

Title IX 2020-2021

Presented by

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Executive Director for Human Resources

Title IX Coordinator

What is Title IX?

Title IX of The Education Amendments of 1972

Title IX 20 U.S.C. § 1681 & 34 C.F.R. Part 106
(1972)

“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 Violations

- Sex Discrimination
- Sexual Harassment and Assault
- Stalking
- Violence Against Women
- Dating and Domestic Violence
- Unwelcome Conduct
- Retaliation

Title IX Specifics

- Prohibits sexual harassment at colleges and universities, including sexual violence and all forms of sexual misconduct.
- Institution is obligated to act regardless of any law enforcement action.
- Title IX investigations and proceedings are separate from criminal investigations/proceedings.
- Colleges must provide appropriate interim protective measures to address safety and well-being of both parties prior to the final outcome of the investigation.

TCSG Title IX Related Procedures

TCSG Sexual Harassment &
Misconduct Procedure 6.1.2p.

Adopted March 13, 2018

**Student-Involved
Complaints**

Georgia Statewide Sexual
Harassment Prevention
Policy/TCSG Employee Sexual
Harassment Prevention
Procedure 4.3.1p2.

Implemented March 1, 2019

**Employee vs. Employee
Complaints**

Responsible Employee

All **Responsible Employees** must report sex discrimination, including sexual harassment and sexual violence to the Title IX Coordinator.

Responsible Employee by OCR definition is:

- Someone who has the authority to take action to redress sexual harassment/misconduct;
- Someone who has been given the duty of reporting incidents of sexual harassment/misconduct **or** any other misconduct by students to the Title IX Coordinator or other appropriate designee; or
- Someone who a student reasonably believes has this authority or duty.

Who Is A Responsible Employee?

Everyone!

It is our policy that all employees report any complaint of sex-based discrimination or harassment.

Exceptions: Counselors or Clergy specifically working in that capacity.

Why Are We Responsible?

- Harassment can be a form of discrimination.
- Harassment may lead to violence, academic failure, dropouts, reduced participation in activities, psychological damage and loss of tangible and intangible benefits.
- Title IX applies to any educational program or activity which receives federal funds and protects both employees and students.
- It can lead to a hostile environment.
- If an instructor is aware of harassment in classroom, hallway, clinical sites, etc. and does nothing about it, they may be liable.

Title IX Coordinators

Students (All Campuses):

Title VI (Discrimination) and Title IX (Equity)

Regina Thomas-Williams

912.443.5708

rthomas@savannahtech.edu

Employees:

Overseer Civil Rights Coordinator

Title IX (Equity), Section 504/ADA (Disability)

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Title IX Roles

Complainant: party who experienced alleged prohibited conduct, and brought complaint forward.

Respondent: party alleged to have engaged in prohibited conduct.

Title IX Investigator: person assigned by TCSG to investigate Title IX complaints.

Advisor: individuals who attend Title IX hearing with each party and conduct cross-examination of other party/witnesses.

Decision Maker: person appointed by TCSG Commissioner who presides over Title IX hearing and issues written determination.

Title IX Investigative/Hearing Process

Step 1: Complaint Filed

Step 2: Notice of Investigation

Step 3: Parties obtain or are assigned Advisors

Step 4: Investigation Conducted

Step 5: Investigator issues Report/Determination

Step 6: Live Hearing

Step 7: Decision Maker Issues Hearing Determination

Step 8: Appeal to TCSG Commissioner

What Happens If We Don't Comply?

- Creates an Unsafe Environment
- Violates OCR and TCSG policy
- Vulnerable to Lawsuit
- Potential OCR Audits
- Loss of Federal Funding

Title IX, Clery and VAWA

Different Regulations, Similar Goals

Clery: Jeanne Clery Disclosure of Campus Security Policy & Campus Crimes Statistics Act

- Requires reporting of criminal acts. Some Title IX violations may also be crimes reportable under Clery
- Requires Campus Security Authorities (CSAs)
 - All employees are Responsible Employees under Title IX. Certain positions are also required to be CSAs under Clery.
 - CSAs are individuals with significant responsibility for campus/student activities. Ex. Campus Police, Club Advisors, Academic Advisors, Deans, VPs.

VAWA: Violence Against Women Act

- Physical and sexual violence covered by VAWA may also be a Title IX violation.
- Requires training, prevention and awareness activities.
- Requires notification of rights, process, sanctions.

Questions?

Contact A Title IX Coordinator

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