

# Faculty Senate Executive Committee Title IX Update

March 8, 2021

by Elyce C. Morris, Title IX Coordinator

# Introduction



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Image Source: <https://www.bravegowns.com/products/hello-my-name-is>



# Agenda

- A. Introduction
- B. Overview of Title IX
- C. 2020 Revised Regulation
- D. Implications for NAU
- E. Questions

“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.”

— Title IX, Education  
Amendments of 1972



Image Sources: <https://www.vanityfair.com/style/2019/08/serena-williams-leaves-match>; <https://www.hfcc.edu/news/2019/what-lgbtq-pride-month-means>; <https://www.tommys.org/pregnancy-information/calculators-tools-resources>; <https://www.propertycasualty360.com/2019/03/21/sexual-assault-is-there-coverage-for-that-414-151866/?sreturn=20210026194428>; <https://www.rvaschools.net/Title-IX>



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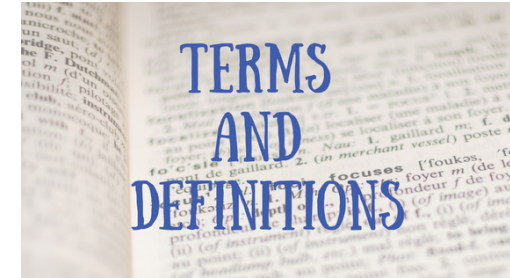


# Sources of Law and Policy

- Department of Education – Office for Civil Rights (OCR)
  - Federal regulation
  - Revised May 2020, effective August 2020
  - Enforcement
    - OCR
    - Courts
- Northern Arizona University
  - Sexual Misconduct Policy
  - Sexual Misconduct in Violation of Title IX Procedure

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# Title IX Sexual Harassment



- Conduct on the basis of sex that falls in one or more of the following categories:
  1. *Quid pro quo*
  2. Hostile Environment
  3. Sexual assault, dating violence, domestic violence, or stalking

# TIX Sexual Misconduct: QPQ

- A university employee conditioning a benefit on unwelcome sexual conduct
- This category of sexual misconduct only exists where a university employee is involved

**quid pro quo**  
[kwid' prō kwō']

Image Source: <https://www.csmonitor.com/The-Culture/In-a-Word/2020/0131/A-lighter-side-of-quid-pro-quo>

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# TIX Sexual Misconduct: Hostile Environment



Image Source: <https://www.jgllaw.com/blog/hostile-work-environment-overused-misunderstood>

- Common (civil rights) use of the term hostile environment
  - Severe;
  - Pervasive; or
  - Objectively Offensive
- Hostile environment as TIX sexual misconduct
  - Severe;
  - Pervasive; **and**
  - Objectively Offensive

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# TIX Sexual Misconduct: Sexual Assault

- Domestic violence
  - Dating violence
  - Sexual Assault
    - Stalking

## Sexual assault on campuses

While in college,

**1** in **5** women  
& **1** in **16** men

face an attempted sexual assault, but only

**344** in **1,000**

sexual assaults are reported to the police.

Image Source: <https://dailyillini.com/news/2017/09/18/university-plans-keep-resources-amidst-title-ix-pushback/>

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# Education Program or Activity

- Sexual misconduct occurring on property owned or controlled by an officially recognized student group (e.g., a fraternity house) is within NAU's education "program or activity" and covered by Title IX
- NAU is permitted to pursue sexual misconduct violations that fall outside of Title IX's scope under other policies

# TIX Report



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# TIX Formal Complaint Process



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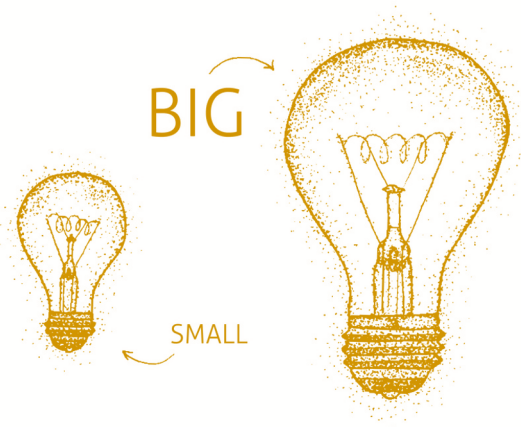


# What changed? What stays the same?

- Applies to employees
- Response toward the parties
- Reporting language
- **Reporting responsibility**

# Big Picture Principles

- Equity
- Impartiality
  - Victim and Perpetrator = No
  - Complainant and Respondent = **Yes**



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Image Source: <https://www.vectorstock.com/royalty-free-vector/dotwork-big-small-lightbulbs-vector-13969742>

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# Questions & Discussion



Image Source: <https://www.womenshealthmag.com/life/a22500573/questions-to-ask-to-get-to-know-someone/>

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# Thank You