

STUDENT LIFE TRAINING

“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.”

-Title IX of the Education Amendments of 1972

WHAT IS TITLE IX?

Title IX is a federal law that prohibits discrimination on the basis of sex in education programs and activities and employment.

- Covers equity in athletic programming and all forms of discrimination based on sex.
- Protects students (residential, online, and dual enrollment) AND employees.
- Enforced by the Office of Civil Rights.

- Truett McConnell is required to provide an environment free from harassment. We must:
- **Stop** the behavior
 - **Prevent** the behavior from recurring
 - **Remedy** the effects of behavior

WHAT IS MY ROLE?

Responsible employees are required to report any behavior of which you are aware, or reasonably aware, as soon as possible. Report as much information as you know: names, behavior, location.

- **RESPONDING TO DISCLOSURE:**
- Clarify your role as a Responsible Employee.
 - Remind them that you must report to the Title IX Coordinator even if they don't want to.
 - The Title IX Coordinator/Deputy Coordinator will keep the disclosure confidential.
 - Do NOT investigate! Do NOT mediate!
 - Listen. Support. Refer.

SCOPE

Title IX applies to all university employees and students when engaged in University-sponsored events/activities both on or off University property.

Not within the scope:

- Experience occurring prior to arriving on campus (an assault during high school)
- Experience occurring at a non-TMU related event (an assault at home during break)

TITLE IX APRIL 2025

PROHIBITED BEHAVIORS

- Sexual Harassment
- Sex Discrimination (disparate treatment because of sex)
- Sexual Assault
- Non-Consensual Sexual Contact
- Sexual Exploitation
- Stalking
- Physical Harm and Intimidation
- Harassment, Bullying or Cyber bullying
- Dating Violence
- Domestic Violence
- Retaliation

HARASSMENT ASSESSMENT

Sexual harassment means conduct on the basis of sex that satisfies one or more of the following:

- An employee of the recipient conditioning the provision of aid, benefit, or service of the recipient on an individual's participation in unwelcome sexual conduct (*quid pro quo*)
- Sexual assault, sexual violence, or stalking
- Unwelcome conduct determined by a reasonable person to be so:
(1) **severe** (2) **pervasive** and (3) **objectively offensive** that it effectively denies a person equal access to the recipient's education program or activity
(*all three must be met*)

TITLE IX PROCESS

- Intake & Supportive Measures offered
- Formal Complaint Filed
- Notice of Allegations sent to both parties
- Informal or Formal Process Chosen
- Investigation and reports with time to review
- Hearing Panel (live testimony and cross examination)
- Decision and remedy provided by decision-makers(s)
- Appeal process

PROHIBITED BEHAVIORS

- Sexual Harassment
- Sex Discrimination (disparate treatment because of sex)
- Sexual Assault
- Non-Consensual Sexual Contact
- Sexual Exploitation
- Stalking
- Physical Harm and Intimidation
- Harassment, Bullying or Cyber bullying
- Dating Violence
- Domestic Violence
- Retaliation

HARASSMENT ASSESSMENT

Sexual harassment means conduct on the basis of sex that satisfies one or more of the following:

- An employee of the recipient conditioning the provision of aid, benefit, or service of the recipient on an individual's participation in unwelcome sexual conduct (*quid pro quo*)
- Sexual assault, sexual violence, or stalking
- Unwelcome conduct determined by a reasonable person to be so: (1) **severe** (2) **pervasive** and (3) **objectively offensive** that it effectively denies a person equal access to the recipient's education program or activity (*all three must be met*)

DEFINITIONS

Actual knowledge means notice of sexual harassment or allegations of sexual harassment to a recipient's Title IX Coordinator or any official of the recipient who has authority to institute corrective measures on behalf of the recipient, or to any employee of an elementary and secondary school.

Complainant means an individual who is alleged to be the victim of conduct that could constitute sexual harassment.

Consent. Recipients are not required to adopt a particular definition of consent with respect to sexual assault.

Dating violence means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim and where the existence of such a relationship shall be determined based on a consideration of the following factors: (1) The length of the relationship; (2) The type of relationship; and (3) The frequency of interaction between the persons involved in the relationship (2024).

Disciplinary sanctions means consequences imposed on a respondent following a determination under Title IX that the respondent violated the recipient's prohibition on sex discrimination.

Domestic violence means felony or misdemeanor crimes committed by a person who: (A) Is a current or former spouse or intimate partner of the victim under the family or domestic violence laws of the jurisdiction of the recipient, or a person similarly situated to a spouse of the victim; (B) Is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner; (C) Shares a child in common with the victim; or (D) Commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of the jurisdiction (2024).

Formal complaint means a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the recipient investigate the allegation of sexual harassment. At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the education program or activity of the recipient with which the formal complaint is filed. A formal complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information required to be listed for the Title IX Coordinator under § 106.8(a), and by any additional method designated by the recipient. As used in this paragraph, the phrase "document filed by a complainant" means a document or electronic submission (such as by electronic mail or through an online portal provided for this purpose by the recipient) that contains the complainant's physical or digital signature, or otherwise indicates that the complainant is the person filing the formal complaint. Where the Title IX Coordinator signs a formal complaint, the Title IX Coordinator is not a complainant or otherwise a party under this part or under § 106.45.

DEFINITIONS

Respondent means a person who is alleged to have violated the recipient's prohibition on sex discrimination.

Sexual assault means an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation (2024).

Sexual harassment means conduct on the basis of sex that satisfies one or more of the following:

- (1) An employee of the recipient conditioning the provision of an aid, benefit, or service of the recipient on an individual's participation in unwelcome sexual conduct;
- (2) Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the recipient's education program or activity; or
- (3) "Sexual assault" as defined in 20 U.S.C. 1092(f)(6)(A)(v), "dating violence" as defined in 34 U.S.C. 12291(a)(10), "domestic violence" as defined in 34 U.S.C. 12291(a)(8), or "stalking" as defined in 34 U.S.C. 12291(a)(30).

Stalking means engaging in a course of conduct directed at a specific person that would cause a reasonable person to: (A) Fear for the person's safety or the safety of others; or (B) Suffer substantial emotional distress.

Supportive measures means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the recipient's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the recipient's educational environment, or deter sexual harassment. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures. The recipient **must maintain as confidential any supportive measures** provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the recipient to provide the supportive measures. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

For additional details regarding these definitions per the 2020 Rule, please click [here](#).