



## Title IX Compliance – Then and Now

Baylor University, University of California Berkley ... the list goes on and on of colleges and universities that have been subject to investigations and publicity regarding their handling of Title IX cases on campus. The statistics relating to sexual violence, sexual assaults, and dating violence on college campuses are pretty grim: 19% of women will be sexually assaulted while at college, while approximately 5% of men will experience sexual assault during their college years. Of those who experience sexual assault, only 12% of college sexual assault survivors will report the assault to the police.<sup>1</sup> Even for those students and survivors of sexual assaults who report those crimes, the results are appalling. For every 100 rapes committed, approximately two rapists will serve prison time.<sup>2</sup> Just as the criminal justice system struggles to address these crimes, colleges and universities also experience difficulties in properly addressing sexual violence and sexual assaults on campus.

“Title IX” refers to a federal civil rights law that was passed in 1972 to address gender inequities in federally funded educational programs and activities.<sup>3</sup> The full legal citation to this law is Title IX of the Educational Amendments of 1972, 20 U.S.C. §1681 et seq. Title IX is enforced by the United States Department of Education; more specifically, the Office of Civil Rights. All complaints filed under this law are investigated and resolved by the Office of Civil Rights and the Office of Civil Rights issues legal guidance and compliance requirements related to Title IX as it applies to higher education institutions. Initially, Title IX was used to correct gender based disparities in college athletics, leading to the creation of more sports teams and athletic opportunities for female athletes. When it was implemented, Title IX was also designed to address situations involving harassment and discrimination on the basis of gender in educational programs and employment opportunities. More recently, however, the law has been amended to address the disturbing statistics surrounding sexual violence and sexual assaults on college and university campuses.

With the advent of additional protections contained in the law relating to sexual violence and sexual assaults on campus, the Office of Civil Rights has imposed additional compliance responsibilities on colleges and universities. One of the most obvious requirements contained in the law is that all campuses must have a designated Title IX coordinator, who is responsible for ensuring that their college or university is meeting its obligations under the law. In April 2015, the Office of Civil Rights issued a “Dear Colleague” letter that more fully set forth the role and responsibilities of a Title IX coordinator. In that letter, the Office of Civil Rights recommended that the Title IX coordinator, given the expanded nature of the role, be a full time, independent position that reports directly to the president of the institution.<sup>4</sup> Monroe Community College

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<sup>1</sup> Statistics are taken from Know Your IX, Empowering Students to Stop Sexual Violence website, <http://knowyourix.org/statistics/>.

<sup>2</sup> Know Your IX, <http://knowyourix.org/statistics/>.

<sup>3</sup> See, “Questions and Answers on Title IX and Sexual Violence,” United States Department of Education, Office for Civil Rights, April 29, 2014.

<sup>4</sup> See, “Dear Colleague Letter on Title IX Coordinators,” United States Department of Education, Office for Civil Rights, April 24, 2015.



accepted that recommendation and created the position of Assistant to the President, Title IX and Inclusion, hiring Kristin Lowe for this new role. Ms. Lowe serves as the College's Title IX coordinator and is responsible for ensuring that the College is meeting its compliance obligations under the law. She also provides support for students who file Title IX complaints.

The primary responsibilities of the Title IX coordinator are to respond to complaints from students related to Title IX issues and to provide training for all members of the College community regarding Title IX compliance. In carrying out this role, the Title IX coordinator will work with all members of the College community, as Title IX compliance touches many areas at the College, including:

- **Recruitment, Admissions and Counseling** – the Title IX coordinator must ensure that the institution is not discriminating in its recruitment, admissions or counseling of students on the basis of gender. An example of unlawful discrimination in this area would be steering female students away from “typically male” fields of study such as engineering or criminal justice towards “typically female” fields of study such as human services or nursing.
- **Financial Assistance** – the Title IX coordinator must ensure that financial aid is being offered on an equal basis to all students and that there are no unlawful gender-based differences in the aid provided.
- **Athletics** – the Title IX coordinator must ensure that the College is providing an equal opportunity for female students to participate in athletics as male students.
- **Sex-based harassment** – the Title IX coordinator must ensure that students are not subject to unlawful harassment in the classroom or while participating in other educational programs or activities. The Title IX coordinator must accept and investigate complaints of this nature and ensure an appropriate response to such complaints, while at the same time working to prevent harassment.
- **Pregnant and Parenting Students** – the Title IX coordinator must work to ensure that the College does not discriminate against students based on their parental, family, or marital status or exclude pregnant or parenting students from participating in the educational program including extracurricular activities.
- **Discipline** – the Title IX coordinator must also ensure that students are not being treated differently under the College's discipline policies on the basis of gender or gender identity.
- **Single Sex Education** – the Title IX must ensure that the College does not impermissibly provide any of its programs or activities separately on the basis of sex.
- **Employment** – the Title IX coordinator must, in conjunction with the Human Resources Office, ensure that the College does not discriminate in hiring and/or employment decisions on the basis of sex or gender. Any concerns that employees have related to this may be brought to the Title IX coordinator.
- **Retaliation** – Title IX expressly prohibits retaliation against an individual who has exercised their rights under Title IX and the Title IX coordinator is responsible for ensuring all employees and students who participate in a Title IX complaint or investigation are not retaliated against as a result of that participation.



- ***Information Collection and Reporting*** – the final responsibility of the Title IX coordinator is data collection and reporting. There are two primary purposes for this data collection: (1) to share information with other colleges and universities and the Department of Education to assist in enforcement efforts; and (2) to proactively address any patterns of behavior or conduct that indicate a lack of compliance with or understanding of the law.

To ensure compliance with Title IX, the Title IX coordinator will provide training for staff and students that educates them on the requirements of Title IX and their obligations under the law. Title IX compliance does not rest with one individual at the College; rather, it is a collective effort that requires the commitment of all members of the College community to ensure that we have a respectful learning and working environment.

On November 7, 2016, during College hour, Kristin Lowe and I will be holding a roundtable in the Empire Room where we will discuss Title IX and its implications for the College. We will also answer any questions regarding Title IX. We hope to see you there.