Title IX Presentation: Jerry Nevarez, NMSU Office of Institutional Equity
Presented at the COB Fall 2012 Convocation on August 21, 2012

New Mexico State University
Office of Institutional Equity - (OIE/EEO)

“An Introduction to Title IX”

Training Etiquette:

- Please make sure all cell phone ringers, radios, and blackberries are turned off when possible.
- Please keep side conversation to a minimum.
- Please raise your hand to ask questions or offer comments.

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Objectives:

Gain basic knowledge of Title IX Provisions

Title IX of The Education Amendments of 1972
Prohibits discrimination on basis of sex:

- Education programs
- Education activities
- By recipients of federal financial assistance
- Enforcement by Office for Civil Rights (OCR)
  U.S. Department of Education
Specifically Title IX Prohibits:
- Sexual misconduct (sexual violence)
- Gender discrimination
- Sexual harassment
- Retaliation

Title IX and NMSU:
- OIE responsible for activity
- Primary contact for OCR
- Receives complaints
- Conducts assessments/investigations
- Coordinates remediation

Internal NMSU Coordination:
- Dean of Students
- Police Department
- Counseling Center
- Housing
- Financial Aid/Registrar's
- Athletics
- Community Colleges
Sexual Misconduct Includes:

- Sexual harassment
- Non-consensual sexual contact or attempts to commit same
- Sexual exploitation

Title IX Sexual Harassment:

- Unwelcome, gender-based nonverbal, verbal, physical conduct that is,
- Sufficiently severe, persistent or pervasive that it,
- Unreasonably interferes with, denies or limits someone's ability to participate in or benefit from the university's educational programs and/or activities, and is,
- Based on power differential (quid pro quo), The creation of a hostile environment or retaliation

Title IX Concepts:

- Deliberate indifference (failure to act)
- Preponderance of the evidence standard (more likely than not)
- Actual notice (complaint filed)
- Constructive notice (should have known)
Non-consensual sexual contact:

- Any intentional sexual touching
- However slight
- By a male or female upon another male or female
- That is without consent and/or by force
- Define consent
- Role of incapacitation

Students:

- Providing notice
- Students as employees
- Student on student complaints
- Relationship violence
- Physical force, threats, intimidation, coercion
- Internal complaint vs. police criminal investigation

Confidentiality:

- Of the process (parties, witnesses)
- Reasonable attempt to maintain, but cannot be guaranteed
- May limit responsive action
- May jeopardize safety of complainant or others
Interaction with other statutes:

- Section 503, 504, Rehabilitation Act of 1973
- ADA
- Title VII, Civil Rights Act
- Clery Act
- FERPA

Title IX Scenario:

A female student who works for you as a student employee tells you the following story:

She is a student in Dr. Smith's history class. The student is an aspiring model. One day after class she strikes up a conversation with Dr. Smith. She lets him know about her dream to be a model. Dr. Smith, who is into physical fitness, offers to help her. He tells her that he could provide advice and show her techniques. She agrees and he gives her his home address.

The student shows up at his home. They are having a discussion when all of a sudden he runs his hands on her torso and tells her she needs to firm that up. He keeps touching her even though she tells him to stop because it makes her uncomfortable. She attempts to leave, but he gets between her and the door. Finally, she pushes him away and she runs out of Dr. Smith's house.

She is afraid and doesn't know what to do. What do you do?

Title IX Scenario:

During the semester, Betty becomes friends with two of her male classmates. They go to home football games together and generally hang out at their dorm rooms. One time after a big football win, the two males buy some bottles of alcohol to celebrate. All three begin drinking in the male students' dorm room. Betty becomes so intoxicated that she occasionally passed out for several minutes at a time. She remembers somewhat that she was raped by the two males while she was not fully conscious.

Early the next morning, Betty leaves the males' dorm room and goes to her room. She does not call the police or seek medical attention.

As Betty's supervisor, you notice that she is not her usual self and you ask her if everything is ok. She finally tells you that five days ago she was raped and gives you some details. What do you do?
Thank you