



Title IX for Employees

Fall 2022

What is 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 educational program or activity receiving federal financial assistance.” (1972)
 - “No person”: applies to *any member* of the campus community.
 - “on the basis of sex”: biological sex or assumptions about an individual’s biological sex. Includes sexual orientation, gender identity, or gender expression.
 - “be subjected to discrimination”: discrimination, rape, attempted rape, other forms of sexual assault, sexual exploitation, intimate partner violence/relationship violence, stalking on the basis of sex, and sexual harassment (including hostile environment).
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- Title IX is a law directed at educational recipients of federal funds (colleges and universities, k-12, some libraries, some museums, etc.)
 - Therefore, only *recipients* of the federal funds can violate Title IX
 - According to OCR, the main way in which universities violate Title IX is by committing “intentional discrimination” by responding to reports in a “deliberately indifferent manner”
 - OCR states that a university cannot commit this misconduct unless it first knows about sexual harassment that needs to be addressed
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Mandated Reporting

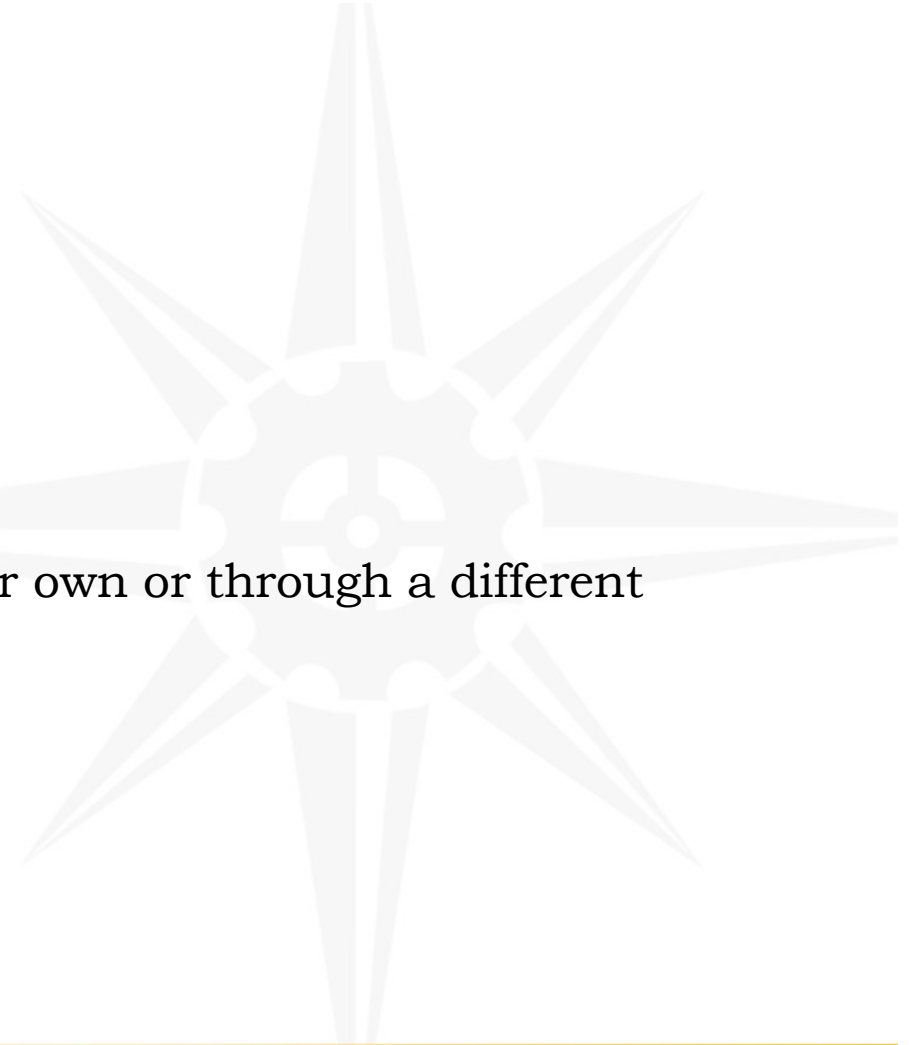
- All employees, including faculty, and other staff
 - All mandated reporters are required to report everything that they learn:
 - Information learned first-hand from reporting party
 - Information learned from witnesses/friends
 - Information learned second-hand
 - Information learned online, through rumors, or through gossip





■ What does this mean?

- Tell me.
- Quickly and directly.
- For all constituents.
- Do not attempt resolution on your own or through a different system.
- Do not engage in “gatekeeping”.





Supporting Survivors

- **Be helpful!**
 - “How can I help you?”
 - Offer medical services (medical services or hospital), support services (Counseling Services and/or WEAVE Campus Advocate), and reporting options (Title IX, Cal Maritime PD, and/or Vallejo PD).
 - **Be predictable!**
 - Let them know that you need to report to the Title IX Coordinator.
 - Tell them what will happen next: someone will reach out to them and ask them to meet.
 - During that meeting, options will be presented: medical attention, police reporting, University investigation, support resources.
 - **Keep the information private!**
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How to Report

- Tell the Title IX Office:
 - Email me: lmakin-byrd@csu.edu; titleix@csu.edu
 - Call me: 707-654-1460
 - Fill out an online reporting form: <https://www.csum.edu/title-ix/formal-complaints.html>, “Report sexual misconduct”





Resources

- Fully Confidential
 - Counseling & Medical Services employees
 - Campus Advocate
- Private
 - Everyone else
- Off-campus
 - Emergency rooms
 - WEAVE
 - Vallejo Police Department



Formal Resolution (TIX)

Investigation process

- Notice of investigation to respondent
- Statements from both parties and relevant witnesses
- Review of entire investigation by both parties
- Right to respond to investigation
- Right to support person

Investigation review

- Policy analysis & issuance of charges

Hearing panel

- Full participation by both parties, including advisors
- Finding, sanctions (if applicable), and written rationale

Right of appeal

- No reasonable basis for findings/conclusion
- Procedural error
- Substantial new evidence
- Conflict of interest or bias
- Sanctions are unreasonable

Keep in Mind

Not every complaint results in an investigation

- In most cases, we will not investigate unless we receive a “formal complaint”

Many complaints result in other actions

- Consultation
- Referrals
- Performance Expectation Counseling
- Additional training
- Mediation



Questions?