

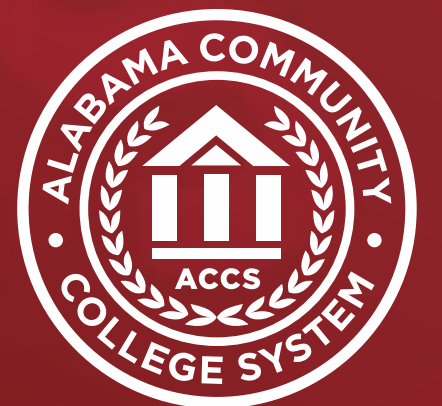
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# Title IX/Deputy Title IX Coordinator Training

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April 2025

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



# TITLE IX

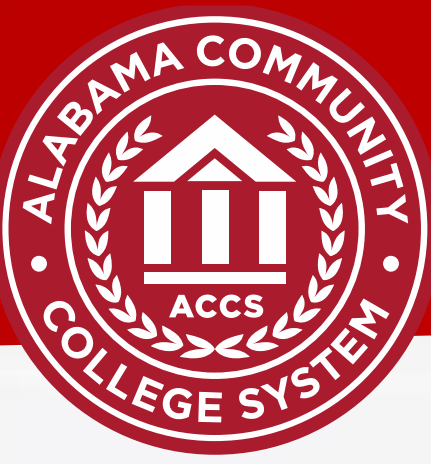


**Title IX is a federal civil rights law that states “No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance”.**

- 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 U.S. Department of Education’s Office of Civil Rights.



# TITLE IX CURRENT REGULATIONS



Current Title IX regulations were published on May 6, 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.

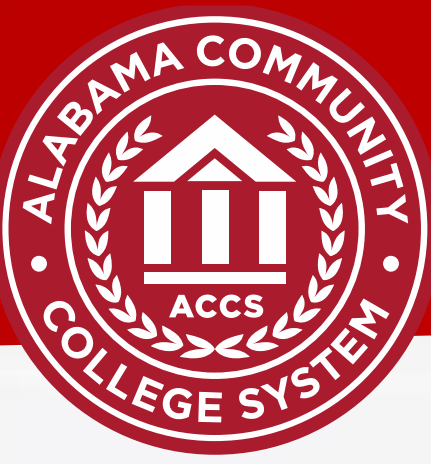
# DESIGNATION OF THE COORDINATOR



- “Each recipient must designate and authorize at least one employee to coordinate its efforts to comply with its responsibilities..., which the employee must be referred to as the “Title IX Coordinator.” (2020 Title IX Rule)
- Provide reporting and grievance procedures related to reports of sexual harassment/misconduct.
- Provide support to students involved in the process.



# 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)

**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.

**Supportive Measures** - non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or the Respondent before or after a filing of a Formal Complaint or where no Formal Complaint is filed designed to restore or preserve equal access to the College's education program or activity without unreasonably burdening the other party.

# TITLE IX KEY TERMS

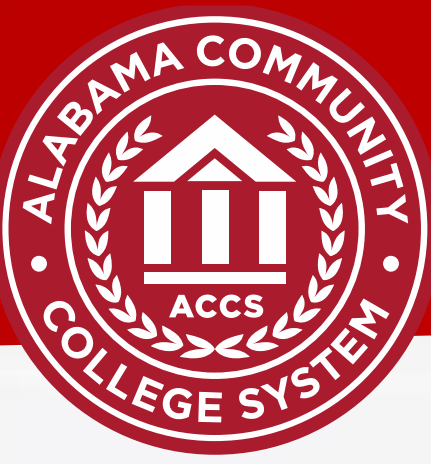


## Official with Authority

- any official who has authority to institute corrective measures on behalf of the college
  - President
  - Title IX Coordinator
  - Deans



# TITLE IX KEY TERMS



## Responsible Reporting Official/Mandatory Reporter

- those identified by the institution who must notify the Title IX Coordinator of any reported incidents of sexual harassment
  - Faculty (can be a selected number)
  - Staff (can be a selected number)

# TITLE IX KEY TERMS

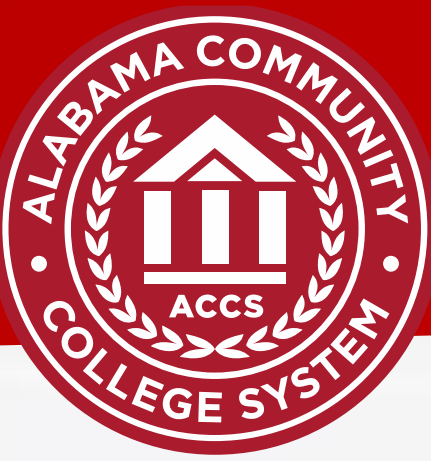


## Confidential Employees

- Designated as confidential due to their role in providing services to persons regarding sex discrimination
  - Physician
  - Psychologist/Psychiatrist/Counselor
  - Chaplain/Clergy
- Employees conducting certain approved research on sex discrimination (limited to information received in study)



# WHEN & WHAT DO I REPORT?



If you are a Responsible Reporting Official/Mandatory Reporter or an Official with Authority other than the Title IX Coordinator, you *must* report known incidents of sexual harassment involving students and/or employees to the Title IX Coordinator *as soon as possible*.

Provide the Title IX Coordinator with the necessary information so that the Title IX Coordinator can outreach to the student or employee.

Responsible Reporting Officials/Mandatory Reporters should remind students of reporting obligations *before* a report is made and we encourage employees to share *why* the information has to be reported (so that the College can reach out to impacted individuals and offer resources and options).

# TITLE IX VS. CRIMINAL PROCESS



- Any criminal investigation is completely independent of any Title IX investigation and may run concurrently.
- The Title IX investigation is looking into alleged violations of the College's Sexual Harassment Policy whereas the criminal investigation is looking into alleged violations of criminal law.
- The Title IX Office generally does not share the outcome of its investigative activity with the police without the consent of the parties involved. However, there are certain instances where the final determination of a Title IX proceeding can be shared without the consent of the parties.
- Because of the differing standards of evidence in each process, it is possible for the Title IX investigation to reach a finding of sexual misconduct based on the "preponderance of evidence" standard even when a criminal case is unable to meet the higher "beyond a reasonable doubt" standard.



The background of the slide features a large, faint, circular seal of the Alabama Community College System. The seal contains a central emblem with a building and the word 'ACCESS' below it, surrounded by the text 'ALABAMA COMMUNITY COLLEGE SYSTEM' and a laurel wreath.

# **Title IX Sexual Harassment Definition & Scope**

# TITLE IX SEXUAL HARASSMENT DEFINITION



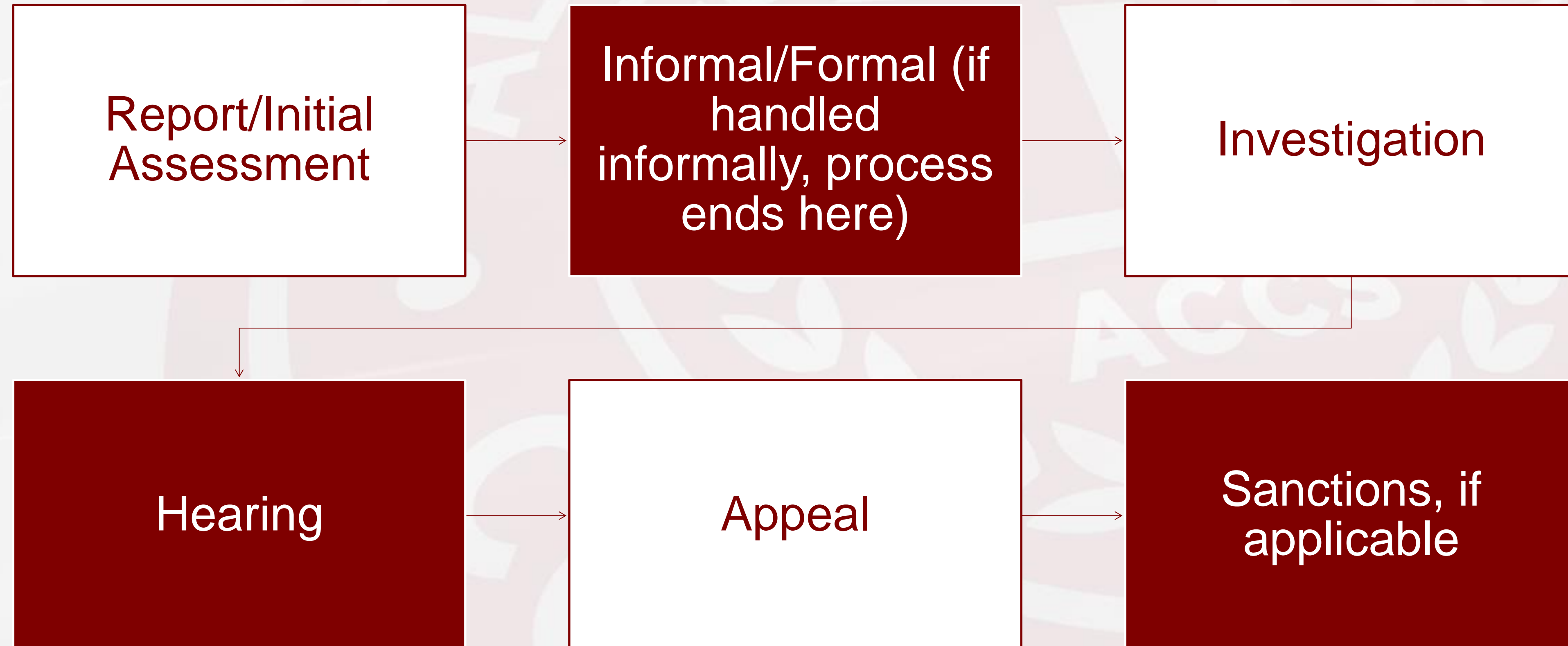
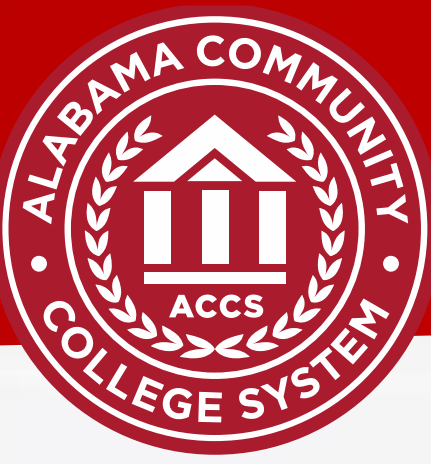
An employee of the recipient (the College) conditioning the provision of an aid, benefit, or service of the recipient on an individual's participation in unwelcome sexual conduct.

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.



# TITLE IX – PROCESS



# TITLE IX 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
- Pertains to actions of Prohibited Conduct committed by or against students and employees when:
  - **On campus or property** owned or controlled by the institution, including buildings owned or controlled by a student organization that is officially recognized by the institution
  - **In the context of** an institution's employment or educational program or activity, including, but not limited to, research, online, or internship programs

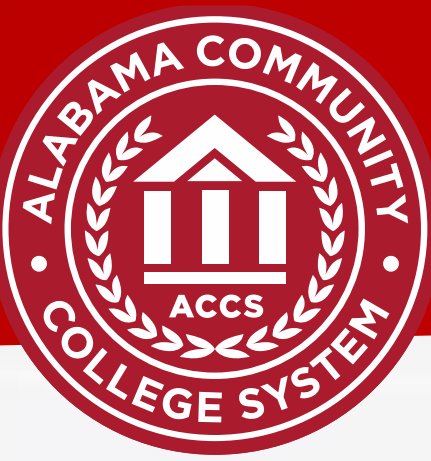


# CONFLICT OF INTEREST



- All Title IX Team members shall not have a conflict of interest for or against Complainants or Respondents generally or an individual Complainant or Respondent. All Title IX matters should be handled impartially.
- Conflict of interest - occurs when an individual's personal interests - family, friendships, financial, or social factors - could compromise their judgment, decisions, or actions in the workplace.
- Any Investigator who believes they may have a potential conflict of interest should notify the Title IX Coordinator as soon as possible.

# BIAS



- All Title IX Team members shall not have a bias for or against Complainants or Respondents generally or an individual Complainant or Respondent. All Title IX matters should be handled impartially.
- Bias - prejudice in favor of or against one thing, person, or group compared with another, usually in a way considered to be unfair



# BIAS



- **Explicit Bias – refers to the attitudes and beliefs we have about a person or group on a conscious level**
  - Expressed directly
  - Aware of bias
  - Operates consciously
- **Implicit Bias – refers to the attitudes or stereotypes that affect our understanding, actions, and decisions in an unconscious manner**
  - Expressed indirectly
  - Unaware of bias
  - Operates subconsciously

# PRESUMPTION OF NON RESPONSIBILITY



- **“The Respondent is presumed not responsible for the alleged sexual harassment until a determination is made at the conclusion of the grievance procedures... and that prior to the determination, the parties will have an opportunity to present relevant and not otherwise impermissible evidence to a trained, impartial Decisionmaker;”**



The background of the slide features a large, faint, circular seal of the Alabama Community College System. The seal contains a central emblem with a torch and an open book, surrounded by the text "ALABAMA COMMUNITY COLLEGE SYSTEM" and "1961".

# **Title IX Policy & Grievance Procedures for Sexual Harassment Complaints**

# TITLE IX DOCUMENTATION



- Intake Meeting Summaries
- Keep all emails
- Coordinator Notes
- Outreach Logs for Phone Calls, Walk in Interactions
- Procedural History and Timelines



# TITLE IX GRIEVANCE PROCEDURES – FORMAL



- Reporting of Incident (Notification)
- Initial Assessment/Evaluation/Triage (Supportive Measures, Complaint Dismissals, Emergency Removals/Administrative Leave)
- Formal Investigation & Investigative Report
- Hearing
- Appeal

# REPORTING OF INCIDENT/NOTIFICATION



- The College is required to respond to a report of sexual harassment once there is “actual knowledge” by either the Title IX Coordinator or an “Official with Authority (OWA).”
- A Formal Complaint Form must be signed by the Complainant or the Title IX Coordinator to begin an investigation or informal resolution.



# INITIAL ASSESSMENT/EVALUATION/TRIAGE



- Identify any immediate safety concerns
- State the College's obligation to address sexual harassment/sex discrimination
- Give the Complainant the time to give limited details of the incident
- Offer supportive measures
- Inform Complainant of their options

# SUPPORTIVE MEASURES



- It is very important that the Title IX Coordinator give the Complainant the opportunity to accept any possible supportive measures at the initial meeting.
- The Complainant has the option to accept or deny any supportive measures.
- The Complainant can request supportive measures anytime throughout the notification and grievance process.
- You must not disclose information about any supportive measures to persons other than the person to whom they apply, including informing one party of supportive measures provided to another party, unless necessary to provide the supportive measure or restore or preserve a party's access to the education program or activity.



# SUPPORTIVE MEASURES



- It is very important that the Title IX Coordinator give the Respondent the opportunity to accept any possible supportive measures at the time of notification of the allegations.
- The Respondent has the option to accept or deny any supportive measures.
- The Respondent can request supportive measures anytime throughout the notification and grievance process.
- You must not disclose information about any supportive measures to persons other than the person to whom they apply, including informing one party of supportive measures provided to another party, unless necessary to provide the supportive measure or restore or preserve a party's access to the education program or activity.

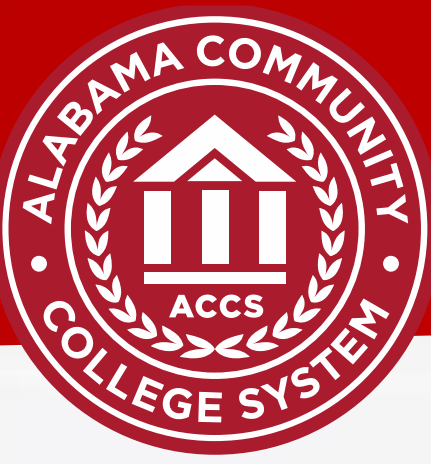
# WHO CAN FILE A FORMAL COMPLAINT?



- Complainant (have to be participating or attempting to participate in the College's education program or activity)
- A student or employee who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX
- Title IX Coordinator



# INITIAL ASSESSMENT



- Is the person making the notification someone who can be defined as a Complainant?
- Does the incident potentially meet the definition of sexual harassment under Title IX?
- Does the College have jurisdiction in the matter?
  - Does the College have substantial control/disciplinary authority over the Respondent?
  - Was the location of the incident on campus or on property owned or controlled by the College?
  - Did the incident occur in the United States?

# TITLE IX COORDINATOR AS COMPLAINANT



- **Factors to Consider:**

- the Complainant's request not to proceed with initiation of a complaint;
- the Complainant's reasonable safety concerns regarding initiation of a complaint;
- the risk that additional acts of sex discrimination would occur if a complaint is not initiated;
- the severity of the alleged sex discrimination, including whether the discrimination, if established, would require the removal of a Respondent from campus or imposition of another disciplinary sanction to end the discrimination and prevent its recurrence;
- the age and relationship of the parties, including whether the Respondent is an employee of the College;
- the scope of the alleged sex discrimination, including information suggesting a pattern, ongoing sex discrimination, or sex discrimination alleged to have impacted multiple individuals;
- the availability of evidence to assist in a Decisionmaker in determining whether sex discrimination occurred; and
- whether the College could end the alleged sex discrimination and prevent its recurrence without initiating its grievance procedures.



# COMPLAINT DISMISSALS



- Provides grounds for mandatory or permissive dismissal
- Upon dismissal, the College must send written notice of dismissal and reasons for dismissal
- Party can appeal dismissal

# 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

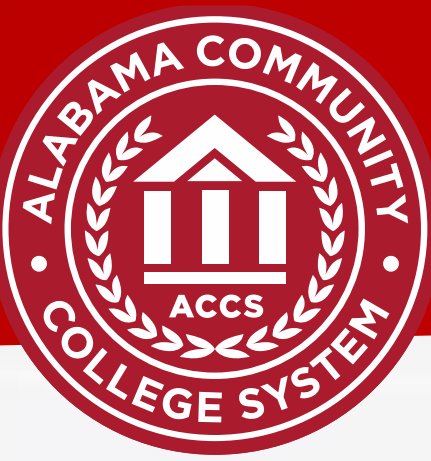


# EMERGENCY REMOVALS



- The College must undertake an individualized safety and risk analysis, determine that an **immediate threat to the physical health or safety** of any student or other individual arising from the allegations of sexual harassment justifies removal.
- The College must provide the Respondent notice and an opportunity to appeal the emergency removal.

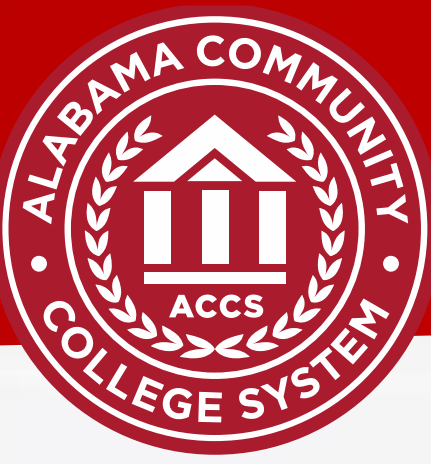
# VIOLENCE RISK ASSESSMENT (VRA)



- To assess an individual's level of risk for potential, actionable violence prior to an emergency removal, the Title IX Coordinator may use the violence risk assessment process available via a referral to the Recipient's behavioral intervention team (BIT)/threat assessment team (TAT)/CARE team, or to an outside assessor.
- Violence Risk Assessment (VRA) is a broad term for the use of an interview and/or validated instrument(s) to assess the potential for violence or danger an individual may pose to others. VRAs require specific training and are typically conducted by psychologists, clinical counselors, social workers, case managers, law enforcement officers, student conduct professionals, or other BIT/CARE Team members.
- A VRA is not an evaluation for an involuntary behavioral health hospitalization, nor is it a psychological or mental health assessment. A VRA assesses the risk of vague, conditional, and/or direct threats of actionable violence, often with a focus on targeted/predatory escalations, and is supported by research from the fields of law enforcement, criminology, human resources, and psychology.



# WRITTEN NOTICE OF ALLEGATIONS



## Notice Sent to Parties

- Simultaneous Written Notice of Allegations to Both Parties
  - Formal Complaint
  - Grievance and Appeals Process
  - Possible Sanctions and Remedies
  - Availability of Advisors
  - Statement of Respondent's Presumption of Non-Responsibility
  - Review and Inspect Evidence
  - Provision on Making False Statements or Submitting False Information

# FORMAL INVESTIGATION & REPORT



- The College will provide for adequate, reliable, and impartial investigation of complaints.
- The burden is on the College—not on the parties—to conduct an investigation that gathers sufficient evidence to determine whether sex-based harassment occurred.
- The Investigator will provide each party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all meetings or proceedings with sufficient time for the party to prepare to participate.
- The Investigator will provide an equal opportunity for the parties to present fact witnesses and other inculpatory and exculpatory evidence that is relevant and not otherwise impermissible.
- The Investigator will review all evidence gathered through the investigation into an investigative report and determine what evidence is relevant and what evidence is impermissible regardless of relevance.
- The Title IX Coordinator does not play a formal part in the investigation other than to continue supportive measures if needed and supervise the Investigator, also if needed.



# HEARINGS



- The College's sexual harassment grievance process **must** provide for a live hearing.
- Can hold hearing (either at a party's request or the institution's discretion) in separate rooms using technology
- Must use audio or audio visually record and make the recording available to the parties
- Detailed provisions regarding questions and cross-examination of parties and witnesses
- If party does not have an advisor, the College must provide an advisor of the College's choice without fee or charge.

# HEARINGS



- The Decisionmaker is the Hearing Officer.
- The Title IX Coordinator should only act as the facilitator of the hearing. Their main role should be to handle any logistics/planning of the hearing. The Title IX Coordinator may also handle communications with the parties, witnesses, etc.
- The Title IX Coordinator should ensure that the hearing is audio or audio visually recorded.



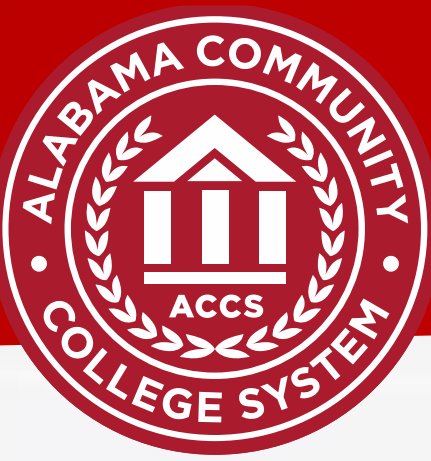
# APPEALS



The College will offer an appeal from a dismissal of a complaint or determination whether sexual harassment occurred on the following bases:

- Procedural irregularity that would change the outcome;
- New evidence that would change the outcome and that was not reasonably available when the determination or dismissal was made; and
- The Title IX Coordinator, Investigator, Decisionmaker, or Informal Resolution Facilitator had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that would change the outcome.

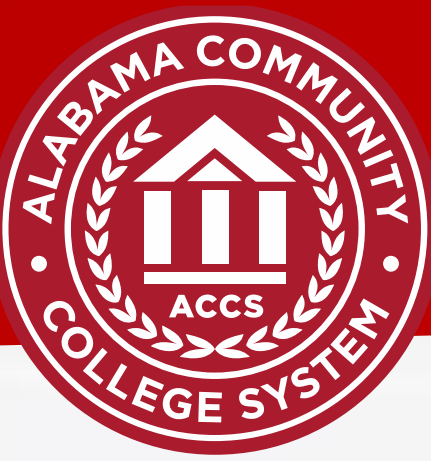
# SANCTIONS



- The person who determines the sanctions should be determined by your Policy. In ACCS Policy, the Decisionmaker determines sanctions. Who administers the sanctions should be an institutional decision, but the Title IX Coordinator is responsible for documentation.
- The determination regarding responsibility becomes final on the date that the College provides the parties with the written determination of the result of any appeal, or, if no party appeals, the date on which an appeal would no longer be considered timely.
- The written determination on responsibility and sanctions, if applicable, are postponed until the decision on the appeal is sent to the parties. Supportive measures will remain in place during the appeal period.



# SANCTIONS



## Students

- Reprimand
- Required Counseling
- Probation
- Suspension
- Expulsion
- Withholding Diploma
- Revocation of Degree
- Other Actions: In addition to, or in place of, the above sanctions, the College may assign any other sanctions as deemed appropriate.

## Employees

- Verbal or Written Warning
- Performance Improvement Plan/Management Process
- Enhanced Supervision, Observation, or Review
- Required Counseling
- Required Training or Education
- Probation
- Denial of Pay Increase/Pay Grade
- Loss of Oversight or Supervisory Responsibility
- Demotion
- Transfer
- Shift or schedule adjustments
- Reassignment
- Delay of (or referral for delay of) Tenure Track Progress
- Assignment to New Supervisor
- Restriction of Stipends, Research, and/or Professional Development Resources
- Suspension/Administrative Leave with Pay
- Suspension/Administrative Leave without Pay
- Termination
- Other Actions: In addition to or in place of the above sanctions/responsive actions, the College may assign any other responsive actions as deemed appropriate.

# TITLE IX GRIEVANCE PROCEDURES - INFORMAL



- Informal Resolution
- Respondent Admission of Responsibility



# INFORMAL RESOLUTION



- Informal resolution does not involve an investigation, adjudication hearing, or disciplinary action against a Respondent and is not appropriate for all forms of conduct under these Procedures. Both parties must voluntarily agree in writing to participate in the informal resolution process.
- Informal resolution may result in the following remedies: establishing supportive measures; conducting targeted or broad-based educational programming or training for relevant individuals or groups; providing increased monitoring, supervision, or security at locations or activities where the misconduct occurred; and any other remedy that can be tailored to the involved individuals.

# INFORMAL RESOLUTION



- Factors to consider when determining whether to allow Informal Resolution for a complaint:
  - The Parties' amenability to Informal Resolution
  - Likelihood of potential resolution, considering any power dynamics between the Parties
  - The nature and severity of the alleged misconduct
  - The Parties' motivation to participate
  - Civility of the Parties
  - Results of a violence risk assessment/ongoing risk analysis
  - Respondent's disciplinary history
  - Whether an emergency removal or other interim action is needed
  - Skill of the Alternative Resolution facilitator with this type of Complaint
  - Complaint complexity
  - Emotional investment/capability of the Parties
  - Rationality of the Parties
  - Goals of the Parties
  - Adequate resources to invest in Alternative Resolution (e.g., time, staff, etc.)

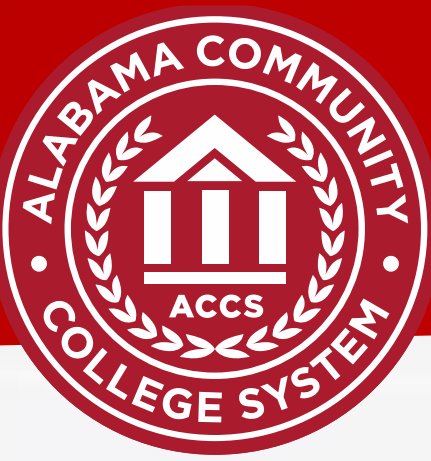


# RESPONDENT ADMISSION OF RESPONSIBILITY



- When a Respondent accepts responsibility of all charges associated with the allegations, it does not involve an investigation or adjudication hearing.
- The Respondent is willing to accept responsibility for violating the Title IX Policy and is willing to agree to actions that will be enforced similarly to sanctions.
- If a Respondent accepts responsibility for some charges associated with the allegations, but not all, a formal investigation or informal resolution process will need to be done to adjudicate the remaining charges.

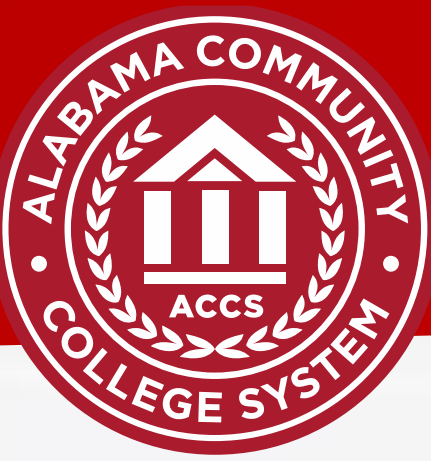
# REMEDIES



- A Complainant must be provided with remedies where the outcome shows the Complainant was victimized by sexual harassment; and a Respondent must be afforded a fair grievance process before disciplinary sanctioning.
- Remedies must be designed to “restore or preserve equal access to the College’s education program or activity.”
- May include the same services described as supportive measures.
- Unlike supportive measures, though, remedies may in fact burden the Respondent, or be punitive or disciplinary in nature.
- Remedies are mandatory for institutions to implement.



# TITLE IX PREGNANCY & PARENTING



Title IX prohibits discrimination on the basis of sex – including pregnancy, parenting, and related conditions – in education programs and activities that receive federal funding.

Colleges and Universities cannot discriminate on the basis of:

- Pregnancy
- Childbirth
- False Pregnancy
- Termination of pregnancy
- Recovery therefrom

Parenting – medically necessary care post pregnancy or post termination

# TITLE IX PREGNANCY AND PARENTING



## Accommodations under Proposed Rule

- Requires reasonable accommodations unless the institution can demonstrate that making the modification would “fundamentally alter the institution’s program or activity or cause undue burden”
- Other accommodations would include break time of medical appointments, a leave of absence, extensions in time, changes in physical space, changes in course sequence, etc.



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# Other Responsibilities

# TRAINING REQUIREMENTS



- Training for Title IX team on the grievance process for sexual harassment only (no frequency requirement)
- No training requirements for students under proposed regulations (still must comply with VAWA)
- VAWA - requires annual training for all higher education employees involved in responding to allegations of sexual assault, dating violence, domestic violence, or stalking.
- All training materials must be made available on institution's website, per Title IX Rule



# RECORDKEEPING



An institution must maintain for a period of seven years records of:

- Each sexual harassment investigation including any determination regarding responsibility and any audio or audiovisual recording or transcript, any disciplinary sanctions imposed on the Respondent, and any remedies provided to the Complainant designed to restore or preserve equal access to the College's education program or activity;
- Any appeal and the result therefrom;
- Any informal resolution and the result therefrom; and
- All materials used to train Title IX Coordinators, Investigators, Decisionmakers, and any person who facilitates an informal resolution process. An institution must make these training materials publicly available on its website, or if the institution does not maintain a website the institution must make these materials available upon request for inspection by members of the public.

The background of the slide features a large, semi-transparent watermark of the Alabama Community College System (ACCS) logo. The logo is circular, with the words "ALABAMA COMMUNITY COLLEGE SYSTEM" around the perimeter. In the center is a shield with a stylized building facade and the acronym "ACCS" below it, flanked by laurel branches.

**Questions?**