

Rosedale Tech
Title IX Training for
Employees

Title IX

Sexual Harassment, Violence, and Discrimination Prevention for Employess
Rosedale Technical College

Presented By:
Kim Bell
Title IX Coordinator

What We'll Cover Today

- Overview of Title IX
- Forms of gender discrimination
- Who Title IX Applies to
- Reporting

Reference Materials

- Reference materials:
 - Rosedale's Title IX Policy and Grievance Procedures

Introduction

- Title IX Coordinator : Kim Bell
 - Office location
 - 412-521-6200 cell: 412-436-5257
 - Kim.bell@Rosedaletech.edu
- I am responsible for ensuring the school is in compliance with its Title IX obligations.

What Is Title IX?

Title IX

No person in the United States shall on the basis of sex, be excluded from participation in, be denied benefits of, or be subjected to discrimination under any educational program or activity receiving federal financial assistance.

Title IX

- Prohibits sex-based discrimination in schools that receive any kind of federal funding, including this institution
- Sexual harassment and sexual violence are forms of sex discrimination
- Includes harassment based on gender stereotyping
- It also extends to employees of the school

Why Are We Providing This
Training?

Sexual Harassment/Violence in Colleges

- As of September 2017, there were over 225 postsecondary education institutions under investigation by the Department of Education's Office for Civil Rights (OCR) for Title IX Violations
- Investigations focus on the school's handling of sexual violence and harassment complaints

Title IX Training

- School policy prohibits discrimination on the basis of gender, including sexual harassment and sexual violence
- The school wants to ensure that you know about this policy, how it is enforced, and how to report violations
- Retaliation against anyone reporting violations of this policy is prohibited

What's Changed?

- Title IX has always prohibited discrimination, including sexual harassment
- Following VAWA, schools have to do more to detect and prevent discrimination, including sexual violence, in addition to responding to allegations of such
- Schools' obligations have been expanded and the August 2020 final rule includes a prescribed grievance process with an investigative process. These rules also outline a live hearing process allowing for cross-examination by designated advisors for each party.
- An appeal process, available to both parties, must be established.

Gender Discrimination

- “Denial of access to education” is interpreted very broadly
- Includes:
 - express bans based on gender
 - treating students differently based on gender
 - discrimination based on gender
- Discrimination includes sexual harassment and sexual violence

Sex vs. Gender

- Note that the language in the statute refers to “sex” not gender
- This has been interpreted to cover “gender stereotypes”— i.e., the roles that men and women traditionally play
- Students and employees are protected from discrimination/harassment/sexual violence on the basis of their sex
- Extends to the LGBT community

What Is Sexual Harassment?

Sexual Harassment

- Unwelcome conduct of a sexual nature
- Sexual harassment includes unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature that tends to create a hostile or offensive school environment

Sexual Harassment Myths

- x Only women can be sexually harassed
- x There is no such thing as same-sex harassment
- x A person has to be the direct object of the harassment to be a victim
- x Instructors can't be harassed by students
- x The harasser must have a sexual interest in the victim

What Is Sexual Violence?

- Sexual violence includes physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent (e.g., due to the student's age or use of drugs or alcohol, or because an intellectual or other disability prevents the student from having the capacity to give consent)
- A number of different acts fall into the category of sexual violence, including rape, sexual assault, sexual battery, sexual abuse, and sexual coercion
- Sexual violence can be carried out by school employees, other students, or third parties
- All such acts of sexual violence are forms of sex discrimination prohibited by Title IX

Who Is Protected By Title IX?

Title IX Applies to Employees and Students

- Title IX applies to employees and students of the school in the United States
- It protects both men and women; it applies regardless of sexual orientation
- Sexual harassment between people of the same gender is prohibited, just as harassment between individuals of opposite gender is prohibited

Where Does Title IX Apply?

On and Off-Campus Conduct

- Title IX prohibits sexual harassment both on and off campus
- Title IX applies to school activities that occur off campus where the school exercises substantial control
- Title IX may also apply to non-school related off-campus activity if it creates a hostile environment at school

Third Parties

Third Party Harassment

- Students/staff are protected from harassment by persons who are neither students nor employees of the school, if such conduct occurs at the school or at a school related activity

How to Report Violations

Reporting Violations

- The school's policy provides how you should report violations of the school's policy against gender discrimination
- Violations should be reported to the Title IX coordinator
- Reports may be made by the complainant personally, by a representative, or a combination of the two

Investigation of Complaints

Investigation of Complaints

- When the school receives a complaint, the Title IX Coordinator will initiate an investigation
- A determination will be made whether the complaint is valid or not
- Retaliation is prohibited at all times, including while the investigation is pending

Definitions

- **Complainant** – an individual who is alleged to be the victim of conduct that could constitute sexual harassment
- **Respondent** – an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment
- **Formal Complaint** – a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the school investigate the allegation of sexual harassment

School Response Requirements

- Prompt response, explaining **process to file formal complaint**
- Provision of **supportive measures**
- Statement that Title IX **prohibits retaliation**
- Explanation of a student's **right to file a criminal complaint** and a Title IX complaint simultaneously
- Explanation of available **interim measures** that may be taken to protect the student in the educational setting
- A list of **evidentiary standards** that will be used (preponderance of the evidence or the clear and convincing evidence standard) in resolving a complaint
- A list of **potential remedies** for students, potential sanctions against perpetrators, and sources of counseling, advocacy, and support

Preventing Discrimination

Preventing Discrimination

- The school is always under an obligation to prevent discrimination, including a hostile environment and sexual violence
- This includes preventing retaliation against those who make good faith complaints of Title IX violations
- It also includes taking steps while an investigation is pending to prevent ongoing harassment and retaliation

Questions?

FERPA

Present by Kim Bell
Director of Student Enrollment & Outreach
Rosedale Technical College
Kim.bell@rosedaletech.edu
412-521-6200
Call 412-436-5257
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What is FERPA

- The Family Educational Rights and Privacy Act (FERPA) is a federal law that affords parents the right to have access to their children's education records, the right to seek to have the records amended, and the right to have some control over the disclosure of personally identifiable information from the education records.
- When a student turns 18 years old, or enters a postsecondary institution at any age, the rights under FERPA transfer from the parents to the student ("eligible student"). The FERPA statute is found at 20 U.S.C. § 1232g and the FERPA regulations are found at 34 CFR Part 99.

Personally Identifiable Data(PII)

- Name
- Home Address
- Date of Birth
- * Social Security Number
- * Mothers Maiden Name
- * Date of Birth
- * Place of Birth
- *Name of Parents

FERPA

- Protects the privacy of students by restricting access to records that contain Personally Identifiable Information.
- Does not permit the disclosure of PII from education records without consent, except under certain *Exceptions*.
- Requires that *Reasonable Methods* to be used to protect the Integrity and security of the data being maintained by the school.

FERPA

- Does permit the disclosure of certain types of PII that is previously designated as *Directory Information* by the school
- Affords parents and eligible student the right to have access to their children's education records, and the right to seek and have the records amended. (not required to provide copies)

FERPA

- Remember it is up to all of us to keep student data safe.
- For more information contact the Department of Education Student Privacy Office – <https://studentprivacy.ed.gov>

FERPA

- QUESTIONS?