



August 5, 2024  
Equity and Inclusion

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# Title IX Orientation

For Title IX Coordinators

MINNESOTA STATE

# Agenda

Title IX Overview

Adjacent Federal and State Laws

Campus Coordinating



# Title IX Overview

"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 (34 CFR Part 106)



# Federal Assurance

Assurance that the institution of higher education commits to take whatever action necessary

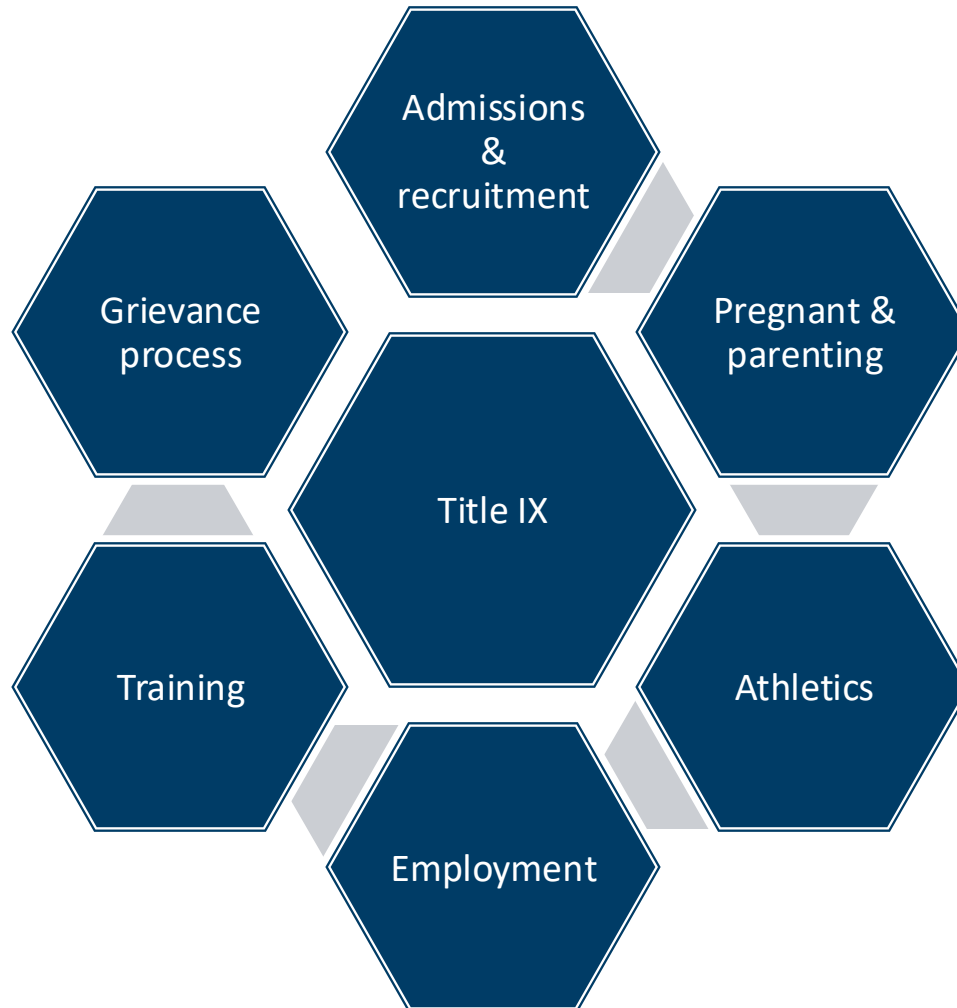
- to eliminate existing discrimination on the basis of sex or
- to eliminate the effects of past discrimination.



# Title IX Coordinator

- Designated “Title IX Coordinator,” reports to senior leader
- Must have one person: ultimate oversight; ensures consistency
- At all times: to coordinate efforts at institution to comply with and carry out all responsibilities under the law
- Independent, with authority and knowledge
- Highly visible
- Sufficiently trained
- All reports and complaints

# Areas of Compliance



# Coordinator Responsibilities

- Disseminates policy and publishes procedure
- Effectively trains campus on policy and procedure
- Coordinates campus responses (and recordkeeping)
  - Supportive measure offering, modifying, terminating
  - Reports and complaints of sex discrimination, sexual harassment, pregnancy and parent discrimination
  - Pregnant and parenting modifications, adjustments
- Directs prompt institution response, supervising grievance process\*
- Assesses environment, systemic problems or needs

# System Policies & Procedures

## Board Policies and System Procedures

- Board Policy 1B.1 Equal Opportunity and Nondiscrimination in Employment and Education
- Board Policy 1B.3 Sexual Violence
- System Procedure 1B.1.1 Investigation and Resolution
- System Procedure 1B.3.1 Response to Sexual Violence and Title IX Harassment



# Offering Supportive Measures

- Regardless of complaint filed
- Non-disciplinary, non-punitive individualized services
- Reasonably available, w/o fee or charge
- To restore or preserve equal access to education program or activity
- Not to unreasonably burden the other party
- Confidential employees: explain offering
- Ex. counseling, course-related adjustments, work/class schedule modifications, mutual restrictions, changes in work/housing locations, LOA, increased security

# Evaluating Complaints

Complainant, Respondent, Jurisdiction

Alleged conduct & scope of policies

Application of 1B.3.1 vs. 1B.1.1

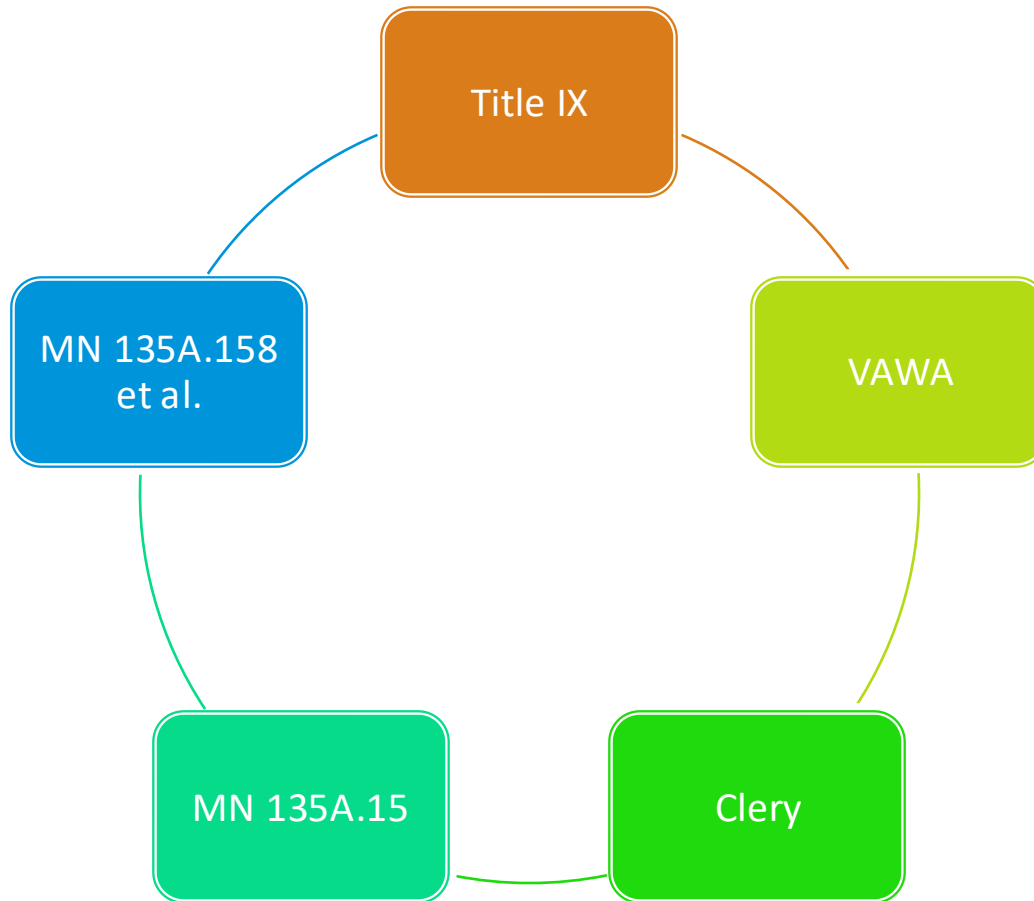
Formal investigation vs. informal resolution



# Providing Preg/Parenting Rights

- No discrimination based on identified pregnancy and parenting conditions
- Right to absences and leave
- Right to activities and Athletics
- Right to accommodations and adjustments
  - May refer disabilities to ADA Coordinator
  - “Retroactive” may be considered
  - Documented process for evaluating fundamental alterations
- Right to complain/report

# Adjacent Federal and State Laws



# Violence Against Women Act

## Reauthorization and effective Oct. 2014

Prompt, fair, and impartial process: initial investigation to final result

Process must be consistent with institution's policies and transparent to both parties

Both parties shall have:

- Equal opportunities to have others present, including advisor of choice
- Timely notice of meetings and who will be present
- Timely and equal access to information used during disciplinary meetings and hearings



# VAWA, continued

- Officials shall be trained annually, including having no conflict of interest or bias for or against either party
- Reasonably prompt timeframe, which may be extended for good cause with written notice to both parties, stating the delay and the reason
- Both parties shall receive simultaneous notification, in writing, of the result of the proceeding, including rationale, sanctions, available appeal, and any changes to the results, and when the results become final

# Clery Act, amended

## Amended by VAWA, Oct. 2014

- Inclusion in crime report of the following: **sexual assault, domestic violence, dating violence, and stalking**
  - Required updates to policy and procedure
  - Required documentation maintenance of these matters
- Requires reporting of crime stats: daily crime log, annual security report (3 years of stats)
- Includes a duty to warn/timely warnings
- Primary prevention and awareness programs for all incoming students and new employees
- Campus brochure (VAWA § 304): info for victims, shared with mandated reporters and OWAs

# VAWA, 2022

## Reauthorization and effective Oct. 2022

- Funding for increased services and support for survivors from underserved and marginalized communities, including LGBTQIA+ survivors
- Funding for pilot program: Sexual violence restorative practices
- Task Force on Sexual Violence in Education
- Mandated campus climate survey (*anticipated 2026*)
- Examination of student loan issues



# Sexual Harassment & Violence Policy

## Minnesota State Statute 135A.15

- Required policy, including sexual assault definition, victims' rights, and uniform amnesty
- Coordination with local law enforcement
- Online reporting system, including anonymous reports
- Data collection and reporting to OHE (due Oct 1)
- Comprehensive training, 10-day deadline
- Student health services screening; counseling designated staff

# Campus Sexual Misconduct Policy

## Minnesota State Statute 135A.15 2025 UPDATE

- Sexual misconduct: sexual violence, intimate partner violence, domestic violence, sexual assault, sexual harassment, nonconsensual distribution of sexual images, sexual extortion, nonconsensual dissemination of deepfakes, sex trafficking, or stalking
  - Domestic violence, per Mn 518B.01; Intimate partner violence; Sexual extortion, per Mn 609.3458; Stalking, per Mn 609.749
- Campus investigation and hearings
- Training: culturally responsive and address unique experiences and challenges face by students



# Student Parents & Pregnant Students

## Minnesota State Statute 135A.158

Fact sheet must be provided to students

- Legal rights
- List of resources: support student parents and pregnant students
- List of resources: prenatal care, child care, transportation, housing
- Available in languages reflected as primary of the institutions' student body

# Navigators for Parenting Students

## Minnesota State Statute 135A.1581

- Designated navigator at each institution
- Must provide parenting students with information
- Parenting student: parent or legal guardian of dependent child under the age of 18
- 2026: data collection

# Pregnant & Parenting Students

## Minnesota State Statute 135A.1582

- Parenting student: parent or legal guardian of dependent child under the age of 18
- May NOT require, due to being pregnant or parenting, a student to:
  - Take a leave of absence or withdraw; limit studies; participate in alternative program; or change major, degree, or certificate program
- Must provide reasonable modifications to pregnant students
- Must, for reasons related to student's pregnancy or resulting condition:
  - Excuse absence; allow make up work; allow additional time; provide access to instructional materials or videos

# Protections continued

## Minnesota State Statute 135A.1582

- Must allow pregnant or parenting students to:
  - Take a leave of absence; if in good standing at the time of leave, return to good standing w/o reapplying to admissions
- Must provide early registration for courses or programs IF provided for any group of students
- Must adopt policy for pregnant and parenting discrimination
  - Must include Title IX Coordinator information; be posted in easily accessible, straightforward format on website; be made available annually to faculty, staff, and employees



## 1. Title IX Coordinator is visible

- ✓ Title IX Coordinator contact information online
- ✓ Easily accessible on website (2-clicks from Home page)
- ✓ Athletics: cross-linked

## 2. 1B1 and 1B3 policies and procedures

- ✓ Published in student, employee handbooks, catalogues
- ✓ Annual notice (before start of term), including to unions
- ✓ Continuous notices (exist on application materials)
- ✓ Links to policies and procedures easy to find

## 3. Required prevention training for students, first 10 days

- collaborate with campus IT/Instructional Technology, new student orientation and first year seminars, Registrar



## 4. Online Reporting form

- ✓ Must allow to be anonymous
- ✓ Reference to uniform amnesty
- ✓ Link to policy, procedure
- ✓ Title IX Coordinator information
- ✓ Reference to confidentiality
- ✓ Routed directly to you

## 5. Identify system-trained campus individuals

- ✓ Your required training
- ✓ Investigators, Decisionmakers



## 6. Data disclosure requirements

- ✓ VAWA categories for Clery
- ✓ OHE categories (**will be updated 2025**)
- ✓ Establish process for data sharing, communication
  - ✓ Security/Public Safety
  - ✓ Housing?
  - ✓ Athletics?

## 7. Campus process

- ✓ Resource, support guide (on, off campus; students, employees), handouts, easy to find website
- ✓ Intake checklists, including support services
- ✓ Emergency removal checklist
- ✓ Flow charts and templates for communication

## 8. Pregnant and parenting students

- a. Establish & publish information re: process/requests
- b. Consult with ADA Coordinator
- c. Fact sheet, Parent Navigator, state and federal protections and rights

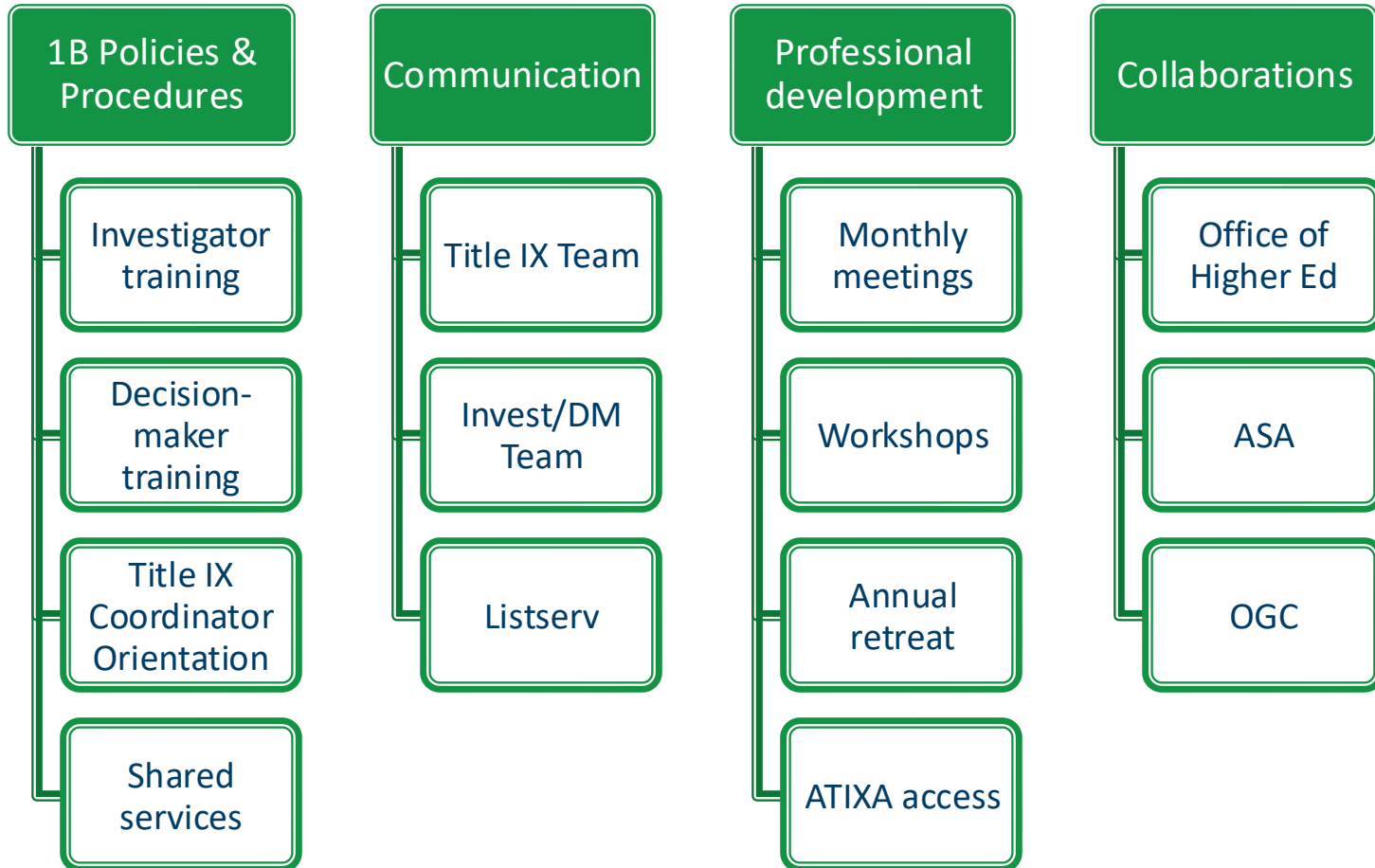
## 9. Recordkeeping practices

- Retention schedule: at least 7 years (Title IX, Clery)
- Receipt of reports, response to reports (actions)
- Investigation, decision documents, recordings, etc.
- Training materials: investigators, advisors, informal resolution, deputies, decisionmakers, etc. → available to public

## 10. Team approach considerations

- ✓ Roles, additional roles
  - Investigator(s) & Decisionmaker(s)
  - Informal resolution facilitator(s)
  - Deputy Coordinator(s)
  - Advisors
- ✓ Meetings (scheduled, coordinated, additional training, interactions with other teams on campus)
- ✓ Increase process transparency, community trust, and familiarity with Title IX Coordinator
- ✓ Evaluate team: Reliable? Remain impartial and free from conflicts of interests, bias? Confidential and private? Thorough, well-written, and rational? Knowledgeable on intersections of issues?

# Leveraging “Systemness”





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