

Title IX
New Policy Training

August 21, 2020

Learning Objectives

- You will learn the following:
 - Your role in the resolution of discrimination and harassment complaints.
 - The two definitions for Sexual Harassment.
 - The difference between a report and formal complaint
 - Informal Resolution Process
 - Dept of Education requirement of training materials

Grievance Process Pool

- Advisor
- Appeal Officer
- Hearing Panelist
- Investigator
- Officials with Authority (OWA)

Investigators

- Civil Rights Investigator
- Title IX Coordinator
- Director of Human Resources
- Dean, Student Affairs- Judicial Affairs

Officials with Authority

The College has determined that the following administrative positions are Officials with Authority to institute corrective measures regarding allegations of Sexual Harassment. These Officials with Authority listed below may also accept notice or complaints on behalf of the College:

- Chief of Human Resources
- Civil Rights Investigator
- Dean of Student Affairs, Judicial Affairs
- Director of Civil Rights Compliance/Title IX Coordinator
- Director of Human Resources

The following positions can be assigned an Advisor, Appeal Officer, or Hearing Panelist:

- Chief of Human Resources
- Civil Rights Investigator
- Dean of Student Affairs
- Director of Civil Rights Compliance/Title IX Coordinator
- Director of Human Resources

Training Materials

The College is required to post ALL training materials used to inform individuals participating in the Title IX resolution process to the TCC webpage. This requirement includes ALL materials.

The College will address any discrimination and harassment complaint with the following policies:

- Title IX Policy
- Discrimination and Harassment

Determining which policy will be used

Title IX Policy

- This policy will address sexual harassment complaints in compliance with the new U.S. Department of Education, Title IX regulations released on May 6, 2020.

Discrimination and Harassment Policy

- This policy will address all other complaints of discrimination and harassment, which includes complaints on the basis of a protected category and other Title IX requirements.

Report VS Formal Complaint

- Report – Information about a sexual harassment complaint without the signature of a Complainant. The College is not required to investigate but is required to provide supportive measures.
- Formal Complaint – A complaint of sexual harassment in writing and signed by a Complainant. The College is required to offer supportive measures, informal resolution, or Formal Grievance.

Mandatory Dismissal

- 1) The conduct alleged in the formal complaint would not constitute sexual harassment as defined in the Title IX Policy, even if proved; or
- 2) The conduct did not occur in an educational program or activity controlled by the College, including buildings or property controlled by recognized student organizations, and/or the College does not have control of the Respondent; and/or
- 3) The conduct did not occur against a person in the United States; and/or
- 4) At the time of filing a formal complaint, a complainant is not participating in or attempting to participate in the education program or activity of the College.

The College MAY dismiss a formal complaint for the following reasons:

- A Complainant notifies the Director of Civil Rights Compliance/Title IX Coordinator in writing that the Complainant would like to withdraw the formal complaint or any allegations therein; or
- The Respondent is no longer enrolled in or employed by the College; or
- Specific circumstances prevent the College from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

Sexual Harassment

Title IX Policy

- Sexual Harassment
- Sexual Assault
- Dating Violence
- Domestic Violence
- Stalking

Discrimination and Harassment Policy

- Sexual Harassment

Title IX

Sexual Harassment

- Unwelcome conduct determined by a reasonable person to be so **severe, pervasive, and objectively offensive** that it effectively denies a person equal access to the College's education program or activity; or
-
- Quid Pro Quo: An employee of the College conditioning the provision of an aid, benefit, or service of the College on an individual's participation in unwelcome sexual conduct.

Discrimination and Harassment Policy

Sexual Harassment

Making unwelcomed sexual advances, request for sexual favors, and other verbal or physical contact or communication of a sexual nature when:

a. Quid Pro Quo

Submission to or rejection of such conduct or communication is made either explicitly or implicitly a term or condition of educational benefits, employment, academic evaluations, or other academic opportunities; or Submission to or rejection of such conduct or communication by an individual is used as the basis for an employment decision or academic decision affecting such individual.

b. Hostile Environment

Such conduct that is **severe, pervasive, or persistent, and objectively offensive**, such that it, has the effect of creating an intimidating, hostile, or offensive environment that limits or denies the ability of an individual to participate in or benefit from educational programs or activities or employment access, benefits or opportunities.

What definitions are the same in both policies?

Domestic Violence, Dating Violence, and Stalking are the same definitions in both policies. Jurisdiction will inform which policy to use.

Informal Resolution

Informal Resolution can include three different approaches:

- When the parties agree to resolve the matter through an alternate resolution mechanism; or
- When the Respondent accepts responsibility for violating policy, and desires to accept a sanction and end the resolution process; or
- When the Director of Civil Rights Compliance/Title IX Coordinator⁴ can resolve the matter informally by providing supportive measures to remedy the situation.

Policy and resources are located at:
www.tulsacc.edu/titleix

Heather Hancock

Director of Civil Rights Compliance

Title IX Coordinator

918-595-7842

heather.hancock@tulsacc.edu