

# WGTC TITLE IX CHANGES



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DEAN OF STUDENTS

# WHAT IS TITLE IX?

Title IX is the federal law that protects students from discrimination based on sex in education programs or activities that receive Federal financial assistance.

**NEW** - Any form of *quid pro quo* harassment (that is, conditioning any educational opportunity or benefit on the granting of sexual favors) constitutes a *per se* violation of Title IX, regardless of its severity or pervasiveness. *Quid pro quo* harassment constitutes *conduct* without any constitutional protection.

**NEW** - Any form of sexual assault, dating violence, domestic violence, or stalking as defined by the Clery Act constitutes sexual harassment. These forms of misconduct are so serious in themselves that no finding of “pervasiveness” is required.

**NEW** - To violate Title IX, all other forms of “unwelcome conduct” must be “so serious, pervasive, and objectively offensive that it effectively denies a person equal access” to an educational program.

# WGTC TITLE IX RESPONSIBILITY



- “Education program or activity” includes “locations, events, or circumstances over which the recipient exercised substantial control over both the respondent and the context in which the harassment occurs” as well as “any building owned or controlled by a student organization that is officially recognized by a postsecondary institution.”

**This narrows the application of Title IX considerably from practice prior to August 14, 2020**

- Establishes that Title IX jurisdiction only exists within the United States so that a college could not offer Title IX procedures for a study abroad program for example

# WGTC TITLE IX RESPONSIBILITY



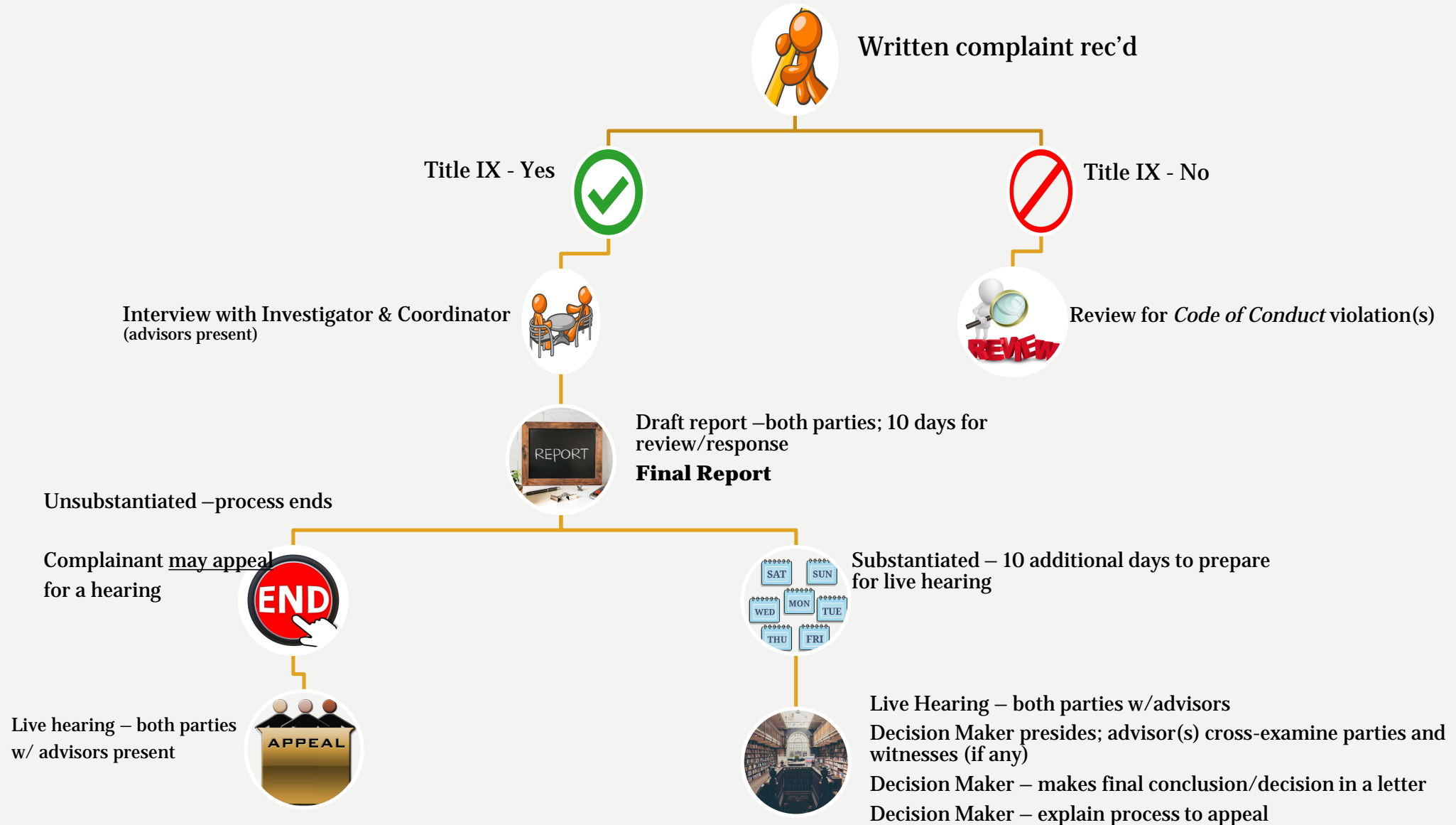
- **For redressing** sexual harassment only when WGTC has “actual knowledge” of such misconduct. WGTC is required to establish a clear, well publicized, and easy to use system to report such misconduct.
- **“Mandatory reporters”** mean that such a person must report all instances of misconduct they have witnessed or heard about to the person responsible for investigating such allegations. The rules do not dictate who must be placed in this category at the postsecondary level.
- **Upon receiving a report** about possible misconduct, whether from the alleged victim or anyone else, the Title IX coordinator must contact the person subject to the harassment and immediately offer “supportive measures” including but not limited to counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, [and] increased security and monitoring of certain areas of the campus.

# WHAT DOES THIS MEAN FOR WGTC?

- Identify and train advisor(s)
  - Serve as an advocate to advise party(ies) through the process (from initial filing of the complaint); meet with party; review Investigator's report
  - Cross-examine other party(ies) in the live hearing
    - Challenge witness testimony by posing questions of the witness
- Decision Makers (**TCSG will provide for all live hearings**)
- Additional training for Title IX Coordinators
- Revise *WGTC Catalog and Handbook* and website

# THE COMPLAINT PROCESS

STUDENT V STUDENT; STUDENT V EMPLOYEE



**QUESTIONS?**



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