

TITLE IX TRAINING

NATIONAL PARK COLLEGE

TITLE IX OF THE EDUCATION AMMENDMENTS ACT 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 subjected to discrimination under any educational program or activity receiving federal financial assistance.”

Title IX of the Education Amendments of 1972 Implementing Regulations at: 20 U.S.C. §1681 & 34 C.F.R Part 106

TITLE IX OVERVIEW

- Federal civil rights law prohibiting sex discrimination in higher education
- Protects College community, guests, and visitors from gender based misconduct
- Applies to persons within all NPC education programs, on and off campus

GENDER BASED MISCONDUCT

- SEXUAL EXPLOITATION
- RETALIATORY HARASSMENT
- GENDER BASED HARASSMENT
- QUID PRO QUO
- SEXUAL HARASSMENT
- NON-CONSENSUAL SEXUAL INTERCOURSE/RAPE
- NON-CONSENSUAL SEXUAL CONTACT/ASSAULT
- DATING VIOLENCE
- DOMESTIC VIOLENCE
- STALKING

UNWELCOME CONDUCT

Title IX prohibits “unwelcome conduct” that is determined by a reasonable person to be so:

1. SEVERE: Behavior or the impact of the behavior that causes discomfort or hardship and is very painful or harmful
2. PERVASIVE: Behavior that is widespread, openly-openly practiced, prevalent, and/or distributed
3. AND OBJECTIVELY OFFENSIVE: Would a reasonable person in the context in which the conduct occurred deem the conduct offensive?
4. THAT IT: Denies a person equal access to any educational program or activity.

CONSENT

- Affirmative, conscious, and voluntary agreement to engage in sexual activity
- Informed and reciprocal
- Freely and actively given

- Mutually understandable
- NOT INDEFINITE
- NOT UNLIMITED
- It's simple as tea

AFFIRMATIVE CONSENT CANNOT:

- Be given by individuals who are underage, asleep, unconscious, intoxicated, or incapacitated by drugs or alcohol
- Be assumed or inferred from a lack of resistance or silence
- Be gained from force, threats, intimidation or coercion
- Be obtained by someone with a mental disability
- Exist in an environment with a power imbalance

GAUGING CONSENT

SIGNS YOU SHOULD STOP

- Too intoxicated to give consent
- Your partner is asleep or passed out
- There is a power imbalance
- You are assuming they want to proceed

SIGNS YOU SHOULD PAUSE AND TALK

- You are not sure what the other person wants
- You are getting mixed signals
- You have not talked about what you want to do

KEEP COMMUNICATING

- Partners have come to a mutual decision about how far they want to go
- Partners clearly express comfort with the situation
- Both parties feel comfortable and safe stopping anytime

FORMAL COMPLAINTS

A formal complaint is a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the College investigate the allegation.

WHO CAN FILE: Complainant must be participating or attempting to participate in a program or educational activity of the College

HOW TO FILE: Contact the Title IX Coordinator in-person, by phone, or email, or the electronic form located on the college's website

WHEN TO FILE: No statute of limitations on filing

RESOLUTIONS

INFORMAL RESOLUTION

- Goal is mediation and/or restorative justice
- Requires both parties to give voluntary, informed, written consent for informal resolution
- Mediators must be trained

- FORMAL RESOLUTION

FORMAL RESOLUTION

- Live hearings required
- Decision maker(s) permit each party's advisor to question the other party and any witnesses
- Cross-examination must be direct, oral, and in real time, advisor-to-advisor

BASIC STEPS OF AN INVESTIGATION

- **Notice**
 - The Title IX Coordinator or "Official with Authority" learns of alleged sexual harassment.
- **Supportive Measures**
 - The institution offers all parties involved non-punitive support. Supportive measures are offered and provided regardless of whether a formal complaint is filed and are irrespective of the outcome of any hearing. These supportive measures may be temporary or indefinite.
- **Formal Complaint**
 - A written complaint is signed and submitted by the complainant or the Title IX Coordinator.
- **Initial Investigation**
 - Initial notifications and meetings with the accused party and witnesses; gathering of any documents or evidence.
- **Jurisdictional Decision**
 - Determine whether the matter falls within the scope of Title IX. If not, determine under what procedures (if any) it will be investigated and adjudicated.
- **Investigative Report**
 - A written report by the investigator(s) summarizing all relevant evidence, including evidence the institution does not intend to present at the hearing.
- **Hearing**
 - A live, recorded hearing before a trained adjudicator, with direct cross-examination by advocates, at which a determination of the outcome is made.
- **Appeal**
 - A review of the hearing result by an impartial party, either for procedural errors or newly discovered evidence.

SUPPORTIVE MEASURES

- REFERRAL TO COUNSELING, MEDICAL, OR OTHER HEALTHCARE SERVICES
- ADJUSTING CAMPUS HOUSING ASSIGNMENTS

- ADJUSTING WORK ARRANGEMENTS FOR EMPLOYEES OR STUDENT EMPLOYEES
- PROVIDING CAMPUS SAFETY ESCORTS
- CLASS SCHEDULE MODIFICATIONS, WITHDRAWALS, OR LEAVES OF ABSENCE
- ACADEMIC SUPPORT
- INCREASED SECURITY AND MONITORING

ADVISORS

- Advisors are chosen by a complainant or respondent (or by the institution) to accompany the party to meetings related to the resolution process, to advise the party on that process, and to conduct cross-examination for the party at the hearing, if any.
- Advisors help the parties prepare for each meeting and are expected to advise ethically, with integrity, and in good faith.

STANDARD OF EVIDENCE

National Park College uses the Preponderance of Evidence standard: greater than 50% chance that the claim is true

APPEALS

Equal access to appeal for both the Complainant and Respondent based on perceived:

- Procedural irregularity
- New evidence
- Conflict of interest

**College has the discretion to offer additional grounds for appeal*

IMPACT OF SEXUAL ASSAULT OR OTHER FORMS OF GENDER MISCONDUCT

COMPLAINANT:

- Failing grades
- Dropping out
- Depression/PTSD
- Drug or alcohol abuse
- Suicide

RESPONDENT:

- Expulsion or termination
- Time out of class
- University/grad school admission
- Damaged reputation

COLLEGE:

- Retention rate
- Completion rate
- Reputation
- Demand on resources
- Safety concerns

WHAT TO DO IF YOU HEAR ABOUT A POSSIBLE SEXUAL ASSAULT

- **REPORT IT IMMEDIATELY**
- Make sure they are in a safe place
- Listen without judgement
- Respect their confidentiality
- Encourage them to preserve evidence
- Connect them with campus resources
- Do **NOT** question or blame

RESPONSIBILITY TO REPORT

- All NPC personnel (faculty, administrators, supervisors, work-study students, and staff) are responsible for reporting sexual harassment complaints
- Reports can be made in-person, by phone, by email, or by reporting form on the NPC website
- WHEN IN DOUBT, REPORT

PREGNANCY

Covered under Title IX and supports may include:

- Excused absences due to pregnancy or childbirth for as long as physician says is necessary
- Same special services provided to students with other temporary medical conditions
- Protection from harassment because of pregnancy or related conditions

TITLE IX AND ATHLETICS

College athletics are considered educational programs and activities. There are three basic parts of Title IX related to athletics:

- **PARTICIPATION:** Women and men must be provided an equal opportunity to play, not necessarily identical sports
- **SCHOLARSHIPS:** Female and male student athletes must receive athletic scholarship dollars proportional to their participation
- **EQUAL TREATMENT:** Equipment, scheduling, practice times, travel, tutoring, locker rooms and facilities, medical and training facilities, housing, dining facilities, publicity and promotions, support services, and recruitment

RESOURCES

- **NPC SECURITY**
 - 501-760-4293
- **GARLAND COUNTY SHERIFF'S DEPARTMENT**
 - 501-622-3660
- **HOT SPRINGS POLICE DEPARTMENT**
 - 501-321-6789
- **OUACHITA FAMILY CENTER**
 - DOMESTIC VIOLENCE SHELTER
 - 24 HOUR HOTLINE 501-865-3939
- **ARKANSAS COALITION AGAINST SEXUAL ASSAULT**
 - 501-760-4293

- [HTTPS://ARKCASA.ORG](https://arkcasa.org)
- ARKANSAS STATE POLICE CHILD ABUSE
 - 800-482-5964
- NATIONAL HUMAN TRAFFICKING RESOURCE CENTER
 - 800-482-5964

TITLE IX TEAM

DR. STEPHANIE RIZZO

- Title IX Coordinator
- Director of Advising and Community Standards
- 501-760-4356
- Stephanie.Rizzo@np.edu

Jaymes Doss

- Deputy Coordinator (Students)
- Director of Web Services
- 501-760-4228
- Jaymes.Doss@np.edu

Candra Jennings

- Deputy Coordinator (Employees)
- Compensation & Benefits Manager
- 501-760-4317
- Candra.Jennings@np.edu