

La' James International College

Title IX & Clery Training
August 2020 New Title IX regulations



Title IX



Objectives

- What is Title IX?
- What is sexual harassment, gender-based harassment, sexual violence, dating/intimate partner violence, and stalking?
- La' James International College Policies & Procedures.
- How to report an incident.
- What resources are available?

Title IX States:

“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 while receiving
Federal Financial Assistance.”

Title IX of the Education Amendments of 1972

Implementing regulations at:

20 U.S.C. § 1681 & C.F.R. Part 106

Nine(9) Things to Know about Title IX in 89 Seconds

- <https://youtu.be/IFAs9fegJsl>

La' James International College

Title IX Training & Resources

Title IX Coordinator-

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Non- Discrimination Policy-

Non- Discrimination Policy Title IX of the Education Amendments of 1972 ("Title IX") protects people from discrimination based on sex in education programs or activities that receive Federal financial assistance. Title IX states: 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 program or activity receiving Federal financial assistance.

The purpose of this policy is to ensure that the Institution's policies are applied and interpreted in ways consistent with Title IX and other applicable law. Institutions that receive federal assistance from the Department of Education must operate in a nondiscriminatory manner.

La' James International College recognizes the inherent dignity of all people and is committed to providing an educational and work environment that is free from sexual misconduct and harassment in any form including, but not limited to, sex or gender discrimination, including sexual misconduct such as sexual harassment and sexual assault, stalking, and domestic and dating violence. These behaviors are harmful to the well-being of our community members, the learning/working environment, and relationships among our students, faculty, and staff. All forms of prohibited conduct under this policy are regarded as serious offenses, and violations will result in discipline, including the possibility of termination from school/employment.

In accordance with Title IX of the Education Amendments of 1972, LJIC does not discriminate on the basis of and prohibits discrimination and harassment based upon sex/gender, race, color, creed, sexual orientation, national origin, ethnic origin, citizenship, marital status, gender identity, gender expression, genetic information, veteran status, disability, age, religion or any other status to the extent prohibited by law.

La' James International College Title IX Training & Resources

Title IX Training and Resources-

[Title IX- U.S. Department of Education- Protecting All Students](#)

[La' James International College- Title IX Policy](#)

[La' James International College Clery Act Disclosure 2020](#)

[OCR Webinar- Title IX Regulation Addressing Sexual Harassment](#)

[OCR Webinar on the New Title IX Protections Against Sexual Assault](#)

[Conducting and Adjudicating Title IX Hearings- An OCR Training Video](#)

[Due Process Protections Under the New Title IX Regulation](#)

[The First Amendment of Title IX- An OCR Short Webinar](#)

[Secretary DeVos Announces New Title IX Regulation](#)

Office of Civil Rights (OCR)

- The US Department of Education, Office of Civil Rights, (“OCR”) is responsible for enforcing Title IX.
- OCR takes a broader view of an institution’s responsibility to respond to sexual harassment against students and to remedy gender discrimination, sexual harassment and sexual assault.
- OCR guidelines state that the college is responsible if it knew or reasonably should have known about harassment and failed to promptly take responsible steps to end the harassment and prevent recurrence.

Laws & Regulations

- **Title IX (1972):**
Federal law that prohibits sex discrimination in educational institutions.
- **Jeanne Clery Act (1998):**
Required colleges and universities in the United States to disclose information regarding crime on and around campus.
- **Dear Colleague Letter (2011):**
Provides Office of Civil Rights guidance regarding concerns that arise in sexual violence cases.
- **VAWA (2013):** The Violence Against Women Act, aimed at improving how colleges address sexual violence and imposes obligations to revise policies and practices.
- **SAVE ACT (2014):** Part of VAWa amendments, that made changes to the Jeanne Clery Act; requiring colleges to report additional sexually violent crimes.

La' James International College Commitment & Responsibilities Under Title IX and Clery

- **Provide a safe, secure and crime free environment for students, faculty and staff at La' James International College.**
- **Prohibit sexual harassment and sexual violence of any type.**
- **Expect all students, faculty, staff and visitors to maintain an environment free from harassment and discrimination.**
- **Not tolerate sexual harassment, a form of sex discrimination as it is illegal under federal and state laws.**
- **Monitoring and following up on each crime reported at La' James International College.**

We believe student, faculty, and staff behavior which promotes safety awareness is important in all aspects of our lives and we encourage all students, faculty and staff to accept responsibility for their own safety as well as the security of other members of La' James International College.

New Title IX regulations (Sexual discrimination/harassment) became effective on August 14th. This a very complex rule (over 2,000 pages), but the most important facts for all to understand are simple. We will not tolerate sexual harassment, and we ask that any incidents be reported to us right away. Even if the person you report to is not our Title IX Coordinator, they will immediately pass along report to them.

The Most Significant Changes to Current Title IX Practices are below.

- We will now be required to allow cross-examination of the complaining and responding parties, as well as any witnesses, during a live hearing led by institution officials. Cross-examination will be conducted by advisers for parties, including legal counsel, but not the parties themselves.
- We will be able to determine whether to use a “preponderance of the evidence” or “clear and convincing” standard as a burden of proof and must use the same standard for all complaints, no matter if they involve student or faculty misconduct.
- Stalking, domestic violence and dating violence are now officially considered examples of sexual harassment under Title IX.
- The definition of sexual harassment is more narrow than previous guidance. It is defined as “any unwelcome conduct that a reasonable person would find so severe, pervasive and objectively offensive that it denies a person equal educational access.” Reports of sexual assault, dating violence, domestic violence and stalking do not need to meet the description of “severe, pervasive and objectively offensive.”
- If a Title IX coordinator receives multiple informal complaints of harassment against a single respondent, they will not be required to begin a formal complaint process. The department changed this requirement from the proposed rule, which sought to obligate Title IX coordinators to take action after receiving multiple informal reports against the same person.
- We can no longer use a “single investigator model,” which has one official tasked with investigating, adjudicating and issuing disciplinary sanctions against respondents. The regulations instead require three separate officials to work through separate pieces of a single Title IX complaint process: a Title IX coordinator, who receives reports of sexual misconduct; an investigator, to gather facts and interview parties and witnesses; and a decision maker, to determine sanctions and remedies for parties.
- **We must train all personnel involved in the Title IX process and publish training materials on our website. Training must involve review of the new rule’s definition of sexual harassment and the scope of the application of Title IX to college programs and activities, how to conduct a formal or informal process, and how to “serve impartially,” including avoidance of “prejudgment of the facts at issue, conflicts of interest, and bias.”**
- Title IX processes may be conducted virtually, and staff must be trained on relevant technology to conduct remote investigations and hearings. Live hearings will be recorded, by transcript or audio visually, and will be made available to parties and maintained in college records for at least seven years.
- We must provide evidence related to allegations to parties and advisers at least 10 days prior to requiring a response, and parties will not be prohibited from speaking about the allegations. This means doing away with “gag orders.”
- We are not obligated to follow a specific time frame for responding to reports of sexual misconduct. They are instead required to have “reasonably prompt” periods for carrying out each step in the Title IX complaint process.

Who does Title IX protect?

Title IX protects ALL students from sexual harassment

- **Female & Male Students**
- **Lesbian, Gay, Bi-Sexual, Transgender, and Queer (LGBTQ) students.**
- **Students with and without disabilities**
- **Students of Different Races and National Origins, including International Students.**

What is Sexual Harassment?

Sexual Harassment is unwelcome conduct of a sexual nature that is sufficiently serious to adversely affect your ability to participate in or benefit from an educational program.

It includes:

- unwelcome sexual advances,
- requests for sexual favors,
- and other verbal, nonverbal, or physical conduct of a sexual nature.

Types of Sexual Harassment

- Gender-bases Harassment
- Sexual Violence
- Domestic/Intimate Partner/Dating Violence
- Stalking

Sexual Violence

- Physical sexual acts engages in without the consent of the other person or when the other person is unable to consent to the activity .

Sexual Violence includes:

- Sexual Assault
- Rape
- Battery
- Sexual Coercion
- Domestic Violence
- Dating Violence
- Stalking

Domestic/Intimate Partner/ Dating Violence

Domestic Violence-

- Force or threat that results in injury (physically and/or psychologically).
- The act is committed by a person such as a family member, spouse, or household member.
- It can include a current or former spouse.
- It can include a person which the victim is cohabitating or has cohabitated.
- It can include someone that you are dating or had been dating.

Stalking

- Stalking occurs when someone, on more than one occasion, engages in a course of conduct directed at another person with the intent to place, and would cause a person to:
 - (A) fear for his or her safety or the safety of others with reasonable fear of death, assault, or bodily injury; or
 - (B) suffer substantial emotional distress.



Alcohol & Drugs in Sexual Violence

- The use of alcohol in under the age of 21 is against the law in Iowa.
- Alcohol and drug use can cloud your judgement and cause you to make decisions you would not make if you were sober.
- The use of alcohol and /or drugs can affect your ability to fend off unwelcome sexual misconduct and may not allow you to give consent.
- Being intoxicated does not give someone permission to do something without your consent.

Bystander Intervention

- Bystander intervention is developing the awareness, skills and courage needed to intervene in a situation when another individual needs help.
- Bystander intervention allows individuals to send a powerful message about what is and is not acceptable behavior in our campus community.

Bystander Intervention

3-D's

- **Direct-** Directly intervening, in the moment, to prevent a problem situation from happening
- **Delegate-** Seek help from another individual such as police or campus officials.
- **Distract-** Interrupting the situation without directly confronting the offender.

Preventing Sexual Assault

- <https://youtu.be/PtJ7Vgpa3po>



Consent

- Consent is informed, voluntary, and revocable.
- Consent is affirmative, unambiguous, and a conscious decision by each participant to engage in mutually agreed-upon sexual activity.
- Consent must be given without coercion, force, threats or intimidation.
- Consent must be ongoing throughout a sexual encounter and can be revoked at any time.
- Consent- once withdrawn, the sexual activity must stop immediately.

Title IX Reporting La' James International College

- **The Title IX Coordinator is responsible for implementing LJIC's Title IX policy, receiving and coordinating investigation information and supportive measures, along with maintaining accurate Clery Act crime statistics.**

LJIC designated Title IX Coordinator: Joni Buresh –Compliance Administrator

- **Investigators gather information in regard to reported crimes and submit / communicate with the Title IX Coordinator.**

LJIC designated Title IX investigators: Campus College Administrators

- **Final Decisions in Title IX cases are made by LJIC owners.**

LJIC designated Title IX Final Decision makers: Cynthia Becher & Travis Becher

Title IX Reporting La' James International College

- **Students, faculty, or staff who have witnessed or experienced Sexual Harassment, Sexual Discrimination, or Retaliation are encouraged to contact the College Administrator and / or Title IX Coordinator as soon as possible after the incident.**
- **LJIC will keep confidential the identity of the complainant, respondent, and witnesses, except as may be permitted by FERPA, as required by law, or as necessary to carry out the Title IX Grievance Process.**
- **There is no limit on providing notice / complaints. However, if significant time has passed, the ability to investigate, respond, and provide remedies may be more limited or impossible.**

Title IX Reporting La' James International College

- **It is strongly advocated that a victim of sexual violence report the incident to police in a timely manner.**
- **LJIC must dismiss a formal complaint if the allegations do not meet the definition of Sexual Harassment or did not occur on LJIC campuses or sponsored educational activities.**
- **Best efforts will be enacted for prompt and equitable resolutions for submitted complaints through reliable and impartial investigations, including the opportunity for both parties to present witnesses or other evidence.**

La' James International College Obligations

When an individual makes a Sexual Harassment complaint or when Faculty or Staff of the college learns of possible sexual misconduct, we must:

- **Investigate**
- **Take appropriate steps to end the misconduct**
- **Eliminate the effect of the misconduct and,**
- **Prevent the harassment from recurring**

Faculty and Staff of LJIC who receive complaints of Sexual Harassment or Sexual Violence are OBLIGATED to report the complaints to the College Administrator and / or the Title IX Coordinator.

Title IX Reporting La' James International College

- Victims of sexual misconduct should be made aware that LJIC must issue timely warnings for incidents reported that pose a substantial threat of bodily harm or danger to other members of the LJIC campus community.
- LJIC will make every effort to ensure that a victim's name or other identifying information is not disclosed, while still providing ample information for the campus community to make safety decisions in any danger is eminent.
- LJIC reserves the right to notify parents/guardians of dependent students regarding any health or safety risk, or a change in student status. This notification would be determined by the Title IX coordinator after consultation with College Administrators.

La' James International College Disciplinary Actions

Disciplinary Actions for student related claims may include, but are not limited to:

- Restriction of contacts
- Warning
- Suspension
- Termination

LJIC will not impose sanctions unequally based on gender or gender identity.

Individuals that make a materially and intentionally false statements during a Title IX Grievance Process will be subject to disciplinary action.

Employees are also subject to processes and discipline determined by the Human Resources Department for acts of Sexual Harassment.

La' James International Protective Measures

LJIC may take protective measures to protect a complainant including but not limited to the following:

- Altering Academic Plan
- Arranging for complainant to start in a different class start
- Ensuring that complainant or perpetrator do not share class time, clinic or spa time at the same time

When determining Protective Measures, LJIC will take into consideration:

- Specific needs and requests of the complainant
- Severity of the conduct
- Any other specific circumstances that would affect the educational environment

Confidentiality

- **It is the duty of all Faculty and Staff of La' James International College to report any and all incidents of sexual harassment to the College Administrator and / or Title IX Coordinator.**
- **LJIC faculty and staff will limit their report to only those individuals with a “need to know”.**
- **Faculty and staff reporting incidents of sexual harassment can request that their identity remain confidential, and that request will be honored if possible, however it may limit the effectiveness of the investigation.**

Retaliation

Title IX states it is unlawful to retaliate against an individual who has:

- **Made a complaint of sexual harassment.**
- **Participates in the investigation of such complaint**

National & State Resources

- **US Department of Education
Office of Civil Rights**
800-421-3481
- **National Sexual Assault Hotline**
800-656-HOPE
- **Iowa Coalition Against Sexual
Assault**
(515) 244-7424
www.iowacasa.org
- **Iowa Coalition against Domestic Violence
Help Line**
800-770-1650
or text- iowahelp to 20121
- **National Sexual Assault Hotline**
800-656-HOPE
- **Stalking Resource Center Victim Connect
Helpline**
855-4-VICTIM (855-484-2846)
- www.Rainn.org

Clery Act & VAWA

Clery Act & VAWA

- **Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act**” (formerly the Campus Security Act)
- **Safe and Drug-Free Schools and Communities Act (DFSCA)**
- **VAWA- Violence Against Women Reauthorization Act of 2013**

A federal law that requires U.S. institutions of higher education to disclose campus security information and policies including crime statistics for the campus and surrounding areas

La' James International College Responsibilities Under Clery & VAWA

- **Provide a secure and crime free environment for students, faculty and staff.**
- **Perform regular evaluation of security programs.**
- **Monitoring and following up on each crime reported at La' James International College.**

We believe student, faculty, and staff behavior which promotes security awareness is important in all aspects of our lives and we encourage all students, faculty and staff to accept responsibility for their own security as well as the security of other members of La' James International College.

La' James International College Campus Security Authority

Students, faculty, or staff who wish to report criminal actions, should immediately contact the College Administrator of their campus.

LJIC Designated Campus Security Authority (CSA) – College Administrators

Criminal Actions should then be immediately reported to local law enforcement authorities for assistance and /or investigation.

In an emergency, dial 911

Reporting Incidents

- **Students, faculty, or staff who wish to report criminal actions, should immediately contact the College Administrator or other responsible supervisory personnel at their campus.**
- **The La' James International College Incident Report Form should be completed with the assistance of the person reporting the criminal action.**
- **The report should be submitted to the College Administrator ASAP who will follow up and report on the outcome as well as any preventative or other actions taken to ensure the safety and security of all staff, faculty, and students.**

Campus Security Report

- **The College Administrator serves as the Campus Security Authority and has the responsibility of gathering the data used to prepare the annual campus crime statistics report.**
- **The Campus Security Report is published by October 1 of each year and made available to students and employees. The 2020 reports can be viewed under consumer information on our web site, and viewed under student access on the intranet. The Annual Security Reports contain crime data from calendar year 2019.**
- **Personal identifiable information is not reported on the annual Clery report.**

Reportable Offenses under Clery and VAWA

- Murder/ Non-negligent Manslaughter
- Negligent Manslaughter
- Sex offenses, forcible and non-forcible
- Robbery
- Aggravated assault
- Burglary
- Motor Vehicle Theft
- Arson
- Arrests, or persons referred for campus disciplinary action for liquor law violations, drug-related violations, weapons possession

Reportable Offenses under Clery and VAWA

- Hate crimes
- Larceny-theft
- Simple assault
- Intimidation
- Destruction, damage, or vandalism of property in which the victim is intentionally selected because of his or her actual or perceived race, gender, religion, sexual orientation, ethnicity, or disability.
- Instances of gender identity and national origin crimes that fall under hate crimes

Reportable Offenses under Clery and VAWA

- Dating Violence-

Refers to a violent act, committed by-

- a person who is or has been in a social relationship of romantic or intimate nature with the victim; and
- the existence of the relationship is determined based upon the:
 1. length of the relationship;
 2. type of relationships: and
 3. frequency of interaction between the persons in the relationship.

Reportable Offenses under Clery and VAWA

- Domestic Violence-

Refers to a violent act, committed by-

- a current or former spouse or intimate partner; or
- person sharing a child with the victim; or
- person living with or who has lived with the victim as a spouse or intimate partner.

Reportable Offenses under Clery and VAWA

- Stalking-

Refers to a course of conduct (two or more acts) by which the stalker directly, indirectly, or through third parties follows, monitors, observes, surveils, threatens, or communicates with a person or interferes with his or her property; and

- is directly at a specific person; and
- causes a reasonable person to fear for his or her safety or the safety of others or causes that person to suffer substantial emotional distress.

Clery Reporting Locations

- On Campus
- Public areas immediately adjacent to campus
- Campus-owned building and property
- College-sponsored activities, events, and/or trips on non-campus property.

Crime Incident Tracking

- **College Administrators have access to their campus crime incident tracking on the intranet and make sure all crime incidents are reported as applicable for review for the annual crime statistic report.**
- **Incident reports are requested from local law enforcement annually as a requirement of the Clery Act. Any incidents received from the reports are reviewed to determine if they meet Clery reporting guidelines.**

Notifying Students and Staff of Availability of Annual Security Reports

When the Annual Security Report is published annually (by October 1) notification to students and staff is done by announcements and postings in the campuses-

- **at the time clock**
- **Breakrooms**
- **offices**
- **computer labs**

*Due to COVID 19 pandemic. Statistics for 2019 and the annual report was not required to be published until December 31, 2020.

In Review- Clery Act Provisions

- Designated Campus Security Authorities (CSA)- College Administrators
- Annual Security Reports are published annually disclosing security policies and selected crime statistics for previous 3 years and must be made available to all current students, and employees, as well as all prospective students and employees.
- Timely Warnings to LJC campus community about crimes that pose an ongoing threat to students and employees.
- Sexual assault victims are assured basic rights
- Failure to comply with the Clery Act may result in substantial fines and /or loss of eligibility to participate in federal student aid programs.

Sexual Offense Reporting

- Sexual offenses occurring on campus need to be reported to Local Police for Clery Act purposes.
- Victim confidentiality is honored if requested. Basic information (date, general location, nature of offense) must still be reported.
- If the offense occurred off campus, there is no legal requirement to file a police report. However, victims should be encouraged to file a report with local law enforcement.
- If the incident involves a student or employee and offense happened on campus, or during a related sponsored LJIC activity, it must be reported to the Title IX & Campus Security Authority.

LJIC Clery, VAWA, Title IX Policies & Annual Security Report

Website Links on Consumer Information Page

Clery Act Disclosure – 2020 Annual Safety Report

[https://ljic.edu/wp-content/uploads/2020/12/Clery Act Disclosure 2020-Annual Safety Report.pdf](https://ljic.edu/wp-content/uploads/2020/12/Clery_Act_Disclosure_2020-Annual_Safety_Report.pdf)

VAWA – Title IX Policy Statement

[https://ljic.edu/wp-content/uploads/2020/12/VAWA TITLE IX POLICY STATEMENT.pdf](https://ljic.edu/wp-content/uploads/2020/12/VAWA_TITLE_IX_POLICY_STATEMENT.pdf)

LJIC Student Catalog- Page 61

[https://ljic.edu/wp-content/uploads/2020/12/LJIC Student Catalog 12.08.20.pdf](https://ljic.edu/wp-content/uploads/2020/12/LJIC_Student_Catalog_12.08.20.pdf)

Additional References

- Rape Abuse Incest National Network (RAINN):
<https://www.rainn.org/>
- Clery Center for Security on Campus:
<http://clerycenter.org>
- US Department of Education, Title IX:
https://www2.ed.gov/about/offices/list/ocr/docs/tix_dis.html
- US Department of Justice, Violence Against Women:
www.ovw.usdoj.gov

Additional Resources

- National Sexual Violence Resource Center:

<https://www.nsvrc.org/>

- Department of Education, Online Clery Tutorial:

https://www2.ed.gov/campus-crime/HTML/cc_on/Contents.html

Thank You

