Faculty Senate Executive Committee Title IX Update

March 8, 2021

by Elyce C. Morris, Title IX Coordinator
Introduction

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
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
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


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TIX Sexual Misconduct: Hostile Environment

- 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

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.

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

- Supportive Measures
- FC Info Provided
- On/Off-campus Resources
TIX Formal Complaint Process

- Investigation
- Adjudication
- Sanction
- Appeal
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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Questions & Discussion

Image Source: https://www.womenshealthmag.com/life/a22500573/questions-to-ask-to-get-to-know-someone/
Title IX Office

• Elyce.Morris@nau.edu
• (928) 523-5315
• PO Box 4116, Flagstaff, AZ 86011-4116
• Babbitt Administrative Center, Suite 1000
Thank You