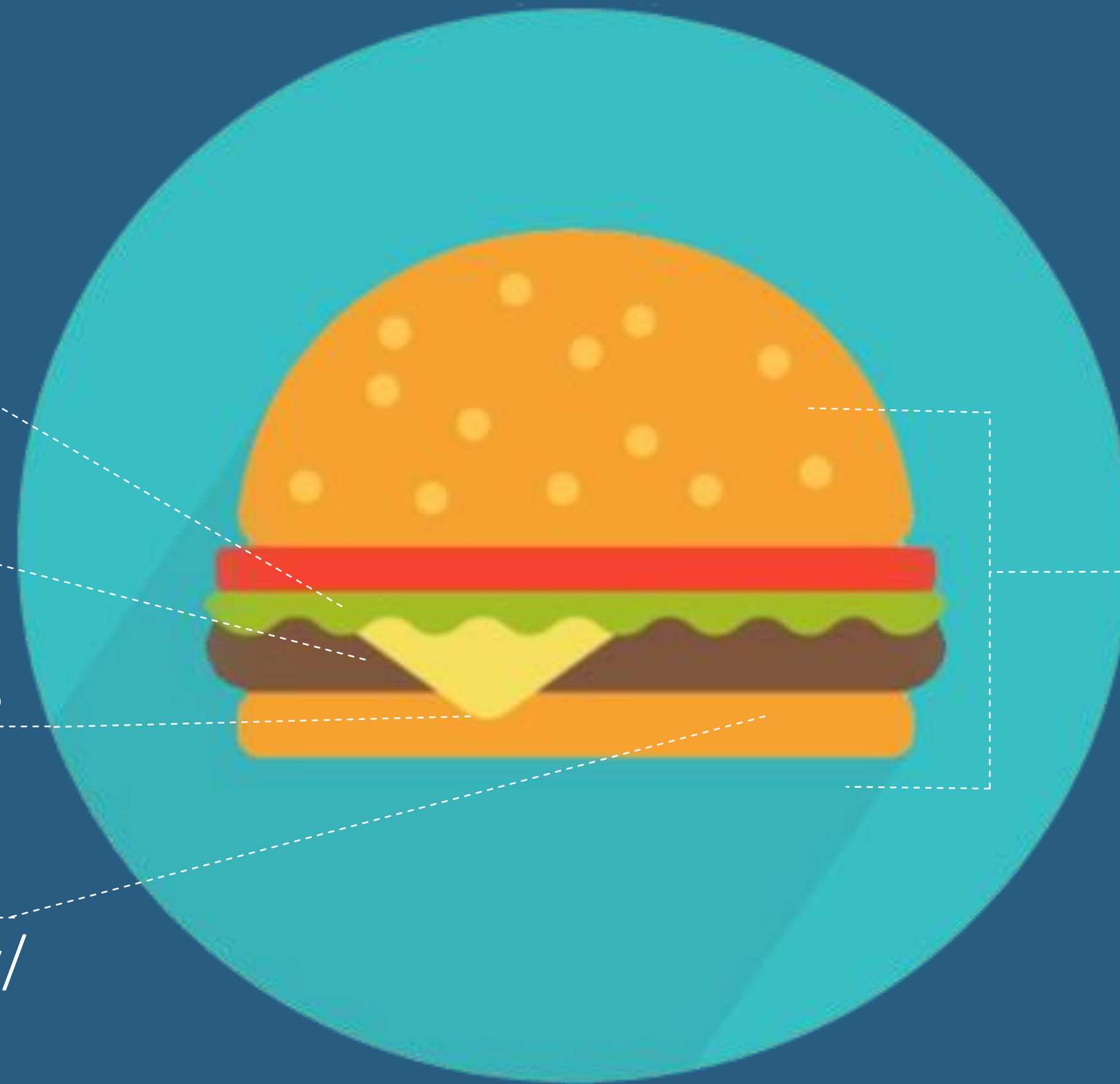


Title IX Update

Dr. Beth Klitz

Vice President of Student Success & Enrollment
Management, Title IX Coordinator

The Many Layers of Compliance



College Policies

State Laws

Guidance from Federal Agencies
(OCR, Dept of Ed)

Federal Laws
(Title IX / Title VII / VAWA /Clery/
FERPA/ADA)

Constitutional Protections of
Due Process

What is Title IX?

Federal civil rights law that prohibits discrimination on the basis of gender

Regulates colleges' procedures for handling cases of sexual misconduct

Provides students and employees with effective protection against those behaviors

Applies to all traditional educational institutions

WHAT IS TITLE IX?

No sex discrimination. No sexual assault. *Period.*



Title IX

“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.”

2024 Regulations Implementation

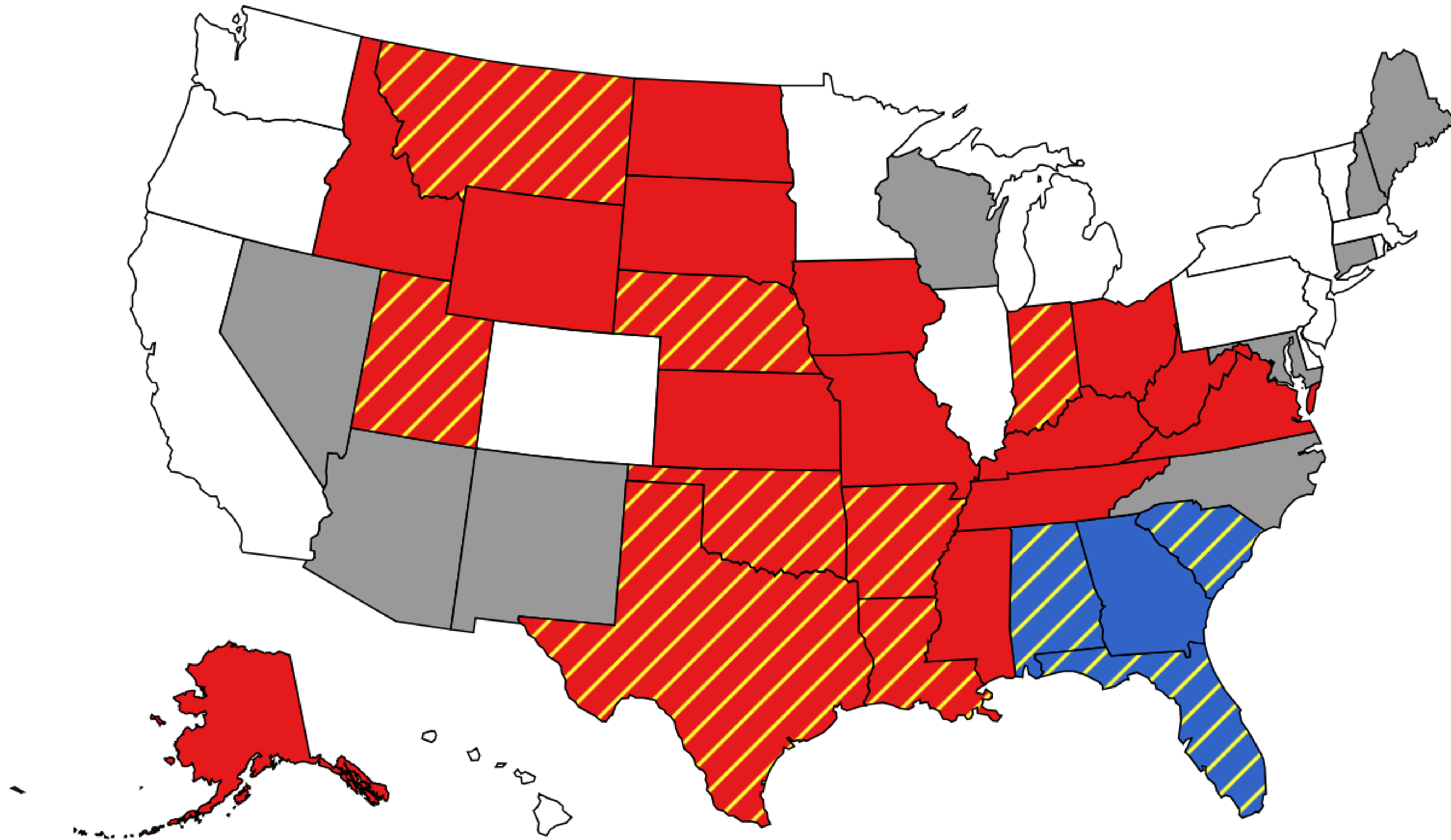
- Had waited for over two years to receive the guidance from the Department of Education
- Final Rule published in the Federal Register on April 29, 2024
- Implementation Deadline: August 1, 2024
- Key Updates
 - Broadens scope and definitions
 - More discretion and flexibility in the process
- Athletics Regulations on hold



Recent Events

- ▶ **April 19** – DOE issued the 2024 Title IX Regulations
- ▶ **May 7** – Nebraska and the states of Iowa, Missouri, Nebraska, South Dakota, and North Dakota requested an injunction via a joint lawsuit
- ▶ **July 24** – Federal judge issued that injunction halting enforcement of the Biden administration's Title IX rule
- ▶ **August 1** – Implementation deadline for the 2024 regulations in those states that were not enjoined

■ No Action □ Amicus Brief ■ Complete Injunction ■ Do Not Implement (DNI) Directive
■ Current or Pending Litigation ■ Litigation & DNI ■ Injunction and DNI



Key Differences in the 2024 Regulations

- ❑ Allows institutions greater flexibility in how they structure their complaint resolution process
 - No required live hearing
 - Investigator or Title IX Coordinator could serve as a Decision-Maker
- ❑ Widens the scope for what would be considered sexual harassment
 - Current threshold: Severe, Pervasive, AND Objectively Offensive
- ❑ Explicitly defined protections related to gender identity and sexual orientation

What does this mean for CCC?

- ❑ In states where a complete injunction has been implemented, the Department of Education will not be able to enforce the 2024 regulations
- ❑ Our approach right now --- to remain compliant with the 2020 Title IX Regulations, until such time that injunctions are no longer in place or other regulatory guidance issued
- ❑ Updating our Civil Rights Policies and Procedures which includes our response to Title IX complaints
- ❑ Maintain a commitment to equity for all parties and impartiality in our processes

Examples of Title IX Policy Violations

Sexual Harassment

Quid Pro Quo

Sexual Assault

Dating Violence

Domestic Violence

Stalking

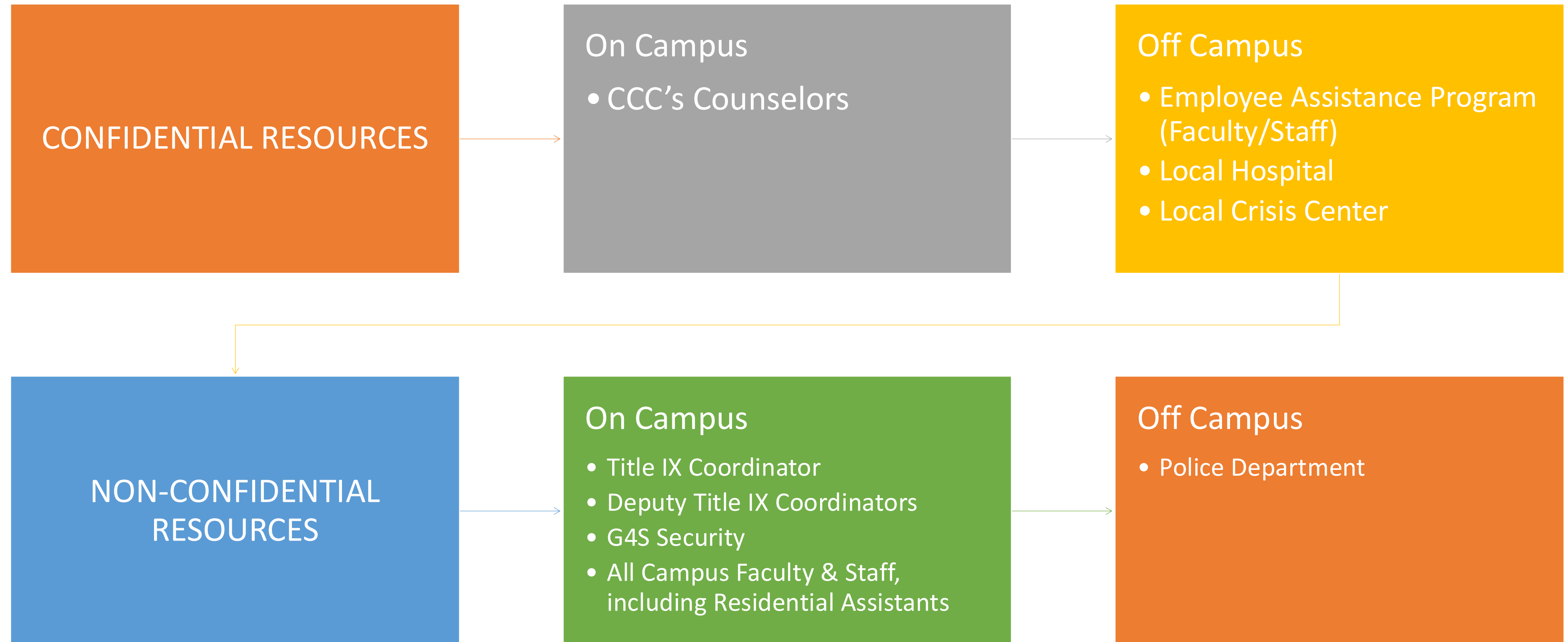
Retaliation



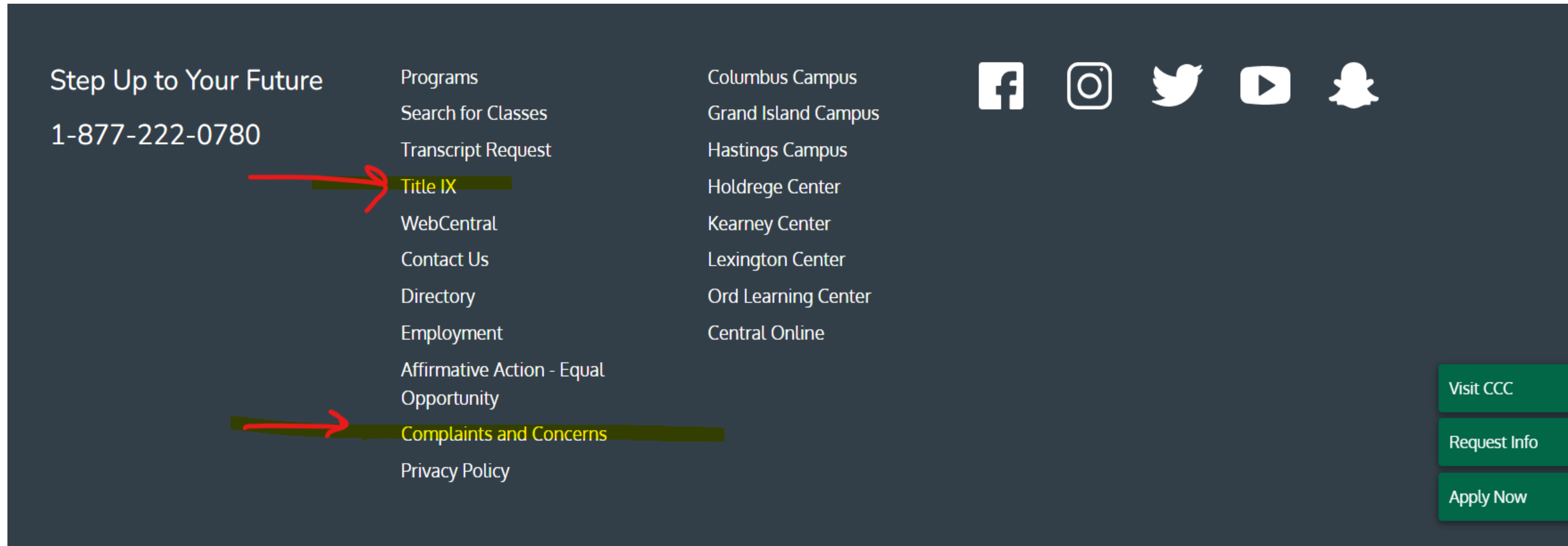
Mandatory Reporters:

- All CCC employees, including student employees
- Required to report actual or suspected discrimination or harassment to the Title IX Coordinator's Office
- Required to include all information
- Mandatory Reporters can share that they will work to keep information private – but not confidential.

Resources



How to report?



www.cccneb.edu

*** Two helpful links at the bottom of webpage**

Reporting

Title IX Coordinator-

Beth Klitz 402-562-1284

Title IX Deputy Coordinators-

Pennie Morgan, Senior Director of Human Resources

Mary Young, Athletic Director

titleixcoordinator@cccneb.edu

Life of a Case

- Report Received
- Outreach
- Intake
- Determination of Process
- Investigation
- Determination
- Appeal

Jurisdiction Elements

On campus

Educational program, activity, organization

In the United States



Sexual Misconduct

- ← Unwelcome sexual advances
- ← Sexual epithets, jokes, gossip regarding another's sex life, comments about an individual's physical appearance, negative comments/behaviors around sexual orientation, or gender identity
- ← Leering, whistling, obscene gestures
- ← Sexual assault, violence, threats, stalking
- ← Retaliation against any person participating in an investigation or reporting
- ← Quid pro quo: "This for that"

Essential Compliance Elements

- ▶ Once a Mandated Reporter has either actual or constructive notice of discrimination, sexual harassment or sexual misconduct, CCC must take action
- ▶ Not all reports need to lead to an investigation
- ▶ If you are unsure or uneasy... report it.



Supportive Measures

- Change in campus housing and/or dining locations
- Change in course schedule or mode of delivery
- Academic accommodations
- No contact directive
- Alternate work scheduling
- Escorts
- Free counseling sessions

Title IX and Pregnancy

Specifically prohibits discrimination against a student based on pregnancy, childbirth, false pregnancy, termination of pregnancy, miscarriage or recovery from any of these conditions.

Illegal to exclude pregnant students from participating in any part of an educational program, including extracurricular activities.

Pregnancy and Title IX

- Includes those beginning fostering/adoption
- Example Supports- flexible attendance, extended breaks, extension/early access to assignments
- Contact Disability Services to determine eligibility and begin accommodation process
- If student discloses a current pregnancy or a recent pregnancy – must submit a report
- pregnancy@cccneb.edu





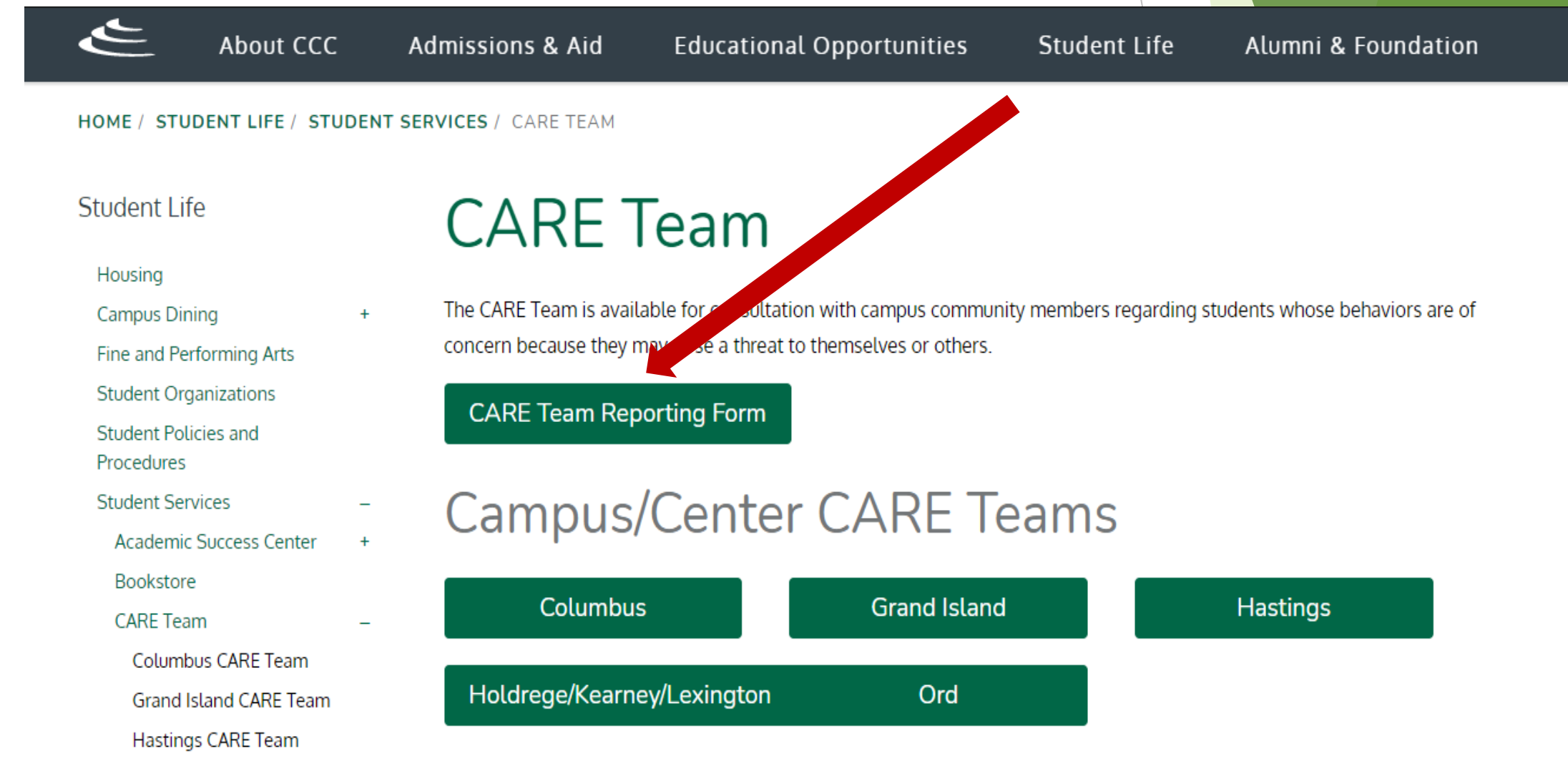
Student Handbook

- ▶ Helpful Resource
 - ▶ Academic Calendar and Due Dates
 - ▶ Important Contacts- Offices and phone numbers
 - ▶ Planner Section!

- ▶ Student Rights & Responsibilities
 - ▶ Student Academic Conduct
 - ▶ Student Non-Academic Conduct

CARE Team

- Campus team of trained staff and faculty who work together to support students facing various barriers
- Provides students with referrals for important resources
- CARE Team follows national best practices for supporting students
- How do you let us know of a student in need of support?



The screenshot shows the CARE Team webpage. At the top is a dark navigation bar with links: About CCC, Admissions & Aid, Educational Opportunities, Student Life, and Alumni & Foundation. Below this is a breadcrumb trail: HOME / STUDENT LIFE / STUDENT SERVICES / CARE TEAM. On the left is a 'Student Life' sidebar menu with expandable sections: Housing, Campus Dining, Fine and Performing Arts, Student Organizations, Student Policies and Procedures, Student Services, Academic Success Center, Bookstore, CARE Team, and sub-items for Columbus CARE Team, Grand Island CARE Team, and Hastings CARE Team. The main content area has the title 'CARE Team' and a description: 'The CARE Team is available for consultation with campus community members regarding students whose behaviors are of concern because they may pose a threat to themselves or others.' A red arrow points to a green button labeled 'CARE Team Reporting Form'. Below this is a section titled 'Campus/Center CARE Teams' with buttons for Columbus, Grand Island, Hastings, Holdrege/Kearney/Lexington, and Ord.

Student Life

- Housing
- Campus Dining
- Fine and Performing Arts
- Student Organizations
- Student Policies and Procedures
- Student Services
 - Academic Success Center
 - Bookstore
 - CARE Team
 - Columbus CARE Team
 - Grand Island CARE Team
 - Hastings CARE Team

CARE Team

The CARE Team is available for consultation with campus community members regarding students whose behaviors are of concern because they may pose a threat to themselves or others.

[CARE Team Reporting Form](#)

Campus/Center CARE Teams

[Columbus](#) [Grand Island](#) [Hastings](#)

[Holdrege/Kearney/Lexington](#) [Ord](#)

Scenario 1

Your advisee, Samantha, comes to meet with you to sign up for courses for the upcoming semester. Before the advising session begins, Samantha becomes teary and shares that her boyfriend became physically aggressive in an argument the night before and she is having trouble concentrating. She asks that you not tell anyone because he is a well-known student and she doesn't want the controversy.

How do you respond?

Scenario 2

- ▶ Lab time can get a little hectic. Daily you hear conversations between your students about sex, partying and joking around calling each others fags, queers, spicks, etc.
- ▶ What is your response?

QUESTIONS?

2020

Americans with Disabilities Act (ADA)

The Americans with Disabilities Act of 1990

The Americans with Disabilities Act (ADA) became law in 1990. The ADA is a civil rights law that prohibits discrimination against individuals with disabilities in all areas of public life, including jobs, schools, transportation, and all public and private places that are open to the general public. The purpose of the law is to make sure that people with disabilities have the same rights and opportunities as everyone else.

ADA- Section 504

What is Section 504?

Section 504 is part of the Rehabilitation Act of 1973: a Federal law that protects individuals from discrimination based on disability. Under this law, individuals with disabilities may not be excluded from or denied the opportunity to receive benefits and services from certain programs.

Section 504 applies to entities that receive financial assistance from any Federal department or agency.

What is a Disability?

The ADA defines a disability as a physical or mental impairment that substantially limits one or more of the major life activities.

The question is not whether a given condition is a disability but how the condition impacts the student.

There is no listing of covered impairments, but some examples are

seeing, hearing, eating, sleeping, walking, speaking, learning, reading, concentrating, lifting, bending, standing

seizures, diabetes, anxiety, depression, anxiety, PTSD, ADHD, traumatic brain injury, learning disability

Disability Services Requirements

- ▶ Students must self identify to disability services.
- ▶ Student must share specific disability information to disability services (DS)
- ▶ DS staff cannot share information with faculty without release
- ▶ Student must self identify to instructors each semester
- ▶ Faculty must protect student privacy
- ▶ FERPA -- no communication with parents without release
- ▶ Provide access and remove barriers

Reasonable Accommodations

- Reasonable accommodations must be provided to eligible students with disabilities in order for them to access essential course content and essential learning activities.

Classroom Accommodations

- ☐ Special Seating arrangements as requested by student
- ☐ Audio recorder in class
- ☐ Note taker
- ☐ Interpreting
- ☐ Approved Math accommodations
- ☐ Digital textbooks
- ☐ Assistive technology
- ☐ Tutor/Academic Success Center
- ☐ Read and Write Software
- ☐ Other

Testing/Assessment/Evaluation/Quiz Accommodations

- ☐ Academic Success Center
- ☐ Extended time
- ☐ Large print
- ☐ Reader/Audio exam
- ☐ Calculator, as approved
- ☐ Breaks
- ☐ Minimal distraction area
- ☐ Computer and/or adaptive technology
- ☐ Scribe
- ☐ Other

What Is Not Reasonable?



Fundamental alteration of class-- Curriculum modifications



Eliminating Essential Functions of the course



Alterations that pose undue financial hardship



The accommodation/or individual poses direct threat to health and safety

Essential Compliance Elements

Anytime a student raises an issue about accommodations, direct student to Director of Disability Services.

No staff member, including the Director of Disability Services can suggest accommodations to students. Students **MUST REQUEST** accommodations on their own accord.

Essential Compliance Elements

The student must approach the college for accommodations; the college can not offer accommodations to the student without the student asking for said accommodations.

When faculty provides informal accommodations to students without a plan in place, we are setting a precedent for future expectations and high risk for compliance. What faculty do for one student they **MUST** be willing to do for ALL students.

Helpful Tips for Faculty

- ▶ Accommodations are not retroactive.
- ▶ Students are not required to disclose their disability to faculty and we shouldn't ask them to.
- ▶ Once a student provides you with their accommodation letter it is up to you to implement it within your course.
- ▶ You may not require or ask a student with accommodations to provide you with reminders about their accommodations, such as reminding you prior to every test that they have extended time.
- ▶ No Accommodation letter equals no accommodations
- ▶ Every Semester students need to provide you with a copy of their current letter. You don't need to remember anyone from previous semesters.
- ▶ Accommodations do not equal success. Accommodations remove barriers.

Other Civil Rights Policies/Procedures/College Information

Available online or request copy from HR

Grievance Procedure

Pronouns- Email/Canvas

Equity Action Committee

Question 1

If a student confides in you and asks that you not tell anyone, what should your response be?

Scenario 1

► Megan is in your English Comp class and lets you know that she won't be in class on Friday because she has an OB appointment. She asks if she can get any make up work that she might miss from being out of class.

► What is your response to Megan?



Question 2

True or False:

If you see a student struggling in class with reading, you can suggest to that student to go see Disability Services for accommodations.

Scenario 2

► Lab time can get a little hectic. Daily you hear conversations between your students about sex, partying and joking around calling each others fags, queers, spicks, etc.

► What is your response?



Question 3

If a student provides you with an accommodation letter that includes an accommodation that you don't agree with or have concerns about, what should be your next response?

Scenario 3

- ▶ Alex Smith, a first year student at CCC, sets up an appointment to meet with her Math Instructor, Liz, for later that afternoon. Upon arriving for the meeting, Liz can see that Alex is very upset and looks exhausted. Liz asks if everything is ok and Alex asks if she can close the door. Liz gets up, closes the door, sits back down and Alex blurts out,
- ▶ “I think I was raped last weekend in my dorm room by another student, a friend of a friend named Bob.”
- ▶ What is your response?

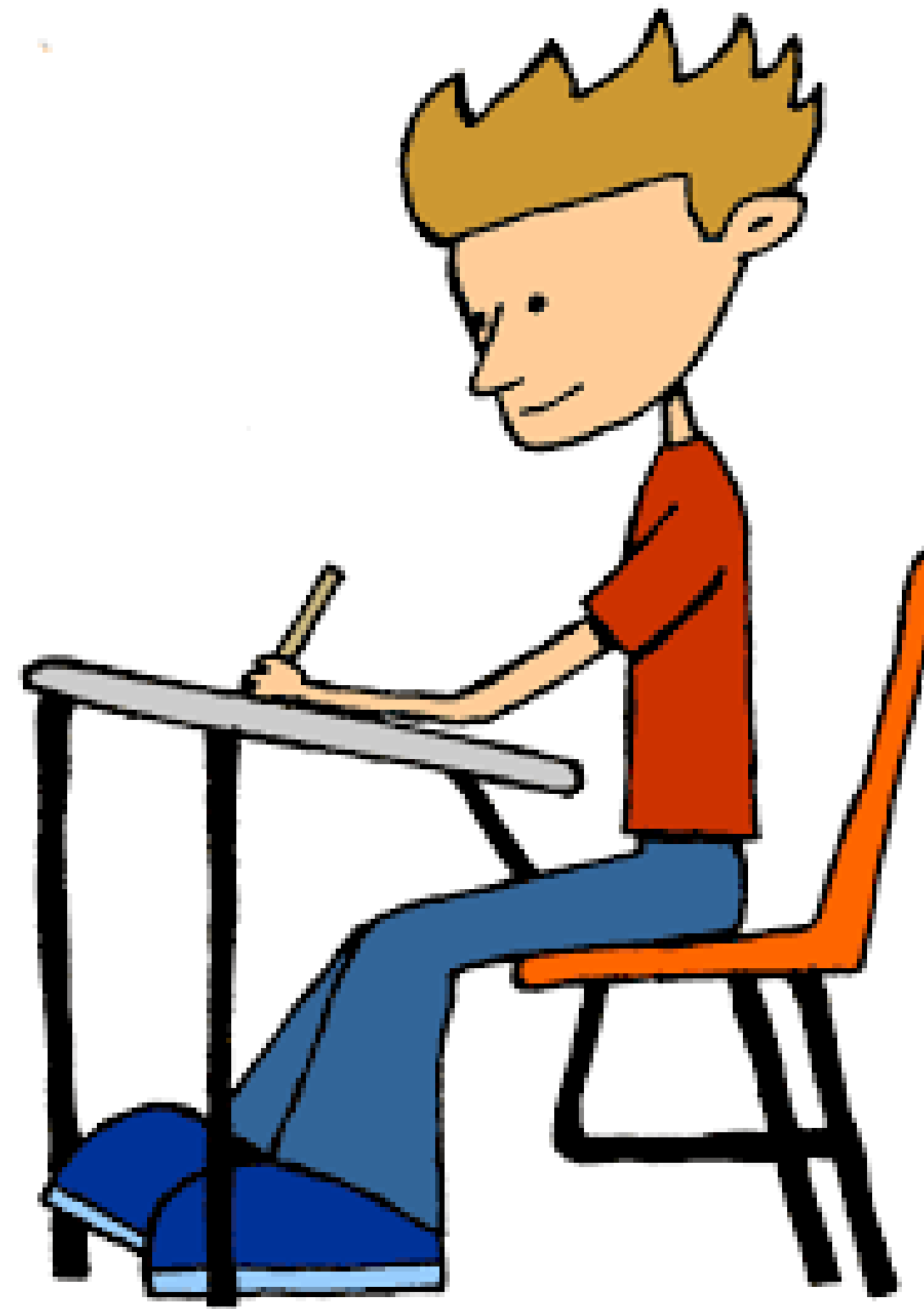


Question 4

What is one example of a confidential resource that you can refer students to?

Scenario 4

- ▶ Jesse is an ESL student in one of your courses. He asks if she can have a little extra time on his quizzes and tests because it takes him longer to read through the material on the exams. He also asks if he could take them in your office or before class when it is quieter and not as many students are around.
- ▶ What should your response be?



Question 5

Joanna, a student going through transitioning requests to be called by a name different than what is listed on your class roster. He is asking to be called Joe, what should your response be?