

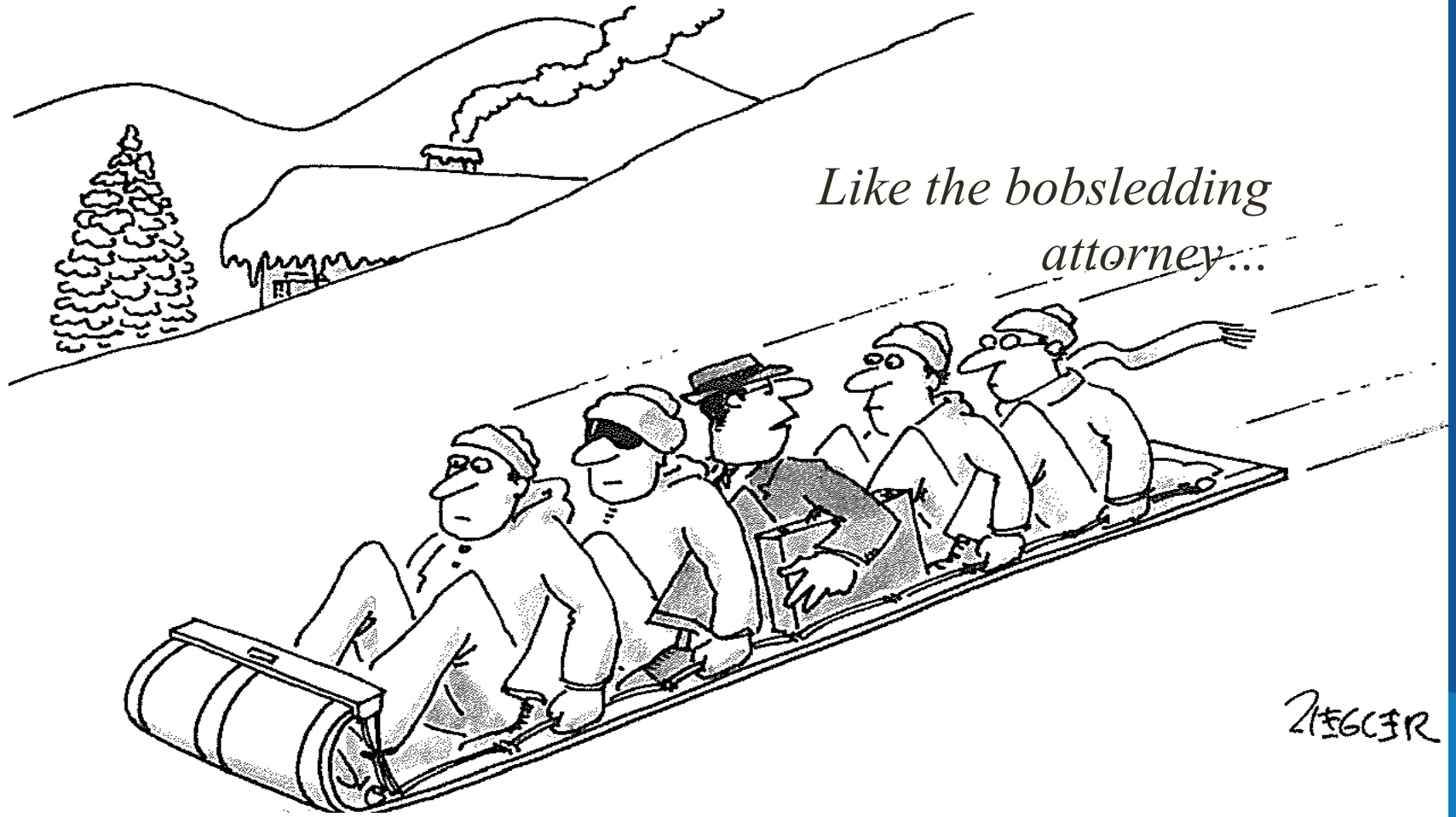
Understanding Title IX Mandates

Andrea Stagg, JD

Lisa Evaneski, MEd

Shelly Sloan, MS, CHES

Amanda Tommell-Sandy, MS



*Like the bobsledding
attorney...*

ZIEGLER

“Look, I’m not saying it’s going to be today. But someday – someday – you guys will be happy that you’ve taken along a lawyer.”

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 of the Education Amendments of 1972



The State University
of New York

What's New?



“These new regulations will fundamentally change the way we get around them”

DCL in 1 Sentence

The college has a duty to promptly respond to complaints of sexual harassment and sexual violence in a way that limits its effects and prevents its recurrence.

DCL Main Points

- Coordination and communication with the Title IX Coordinator (with HR, student conduct, law enforcement)
- Training, training, and more training
- Updating grievance procedures to ensure prompt investigation and hearing
- Prevention and remedies for complainants
- Focused on peer sexual violence and harassment

Sex Discrimination

Sex discrimination includes **all forms of sexual harassment**, including verbal sexual harassment and sexual violence **by** employees, students, or third parties **against** employees, students, or third parties.

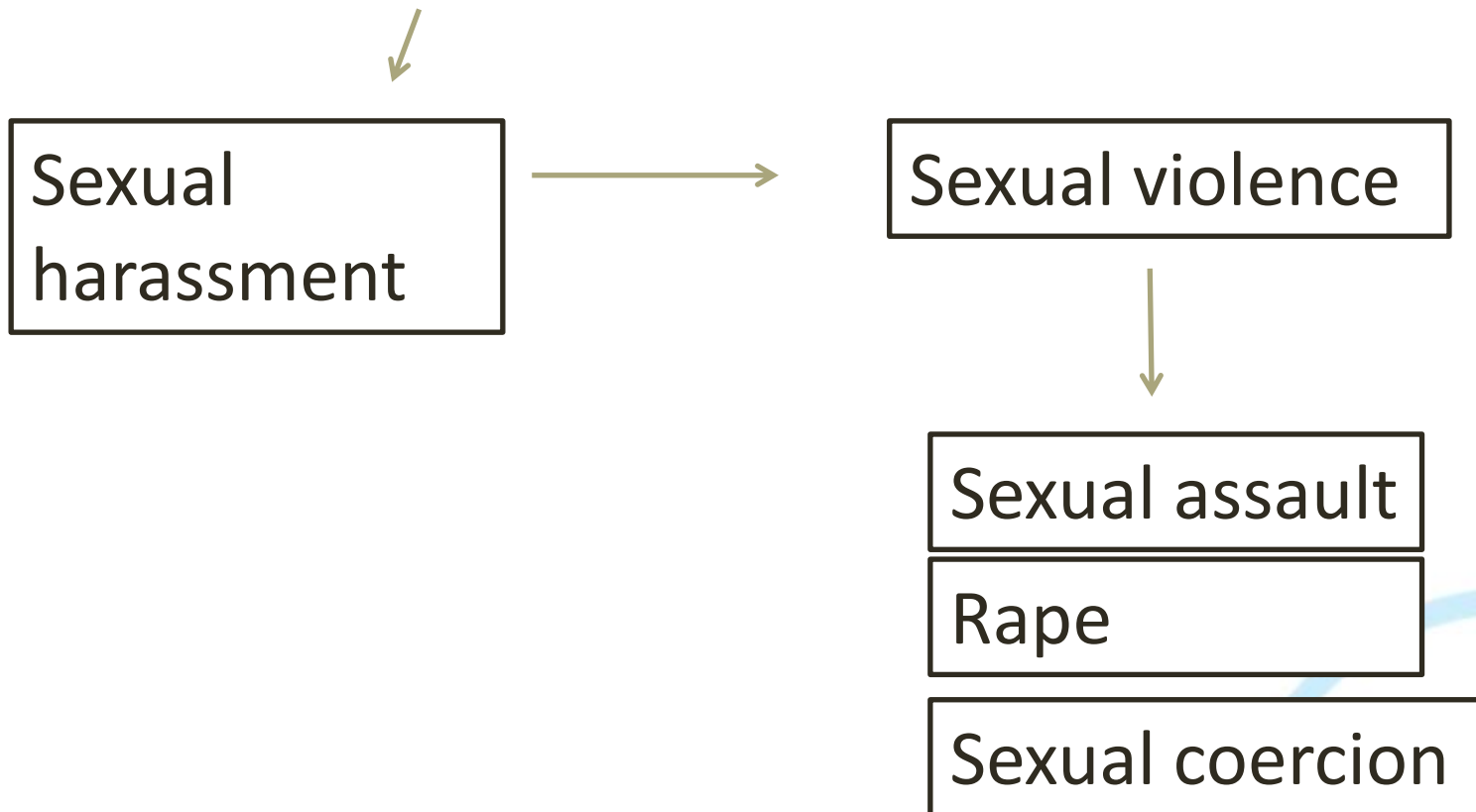
Also? Unequal pay based on gender, discrimination on the basis of pregnancy, and unequal distribution of athletic funds and opportunities.

OCR's Definitions

- **Sexual violence** is physical sexual acts perpetrated without consent.
 - Includes conduct commonly known as rape, sexual assault, sexual coercion

- **Sexual harassment** is unwelcome conduct of a sexual nature that is sufficiently severe, persistent or pervasive that it unreasonably interferes with, denies, or limits someone's ability to participate in or benefit from a program or activity.
 - Includes requests for sexual favors, unwelcome advances

Sex Discrimination





The State University
of New York

Centralized Reporting

- Who
- When
- Reporting mandates
- Follow-up requirements
- What it looks like



Who?

- Report to the Title IX Coordinator or follow your campus or department procedure
- May include reporting to your supervisor or department chair
- If you do not have a procedure on reporting, create one and publicize it to all employees

When?

- As soon as possible
- Duty to promptly respond
- Why wait?

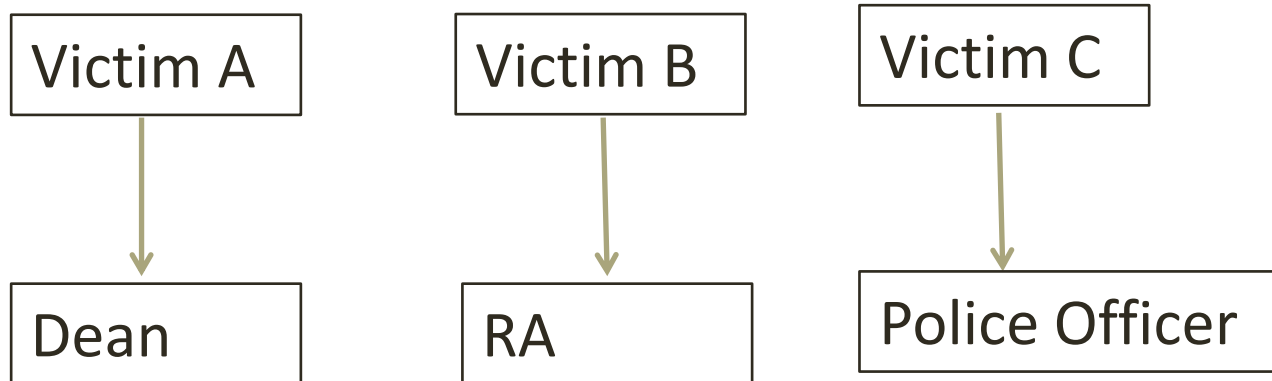
Mandated Reporting

- New guidance is *broad*
- Old guidance (2001) was reactive; new focus is preventative
- Recognizes that complainants may report to many people in different roles

Training Reportees

- Anyone likely to receive reports of sexual harassment, including sexual violence, needs training (first-line access)
- Broad-based training for employees and students – how to identify and report sexual harassment and violence observed or experienced
- No NY state reporting law...yet. Policies in light of Penn State

Worst Case Scenario



Available evidence is different in each case. A and B may not want to file a criminal complaint. The Dean and RA each intend to “handle” the situation however they can. No one knows that there are three alleged victims naming the same accused student.



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Informing Complainants

- College must convey necessary information to the complainant
 - Available medical services, counseling, filing a criminal complaint, using the campus judicial procedure, available interim remedies
 - **Document**
- Reluctant victims: Report to the TIXC, provide the information

A large, faint, light blue watermark of the SUNY logo is visible in the bottom right corner of the slide.

SUNY

The Title IX Coordinator is a need-to-know party. Campus procedure should require that they are informed, regardless of where the information is originating from, including HR, UPD.

TIXC has an obligation to keep track of reports, spot patterns, provide training.

Centralized and organized record keeping for audits/investigations

DCL specifics

For campus grievance procedures, the DCL requires:

- Published timelines
- Prompt investigation
- Timely hearing
- Equal opportunities for the parties
- Availability of alternative arrangements
consistent with due process
- Notice of outcome

Law enforcement involvement does **not** relieve the institution from investigating under Title IX.

Also: you may have a TIX violation without a criminal violation (standard of proof).



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Seeing TIX Everywhere – Penn State

Title IX imposes an obligation on the college to promptly respond to allegations of sex discrimination, including sexual assault and sexual harassment; limit its effects; and prevent its recurrence.

- 15 years of non-compliance with TIX
- Failures in communication between decentralized campus
- Title IX protects any person on campus or w/a nexus
- Janitor's fear v focus on campus climate and accountability (and retaliation)

SUNY



The State University
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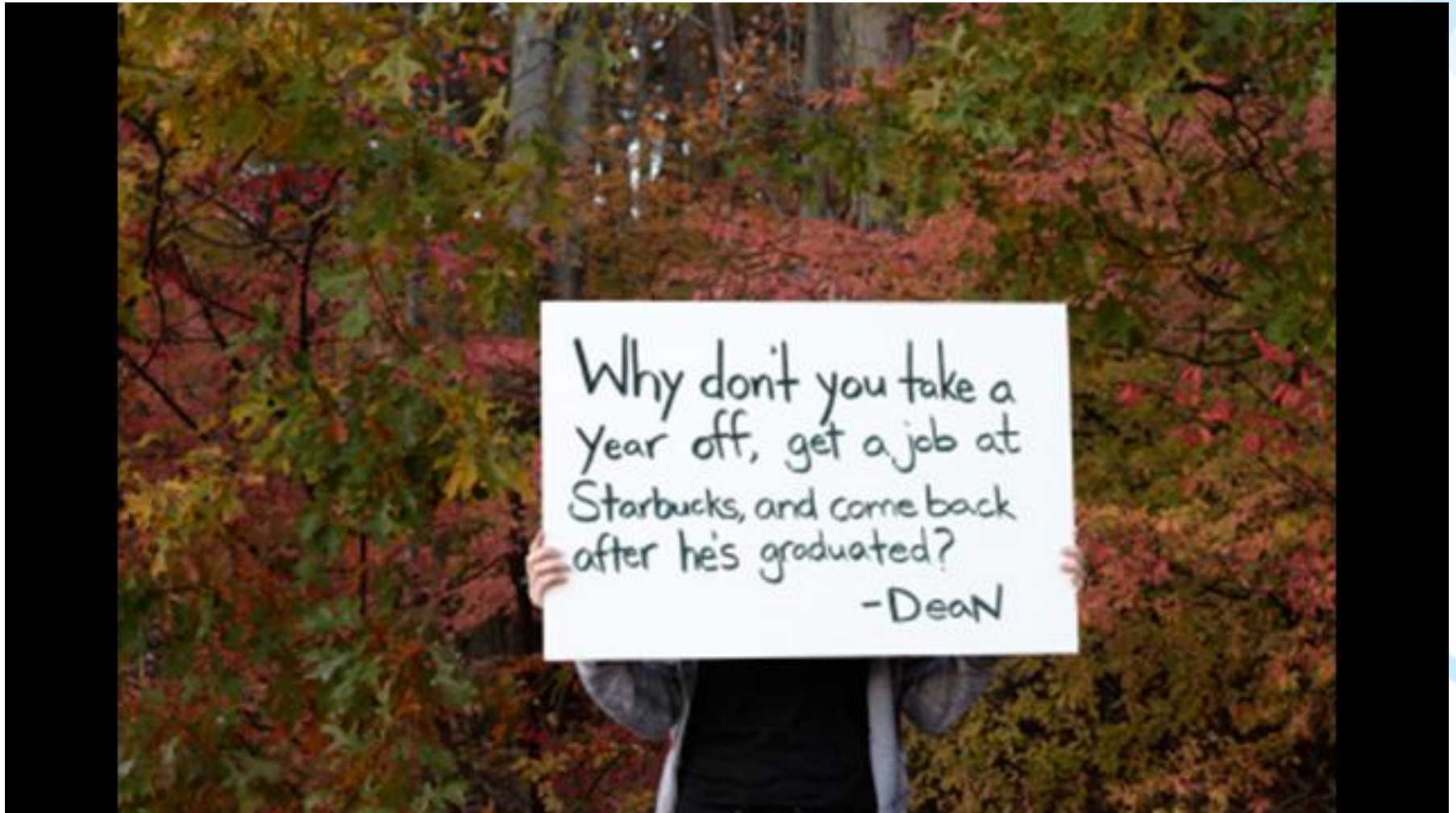
Seeing TIX Everywhere – Downton Abbey

If you watched Season 1, you know what I
mean.

Unscientific poll of women 25-35



Seeing TIX Everywhere



When Everyone is Confused

“Among the slew of clarifications outlined in the letter was a mandate that a school's sexual misconduct policy must fall under and match its policy for general harassment.”

- Duke University Student writing in the Huffington Post, blaming the DCL for Duke's 1 year statute of limitations

So many rules...

Best practices can be found in the DCL itself, but also in resolution agreements between OCR and colleges and universities in the past two years.

Everyone is changing their policies – the web is full of newly published grievance procedures, non-discrimination statements, and TIX information pages.

Title IX at SUNY Oswego

Lisa Evaneski, Assistant Dean of Students, Judicial Affairs

Shelly Sloan, Health Promotion Coordinator, Lifestyles
Center

Our First Steps

- Reviewed Dear Colleague Letter
- Compared our policies, services and assessed strengths & weaknesses
- Developed a committee

Title IX Training

- Last Year:
 - Student Affairs full time staff and student employees
 - Athletes
 - Residence Life Staff
 - University Police
 - Departmental support staff
 - All Facilities and Maintenance staff
- Second round this year:
 - New student affairs student and full time employees
 - All athletes
 - Re-trained Residence Life staff
- Next: working on an electronic version like Workplace Violence Prevention and Right to Know in Angel

CONTENT OF TRAINING

- Overview of Title IX (origin, new updates via DCL)
- Explanation of what we are trying to accomplish: get help to victim and eliminate future harm
- Introduction of Title IX Coordinator and Investigator
- Definitions: sex discrimination, sexual assault, sexual harassment
- Discussion about consent: age, legal vs. judicial standards, existing/past relationships, and AOD use
- Understanding confidentiality and who is protected by it
- How to file a complaint and what will happen
- Discussion of resources on and off campus

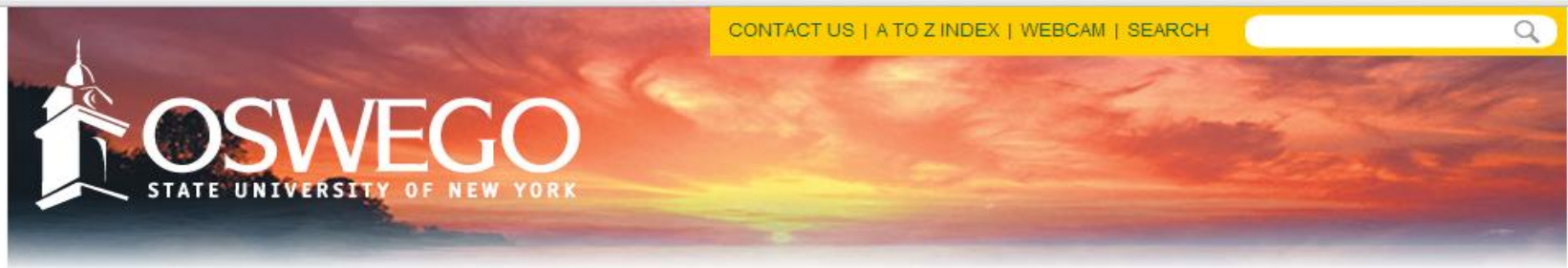
Lessons Learned

- We obsessed about parts of the DCL and the identifying of Title IX Coordinator; we needed to re-focus and get victims help, eliminate future harm, and help students understand consent
- Select presenters that are comfortable with the subject matter and the language
- Recognize that this can trigger past incidents
- Be prepared for increased numbers
- Need more connections with faculty

EDUCATION and OUTREACH

- Lifestyles Center
 - Got Consent?
 - Consent is SEXY!
- Support existing events
 - Take Back the Night
 - Sexual Assault Programming in Residence halls
- Connected to existing committees/mandates
 - Article 129A
 - Clery
 - Personal Safety Committee
 - Other campus traditions
- Website!

Our website: www.oswego.edu/about/titleix.html



Title IX

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[Resources](#)

[Reporting a Sexual Assault](#)

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Title IX

Helpful information for students, employees and visitors

What is Title IX?

Title IX is the federal anti-discrimination law that states: *"No person in the U.S. shall, on the basis of sex be excluded from participation in, or denied the benefits of, or be subjected to discrimination under any educational program or activity receiving federal aid."* (Title IX 1972 Education Amendments).

Title IX bans discrimination throughout our college and campus community -- in all programs and activities including, but not limited to, academic and athletic programs, financial aid and student records and accounts, health and counseling services, and housing and residence life programs.

Title IX also prohibits sexual harassment, including sexual violence, which is a crime.

Whom should I contact?

All students, employees and visitors should be aware these people have key Title IX responsibilities at SUNY Oswego:

Howard Gordon

Executive Assistant to the President

Senior Title IX Coordinator

708 Culkin Hall, 315-312-2213

howard.gordon@oswego.edu



Title IX

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Title IX Training

TITLE IX

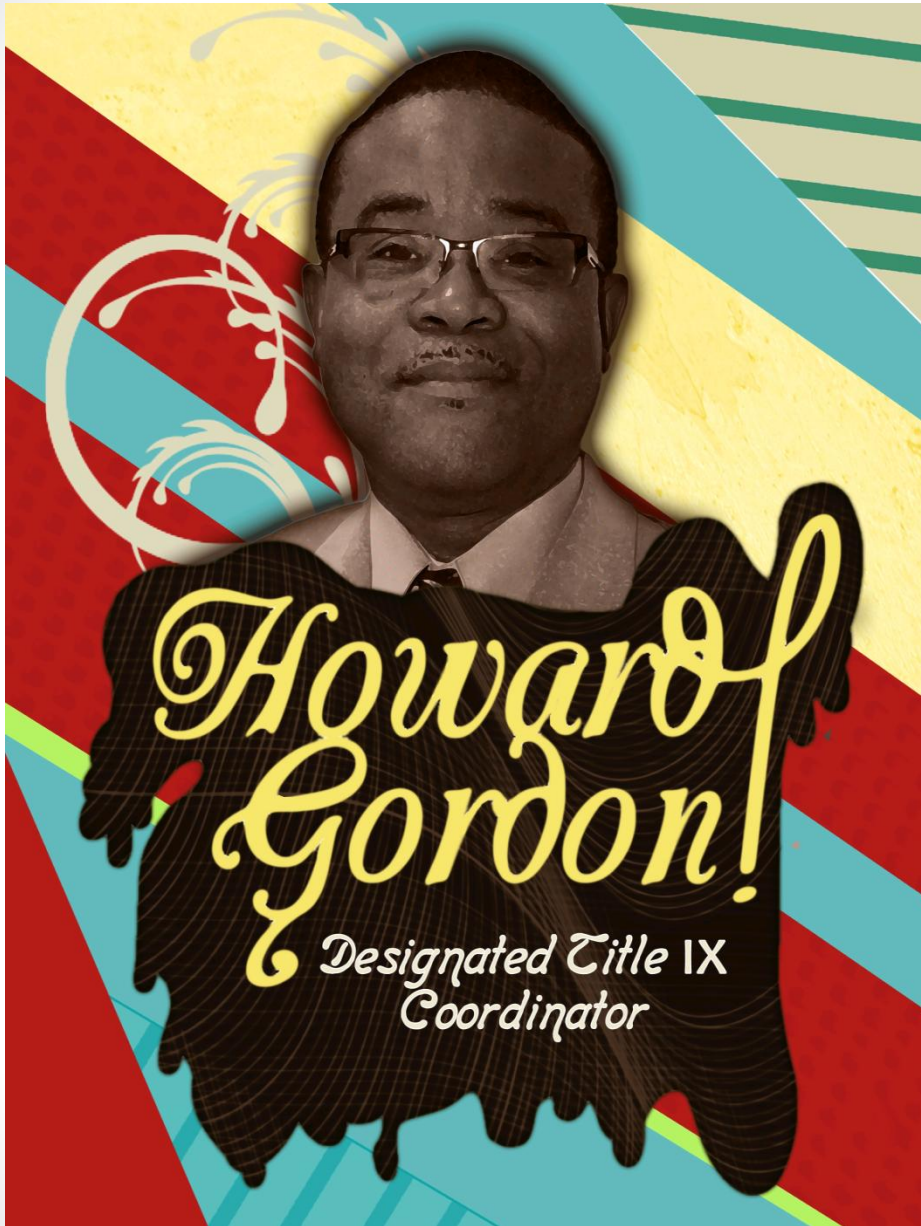


Share 1 / 33

QUIZ

Who is the Senior Title
IX Coordinator?

(yell it out loud)



Contact Info:
707 Culkin Hall
(315) 312-2213
howard.gordon@oswego.edu

*Title IX is an amendment passed by the Office of Civil Rights of the Department of Education in 1972 which protects people from discrimination based on sex in education programs and activities that receive federal financial assistance.

Health Promotion Supports

- Co-presenting Title IX program to employees/student employees (including Peer Educators)
- Lead the SART
- Consent & Title IX campaigns-focus for year
 - Got Consent?
 - Consent is SEXY!
- “Where’s Howard” tiles
- Working with local agencies (RAINN Day)
 - “End Rape” shirts

Title IX Toilet Talk

Major Areas Addressed by Title IX

- Athletics
- Access to Higher Education
- Career education
- Education for pregnant and parenting students
- Employment
- Learning environments
- Math and science
- Sexual harassment
- Standardized testing
- Technology


Title IX Facts

- Every school, by law, is required to designate a Title IX Coordinator.
- To file a Title IX claim you do not have to be the victim of the sexual discrimination.
- A complaint must be filed within 180 days of the alleged discrimination.
- 8 in 10 (80%) voters DO support Title IX.
- Approximately 70% of females who give birth leave school, evidence suggests that discrimination is a major contributing factor of this.
- Before Title IX, women made up 2% of college students participating in sports.
- Since Title IX, the number of high school girls who participate in sports have gone from 1 in 27 to 1 in 2.5
- For every new dollar going into college athletics at the D1 and D2 levels, male athletes receive 65 cents and female athletes receive 35 cents.

Trivia Night - Tuesdays
8pm in the Village Commons

Open Mic - Thursdays
7pm in Lake Effect Café

Zen Meditation - Thursdays
6:30pm in Lee Hall Room 300



Toilet Talk

October 4th, 2012

Got Consent?

Did you know...


- ...Title IX protects both male and female students?
- ...Title IX was enacted to abolish discrimination against females in the educational setting in 1972?
- ...The law applies to every aspect of Federally funded educational programs?
- ...Sexual harassment, sexual assault, sex discrimination, the failure to provide equal opportunity in athletics, and discrimination based on pregnancy are all examples of discrimination covered by Title IX?
- ...The U.S. Department of Education maintains an Office for Civil Rights, with headquarters in Washington, D.C., and 12 offices across the U.S. to enforce the law?
- ...Schools can lose their Federal funding for violating the law?
- ...There are fewer collegiate female coaches today than there were in 1972?
- ... Between the years 1971 and 2005 there was a 456% increase in female NCAA varsity athletes.

Easy Tip on Living Laker Green:
Recycle plastic bags! Plastic bags are typically made from non-renewable resources like fossil fuels. Recycling used plastics cuts down on wasted natural resources. Even used sandwich bags can be recycled!

Answer to last week's question:

- Last week at a party my friend's boyfriend was trying to have his way with her when she was drunk, so I stopped him. - LSC Tweet

Question of the Week:
What do you do with your free time instead of drinking alcohol? Scan the QR code or tweet us to answer.



Events of the Week:

- Sherlock Holmes: The Final Adventure
Tyler Hall, Waterman Theatre, Oct. 12, 13, 19, & 20 from 8 pm to 10 pm and a concluding matinee Sunday Oct. 21 at 2:30 pm. \$13 admission (\$7 for SUNY Oswego students).
- Beginners night at The Wall. Friday Oct. 5. Visit www.lifestylescenter.net for more information.
- Major Exploration and Careers Week at the Compass. Email taitjr@oswego.edu for more information.

Questions? Comments? Suggestions?
Give us a call 315-255-3333
tw@oswego.edu

Tweet us: @LSC_Oswego

Words to Wiz By:
"Know yourself. Never forget where you came from, and reach back to help someone else come forward too."
-Alpha Alexander

Do you know who Howard Gordon is?

- Senior Title IX Coordinator at SUNY Oswego.
- Responsible for monitoring the overall Title IX implementations for the institution.
- Coordinates compliance with all areas and departments covered under Title IX regulations.

Marta Santiago

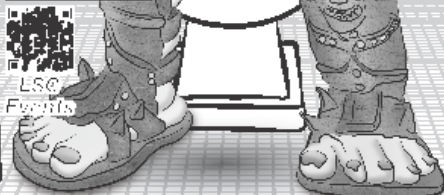
- Title IX Investigator.
- Follows up on a complaint.
- Explains options and resources available to the survivor and others involved.

Steps To Take If You or a Friend are the Victim of Sexual Assault

1. Do not change clothing, brush teeth, or comb hair.
2. Notify the police and Title IX Coordinator **immediately**.
3. Preserve all physical evidence of the assault.
4. Call a friend or family member to stay with you.
5. Go to a hospital for medical care and evidence gathering.
6. Write down as much as you can remember about the assault.
7. Talk with a counselor trained in assisting rape victims and a Service to Aid Families advocate.

Resources

- Howard Gordon: 707 Calkin Hall, Ph. (315) 312-2213
- Marta Santiago: 405 Calkin Hall, Ph. (315) 312-3702
- Campus Police: x5555
- Counseling: x4416
- SAF: x7777 or (315) 342-1600
- Judicial Affairs: x3378



LIFESTYLES CENTER

Sponsored by the Lifestyles Center
Toilet Talk is brought to you by
Graduate Assistant Michael Goodman
and Peer Educators Emily Anderson,
Andrew Baumgras, Lauren Boyd,
Mindy Farnham, Sarah Langer
& Michelle O'Mara

Graphics are available upon request.
Thank you for all on WTOP and digital signage!

Street Outreach

- Wagon
- Start with a question/interaction
 - What does consent mean to you?
 - Can you define consent?
 - Ask 4 questions-if they get 3 right, get a shirt (definitions)
- Large post it board on the wagon
 - Definitions, statistics, questions
- Crossword puzzles with prizes (definitions)
- Giveaway item
 - “Got consent?” stickers, buttons, t-shirts and keychains
 - Consent definition

You are posting, commenting, and liking as Shelly VanSlyke Sloan — Change to Lifestyles Center, SUNY Oswego

Lifestyles Center, SUNY Os... | Timeline | Now

Manage Page

Create Page

Guess what we have for you?! More shirts! That's right, find us with the wagon from 1:30 to 2:30, answer a few questions, and receive a consent t-shirt!



- The wall indoor climbing facility**
6 friends also like this.
- Penfield Library, SUNY Oswego**
14 friends also like this.
- SUNY Oswego**
105 friends also like this.
- Campus Recreation at SUNY Oswego**
3 friends also like this.

Activity Recent

Lifestyles Center, SUNY Oswego created the event Food Day.

Lifestyles Center, SUNY Oswego
Yesterday

We have a ton of zombies who are more than willing to chase you around as you run from safe house to safe house trying not to get eaten. All you need to do is sign up and prepare to RUN FOR YOUR LIFE. Signup in the campus center on your way to class

- Now
- October
 - September
 - 2012
 - 2011
 - 2010
 - 2009
 - Joined Facebook

See Your Ad Here

Lifestyles Center, SUNY Oswego



The Lifestyles Center

Like · Shelly VanSlyke Sloan likes this.

Advertise Your Page

Sarah Oleyourryk is listening to Sin Wagon by Dixie Chicks on Spotify.

Becky Burch commented on her own photo: "and it ties into our cultural..."

Jennifer Rowley played MOPEY in Words With Friends.

Michael Domitrz commented on Hardball with Chris Matthews's link: "Join our conversation asking M..."

Michael Domitrz likes Hardball

- Carrie Sloan
- Christy Germain Cass
- Dawn-Marie Allen-Kent
- Debi Koagel Bishop Geroux
- Dusty Van
- Jamie Leszczynski
- Kim D'Imperio
- Tyson Sloan

Turn on chat to see who's available.


Summer Orientation

- All incoming Freshmen
- Topics:
 - Alcohol
 - Things to do in Oswego
 - Predatory drugs
 - Buddy system
 - Sexual assault
 - “Creeping”/Facebook, etc.
 - Drunk driving
- Clickers
 - Collect data

MEANWHILE BACK AT THE PARTY, CREEPER EDDIE DISCOVERS A YOUNG DAMSEL SITTING ON A DISGUSTING COUCH.



MEANWHILE BACK AT THE PARTY, CREEPER EDDIE DISCOVERS A YOUNG DAMSEL SITTING ON A DISGUSTING COUCH.



She appears to be intoxicated! That's swell! I've heard that alcohol reduces inhibition!

CREEPER EDDIE APPROACHES HER...



AND THINGS QUICKLY BECOME HOT AND HEAVY.



AND THINGS QUICKLY BECOME HOT AND HEAVY.

I just met
you and
this is
crazy...





0%

A. Sex

B. Phone Number



Answer Now

CREEPER EDDIE GATHERS THE COURAGE TO MAKE A MOVE!



CREEPER EDDIE GATHERS THE COURAGE TO MAKE A MOVE!

My dearest Mildred,
perhaps we should fan
this flame of passion in
a place more private.



CREEPER EDDIE GATHERS THE COURAGE TO MAKE A MOVE!

My dearest Mildred,
perhaps we should fan
this flame of passion in
a place more private.

I like you Mr. Peanut, you
talk funny.






EDDIE AND MILLIE DECIDE TO SEEK OUT SOME PRIVACY.



This damsel doth
sweat my swagger!

EDDIE AND MILLIE DECIDE TO SEEK OUT SOME PRIVACY.



This damsel doth
sweat my swagger!

Let's go in this room so you
can say more funny things.

EDDIE AND MILLIE DECIDE TO SEEK OUT SOME PRIVACY.




Scene
Missing





Now that you're
my girlfriend...
want to go get
some
breakfast?



What did I do
last night!?

Now that you're
my girlfriend...
want to go get
some
breakfast?

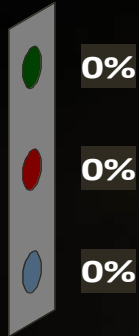
Poll Question:

Did Creeper Eddie have consent?

A. *Yes*

B. No

C. I'm not sure

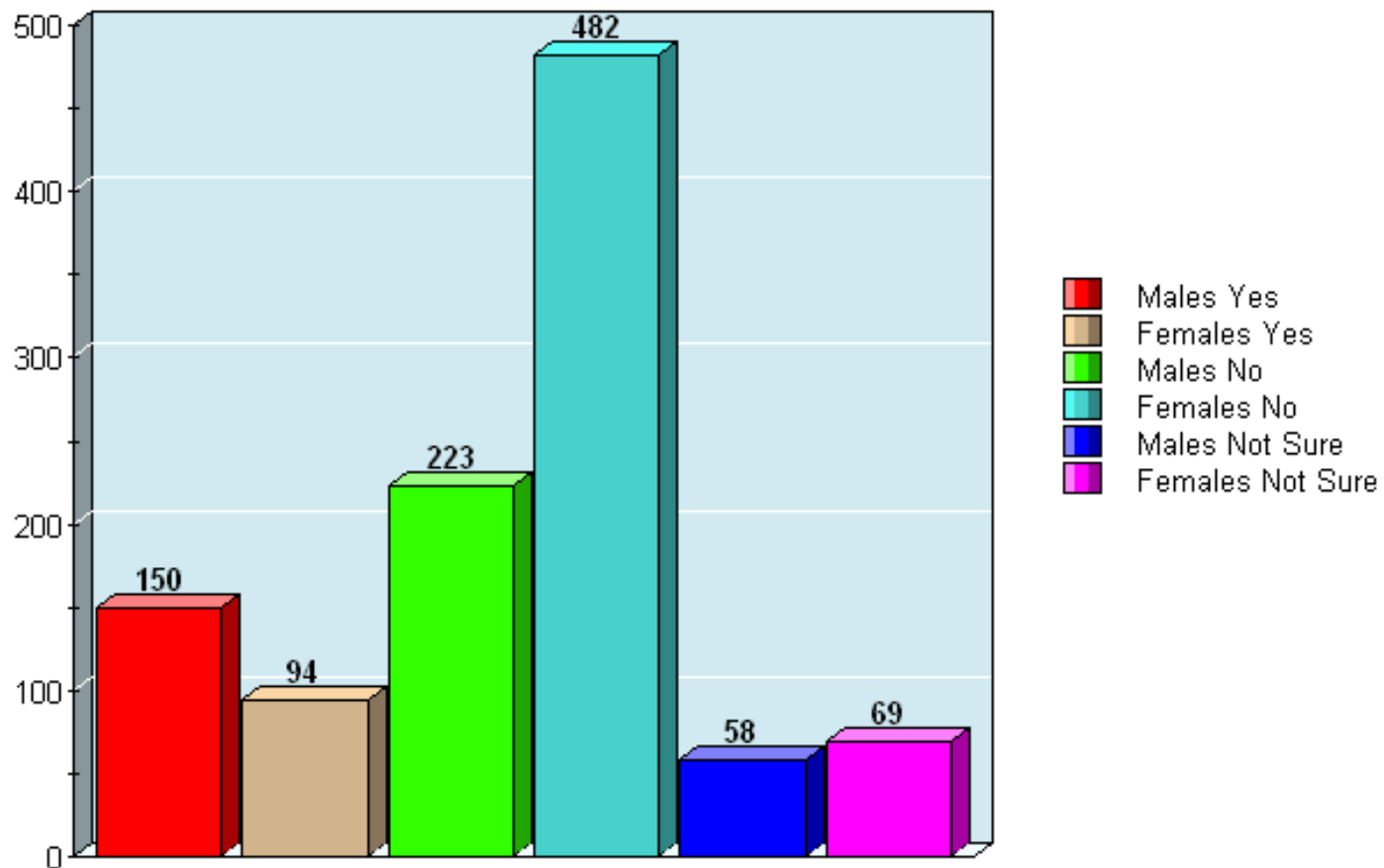


Answer Now



Data-Summer 2012

14.) Did Creeper Eddie have consent?



EDDIE DECIDES TO TAKE THE VIRTUOUS PATH AND ASK FOR MILLIE'S NUMBER.



EDDIE DECIDES TO TAKE THE VIRTUOUS PATH AND ASK FOR MILLIE'S NUMBER.

I just met
you and
this is
crazy...



EDDIE DECIDES TO TAKE THE VIRTUOUS PATH AND ASK FOR MILLIE'S NUMBER.

I just met
you and
this is
crazy...

Here's my number...
call me maybe?



What is "Consent"?

-For a sexual act to be legal it must be consensual (both people want it to happen.)

-Only sober, of legal age and conscious people can give consent. If a person is too young, or too drunk (or passed out,) or of mental defect, they cannot give consent and anyone who has had sex with them has under the legal definition committed a rape.

Did you know?

-Every two minutes somewhere in the US, someone is sexually assaulted.

-One in six American women and one in 33 men have been the victim of an attempted or completed rape.

-About 44% of rape victims are under age 18 and 80% are under age 30.

Did you know?

-Most rapes are committed by non-strangers
(73%)*

-38%: friend or acquaintance

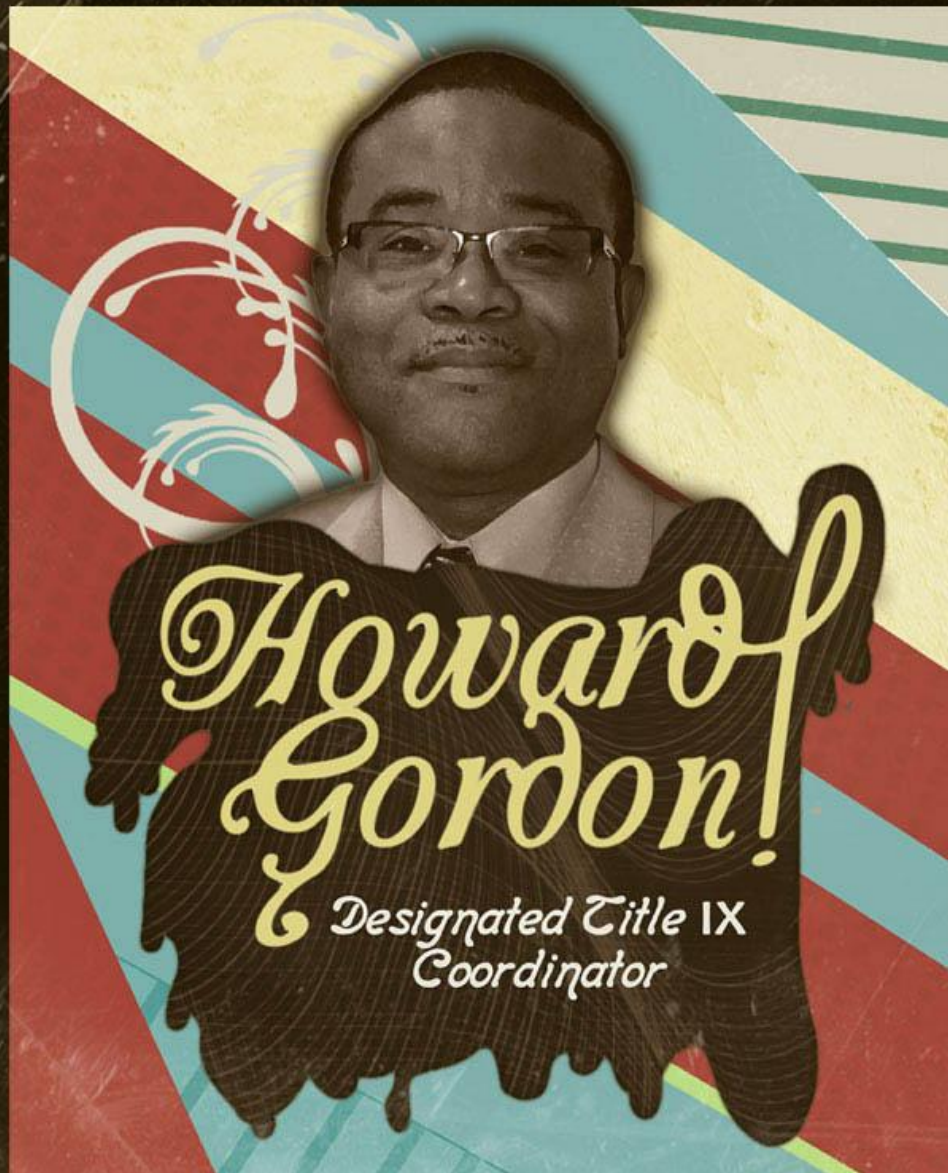
-28%: intimate

-7%: another relative

37.6% of Oswego students consume alcohol
prior to being sexually active.

What is the school's responsibility to address sexual harassment and sexual violence?

- A school has a responsibility to respond promptly and effectively.
- Even if a student or his or her parent does not want to file a complaint, the school must investigate.



Title IX Coordinator

Howard Gordon

Phone Number:

315-312-2213

Title IX Investigator

Marta Santiago

Phone Number:

315-312-3702

If are you a witness to or
a victim of violence...

- Domestic Violence
- Harassment/Bullying
- Hate/Bias Incident
- Hazing
- Sexual Assault
- Sexual Harassment
- Workplace Violence

REPORT IT

Filing a complaint:

University Police &
Residence Life (24/7)

Judicial Affairs	(9-5, M-F)
Human Resources	(9-5, M-F)
Dean of Students	(9-5, M-F)

What will happen when I report?

- we will offer you resources
- we will explain your options

What's next...

- Continue the push next semester
- Group of Peer Educators focusing on Title IX

Title IX Mandates and Changes Made at Union College

Amanda Tommell-Sandy, MS

Creating a SART

- 5 years ago Union College did not have a coordinated, systematic response to sexual harassment or sexual assault for our students.
 - No SART Team
 - A few well intentioned but untrained faculty, staff and administrators
 - A student advocacy group

Initial Meetings

- Key Stakeholders
 - Dean of Students Office
 - Campus Safety
 - Health Services
 - Counseling Center
 - Residential Life
 - Director of Greek Life
 - Director of Religious Life
 - Dean of Academics
 - Presidents Committee on Sexual Assault and Sexual Harassment
 - Legal Counsel

Judicial Policy Review

- Previous policy only allowed for a judicial charge of rape
- New policy for Sexual Misconduct and Sexual Harassment
 - Sexual Discrimination
 - Sexual Assault
 - Sexual Misconduct
 - Sexual Exploitation
 - Consent
 - Examples

Specialized trainings

- Advocate training
- Campus Safety response training
- Health Services medical training
- Judicial Hearing Board training
- RA Training
- Student Advocate Group training
- Student Affairs Training

Implementation of SART

- SART Team Coordinators – Directors of Counseling, Health and Campus Safety
- Advocates – Faculty, Staff and Administrative volunteers who received training
- Additional First Responders – RA's, Residential Life Staff, Director of Greek Life and Campus Safety
- Coordination with external resources – Local Rape Crisis Hotline, County Hospitals, Police Department and District Attorney's Office
- Secondary Responders – Residential Life, Dean of Students Office, Dean of Academics

Dear Colleague Letter

- Needing to centralize Title IX responsibility
- Addition of Title IX Deputies
- Issues with confidentiality
- System could no longer be as victim friendly or victim driven
- Continue to revamp judicial process, policies and procedures
- Needed specific guidance on reporting obligations and investigation procedures

Title IX Training

- Title IX coordinator attended specific trainings
- Title IX deputies currently being trained
- External legal consultation and training
- Student Affairs training
- On- going process of training
 - New staff and those who may not have been trained before
 - New topics as they arise

Changes Made to Our Response Efforts

- Sexual Assault Resource Hotline now run through Counseling Center and Health Services
 - Allows for complete confidentiality
 - Explains all options, resources and services to a victim without involving reporting or investigation
 - Those without a license of certification allowing for confidentiality were removed from the first responder role
- Campus Safety is notified of every report of sexual harassment/assault made to all other campus members.
- Campus Safety notifies our Title IX Coordinator
- Judicial process changes
 - No longer have the option of Mediation
 - Preponderance of the evidence standard
 - Establishing a new Judicial Hearing Board
 - Training judicial advisors

Outreach, Education and Continued Work

- Orientation programming
- Floor programs in residence halls
- Coordinating efforts with student groups, faculty and staff
- Publicizing reporting and response materials
- Revamping our website
- Judicial Hearing Board
- More training.....

Questions?