

TITLE IX COORDINATOR'S ADDITIONAL RESPONSIBILITIES

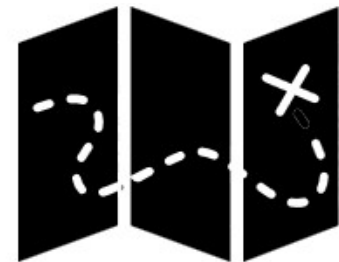
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OVERVIEW



- New Title IX Coordinator Guidance
- Additional Responsibilities
 - Recruitment, admissions, and counseling
 - Financial assistance
 - Athletics
 - Pregnant and parenting students
 - Discipline
 - Employment
 - Reporting



NEW TITLE IX COORDINATOR GUIDANCE



NEW TITLE IX COORDINATOR GUIDANCE



- New guidance:
 - April 24, 2015 Dear Colleague Letter on Title IX coordinators
 - April 24, 2015 Letter to Title IX coordinators
 - April 2015 Title IX Resource Guide



NEW TITLE IX COORDINATOR GUIDANCE



- Training for Title IX coordinators
 - Must be appropriately trained and possess comprehensive knowledge *in all areas* over which they have responsibility in order to effectively carry out those responsibilities
 - Should be knowledgeable about other applicable federal and state laws, regulations, and policies that overlap with Title IX (e.g., FERPA and Clery)

NEW TITLE IX COORDINATOR GUIDANCE



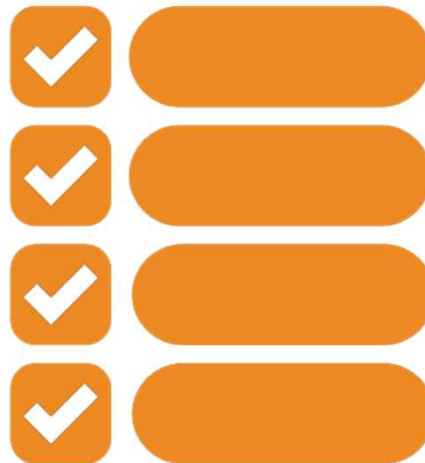
- Title IX coordinators must have access to information in order to carry out responsibilities—e.g.,
 - Student enrollment in particular subject areas
 - Participation in athletics
 - Administration of school discipline
 - Instances of sex-based harassment

NEW TITLE IX COORDINATOR GUIDANCE



- Multiple Title IX coordinators/deputy coordinators
 - Different coordinators for different schools or locations
 - Different coordinators for different Title IX compliance issues—e.g.,
 - Gender equity in academic programs or athletics
 - Harassment
 - Complaints from employees
 - Need to designate lead coordinator

ADDITIONAL RESPONSIBILITIES



RECRUITMENT, ADMISSIONS, & COUNSELING



- All students must have **equal access** to all programs, including with regard to:
 - Recruitment and admissions
 - Counseling

RECRUITMENT, ADMISSIONS, & COUNSELING



- Recruitment and admissions
 - Prohibition against sex discrimination in recruitment and admissions
 - Does not apply to:
 - Private *undergraduate* institutions
 - Public *undergraduate* institutions which traditionally and continually from its establishment have had a policy of admitting only students of one sex

RECRUITMENT, ADMISSIONS, & COUNSELING



- Counseling
 - Prohibition against discrimination in counseling or guiding students or applicants for admission
 - Applies to all institutions

RECRUITMENT, ADMISSIONS, & COUNSELING



- Title IX coordinator's responsibilities
 - Recruitment and Admissions
 - Review institution's—
 - Recruitment materials
 - Admission forms
 - Recruitment and admission policies
 - Recruitment and admission practices

RECRUITMENT, ADMISSIONS, & COUNSELING



- Title IX coordinator's responsibilities
 - Counseling
 - Review—
 - Materials used for counseling students in terms of class or career selection
 - Materials for counseling applicants for admission
 - Ensure the institution does not use—
 - Different materials for students based on sex
 - Materials that permit or require different treatment of students based on sex

RECRUITMENT, ADMISSIONS, & COUNSELING



- Title IX coordinator’s responsibilities:
 - Work with institution to remind school community that all students must have equal access to all programs
 - Fields of study with sex-based disparities in enrollment (a.k.a. “nontraditional fields”)—e.g., STEM
 - Disproportionate enrollment in these fields triggers a duty of inquiry by the institution
 - In certain circumstances, institution might encourage students to explore nontraditional fields in order to address underrepresentation

RECRUITMENT, ADMISSIONS, & COUNSELING



- Title IX coordinator's responsibilities:
 - Review enrollment data
 - Work with other employees at the institution to review counseling practices and counseling or appraisal materials

FINANCIAL ASSISTANCE



- Institutions may not—
 - Discriminate on the basis of sex in administering financial assistance, including by:
 - Providing different amounts or types of financial assistance
 - Limiting eligibility for such assistance
 - Applying different criteria
 - Assist any agency, organization, or person which offers sex-restricted student aid

FINANCIAL ASSISTANCE



- Three exceptions: Institutions may administer or assist in the administration of scholarships, fellowships, or other awards that are restricted to one sex if the award is:
 - Created by certain legal instruments (e.g., wills or trusts, or by acts of a foreign government), provided the overall effect is nondiscriminatory; or
 - For study at foreign institutions if the institution makes available reasonable opportunities for similar studies for members of the other sex; or
 - Athletic financial assistance (more to come)

FINANCIAL ASSISTANCE



- Title IX coordinator's responsibilities
 - Help institution develop and monitor the procedures and practices for awarding financial assistance and for administering or aiding any foundation, trust, agency, organization, person, or foreign government in awarding financial assistance to its students

ATHLETICS



- Prohibition against discrimination in all athletics (interscholastic, intercollegiate, club, and intramural), including with respect to:
 - Student interests and abilities
 - Athletic benefits and opportunities
 - Athletic financial assistance



ATHLETICS—

STUDENT INTERESTS & ABILITIES



- Institutions must provide nondiscriminatory athletic participation opportunities
 - Three-part test (compliance options)
 - Participation opportunities for male and female students provided in numbers substantially proportionate to respective enrollments
 - Where one sex is underrepresented among athletes, institution can show history and continuing practice of program expansion responsive to developing interests and abilities of the underrepresented sex
 - Where institution cannot show program expansion, institution can show the interests and abilities of underrepresented sex have been fully and effectively accommodated by present program

ATHLETICS— STUDENT INTERESTS & ABILITIES



- Title IX coordinator's responsibilities
 - Compare enrollment data to number of athletic participation opportunities offered
 - Review institution's history of expanding opportunities for underrepresented sex, if any
 - Evaluate whether there is unmet interest in a particular sport, sufficient ability to sustain a team in the sport, and reasonable expectation of competition for the team

ATHLETICS—



ATHLETIC BENEFITS & OPPORTUNITIES

- Institutions that operate and sponsor athletics must provide equal athletic opportunities for members of both sexes
- Applies to institutions that operate or sponsor interscholastic, intercollegiate, club, or intramural athletics
- Department considers “laundry list” factors to determine whether institution is providing equal opportunity in athletics

ATHLETICS—

ATHLETIC BENEFITS & OPPORTUNITIES



- “Laundry list” factors:
 - provision of equipment and supplies
 - scheduling of games and practice time
 - travel and per diem allowances
 - opportunity for coaching and academic tutoring
 - assignment and compensation of coaches and tutors
 - provision of locker rooms and practice and competitive facilities
 - provision of medical and training facilities and services
 - housing and dining services
 - publicity
 - recruitment
 - supportive services

ATHLETICS—



ATHLETIC BENEFITS & OPPORTUNITIES

- Title IX coordinator's responsibilities
 - Work with institution to periodically review and compare distribution of athletic benefits and opportunities by sex in each of “laundry list” factors
 - Including financial expenditures on male and female athletic teams

ATHLETICS—

ATHLETIC FINANCIAL ASSISTANCE



- Institutions that award athletic financial assistance –
 - Must provide proportionate opportunities for awards for members of each sex
 - Based on number of students of each sex participating in interscholastic or intercollegiate athletics
 - Separate financial assistance for members of each sex may be provided as part of separate athletic teams for members of each sex
- Title IX coordinator's responsibilities
 - Coordinate institution's efforts by working with institution and its athletics department to ensure compliance

PREGNANT & PARENTING STUDENTS



- Institutions may not –
 - Apply any rule regarding parental, marital, or family status that treats sexes differently
 - Discriminate or exclude any student from education program or activity because of pregnancy, including extracurricular activities
 - includes childbirth, false pregnancy, termination of pregnancy, or recovery from these

PREGNANT & PARENTING STUDENTS



- No pre-admission inquiry as to marital status of applicants for
 - Public colleges and universities
 - Vocational, professional, or graduate higher education institutions

PREGNANT & PARENTING STUDENTS



- Title IX coordinator's responsibilities
 - Work with institution on nondiscrimination obligations as apply to participation in any educational program, including extracurricular activities
 - Coordinate institution's response to discrimination complaints by pregnant or parenting students

PREGNANT & PARENTING STUDENTS



- Title IX coordinator's responsibilities
 - Provide training to students, administrators, teachers, and staff
 - Help institution meet unique educational, child care, and health care needs of pregnant and parenting students

DISCIPLINE



- Institutions may not subject any person to different rules of behavior, sanctions, or other discipline based on sex



DISCIPLINE



- Title IX coordinator's responsibilities
 - Review institution's discipline policies to ensure not discriminatory
 - Help institution keep and maintain accurate and complete record-keeping regarding discipline
 - Monitor institution's administration of discipline policies
 - Review records and data to ensure similarly situated students not disciplined differently based on sex for the same offense
 - Ensure institution's discipline policies do not have unlawful disparate impact on students based on sex
 - Help institution ensure not disciplining students based on gender identity or failing to conform to stereotypes

EMPLOYMENT



- Institutions may not discriminate on basis of sex in any employment, recruitment, consideration, or selection for employment
 - Includes:
 - discrimination based on applicant's or employee's pregnancy, marital, or parental status
 - recruitment, hiring, promotion, compensation, grants of leave, benefits

EMPLOYMENT



- Institutions may not:
 - Enter into contracts (including with union or employment agencies) that have direct or indirect effect of subjecting employees or students to sex-based discrimination
 - Employ students in way that discriminates against one sex or provide services to any other organization that does

EMPLOYMENT



- Title IX coordinator's responsibilities
 - Help institution to ensure employees are aware that Title IX coordinator is available to help employees as well as students
 - Be familiar with institution's employment policies and procedures
 - Train Human Resources employees regarding Title IX obligations

REPORTING



- Institutions required to report about Title IX and other civil rights issues
- Title IX coordinator's should assist institutions to ensure information reported is accurate, comprehensive, and effectively used to cure violations or prevent them from occurring.

UPCOMING TRAININGS



- Trainings for individuals with heightened responsibility:
 - November 12: Minnesota State Assault Law Training
 - TBD: Title IX/VAWA Training for Attorneys Serving as Advisors
 - TBD: Drafting an Investigation Report
 - TBD: Trauma-Informed Training for Hearing Panels
 - TBD: Trauma-Informed Training for Adjudicators
- Available on-demand:
 - Title IX Coordinator and Deputy Coordinator Training
 - Investigator/Adjudicator Training
 - Senior Campus Leadership Training
 - Drafting a Title IX/VAWA Notice of Determination
 - Drafting an Investigation Report
 - Trauma-Informed Training for Adjudicators & Appeals Panels
 - Fundamentals of FERPA Training
 - Confidential Resources Training
 - Expert Panel Training on Interviewing Survivors of Sexual Assault
 - VAWA Summer 2015 Compliance Update
 - Annual Security Report Training
- Prevention programs for students & employees—customizable online modules



Q & A



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TITLE IX/VAWA TITLE IX COORDINATOR ADDITIONAL RESPONSIBILITIES TRAINING

WEB RESOURCES

New Title IX Coordinator Guidance:

- **OCR Dear Colleague Letter:**
<http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201504-title-ix-coordinators.pdf>
- **OCR Letter to Title IX Coordinators:**
<http://www2.ed.gov/about/offices/list/ocr/docs/dcl-title-ix-coordinators-letter-201504.pdf>
- **Title IX Resource Guide:**
<http://www2.ed.gov/about/offices/list/ocr/docs/dcl-title-ix-coordinators-guide-201504.pdf>

Specific Guidance on Title IX Coordinator Responsibilities related to:

Recruitment, Admissions, and Counseling:

- Title IX and Access to Courses and Programs in Science, Technology, Engineering, and Math:
<http://www2.ed.gov/about/offices/list/ocr/presentations/stem-t9-powerpoint.pdf>

Student Interest & Abilities:

- Dear Colleague Letter: Clarification of Intercollegiate Athletics Policy Guidance: The Three-Part Test (January 16, 1996):
<http://www2.ed.gov/about/offices/list/ocr/docs/clarific.html>

Athletic Financial Assistance:

- Dear Colleague Letter: Bowling Green State University (July 23, 1998):
<http://www2.ed.gov/about/offices/list/ocr/docs/bowlgrn.html>

Pregnant and Parenting Students:

- Supporting the Academic Success of Pregnant and Parenting Students (June 2013):
<http://www2.ed.gov/about/offices/list/ocr/docs/pregnancy.pdf>

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