



Overview of Title IX

Macomb Community College

www.Macomb.edu/titleix



Introductions

Please share your name, position and/or department you are representing

Title IX (1972 amendment to Higher Education Act of 1965) Civil Rights Protection Based on Sex/Gender

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 includes...

- Gender equity in academic and athletic programming
- Gender equity in scholarship allocations and awards
- Gender equity in student organizations and programming
- Protections associated with pregnancy and parenting
- Protections against sexual harassment, sexual assault, domestic violence, dating violence, and stalking
 - See Macomb's [Title IX Policy](#) for definitions of the above and more information about the Title IX grievance process



Gender equity in academic and athletic programming

- CAN promote increased participation by groups underrepresented in area, discipline or field
- CANNOT have gender-specific groups or programs if they are exclusive to those who identify as such (i.e. all must be welcome)
- For athletics, must adhere to strict proportional opportunities between general student body and athletic teams
 - If student body is 50/50 female/male, athletic teams must be 50/50
 - If student body is 60/40 female/male, athletic teams must be 60/40
 - There are other athletic requirements that fall under the annual Equity in Athletics reporting requirements due by October 1 each year



Gender equity in scholarship allocations and awards

- CAN increase participation by underrepresented groups
- CANNOT have gender-specific scholarships or awards



Gender equity in student organizations and programming

- CAN promote increased participation by groups underrepresented in area, discipline or field
- CANNOT have gender-specific groups or programs if they are exclusive to those who identify as such (i.e. all must be welcome)



Protections associated with pregnancy and parenting

Title IX prohibits discrimination against a student based on pregnancy, childbirth, false pregnancy, termination of pregnancy, or recovery from any of these conditions, including lactation needs.

The Office for Civil Rights has outlined several requirements for protections associated with pregnancy and parenting; these include:

- Continued participation in classes and other activities during pregnancy,
- Reasonable adjustments like excused absences due to pregnancy, childbirth, false pregnancy, termination of pregnancy, or recovery from any of these conditions for as long as a doctor says it is necessary,
- The ability to return to the same academic status as before medical leave began, and
- The opportunity to make up work missed because of pregnancy, childbirth, false pregnancy, termination of pregnancy, or recovery from any of these conditions, including lactation needs.

Macomb uses Classroom Assistance Letters in coordination with Student Access Services to provide pregnant/parenting students and/or their partners with the necessary support



Protections against sexual harassment, sexual assault, domestic violence, dating violence, and stalking

- Majority of Title IX allegations fall here as these were highlighted as prohibited conduct in the 2020 regulations
- Title IX still covers all the other things, but the current grievance process aligns with these alleged policy violations



Sexual Harassment as defined in Title IX Regulations effective August 14, 2020

- Sexual harassment means conduct on the basis of sex that satisfies one or more of the following:
 1. An employee of the recipient conditioning the provision of an aid, benefit, or service of the recipient on an individual's participation in unwelcome sexual conduct; [quid pro quo]
 2. 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 recipient's education program or activity; or
 3. "Sexual assault" as defined in 20 USC 1092(f)(6)(A)(v), "dating violence" as defined in 34 USC 12291(a)(10), "domestic violence" as defined in 34 USC 12291 (a)(8), or "stalking" as defined in 34 USC 12291 (a)(3)



Prohibited Conduct – 2020 Regulations Uses Clery Act Definitions

- Sexual Harassment (broad category defined on previous slide)
- Dating Violence
- Domestic Violence
- Sexual Assault
 - Sexual Offenses, Forcible
 - Sex Offenses, Non-forcible
- Sex-Based Stalking

See Title IX Policy *Section II. Prohibited Conduct* for definitions



Report items of concern to the Title IX Coordinator

- Tiffany Goliday
- Email: titleix@macomb.edu
- Phone: (586) 445-7242
- In Person: South Campus, D-building, Room 311
- Online: [Title IX Complaint Form](http://www.Macomb.edu/titleix) at www.Macomb.edu/titleix



Stop, Prevent, Remedy Faculty and Staff Roles

- Stop, prevent, and respond to acts of discrimination
 - Address inappropriate behavior when it happens
- Prevent
 - Model appropriate behavior and encourage training for everyone
- Respond by reporting incidents you become aware of to the appropriate place so the college can remedy the situation:
 - Title IX Coordinator
 - Deputy Coordinator(s)
 - College Police



Mandatory Reporting

- Macomb considers all employees responsible employees
- Awareness of prohibited conduct by a college employee constitutes knowledge and MUST be promptly reported to the Title IX Coordinator
- The Title IX Coordinator is responsible for providing additional information, resources, and supportive measures
- Title IX Personnel should complete ATIXA Mandatory Reporting
 - Visit [Mandated Reporter Training](#)
 - Submit certificate of completion to titleix@macomb.edu



Difference Between Report made to Title IX Coordinator and Formal Complaint

- Report made to Title IX Coordinator puts college on notice of alleged policy violation
 - Supportive measures required for complainant regardless if formal complaint filed or not
 - Decision is up to the complainant whether to move forward with an investigation *unless* act egregious enough for Title IX Coordinator to initiate the investigation
- Formal complaint required to initiate investigation
 - Must be signed/filed by known person (cannot be anonymous)
 - Must contain significant detail (facts, potential witnesses, request investigation)
 - Can be signed by the Title IX Coordinator if situation warrants



Response by the TIX Coordinator

- Title IX Coordinator conducts outreach to complainant
- Offers supportive measures
- Responsibility to review against policy definitions
 - MUST dismiss if insufficient
- Provide overview of process – informal or formal resolution
- If formal complaint, must provide notice of allegations before any conversation occurs with respondent
- Explicitly make known respondent is presumed not responsible until proven otherwise



Meeting with Title IX Coordinator: What Reporters can Expect

- Receive a copy of the Title IX policy
- Information about supportive measures with/without filing a formal complaint
- How to file formal complaint
- Right to notify/not notify law enforcement
- Importance of preserving evidence
- Right to an advisor of choice
- Supportive Measures



Title IX Grievance Process

- Outsource investigations to Grand River Solutions
- Hearings outsourced to Grand River Solutions
- Title IX Grievance process is designed to determine responsibility / remedy the situation through:
 - Investigation
 - Hearing
 - Remedies / Sanctioning
 - Appeal



Supportive Measures

- Providing a campus escort
- Minimizing interaction between Complainant and Respondent by shifting classes, work schedule, etc.
- Relocating to a different classroom, work space, study group, etc.
- Providing counseling referrals
- Providing medical referrals
- Providing academic support services, such as tutoring
- Assigning advocate, if requested
- Offering mutual no-contact orders
- Arranging for the Complainant / Respondent to withdraw from a class without penalty
- Holding college-wide training and education initiatives
- Administrative leave for non-student employee
- Change supervisor



Investigation

- Outsource to Grand River Solutions
- All parties and witnesses must be willing to participate in a hearing and cross examination for evidence to be considered
- Parties review evidence and report before finalizing
 - Grand River Solutions uses OneHub for evidence sharing
 - Evidence review is 10-day window
 - Draft report review is 10-day window
- Investigative report submitted to Title IX Coordinator to be given to hearing officer



Hearing

- Hearings may be conducted in person or via video-conferencing
- Each hearing will be recorded and considered the only official recording
- A Hearing Officer will prepare a report following the hearing and include:
 - The allegations
 - Description of all procedural steps
 - Findings of fact
 - Conclusion of application of facts to the Policy
 - Rationale for each allegation



Remedies, Sanction, Appeal

- Remedies and Sanction Decisions
 - Student Conduct or Human Resources
 - Collaborate and incorporate into decision letters
- Appeals Based on:
 - Procedural error
 - New evidence not previously available
 - Bias of Title IX personnel



Overview of Policy

- Policy and required training materials posted at www.macomb.edu/titleix

Macomb Community College Administrative Policy Title IX Policy

- I. [Purpose and Scope](#)
- II. [Prohibited Conduct](#)
- III. [Definitions](#)
- IV. [Making a Report](#)
- V. [Filing a Formal Complaint](#)
- VI. [Mandatory and Discretionary Dismissal](#)
- VII. [Outreach and Initial Assessment](#)
- VIII. [Resolution Methods](#)
 - [Informal Resolution](#)
 - [Investigation Procedures](#)
 - [Hearing Procedures](#)
- IX. [Appeals](#)
- X. [Rights, Expectations & Responsibilities](#)
- XI. [Resources](#)
- XII. [Training Requirements](#)
- XIII. [Record Retention](#)



Several ways to report an incident

- Title IX Webpage: www.macomb.edu/titleix
- MyMacomb Portal: I want to...Title IX / Sexual Harassment Report

Contact Title IX Coordinator

- Tiffany Goliday – titleix@macomb.edu | (586) 445-7242

Contact Deputy Title IX Coordinator

- Sue Boyd – deanofstudents@macomb.edu | (586) 445-7408
- Joline Davis – davisj129@macomb.edu | (586) 445-7898
- Jill Thomas-Little – littlej@macomb.edu | (586) 349-8906

Contact Macomb College Police

- police@macomb.edu | (586) 445-7135



Title IX Personnel

- Title IX Coordinator
 - Deputy Title IX Coordinators
- Investigators
- Advisors
- Hearing Advisors
- Hearing Officers/Decision Maker
- Appellate Officer



Title IX Personnel

- Title IX Coordinator (Macomb college employee)
 - Deputy Title IX Coordinators (Macomb college employees)
- Investigators (Grand River Solutions or HR Advantage)
- Advisors (Macomb college personnel, union rep, or friend/family/attorney)
- Hearing Advisors (Grand River Solutions, union rep, or other)
- Hearing Officers/Decision Maker (Grand River Solutions)
- Appellate Officer (TBD)



Roles & Responsibilities

- TIX Coordinator (TIXC) – intake, situation assessment, go-to for TIX questions, responsible for staying on top of regulations and adherence to all aspects of TIX (delegating to deputies as appropriate)
- Deputy TIX Coordinators – takes direction from TIXC, responsible for certain populations, available as back-up to TIXC when needed, responsible for staying on top of regulations and institutional adherence to TIX for their population
- Advisors – provides support to the complainant/respondent during the investigation phase, answering process questions and serving as liaison to TIXC
- Investigators – provides neutral investigation into relevant facts related to the allegations and specific policy language identified; interviews parties and relevant witnesses, gathers evidence, and provides opportunity for review/comment on interview summaries, evidence, and report; drafts report to be used in hearing; fact-gathering only - does not make violation decisions
- Hearing Advisors – serves as advisor to complainant / respondent during the hearing to ask questions of the other party during the hearing
- Hearing Officer – conducts the hearing and serves as decision-maker related to any policy violations based on the evidence provided
- Appellate Officer – receives any appeal submitted and determines if appeal is granted or not



Advisors

- A Complainant or a Respondent are permitted to bring an Advisor to any meeting or interview to provide support
- The Advisor may be any person, including a family member or an attorney
- College assigned Advisors serve as support to the parties, answering process questions, and serving as liaison to the Title IX Coordinator and/or referring their assigned party to college or community resources to support them during the investigation process



The Role of Advisor for Either Party

(Complainant or Respondent)

- Copied on all correspondence from the Title IX Office
- Serve as point of contact for the assigned party to answer process questions, identify potential needs or supportive measures based on circumstances, and act as liaison with the Title IX Coordinator
- Review Notice of Investigation to ensure assigned party understands the allegations, policies involved, and steps in the grievance process
- Serve as support person during investigative interview
- Assist with review of interview summary
- Assist with Evidence Review and response
- Assist with Investigative Report Review and response
- Answer any process questions about the Hearing and transfer advising role to Hearing Advisor once assigned



The Role of Advisor for Either Party *(continued)*

(Complainant or Respondent)

- The advisor DOES NOT offer advice, answer investigator questions about the case, or write responses on behalf of the parties
- The advisor provides understanding of the policy, the process, and ensures their respective party has the support they need to continue with their classes (students) and/or with their work responsibilities (employees)
- The Title IX Coordinator or designated Deputy TIX Coordinator should be consulted if ever unsure what to do for the assigned party



Hearing Advisor

- A Hearing Advisor is someone who serves the purpose of asking questions of the other party and witnesses
- The Hearing Advisor may be the same person who serves as the Advisor during the investigation process
- Both Complainants and Respondents are ***required*** to have a hearing advisor
- College assigned hearing advisors will be representatives from Grand River Solutions



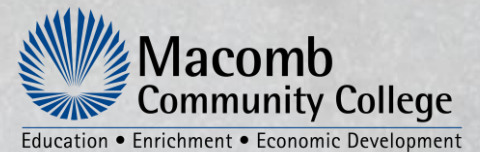


Questions and/or Discussion



NEW TIX Regulations

Anticipated Release in 2024



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Proposed Regulations – Pending Issuance sometime in 2024

- Broader in scope than the 2020 definitions
- Discrimination on the basis of sex includes
 - Sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity
- Sex discrimination includes sex-based harassment (replaces “sexual harassment” which had been “sexual misconduct” under 2011 Dear Colleague Letter) and includes:
 - Quid pro quo
 - Hostile Environment
 - Sexual Assault
 - Dating Violence
 - Domestic Violence
 - Stalking



Source: **ATIXA**
Association of
Title IX Administrators



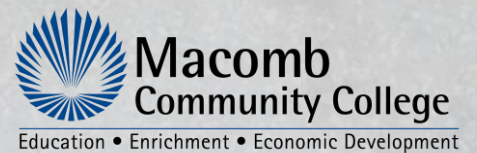
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Broader Definition for Hostile Environment

- Currently defined:
 - 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 recipient's education program or activity (*2020 TIX Regulations*)
- Proposed definition is:
 - Unwelcome sex-based conduct that is sufficiently severe OR pervasive, that, based on the totality of the circumstances AND evaluated subjectively and objectively, denies or limits a person's ability to participate in or benefit from the recipient's education program or activity (*Proposed 2024 TIX Regulations*)



Source: **ATIXA**
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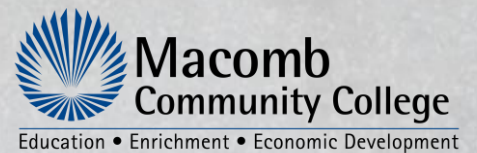
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Evaluating for a Hostile Environment: Proposed 2024 TIX Regulations Provides Factors to Evaluate if a Hostile Environment Exists

- The proposed definition for hostile environment from the OCR includes the following factors to evaluate by:
 - Complainant's ability to access the education program or activity
 - The type, frequency and duration of the conduct
 - The parties' ages, roles, and previous interaction(s)
 - The location and context of the conduct
 - The control the Recipient has over the Respondent
- There may be potential intersection with First Amendment, depending on the circumstances / situation



Source: **ATIXA**
Association of
Title IX Administrators



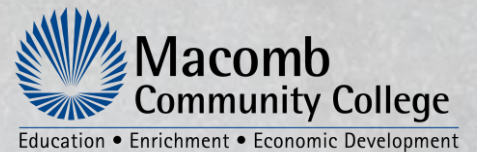
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Jurisdiction under Proposed 2024 Regulations

- Education program or activity broadly interpreted to include:
 - Academic, extracurricular, and athletic programs
 - Activities on school networks, school trips/bus/provided method of transportation, in class, or in any college facilities
- Jurisdiction includes
 - Conduct subject to Recipient's disciplinary authority,
 - Conduct in a building owned or controlled by a student organization officially recognized by a postsecondary institution
- Removes geographical restrictions
 - Conduct outside of the United States may need to be addressed under Title IX
 - Certainly any downstream (in-program) effects



Source: **ATIXA**
Association of
Title IX Administrators



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Overlap between Proposed Regulations and other Laws/Policies

- Title VII
- Fair Housing Act
- Violence Against Women Act Amendments to the Clery Act (VAWA)
- State statutory definitions of sexual harassment applicable to students and/or employees
- State or jurisdiction requirements for sexual harassment investigations and/or reporting requirements



Source:

ATIXA

Association of
Title IX Administrators



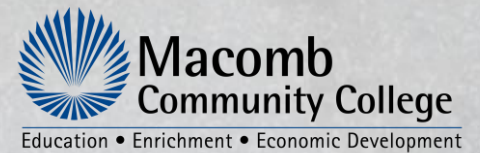
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Training Schedule 2024



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TIX Regulations require ongoing training for all TIX Personnel

- ATIXA Institutional Membership
- ATIXA – Mandatory Reporter Training
- *Building Supportive Communities (Clery/Title IX)* – online module for all employees
- Investigator Training
- Advisor Training
- Be on the lookout for informational Webinars on the New Regulations
 - ATIXA, Grand River Solutions, NASPA, ASCA, CUPA-HR, D. Stafford & Associates
- Training materials are required to be posted on college's webpage
 - See [Title IX Training Materials](#)
- Additional training requirements:
 - Implicit bias
 - Bystander intervention
 - Clery Act / VAWA regulations



Scenarios – What do you do?

- Form groups of 3 or 4 people
- Review scenario 1, 2 or 3
- Determine:
 - What actions can the college take?
 - What guidance/direction do you provide and/or actions do you take?



Concluding Remarks

- What's something you are taking away from today's learning?



Thank you!

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