

# Title IX

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## **What is Title IX?**

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Title IX Coordinator

A federal law that simply states, no person in the U.S. shall be on the basis of sex, be excluded from, denied benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance.

It is often thought that Title IX only covers athletics programs, when it is a much broader spectrum.



## **Who Does Title IX Protect?**

Any person in connection with all educational, extracurricular, athletic, and/or other programs of the school; even if the events take place off campus during a school event.

### **This Can Be:**

- Students
- Staff
- Faculty

## Title IX

Protects students, employees, applicants for admission and employment, and other persons from all forms of sex discrimination, including sexual harassment, sexual assault, sexual exploitation, gender-based harassment, stalking, dating violence, domestic violence, and gender identity or failure to conform to stereotypical notions of masculinity or femininity.

Florida National University does not discriminate on the basis of sex in its education programs and activities. The University prohibits all forms of sex discrimination.



Any member of the University community who believes that he or she has been a victim of sexual harassment (the complainant) by a student, a University employee or a third party may bring the matter to the attention of the Title IX Coordinator or Deputy Coordinators (collectively, the “Title IX Coordinators”).

The complainant should present the complaint as promptly as possible after the alleged harassment occurs using the Title IX Grievance Form which is available online at <https://www.fnu.edu/wp-content/uploads/2011/11/Title-IX-Grievance-Form.pdf> or from the Office of Student Services or the Title IX Coordinators. Grievance Forms should be submitted directly to one of the Title IX Coordinators or the Director of Student Services. Complainants are encouraged to file complaints promptly because the passage of time typically makes it more difficult to conduct an investigation.

# Examples of Sexual Harassment

- Unnecessary touching, hugging, or brushing against another person's body.
- Sexually explicit statements, questions, or jokes.
- Remarks of a sexual nature about a person's clothing or body, sexual activity, sexual orientation, gender identity, or previous sexual experience.
- Direct propositions of a sexual nature.



# Essential Compliance Elements

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- Once a *Responsible Employee* has either actual or constructive notice of sexual harassment or sexual misconduct, FNU must take action.
- Who is considered a *Responsible Employee*?

# Essential Compliance Elements

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- *A responsible employee* includes any employee who:
  - Has the authority to take action to redress the harassment,
  - Has the duty to report harassment or other types of misconduct to appropriate officials, OR
  - Is someone a student could reasonably believe has this authority or responsibility



Faculty and staff who receive complaints of sexual harassment or sexual violence are **OBLIGATED** to report complaints to the Title IX Coordinator.

When a student comes to you with a complaint, let them know early on that you are a mandated reporter.

Employees are expected to be compassionate listeners if a student discusses sexual violence with you.

The purpose of reporting is to:

Prevent sex discrimination,

Promptly address reported issues, and

Limit the effects of harassment

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mandated reporter.

## **What types of incidents are we obligated to report?**

We have an obligation to respond to sexual harassment claims made, including when the incident occurs off-campus and outside the campus/district's educational programs or activities:

If a student files a complaint regarding off-campus conduct, it is our responsibility to process the complaint following defined procedures

If the ongoing effects on-campus and off-campus or the sexual harassment create and/or contribute to a hostile environment (e.g. bullying, taunting, threats, etc.), then our responsibility is to address the hostile environment as if it were an on-campus incident.



# Retaliation

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- Unlawful for the school to retaliate against someone for bringing a complaint forward or participating in an investigation.
- Unlawful for respondent to retaliate against complainant or witnesses for bringing complaint forward or participating in an investigation.
- Easier to prove retaliation in many cases.

# Summary

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- If you have knowledge of sexual harassment or sexual assault, you must report.
- FNU has obligation to investigate.
- FNU will take any and all appropriate actions to
  - Stop the harassment
  - Remedy the effects
  - Prevent recurrence



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Thank You!