Title IX - Club Sports

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Website: https://www.binghamton.edu/rmac/title-ix/
TITLE IX COORDINATOR RESPONSIBILITIES

• Sexual harassment compliance
  • Title IX, VAWA (Clery), Enough is Enough (129-B)

• Clery compliance
  • Geographic area determination, Data collection, Reporting
TITLE IX — WHAT DO WE MEAN?

• Educational Amendments of 1972

  • “No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subject to discrimination under any education program or activity receiving Federal financial assistance” (Sec. 1681) – 37 words
VAWA / ENOUGH IS ENOUGH

• VAWA provides specific rights and opportunities to students experiencing dating violence, domestic violence, stalking, or sexual assault and requires institutions to engage in specific reporting, awareness, and prevention efforts. ([https://www.binghamton.edu/rmac/title-ix/laws.html](https://www.binghamton.edu/rmac/title-ix/laws.html))

• 129-B “requires all colleges [in NYS] to adopt a set of comprehensive procedures and guidelines, including a uniform definition of affirmative consent, a statewide amnesty policy, and expanded access to law enforcement.” ([https://www.ny.gov/programs/enough-enough-combating-sexual-assault-college-campuses](https://www.ny.gov/programs/enough-enough-combating-sexual-assault-college-campuses))
WHAT BEHAVIOR IS COVERED?

• All kinds of sexual harassment from spoken words or pictures to violent actions and everything in between, whether they occur on campus or off, including:
  • Rape, Sexual Assault, Sexual Violence
  • Stalking, Dating Violence, Domestic Violence
  • Sexual Harassment
  • Retaliation
WHAT'S MORE........

• Covered conduct may encompass more than these clear definitions. Any conduct, based on sex that "creates a hostile environment [which] is sufficiently serious that it interferes with or limits a student's ability to participate in or benefit from the school's program" can be covered by Title IX (Office of Civil Rights, Dear Colleague Letter 4/4/11.)

• “OCR’s standards require that the conduct be evaluated from the perspective of a reasonable person in the alleged victim’s position, considering all the circumstances. The more severe the conduct, the less need there is to show a repetitive series of incidents to prove a hostile environment, particularly if the conduct is physical.” (OCR Q+A on Title IX and Sexual Violence 4/29/14)
“Title IX’s sex discrimination prohibition extends to claims of discrimination based on gender identity or failure to conform to stereotypical notions of masculinity or femininity… Similarly, the actual or perceived sexual orientation or gender identity of the parties does not change a school’s obligations.” (OCR Q+A on Title IX and Sexual Violence 4/29/14)
SOME EXAMPLES

• That poster/calendar on the wall……..

• That comment……

• Quid Pro Quo…..

• Dude, where’s my car?

• My poor door tag!

• Damn…. I really liked my clothes
UNIVERSITY OBLIGATIONS

• Set of state-wide guaranteed rights from 129-B
  
  • Applies to every student at every institution across the state
    https://www.binghamton.edu/ivp/support-services/SVVSBillOfRightsweb.pdf

• But I like this one: https://www.binghamton.edu/rmac/title-ix/images/BillOfRightsSUNYbing.pdf
SO WHAT’S THE PROCESS?

1. Report received
2. Complainant offered resources
3. Complainant desired action reviewed
4. Action desired
5. Student conduct investigation (respondent offered resources)
6. Formal charges filed: Student offered Administrative Agreement (AA)
7. Student accepts responsibility and AA
   - Student does not accept responsibility and AA
8. Incident Resolved
   - Appeals process
9. Decision accepted
   - Decision appealed
10. Student found not responsible
11. Student found responsible
   - Student Conduct Board Hearing
IMPORTANT FEATURES

• Reporting deadlines/statutes
• Interim measures (no contact orders, class schedules, interim suspension, etc.)
• May run concurrently with legal process
• Advisors of choice
• Prohibition of retaliation
Q AND A

(Insert your questions here…)
THANK YOU!!

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