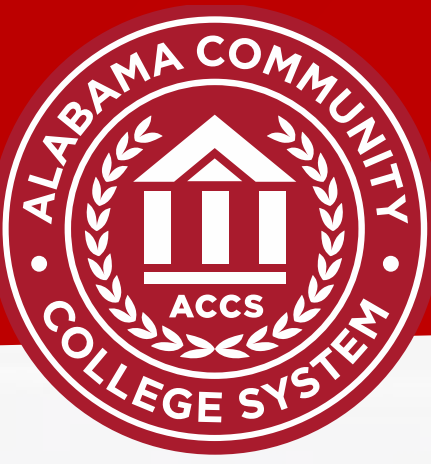
TITLE IX



Title IX is a federal civil rights law that states 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.

- Covers not only equity in athletic programming, but all forms of discrimination based on sex.
- Protects students and employees.
- Applies to all institutions that receive federal financial assistance, either directly or indirectly.
- Enforced by the Office of Civil Rights.

TITLE IX APPLIES TO.....



- Student on student matters
- Employee on employee matters
- Employee on student matters
- Student on employee matter

TITLE IX CURRENT REGULATIONS



Current Title IX regulations were published on May 19, 2020, and took effect August 14, 2020

- Requires schools:
 - Respond promptly and supportively to persons alleged to be victimized by sexual harassment.
 - Resolve allegations of sexual harassment promptly and accurately under a predictable, fair grievance process that provides due process protections to alleged victims and alleged perpetrators of sexual harassment.
 - Effectively implement remedies for victims.



Cadets

MMI Laptop Loaner Program

Disc Golf

Semester In-Processing and
Out-Processing

Final Exams

Commandant/Student Affairs

OneACCS (My MMI)

Cadet Quick Links

Cadet Manual

Cadet Forms

Health Center

IT for Students

Campus Safety and Security

Honor Code

Barbershop

Career Center

Transportation

Uniform Dept

SAGE Dining Services

Calendar

Title IX

Title IX

The U.S. Department of Education's Office of Civil Rights (OCR) enforces, among other things, Title IX of the Education Amendments of 1972, which prohibits sex discrimination in education. Title IX states that:

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.

Who is the Title IX Coordinator?

Carmon Paige Fields, J.D.

Director of Human Resources and Compliance

1101 Washington Street, Marion, Alabama 36756

334-683-2368

cfields@marionmilitary.edu

Mrs. Fields is here to support you and offer information and additional resources to someone you know is experiencing sexual harassment/sexual violence.

What is the Title IX Coordinator responsible for?

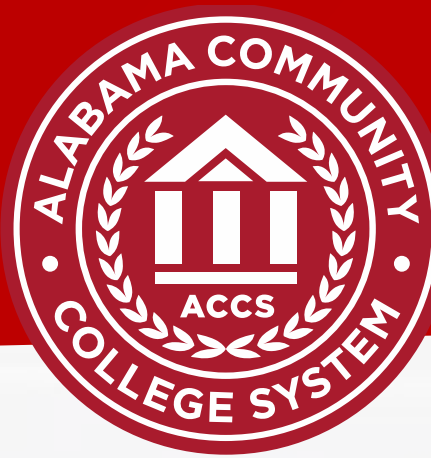
- Overseeing all Title IX complaints and investigations to provide prompt, fair and equitable resolution
- Identifying and addressing any patterns or systemic problems that arise
- Being available to meet with students, provide support and answer questions
- Working with other college officials
- Coordinating training, education and communication pertaining to Title IX
- Ensuring that our institution carries out its Title IX responsibilities

[TITLE IX PROCEDURES](#)

[TITLE IX FORMAL COMPLAINT FORM](#)

[INCIDENT REPORT](#)

MMI- TITLE IX WEBSITE



What can be found on the website?

- Title IX Coordinator contact info and responsibilities.
- Title IX Procedures
- Complaint Process
- Complaint/ Incident Form
- Training Material

TITLE IX KEY TERMS

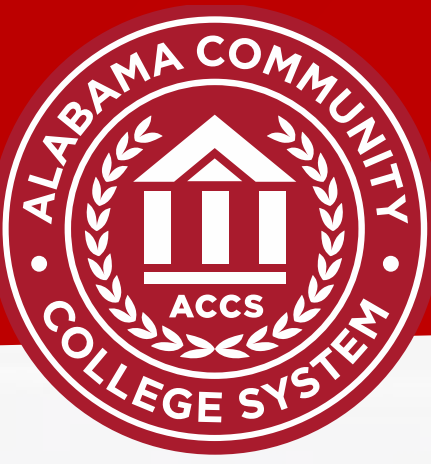


Complainant- An individual who is alleged to be the victim of conduct that could constitute sexual harassment. (The Accuser)

Respondent- An individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment. (The Accused)

Officials with Authority- any official who has authority to institute corrective measures on behalf of the college

TITLE IX KEY TERMS

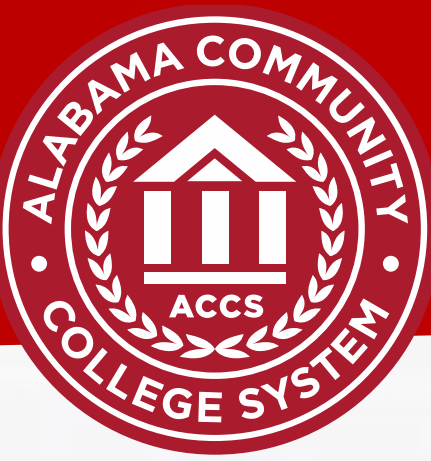


Title IX Grievance- the notice of sexual harassment or allegations of sexual harassment to the Title IX Coordinator or an official with authority

Formal Title IX Complaint- is a document signed by the complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the College investigate the allegation of sexual harassment.

Jurisdiction- Locations, events, or circumstances (operations) over which the institution exercises substantial control over both the respondent AND the context in which the sexual harassment occurs.

MANDATORY & PERMISSIVE DISMISSAL



Mandatory Dismissal –

- The grievance does not meet the definition of sexual harassment as defined in the Title IX regulations
- Occurred outside the college's jurisdiction
- Did not occur in the U.S.

Permissive Dismissal –

- Complainant notifies the Title IX Coordinator in writing requesting to withdraw the Formal Complaint
- Respondent is no longer enrolled or employed by the institution
- Specific circumstances prevent the institution from gathering evidence sufficient to reach a determination

TITLE IX – REPORTING



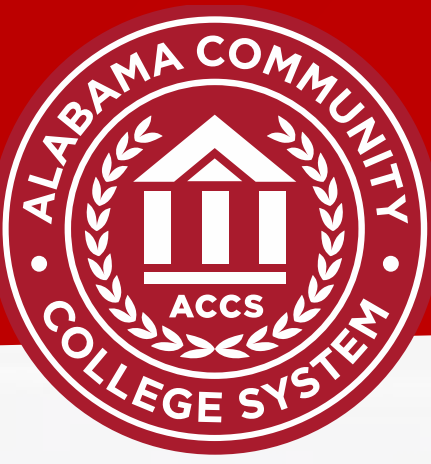
Anyone can report sexual and gender-based misconduct.

If you are a victim of sexual harassment or have knowledge of any conduct constituting sexual harassment in an educational program or activity of the College or which occurred on property owned by the College or controlled by the College, you are encouraged to report the grievance to the college's Title IX Coordinator or an Official with Authority.

Ways to Report

- Email
- Telephone
- Written Notice
- In Person

MMI TITLE IX COORDINATOR



Carmon Paige Fields, J.D.

Director of Human Resources and Compliance

1101 Washington Street, Marion, Alabama 36756

334-683-2368

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Officials with Authority

- Title IX Coordinator
- President
- Senior Vice President
- Chief of Staff
- Chief Academic Officer
- Chief Instructional Officer
- Officer in Charge
- Athletic Director

What is or May Be Title IX vs. What is NOT Title IX

What is or May be Title IX	What is NOT Title IX
<ul style="list-style-type: none">• Discrimination based on gender• Sexual Harassment• Bullying/Cyber-Bullying or Hazing when it involves sexual misconduct• Sexual Assault• Dating Violence• Stalking• Domestic Violence• Pregnancy Discrimination	<ul style="list-style-type: none">• Disability Discrimination (ADA)• Employment or Student Discrimination based on race, religion, or national origin (Title VII and Title VI)

FORMAL TITLE IX COMPLAINT



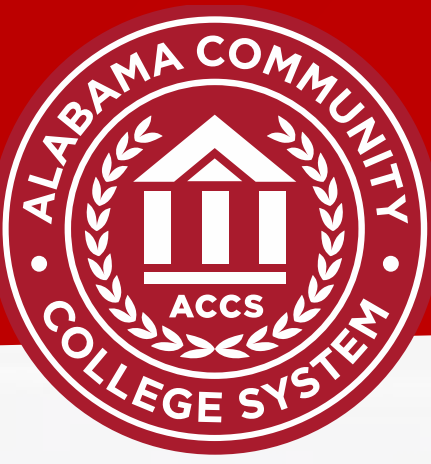
To qualify for a formal Title IX complaint the grievance must satisfy one or more of the following and have occurred within the college's jurisdiction.

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

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 school's education program or activity.

Sexual assault, dating violence, domestic violence, or stalking as defined in the Clery Act.

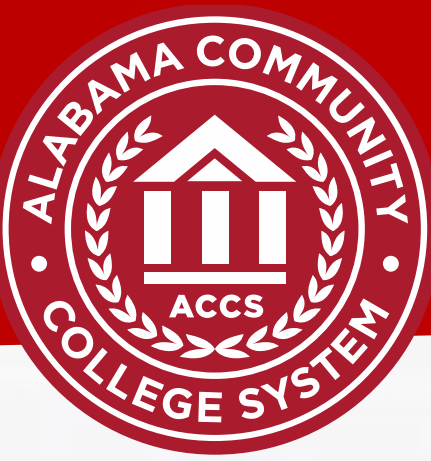
SUPPORTIVE MEASURES



Supportive measures may include, but are not limited to, the following:

- Counseling
- Extensions of deadlines or other course-related adjustments
- Modifications of work or class schedules
- Campus escort services
- Mutual restrictions on contact between the parties
- Changes in working or housing locations
- Leaves of absence
- Increased security and monitoring of certain areas of the campus.
- Medical Treatment

TITLE IX- PREGNANT & PARENTING



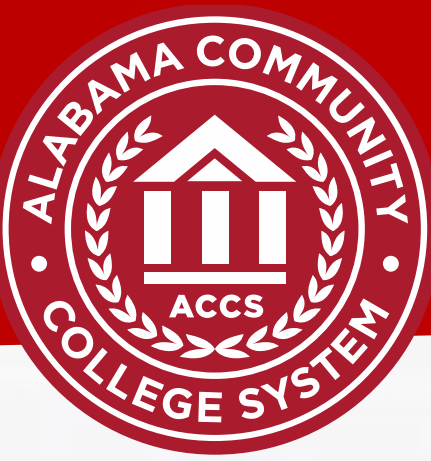
- Pregnant or parenting students have the right to continue with their educational program for as long as they determine they are able.
- Students are under no obligation to disclose their pregnancy, however if a student tells you they are pregnant, you may ask them if accommodations are needed and refer them to the Title IX Coordinator for assistance.
- Faculty and instructors should not request medical documentation or details related to the student's pregnancy or any associated medical condition from the student.

EXCUSED ABSENCES AND MEDICAL LEAVE



- Allow a student to continue participating in classes and extracurricular activities even though they are pregnant.
- **Excuse absences** due to pregnancy or childbirth for as long as the doctor says it is necessary.
- **Allow student to return** to the same academic and extracurricular status as before medical leave began, which should include **giving the student the opportunity to make up any work missed while out.**
- **Ensure that teachers understand the Title IX requirements related to excused absences/medical leave.** A teacher may not refuse to allow a student to submit work after a deadline that's missed because of pregnancy or childbirth.
- If a teacher's grading is based in part on class participation or attendance and a student missed class because of pregnancy or childbirth, the student **should be allowed to make up the participation or attendance.**
- Provide pregnant students with the **same special services** it provides to students with **temporary medical conditions.** This includes homebound instruction/at-home tutoring/independent study

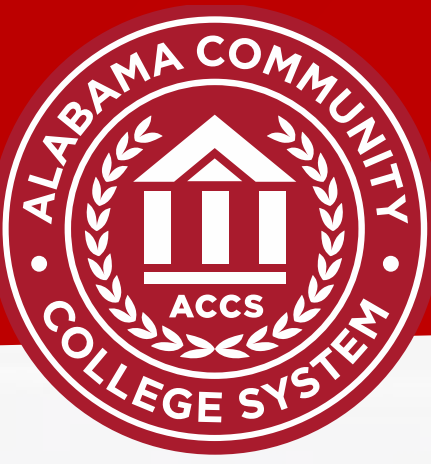
HELPING A STUDENT, EMPLOYEE, OR COLLEAGUE



If you become aware that someone has been impacted by prohibited conduct- take the following steps:

- Listen to what the person is sharing along with informing them that it's strongly encouraged that you report the information.
- Thank them for sharing with you, but avoid asking investigative questions.
- Ask if they have any concerns about their safety or the safety of others.

HELPING A STUDENT, EMPLOYEE, OR COLLEAGUE



- Be supportive- Don't tell them what they should do.
- Explain that you want to connect them with support and information about their options.
- If you are an Official with Authority, let them know you will contact the Office of Title IX. The Title IX Coordinator will then outreach to them and offer supportive measures.
- Reassure them it is their decision if or how they want to proceed with support from the Officer of Title IX.

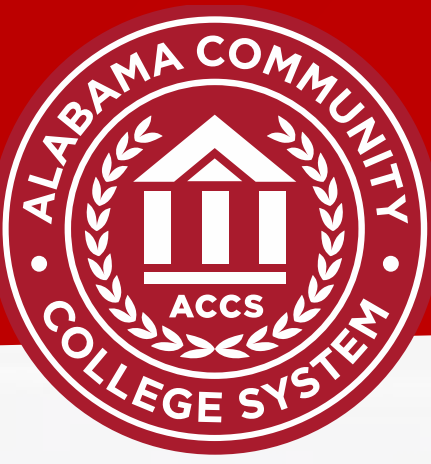
IMPORTANCE OF REPORTING



Everyone is encouraged to report sexual and gender-based misconduct.

- When not reported or taken seriously, it cannot be effectively addressed.
- Many who experience sexual and gender-based misconduct do not report it because they fear nothing will happen or they won't be believed.

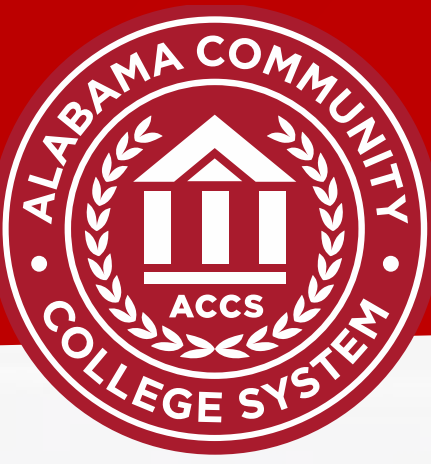
COST OF NON-COMPLIANCE



The ultimate penalty for non-compliance with Title IX regulations is the withdrawal of federal funds, including monies earmarked for student loans.

With this being at stake, ACCS is taking the necessary steps to ensure all colleges receive the training and certification needed.

TITLE IX TRAINING



Institutional Compliance Solutions

- ICS Provides a full range of consulting services for institutions with a specialization in Title IX compliance.
- ICS has provided Level 1 and Level 2 Title IX Training to all ACCS Colleges' Title IX Teams.
- Title IX Team members have unlimited access to past recorded webinars, training modules, listserv, newsletters, and community share point access

BIDEN ADMINISTRATION- TITLE IX CHANGES



June 2022- Notice of Proposed Rule Making was published. Currently open for public comment.

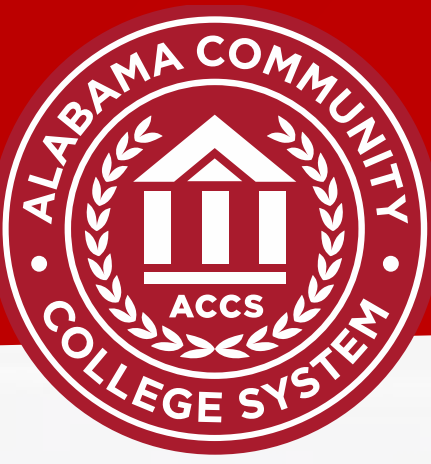
Spring 2023(?)- Final Regulations will be released.

Fall 2023(?) – Final Regulations will be implemented.

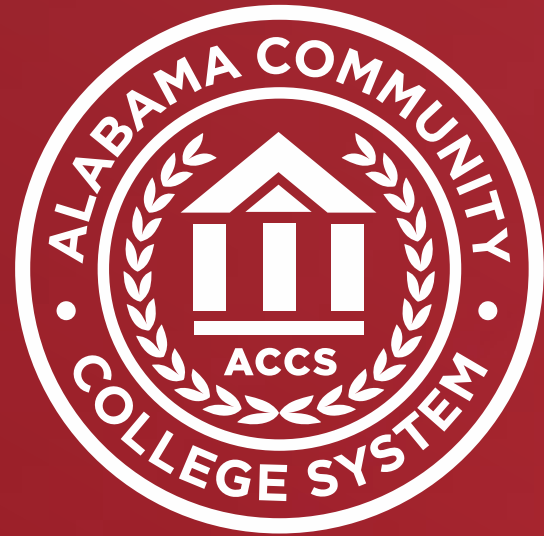
Expected Changes:

- Mandated Training
- Additional/Modified Definition
- Additional Duties for Title IX Coordinators
- Updated Reporting Requirements

MMI TITLE IX TEAM

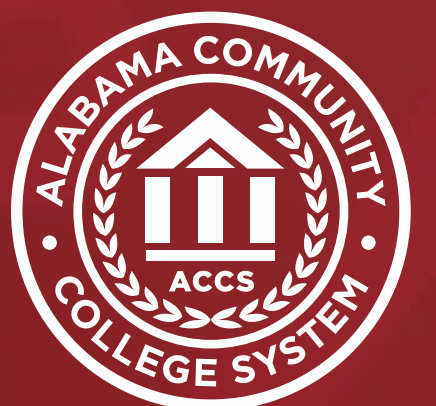


Name	Email	Title IX Role
Carmon Fields	cfields@marionmilitary.edu	Title IX Coordinator
Jacqueline Wilson	jwilson@marionmilitary.edu	Title IX Investigators
Collin Dimitroff	cdimitroff@marionmilitary.edu	Title IX Investigators/Advisor
Colleen Shifter	cshifter@marionmilitary.edu	Title IX Investigators/Advisor
COL Edwin W. Passmore	epassmore@marionmilitary.edu	Decision Maker
David Ivey	divey@marionmilitary.edu	Appellate Decision Maker
Dr. Michelle Ivey	mivey@marionmilitary.edu	Appeals Decision Maker
Curtis Meisenheimer	cmeisenheimer@marionmilitary.edu	Appeals Decision Maker
David Spewak	dspewak@marionmilitary.edu	Advisor
Eva Painter	epainter@marionmilitary.edu	Advisor
COL Edwin W. Passmore	epassmore@marionmilitary.edu	Informal Resolution Officer
Carmon Fields	cfields@marionmilitary.edu	Informal Resolution Officer



Case Study Review

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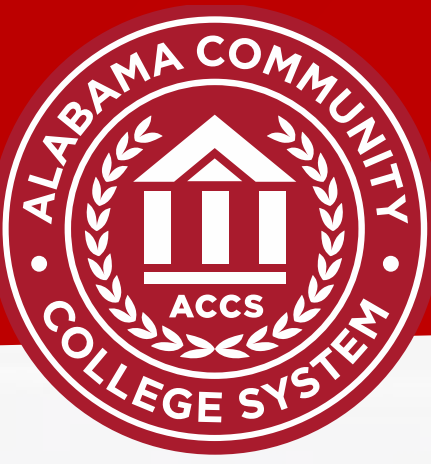


ATIXA- CASE STUDY

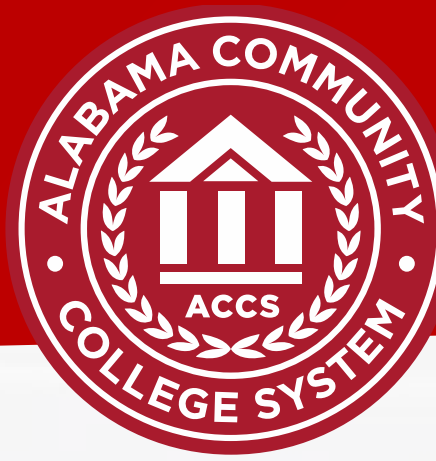


During class, a Professor assigned homework that required students to watch a show on Netflix that depicts numerous sexual acts (including same sex acts, which the complaining student mentioned as one of their objections to the assignment), nudity, drug use, suicide, marital infidelity, etc. The student found the content to be disturbing. The student is a devout Catholic and was so appalled they went to confession and reported the matter to the Title IX Coordinator. The department chair informed the Title IX Coordinator that the Netflix show did not meet any learning objectives and the professor could have chosen a variety of content through university resources.

ATIXA- VERDICT



Could be Severe, Pervasive, and Objectively Offensive, if proven. Extended and repeated exposure to uncalled for sex-based content could be severe, pervasive, and objectively offensive. The captive audience requirement here enhances the argument for Severe, Pervasive, and Objectively Offensive. While the faculty member has the academic freedom to assign what they want, that's only true if the assignment is both relevant to the subject matter and educationally appropriate. Here, the department chair's testimony shows that the content was not within those protections, and an opt-out should have been offered to students, at least.



The new law addresses only the “Big Five” offenses of sexual harassment, sexual assault, dating violence, domestic violence, and stalking.

Student- Prohibit Discrimination	Employment- Prohibit Discrimination
Admission and Recruitment	Employment
Education Programs or Activities	Recruitment
Housing	Compensation
Facilities	Job Classification
Counseling	Fringe Benefits
Financial & Employment Assistance	Marital or Parental Status
Health Insurance & Benefits	Advertising
Marital or Parental Status	Pre-Employment Inquiries
Athletics	Employment Criteria

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