



**Department of Education New Title IX Regulations
Effective August 14, 2020**

- Even though the board has not approved Policy Series 3003: Sexual Misconduct Policy Governing Students and Employees, we can operate under this required policy as Policy Series 3000: Business Operations, states that we will follow all Federal laws, statutes, rules and regulations.
- Two readings: August and September Board meetings
- Summary of Clery and Title – see attached page
- New Title IX Regulations – major changes
 - We have combined the student and employee policy and procedure into one document; must process all Title IX cases the same for students and employees

Potential Sexual Misconduct Rises to the Level of Title IX Regs	
Yes	No
Follow Policy/Procedure Series 3003	For Students: follow student code of conduct For Employees: follow employee handbook

- In order to fall under the Title IX regulations, a **formal written complaint** must be submitted by the complainant or the Title IX Coordinator (Jennifer McArthur, AVP of Human Resources)
- Title IX Coordinator looks at facts and circumstances to determine if the sexual misconduct rises to the level of Title IX:
 - Applicable Law (thus definitions on sexual misconduct in the policy)
 - What is reported to have occurred
 - The status of the complainant as student, employee, or third-party
 - The context in which the harassing behavior is reported to have occurred
 - Whether or not the reported behavior occurred within the US
 - Whether there are continuing effects of such reported behavior on campus or within the District’s educational programs or activities
- **To reach the threshold of Title IX, the conduct must be determined to be unwelcome conduct of a sexual nature determined by a reasonable person to be so severe, pervasive and objectively offensive that it effectively denies a person equal access to the District’s education programs or activities.**

- Changes to Title IX procedure
 - “Live” hearing is required – we have chosen to use ZOOM
 - Complainant and Respondent are entitled to an advisor of their choice
 - If they do not have an advisor, we must provide one
 - Advisor attends hearing and questions/cross examines complainant/respondent/witnesses (almost like a trial)
 - Hearing officer runs the logistics of the hearing
 - Decision maker determines the outcome and any sanctions in consultation with student affairs or human resources, as applicable
 - VP of Student Affairs and VP of Administrative Services serve as appellate officers
- Working to train additional staff as investigators (have a solid team now), hearing officers, advisors, and decision makers
 - Hearing officer and decision maker training scheduled for September
- Working on training for all employees and students on new regulations

HIGH LEVEL OVERVIEW OF TITLE IX and CLERY		
	Title IX	Clery
Purpose	Civil rights law that seeks to end discrimination. The law prohibits discrimination on the basis of gender in educational institutions. Includes sexual harassment (sexual violence, assault, and misconduct).	Federal Act mandating colleges provide the campus community with timely, accurate and complete information about crime and complete information about the safety of campus.
Requirement	Take immediate and effective steps to end sexual harassment and sexual violence, prevent its recurrence, and remedy its effects (support, resources, guidance, assistance).	At least annually issue a Annual Security and Fire Safety Report that tallies reportable crimes, including criminal offenses, hate crimes, VAWA offenses, and arrests and referrals for disciplinary action; includes policy statements about what we do, how we do it, and educational programs.
Reporting Responsibilities	Responsible employees (currently we say that all employees are responsible employees).	Campus Security Authorities.
Geography of Responsibility	On and off campus.	On campus, public property adjacent to campus, non-campus buildings and property owned or controlled by the institution.
Confidential Exemptions	Pastoral and professional counselors.	Pastoral and professional counselors.
How Does NWCCD Stay in Compliance	Title IX core team weekly meeting; annually training for investigators; education for new employees and students; educational programming throughout the academic year; monitor and address trends; annual Title IX notice to all students and employees.	Clery compliance team; annual training; periodic outside review of report; annual internal review of the report; annual training for CSAs; maintain a current crime and fire log that is available for review.