



Introduction to Title IX

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Title IX

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

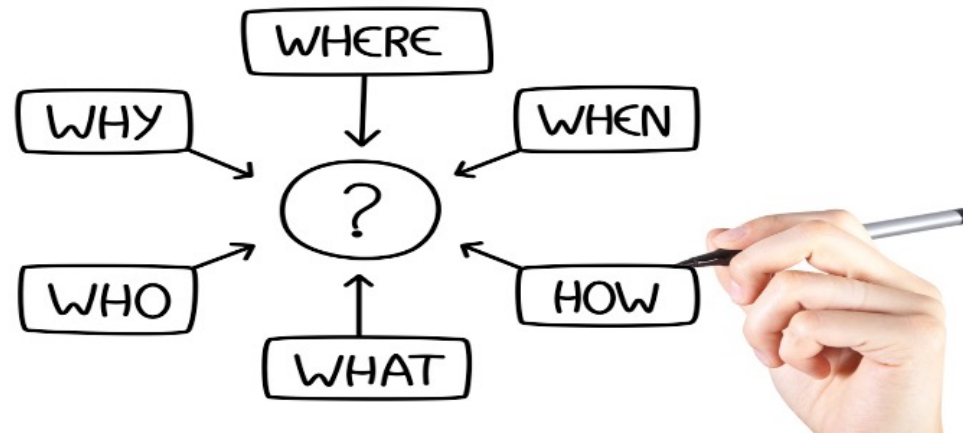
Title IX –What Does It Do?

Title IX seeks to reduce or eliminate barriers to educational opportunities caused by sex discrimination.

Procedures

- Substantially expanded due process
- Must state a presumption that respondent is not responsible until determination reached in Notice of Investigation
- Jurisdiction for Title IX cases limited to:
 - Incident occurred in the United States
 - Must have control of the alleged “harasser” and the context of the harassment
 - Incident must have occurred in program or activity of the institution
 - Complainant is member or seeking to be member of institution
 - Must meet definition of Sexual Harassment
- Expands off-campus jurisdiction to buildings and property owned/controlled by recognized student organizations

Michigan School of Psychology's Title IX Sexual Harassment and Complaint Resolution Process



Mandatory jurisdiction to respond



Actual knowledge

Sexual harassment

Education program or activity

Person in the United States

Respond promptly in a manner that is not deliberately indifferent

Promptly contact complainant to discuss availability of supportive measures regardless of whether complaint is filed and explain process for filing complaint

Supportive measures (cannot be punitive; no punitive action permitted until completion of compliant grievance process)

Keep records of supportive measures for seven years

Mandatory jurisdiction to investigate
Formal Complaint filed by a complainant
(or Title IX Coordinator)

- Written Formal Complaint is submitted
- Identifies a respondent
- Requests an investigation



Definition of Sexual Harassment

Sexual harassment means conduct on the basis of sex that satisfies one or more of the following:

An employee of the recipient conditioning the provision of an aid, benefit, or service of the recipient on an individual's participation in unwelcome sexual conduct;

Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the recipient's education program or activity; or

"Sexual assault" as defined in 20 U.S.C. 1092(f)(6)(A)(v), "dating violence" as defined in 34 U.S.C. 12291(a)(10), "domestic violence" as defined in 34 U.S.C. 12291(a)(8), or "stalking" as defined in 34 U.S.C. 12291(a)(30).

Dismissing complaints

MANDATORY

- Not sexual harassment
- Did not occur in program or activity
- Not against person in the U.S.

DISCRETIONARY

- Complainant withdraws complaint
- Respondent no longer enrolled/employed
- School unable to collect sufficient info

Questions?

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