# Fall Term 2020: Hitting the Ground Running Title IX Basics for Faculty & Staff



Maureen De Armond, Title IX Coordinator





- Employee Perspective
- Process Overview
- Key Take-Aways
- Questions/Discussion



## What is Title IX?

No sex discrimination. No sexual assault. Period.



## The Law in a Nutshell...

"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."



Program Equity: All students to have equal access to Oregon Tech programs & activities

## Equitable treatment required in:

- ✓ Recruitment
- ✓ Admissions
- ✓ Educational programs and activities
- ✓ Course offerings and access
- ✓ Counseling
- √ Financial aid

- ✓ Employment assistance
- ✓ Facilities and housing
- ✓ Health and insurance benefits
- ✓ Marital and parental status
- ✓ Scholarships
- ✓ Safe learning environment
- ✓ Athletics



## Sexual Harassment

- 1. Sexual Assault; or
- 2. Quid Pro Quo; or
- 3. Hostile Work/
  Educational
  Environment





## **Sexual Assault:**

- Any sexual contact made without consent
- Any conduct covered by Clery or VAWA
- Relationship Violence: domestic violence & dating violence
- Stalking (based on sex)







## **Quid Pro Quo:**

Latin term meaning "this for that"

Asking for sexual favors of some kind in exchange for special treatment on the job, in the classroom, etc.

There is often a power differential



## Hostile Work/Educational Environment:

 Comes in the form of unwelcome conduct determined by a reasonable person to be so severe <u>and</u> pervasive <u>and</u> objectively offensive that it effectively denies a person equal access to an education program or activity (i.e., hostile environment)

 Could be comments made to the individual or in the presence of the individual

Could be jokes or bullying based on sex

## Note on Title VII of the Civil Rights Act of 1964:

 It is unlawful in employment to discriminate in terms of compensation, terms, conditions, or privileges
 because of race, color, religion, sex,\* or national origin

\*Sex includes sexual orientation, gender identity, and gender expression. U.S. Supreme Court June 2020









## Note on Title VII of the Civil Rights Act of 1964:



#### Rule of Thumb:

- Student vs Student = Title IX
- Employee vs Employee = Title VII
- Student Complainant vs Employee
   Respondent = Title IX, but...
- Employee Complainant vs Student
   Respondent = Title IX, but...



## **Title IX: Employee Perspective**





Perspective of Protector: Keep campus safe, protect students, assure quick action is taken, guardians of fairness, comply with the law, safeguard reputation, manage risk

Perspective of Person: Know your own rights and responsibilities, assure your own conduct is beyond reproach, manage your own professional reputation



## **Title IX: Employee Perspective**

Reporting Responsibilities: As employees, you have an obligation to report to the Title IX Coordinator known or suspected violations of Title IX

Faculty & staff are not Confidential Resources

#### **Oregon Tech's Title IX Coordinator is:**

Maureen De Armond, Associate Vice President 3201 Campus Drive, Snell Hall 108 Klamath Falls, OR 97601

Ph: 541.885.1108, Fax: 541.885.5200

Primary Email: maureen.dearmond@oit.edu

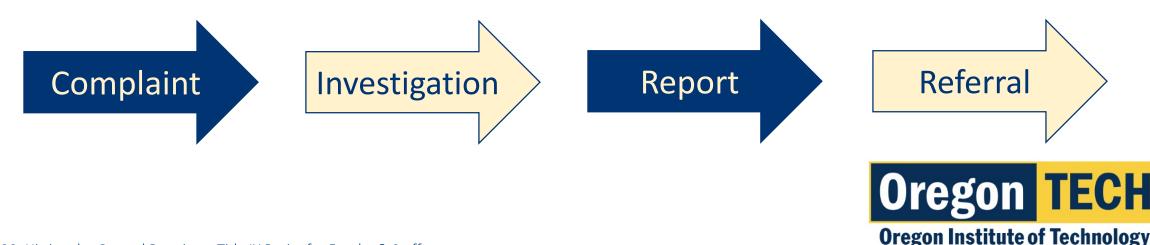
Title IX Email: TitleIX@oit.edu

Title IX Webpage: https://www.oit.edu/title-ix



#### **Title IX: Process Overview**

- Complainants are not required to file a formal complaint
- It's not uncommon for them to just want Support Measures
- No presumption of culpability (you don't prove innocence)
- Due Process afforded to both parties
- Preponderance standard for establishing violations



### **Title IX: Process Overview**



- New Dept. of Ed Regulations!
- Oregon Tech Interim Policy
- "Real" New Policy
- ...And Companion Policies
- New Procedures
- Updated Templates
- Additional Resources



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Home > Title IX

#### Title IX <a href="https://www.oit.edu/title-ix">https://www.oit.edu/title-ix</a>



Updates to the Title IX policies and pages coming fall 2020

#### Contact an Office:

• Title IX Office: 541.885.1108; TitleIX@oit.edu

Oregon Tech is committed to creating environment in which to study, live, we supports educational and career adva as academic and job performance. Or backgrounds and experiences for its v

Oregon Tech recognizes sexual misco umbrella term for behaviors, including exploitation, sexual assault, relationsh

Sexual Misconduct has no place on 0 and it will not be tolerated. People who

In May 2020, the U.S. Department of E Amendments of 1972. Oregon Tech a Oregon Tech's policies, procedures, ar September 2020 with updated informathat involved sexual misconduct or Tit Investigator.

#### What is Title IX?

Title IX of the Education Amendments of 1972 is a federal law that makes unlawful discrimination based or sex in educational institutions. It 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."

Oregon Tech has established and determined its own standards for acceptable conduct of students, employees, volunteers, visitors, vendors, and collaborators. These standards meet or exceed the legal requirements of Title IX.

#### **Policies and Resources**

- Interim Sexual Misconduct Policy
- Interim Prohibited Discrimination & Discriminatory Harassment Policy
- Interim Reporting Misconduct and Prohibited
  Retaliation Policy
- Campus Sexual Assault Bill of Rights
- Overview of Investigation Process
- Overview of Complaint Options

#### **Additional Resources per Campus Location**

#### Title IX

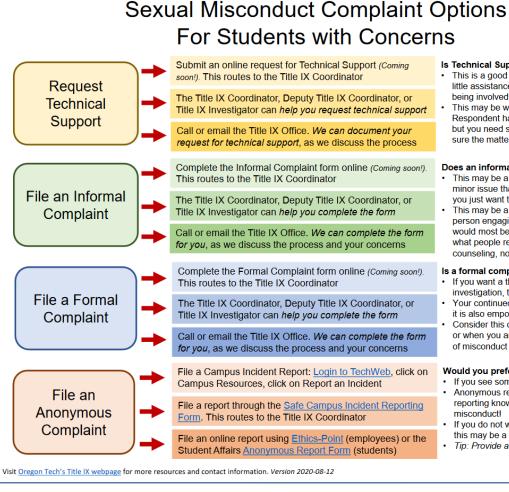
Sexual & Relationship Violence Resources - Boeing Students

Sexual & Relationship Violence Resources - Klamath Falls Students

Sexual & Relationship Violence Resources - Portland-

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## **Title IX: Process Overview**



#### Is Technical Support a good option for you?

- This is a good option when you just need a little assistance, but you are not interested in being involved in a lengthy process.
- This may be worth exploring if the Respondent has already left Oregon Tech, but you need some closure and want to be sure the matter has been documented.

#### Does an informal complaint make sense?

- This may be a good option if you have a minor issue that you think can be resolved or you just want the behavior to stop.
- This may be a good option if you think the person engaging in (minor) misconduct would most benefit from help. Sometimes what people really need is coaching or counseling, not discipline.

#### Is a formal complaint a better option?

- If you want a thorough and formal
- investigation, this may be your best option.
  Your continued participation takes time, but it is also empowering.
- Consider this option for serious misconduct or when you are concerned about a pattern of misconduct or escalating misconduct.

#### Would you prefer to anonymously report?

- · If you see something, say something,
- Anonymous reporting is better than not reporting known or suspected sexual misconduct!
- If you do not want continued involvement, this may be a good option for you.
- Tip: Provide as many details as you can!



## Sexual Misconduct Overview of the Investigation Process

#### Formal Complaint Filed

- Complainant files a formal complaint form
- Formal complaint is reviewed by the Title IX Coordinator and Title IX Investigator
- Deputy Title IX Coordinators may be consulted, depending on nature of claims

#### Intake Conversation with Complainant

- Title IX Investigator seeks clarification of complaint, as needed and solicits identities of witnesses
- Confirms Complainant's desire to move forward with complaint
- Provides Complainant information on support measures, resources, & rights

#### Written Notice to Respondent

- Respondents receive written notice of formal sexual misconduct complaints
- Notice contains many details about the allegations directed against them
- Respondents also receive information on support measures, resources, & rights

#### Interviews of Parties

- Complainants are interviewed early in the investigation process
- Additional information may be requested of parties (and witnesses) throughout the investigation process



#### Investigative Report Finalized

- Parties receive the final report
- If the Respondent is a student, it is also provided to the Vice President of Student Affairs/Dean of Students
- If the Respondent is an employee, it is also provided to the Respondent's immediate supervisor

#### Investigative Report Drafted

- The parties receive a copy of the preliminary investigative report and may offer feedback within 10 days, should they identify errors or omissions of fact
- The Investigator may make edits, depending on the feedback from the parties

#### Additional Information Gathering

- Title IX Investigator determines whether additional relevant information is available and necessary
- Parties and witnesses may have follow up interviews or conversations with the Title IX Investigator, as needed



If there are witnesses, they are interviewed and invited to share information (e.g., emails, text messages, photos) and the identities of additional witnesses



Visit Oregon Tech's Title IX webpage for more resources and contact information. Version 2020-08-12



## **How Can I Help?**

- You don't need to be a Title IX expert
- You do need to be able to "issue spot"
- Be familiar with policies, reporting options, the <u>Title IX</u> website (being updated soon!)
- If you are stumped with a question (as a leader, faculty, or colleague), you can always punt: "I don't know the answer, but let me find out for you."
- Contact the Title IX Coordinator (me) with questions/concerns



