

TITLE IX COMPLIANCE WEBINAR

Sandra E. Hodgkin, Ph.D.

Founder & CEO of Title IX Consulting Group



Title IX,

Education Amendment of 1972

New Title IX
Regulation
Deadline:
August 14th

“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.”

Increase Compliance: Policy Areas

- **Jurisdiction and Applicability of Title IX**
- **Making a Title IX Report**
- **Definition of Sexual Harassment**
 - **Best Practices: Include Examples**
- **Supportive Measures and Formal Complaint**
 - **Initial Report (Prior to Formal Complaint)**
 - **Confidentiality Note**



Increase Compliance: Procedure Areas

- Formal Complaint
 - Campus and Complainant Dismissal
- Informal Resolution Procedures
 - Restorative Justice Practices, and Employee Respondent Cases
- Formal Resolution Procedures
 - Full Investigation, Live Hearing, and Final Determination

- Think about how Title IX affects students, staff, and faculty
 - NOT JUST STUDENTS.
- Think about how Title IX affects victims and the innocently accused
 - YOU MUST HAVE A NEUTRAL PERSPECTIVE; YOU ARE NOT THE ADVOCATE FOR EITHER SIDE.
- Be Proactive with Title IX Policy and Procedures on your respective campus
 - DO NOT WAIT TO BE REACTIVE TO A SEXUAL HARASSMENT SITUATION.

How You Can Safeguard Your Campus From Liability



What Non-Compliance Liability Has Looked Like In Recent Years

| | |
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| 2006 | • University of Colorado \$2.85 million |
| 2008 | • Arizona State University \$850,000 |
| 2008 | • Poway Unified School District \$300,000 |
| 2012 | • Los Angeles Unified School District \$6.9 million |
| 2013 | • Los Angeles Unified School District \$30 million |
| 2014 | • Los Angeles Unified School District \$139 million |
| 2014 | • University of Connecticut \$1.3 million |
| 2014 | • University of Illinois at Urbana-Champaign \$77,000+ |
| 2015 | • University of Oregon \$800,000 |
| 2015 | • Evergreen School District \$15 million |
| 2016 | • Los Angeles Unified School District \$88 million |
| 2016 | • University of Tennessee- Knoxville \$2.48 million |
| 2016 | • Florida State University \$950,000 |
| 2017 | • Baylor University: Undisclosed financial settlements |
| 2017 | • University of Pennsylvania: Undisclosed financial settlement |
| 2017 | • Santa Cruz University \$1.5 million |
| 2017 | • Feather River Community College \$2 million |
| 2017 | • Columbia University: Undisclosed financial settlement |
| 2017 | • West Virginia University \$100,000 |

Demonstrated Deliberate Indifference to Assault Reports

Ignored Suspected Child Abuse Complaints/Reports

Mishandled Investigation Or Did No Investigation

Administration Inaction

Demonstrated Title IX Inequity to Involved Parties

Mishandled Adjudication

Ignored Warnings to Change Policy

Institution Did Not Advise Resources and Options

Responsible Employee Mishandling of Report



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FINAL THOUGHTS

- Become familiar with your Campus Culture
 - Statistically, 2-8% of sexual misconduct reports will be false.
 - Analyze your Campus Climate Survey and look for Title IX hot spots and follow through and address them (Be Proactive).
- Review your Fraternalization Policy, and consider referring to it within your Title IX Policy
 - This is another opportunity to marry your Title IX and Title VII obligations and ensure your campus understands Title IX prohibits and protects from sexual harassment for both students and employees.
- Ensure you avoid all conflict of interest in Title IX roles
 - Remember the single investigator model is no long permitted for Title IX cases. Be cautious if one role (person) makes multiple decisions in Title IX process areas that are separate and meant to ensure due process.

If you would like Title IX assistance with:

- Policy and Procedure Development
- Title IX outsourcing administration support
- Title IX consulting throughout the year
- Title IX support with Title IX lawsuits, etc.

Please contact Dr. Hodgin:

Email: titleixconsultinggroup.Sandra@gmail.com

Direct Phone #: (562)298-3412

Website: titleixconsultinggroup.com



Webinar Q&A:

Are there any questions on the material covered today?

**“Thank You For Attending This
Title IX Webinar!”**

