



TITLE IX TRAINING

FALL 2024



AGENDA

Title IX Fundamentals and History


2020 Title IX Final Rule: Definitions and Processes

2024 Title IX Final Rule: Definitions and Processes

Role Specific Training

Q&A

TITLE IX OF THE EDUCATION AMENDMENTS OF 1972



"No person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any academic, extracurricular, research, occupational training, or other education program or activity operated by a recipient which receives Federal financial assistance."



BRIEF HISTORY OF TITLE IX

1972 - Education Amendments

- Title IX revised federal funding laws to prohibit sex discrimination in higher education.

1990 - Clery Act

- Initially called the "Crime Awareness and Campus Security Act", and later renamed in memory of slain student Jeanne Clery, this act amended federal financial aid laws to require all participating postsecondary institutions to disclose campus crime statistics and security information.

1994 - Violence Against Women Act (VAWA)

- Established federal legal definitions of domestic violence, dating violence, sexual assault, and stalking. Made funding grants for reducing these crimes available to higher education institutions.

2001 - Revised Sexual Harassment Guidance

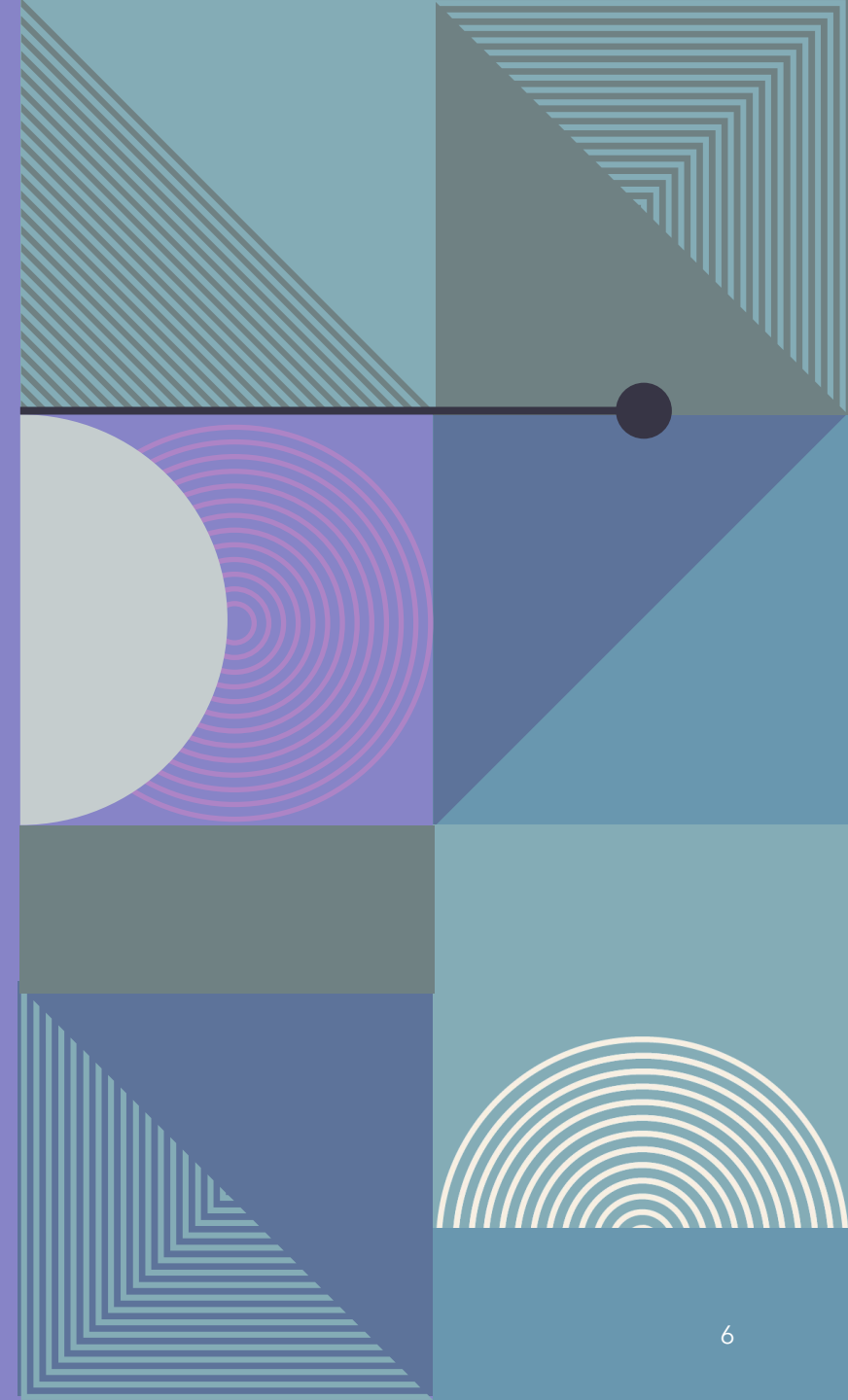
- Department of Education's (ED's) Office for Civil Rights (OCR) guidance explored Title IX sexual harassment protections.
- "[S]chools need to ensure that employees are trained so that those with authority to address harassment know how to respond appropriately, and other responsible employees know that they are obligated to report harassment to appropriate school officials."

2011 - April 2011 Dear Colleague Letter

- Noting that sexual assault had become an epidemic on college campuses, OCR reiterated that Title IX guarantees all students an education free from sexual harassment and violence.
- OCR also recommended that "all schools implement preventive education programs" as part of their orientation programs for new students, faculty, and staff.

2013 - Campus SaVE Act

- Amended the Clery Act to mandate extensive "primary prevention and awareness programs" regarding sexual misconduct and related offenses.

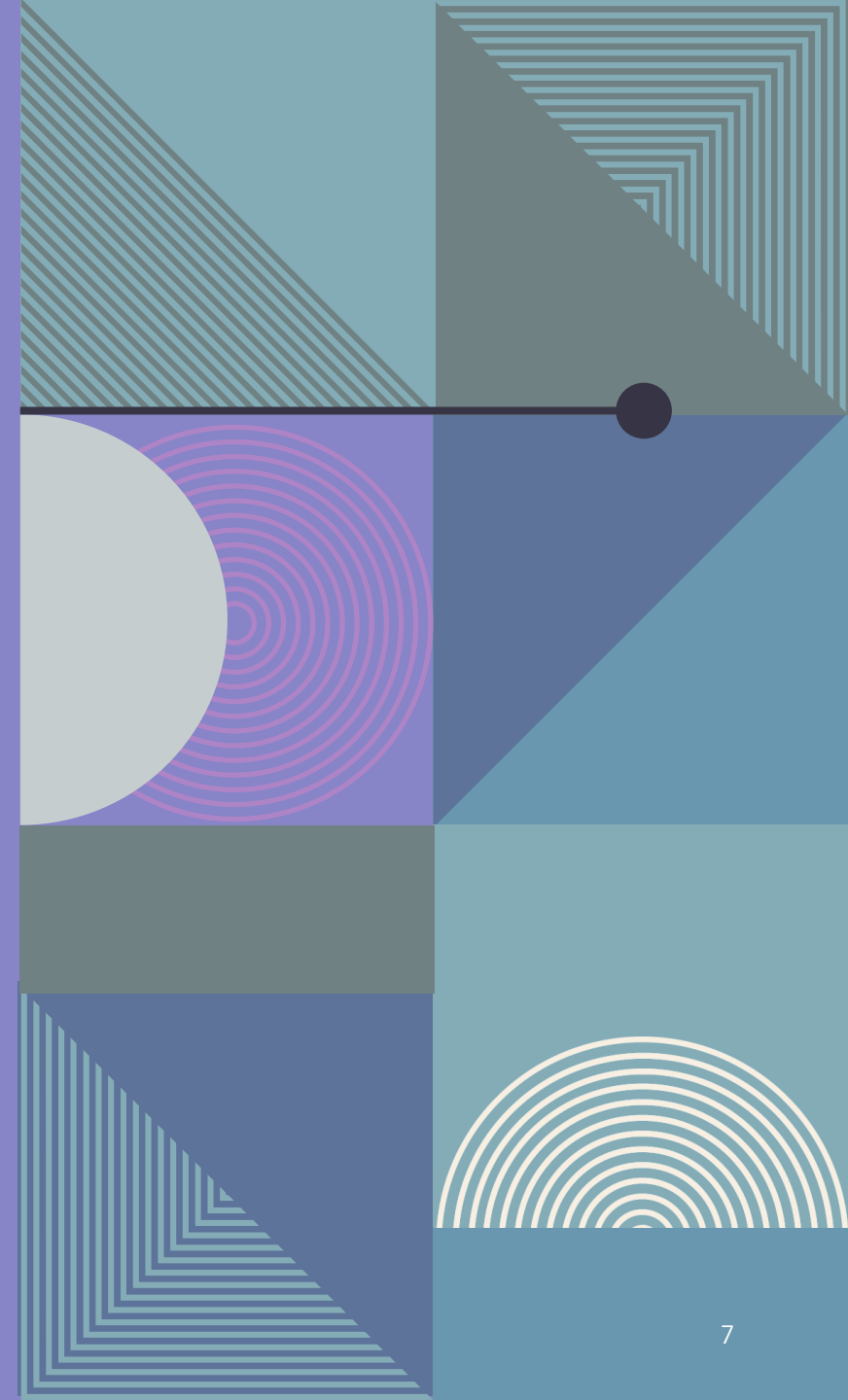


2020 Title IX Final Rule

- May 7, 2020: ED released updated Title IX regulations after engaging in a formal notice-and-comment process.
- August 14, 2020: Updated regulations went into effect.

2024 Title IX Final Rule

- April 29, 2024: ED released updated Title IX regulations after engaging in a formal notice-and-comment process.
- August 1, 2024: Updated regulations scheduled to go into effect.



So....What Now?

- Multiple states, advocacy groups, and individuals have filed lawsuits against the federal government regarding the 2024 Title IX Final Rule.
- Temporary injunctions have been granted by several federal judges to halt enforcement of the 2024 Title IX Final Rule in certain states.
- Various courts are in the process of hearing and ruling on these lawsuits, and the 2024 Title IX Final Rule's fate may ultimately be decided by the Supreme Court.
- Depending on the courts' rulings, we may be required to continue processing cases using:
 1. The 2020 Title IX Final Rule,
 2. Portions of the 2024 Title IX Final Rule, or
 3. The entire 2024 Title IX Final Rule.



MANDATORY REPORTING

Campus Security Authority (CSA)

- A CSA is a Collin College employee who has significant responsibility for student and campus activities.
- CSAs are responsible for ensuring that information regarding a crime reported or known to them is conveyed to the appropriate Collin College official(s) for record keeping and reporting purposes.
- When a Clery Act crime is reported to a CSA, the CSA **must** complete the Campus Security Authority (CSA) Crime Reporting Form.

Child Abuse and Neglect Reporting

- Any person who has reasonable cause to believe that a child's physical or mental health or welfare has been adversely affected by abuse or neglect has a responsibility under state law to immediately report the suspected abuse or neglect to an appropriate authority.
- The term "child" is defined in state law as a person younger than 17 years of age.
- When an employee suspects child abuse or neglect, they **must** report it through the Texas Abuse Hotline Website.

Texas Education Code Section 51.252 aka Texas Senate Bill 212

- Requires a Collin College employee who witnesses or receives information regarding an incident of **Dating Violence, Sexual Assault, Sexual Harassment, or Stalking** that is alleged to have been committed by or against a person who was a student enrolled at or an employee of Collin College at the time of the incident to promptly report the incident to Collin College's Title IX Coordinator or Deputy Title IX Coordinator.
- Confidential employees (e.g., Counselors) are only required to state the type of incident reported and may not include and information that would violate a student's expectation of privacy.
- Employees **must** complete the Mandatory Reporting Form for Incidents of Dating Violence, Domestic Violence, Sexual Assault, Sexual Harassment, and Stalking.

2024 Title IX Final Rule

- Any employee who is not a confidential employee and who either has authority to institute corrective measures on behalf of Collin College or has responsibility for administrative leadership, teaching, or advising in Collin College's education program or activity is required to notify the appropriate Title IX coordinator, deputy Title IX coordinator, or designee when the employee has information about conduct that reasonably may constitute sex discrimination and/or sex-based harassment under Title IX.
- All other employees are required to:
 1. Notify the appropriate Title IX coordinator, deputy Title IX coordinator, or designee when the employee has information about conduct that reasonably may constitute sex discrimination and/or sex-based harassment under Title IX; or
 2. Provide the contact information of the appropriate Title IX coordinator, deputy Title IX coordinator, or designee and information about how to make a complaint of sex discrimination and/or sex-based harassment to any person who provides the employee with information about conduct that reasonably may constitute sex discrimination and/or sex-based harassment under Title IX.



MISCONDUCT ADDRESSED BY TITLE IX

2020 Title IX Final Rule:

- Sex Discrimination
- Sexual Harassment
 - Quid Pro Quo
 - Hostile Environment and
 - VAWA Offenses:
 - Dating Violence
 - Domestic Violence
 - Sexual Assault
 - Stalking
- Gender-Based Harassment
- Retaliation Arising Out of A Claim of One (1) or More of the Other Allegations

2024 Title IX Final Rule:

- Sex Discrimination
- Sex-Based Harassment
 - Quid Pro Quo
 - Hostile Environment
 - Dating Violence
 - Domestic Violence
 - Sexual Assault:
 - Fondling
 - Incest
 - Rape
 - Statutory Rape
 - Stalking
- Retaliation Arising Out of A Claim of One (1) or More of the Other Allegations



TITLE IX DEFINITIONS

COMPLAINANT

2020 Title IX Final Rule:

Individual who is alleged to be the victim of conduct that could constitute sexual harassment.

2024 Title IX Final Rule:

1. A student or employee who is alleged to have been subjected to conduct that could constitute sex discrimination and/or sex-based harassment under Title IX or its regulations; or
2. A person other than a student or employee who is alleged to have been subjected to conduct that could constitute sex discrimination and/or sex-based harassment under Title IX or its regulations and who was participating in or attempting to participate in Collin College's education program or activity at the time of the alleged sex discrimination and/or sex-based harassment.



RESPONDENT

2020 Title IX Final Rule:

Individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

2024 Title IX Final Rule:

A person who is alleged to have violated Collin College's prohibition on sex discrimination and/or sex-based harassment.



COMPLAINT

2020 Title IX Final Rule:

Formal Complaint: Document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the school investigate the allegation of sexual harassment.

2024 Title IX Final Rule:

An oral or written request to Collin College that objectively can be understood as a request for Collin College to investigate and make a determination about alleged discrimination under Title IX or its regulations.

SUPPORTIVE MEASURES

2020 Title IX Final Rule:

Individualized services reasonably available that are non-punitive, non-disciplinary, and not unreasonably burdensome to the other party while designed to ensure equal educational access, protect safety, or deter sexual harassment.

2024 Title IX Final Rule:

Individualized measures offered as appropriate, as reasonably available, without unreasonably burdening a complainant or respondent, not for punitive or disciplinary reasons, and without fee or charge to the complainant or respondent to:

1. Restore or preserve that party's equal access to Collin College's education program or activity, including measures that are designed to protect the safety of the parties or Collin College's educational environment; or
2. Provide support during Collin College's grievance procedures or during an informal resolution process.

DATING VIOLENCE

2020 Title IX Final Rule:

In accordance with the Violence Against Women Act (VAWA), the term “dating violence” means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim and where the existence of such a relationship will be determined based on the reporting party’s statement and a consideration of:

1. The length of the relationship,
2. The type of relationship, and
3. The frequency of interaction between the persons involved in the relationship.

Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.

Dating violence does not include acts covered under the definition of domestic violence.

2024 Title IX Final Rule:

In accordance with Title IX, “dating violence” means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; and where the existence of such a relationship will be determined based a consideration of:

1. The length of the relationship,
2. The type of relationship, and
3. The frequency of interaction between the persons involved in the relationship.

Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.

Dating violence does not include acts covered under the definition of domestic violence.

When evaluating whether an allegation of dating violence rises to the level of a Clery Act-reportable crime and/or requires distribution of an emergency notification and/or timely warning notice, Collin College will use the definition found in the Clery Act regulations, as amended by the Violence Against Women Act (VAWA).

DOMESTIC VIOLENCE

2020 Title IX Final Rule:

In accordance with the Violence Against Women Act (VAWA), the term “domestic violence” includes felony or misdemeanor crimes of violence committed by:

1. A current or former spouse or intimate partner of the victim;
2. A person with whom the victim shares a child in common;
3. A person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
4. Any other member of the victim’s family as defined by state law;
5. Any other current or former member of the victim’s household as defined by state law (i.e., a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred, including, but not limited to, student housing roommates); or
6. Any other person who acts against the victim in violation of the family violence laws of this state or the jurisdiction where the conduct occurs (i.e., any other person against an adult or youth victim who is protected from that person’s actions under the domestic or family violence laws of the jurisdiction in which the violence occurred).

2024 Title IX Final Rule:

In accordance with Title IX, “domestic violence” means felony or misdemeanor crimes of violence committed by a person who:

1. Is a current or former spouse or intimate partner of the victim under the family or domestic violence laws of the jurisdiction(s) in which Collin College operates, or a person similarly situated to a spouse of the victim;
2. Is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner;
3. Shares a child in common with the victim; or
4. Commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of the jurisdiction.

When evaluating whether an allegation of domestic violence rises to the level of a Clery Act-reportable crime and/or requires distribution of an emergency notification and/or timely warning notice, Collin College will use the definition found in the Clery Act regulations, as amended by the Violence Against Women Act (VAWA).

GENDER-BASED HARASSMENT

2020 Title IX Final Rule:

Gender-based harassment includes physical, verbal, or non-verbal conduct based on the student's or employee's gender, the student's or employee's expression of characteristics perceived as stereotypical for the student's or employee's gender, or the student's or employee's failure to conform to stereotypical notions of masculinity or femininity.

For purposes of this policy, gender-based harassment is considered prohibited harassment if the conduct is so severe, persistent, pervasive, and objectively offensive that the conduct limits or denies a student's or employee's ability to participate in or benefit from Collin College's educational program.

Acts of gender-based harassment may also be considered sex discrimination or sexual harassment.

Examples of gender-based harassment may include:

- Offensive jokes, name-calling, slurs, or rumors;
- Physical aggression or assault;
- Threatening or intimidating conduct; or
- Other kinds of aggressive conduct such as theft or damage to property.
- Examples may also include forms of dating violence, domestic violence, or stalking.

2024 Title IX Final Rule:

Not Applicable

RETALIATION

2020 Title IX Final Rule:

Retaliation against anyone involved in the complaint process is a violation of Collin College policy and is prohibited.

Neither Collin College nor any person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by applicable federal *Title IX* regulation; this policy; or because the individual has made a report or complaint, testified, assisted with, participated in, or refused to participate in a *Title IX* investigation, proceeding, or hearing.

Charging an individual with a violation(s) that does not involve sexual harassment, but arises out of the same facts or circumstances as a formal complaint of sexual harassment, for the purposes of interfering with any right or privilege secured by applicable federal *Title IX* regulations, constitutes retaliation.

2024 Title IX Final Rule:

Retaliation means intimidation, threats, coercion, or discrimination against any person by Collin College, a student, or an employee or other person authorized by Collin College to provide aid, benefit, or service, under Collin College's education program or activity, for the purpose of interfering with any right or privilege secured by Title IX or its regulations, or because the person has reported information, made a complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing, including in an informal resolution process, in grievance procedures, and in any other actions taken by Collin College. Nothing in this definition or Title IX precludes Collin College from requiring an employee or other person authorized by Collin College to provide aid, benefit, or service under Collin College's education program or activity to participate as a witness in, or otherwise assist with, an investigation, proceeding, or hearing.

Complaints alleging retaliation in connection with a complaint or investigation of prohibited conduct as defined by this policy, including, but not limited to, peer retaliation, will be addressed in accordance with this policy.

RETALIATION (CONTINUED)

2020 Title IX Final Rule:

In an effort to prevent acts of retaliation, Collin College will keep confidential and not disclose the identities of complainants, respondents, and witnesses, except as permitted by the Family Educational Rights and Privacy Act of 1974 (FERPA), required by law, or necessary to investigate and resolve a Title IX complaint.

The exercise of rights protected under the First Amendment does not constitute retaliation.

Charging an individual with a violation(s) for making a materially false statement in bad faith in the course of a *Title IX* complaint proceeding does not constitute prohibited retaliation. However, a determination regarding responsibility, alone, is not sufficient to conclude that any party made a bad faith materially false statement.

Complaints alleging retaliation in connection with a complaint or investigation of prohibited conduct as defined by this policy will be addressed in accordance with this policy.

2024 Title IX Final Rule:

Not Applicable

RETALIATION (CONTINUED)

2020 Title IX Final Rule:

Complaints alleging retaliation in connection with other policies or laws may be filed in accordance with Collin College's prompt and equitable grievance procedures. For more information, see Board policies DIAB (LOCAL) and FFDB (LOCAL), and the student and employee disciplinary processes.

Examples of retaliation may include:

- Threats,
- Rumor spreading,
- Ostracism,
- Assault,
- Destruction of property,
- Unjustified punishments, or
- Unwarranted grade reductions.
- Unlawful retaliation does not include petty slights or annoyances.

2024 Title IX Final Rule:

Complaints alleging retaliation in connection with other policies or laws may be filed in accordance with Collin College's prompt and equitable grievance procedures. For more information, see Board policies DIAB (LOCAL) and FFDB (LOCAL), and the student and employee disciplinary processes.

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SEX DISCRIMINATION

Sex discrimination against a student or employee is defined as conduct directed at a student or employee on the basis of sex or gender that adversely affects the student or employee.

SEXUAL ASSAULT

2020 Title IX Final Rule:

Sexual assault is a form of sexual harassment.

Sexual assault includes physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent due to the victim's use of drugs or alcohol or due to an intellectual or other disability.

In accordance with the Clery Act, sexual assault is any sexual act directed at another person, without consent of the victim, including instances where the victim is incapable of giving consent; and includes attempted sexual acts, fondling, incest, rape, and statutory rape.

2024 Title IX Final Rule:

In accordance with Title IX, sexual assault means an offense classified as a forcible or non-forcible sex offense under the Uniform Crime Reporting (UCR) system of the Federal Bureau of Investigation (FBI).

Sexual assault includes physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent due to the victim's use of drugs or alcohol or due to an intellectual or other disability.

In accordance with the Clery Act, sexual assault is any sexual act directed at another person, without consent of the victim, including instances where the victim is incapable of giving consent.

SEXUAL ASSAULT (CONTINUED)

2020 Title IX Final Rule:

Not Applicable

2024 Title IX Final Rule:

Sexual assault includes the following:

1. **Attempted** sexual acts;
2. **Fondling**: The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental incapacity;
3. **Incest**: Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law;
4. **Rape**: The penetration, no matter how slight, of the vagina or anus, with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. This offense includes the rape of both males and females, incidents in which force was used or threatened, incidents in which the victim was incapable of giving consent because of their age, and incidents in which the victim was incapable of giving consent due to temporary or permanent mental impairment; and
5. **Statutory Rape**: Sexual intercourse with a person who is under the statutory age of consent. Note: The statutory age of consent in the state of Texas is 17.

SEXUAL HARASSMENT

2020 Title IX Final Rule:

In accordance with Title IX, as amended May 19, 2020, sexual harassment means conduct on the basis of sex that satisfies one (1) or more of the following:

1. A Collin College employee conditioning the provision of an aid, benefit, or service of Collin College on an individual's participation in unwelcome sexual conduct (i.e., quid pro quo sexual harassment);
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to Collin College's education program or activity; or
3. Sexual assault, as defined in the *Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act)*; and dating violence, domestic violence, or stalking as defined in the *Violence Against Women Act (VAWA)*.

Note: Quid pro quo sexual harassment, *Clery Act*, and *VAWA* offenses are not evaluated for severity, pervasiveness, offensiveness, or denial of equal educational access because prohibiting such conduct presents no First Amendment concerns and such serious misconduct causes denial of equal educational access.

2024 Title IX Final Rule:

Not Applicable

STALKING

2020 Title IX Final Rule:

In accordance with the *Violence Against Women Act (VAWA)*, the term “stalking” means engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others; or suffer substantial emotional distress.

For the purposes of this definition:

1. “Course of conduct” means two (2) or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person’s property.
2. “Reasonable person” means a reasonable person under similar circumstances and with similar identities to the victim.
3. “Substantial emotional distress” means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

2024 Title IX Final Rule:

In accordance with Title IX, “stalking” means engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person’s safety or the safety of others; or suffer substantial emotional distress.

For the purposes of this definition:

1. “Course of conduct” means two (2) or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person’s property.
2. “Reasonable person” means a reasonable person under similar circumstances and with similar identities to the victim.
3. “Substantial emotional distress” means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

When evaluating whether an allegation of stalking rises to the level of a Clery Act-reportable crime and/or requires distribution of an emergency notification and/or timely warning notice, Collin College will use the definition found in the Clery Act regulations, as amended by the Violence Against Women Act (VAWA).

CONSENT TO SEXUAL ACTIVITY

For purposes of this policy, sexual activity requires consent, which is defined as an informed, voluntary, affirmative, and mutual agreement between the participants to engage in a specific sexual act. The following guidelines will be used to determine whether consent was obtained when investigating a complaint of sexual assault against a Collin College student or employee:

1. Consent to sexual activity can be communicated in a variety of ways, but one should not presume consent has been given in the absence of a clear, positive agreement.
2. Consent can only be accurately gauged through direct communication about the decision to engage in sexual activity. The absence of the word "no" or the like (e.g., "stop") does not imply consent.
3. Although consent can be non-verbal, verbal communication is the most reliable form of asking for and obtaining consent. Discussing desires, needs, and limitations with sexual partners provides a basis for positive sexual experiences shaped by mutual willingness and respect.
4. Presumptions based upon contextual factors (e.g., provocative clothing or dancing) are unwarranted and should not be considered grounds for consent.
5. As defined in the State of Texas Penal Code §22.011 Sexual Assault, the age of sexual consent is 17. Therefore, consent cannot be obtained from someone who is under the age of 17, as that person is legally considered to be a minor.

CONSENT TO SEXUAL ACTIVITY (CONTINUED)

6. Consent cannot be obtained from someone who is asleep, unconscious, or otherwise mentally or physically incapacitated, whether due to alcohol, drugs, or some other condition (e.g., an intellectual or other disability). A person is mentally or physically incapacitated when that person lacks the ability to make or act on considered decisions to engage in sexual activity. Engaging in sexual activity with a person whom you know – or reasonably should know – to be incapacitated constitutes sexual assault.
7. Consent to some sexual acts does not constitute consent to other sexual acts.
8. Consent must be ongoing throughout a sexual encounter and can be revoked at any time. If you proceed despite your partner's verbal and/or non-verbal communication to stop, you have committed sexual assault.
9. Consent cannot be obtained by threat, coercion, or force. Agreement under such circumstances does not constitute consent.
10. A prior sexual encounter or pre-existing relationship does not indicate consent to current or future sexual activity.



TITLE IX PROCESSES

2020 TITLE IX FINAL RULE PROCESSES

Informal Resolution Process

- Similar to mediation
- Only available if both parties agree in writing
- Not available in cases involving an employee respondent and a student complainant
- Anticipated Time Frame:
 - **Board Policy:** 30 College District business days
 - **Federal Law:** Within a reasonably prompt timeframe

Formal Resolution Process

- Involves Investigators, Live Hearing Advisors, Live Hearing Officers, and Appeal Decision Makers
- An Investigation Report is created by Investigators
- Culminates in a Live Hearing with cross-examination
- Anticipated Time Frame
 - **Board Policy:** 60 College District business days
 - **Federal Law:** Within a reasonably prompt timeframe

2024 TITLE IX FINAL RULE PROCESSES

Informal Resolution Process

- Can be initiated at any time prior to a determination whether sex discrimination and/or sex-based harassment occurred.
- Can be initiated even if a complaint has not been submitted.
- Similar to mediation.
- Only available if both parties elect to participate and agree in writing.
- Collin College has discretion to determine whether it is appropriate to offer an Informal Resolution Process to the parties and may decline to do so despite one (1) or more of the parties' wishes.
- Not available:
 1. In cases involving allegations that a Collin College employee engaged in sex-based harassment of an elementary or secondary school student.
 2. When such a process would conflict with federal, state, or local law.
 3. When Collin College Determines that the alleged conduct would present a future risk of harm to others.

Challenges Process

- Only available for:
 1. Challenging Collin College's decision to provide, deny, modify, or terminate **supportive measures**.
 - Only the party whose supportive measures were provided, denied, modified, or terminated is eligible to challenge.
 2. Challenging the **dismissal of a complaint** of sex discrimination and/or sex-based harassment.
 - Only the complainant is eligible to challenge if the respondent has not been notified of the allegation(s).
 - If the respondent has been notified of the allegation(s), both parties are eligible to challenge.
 3. Challenging an **emergency removal or administrative leave**.
 - Only the respondent is eligible to challenge the emergency removal or administrative leave.

2024 TITLE IX FINAL RULE PROCESSES

Grievance Procedures for Complaints of Sex Discrimination and Complaints of Sex-Based Harassment Against an Employee Respondent

- All complaints of sex discrimination, including:
 1. Complaints made by students, employees, or other individuals who are participating in or attempting to participate in Collin College's education program or activity.
 2. Complaints involving Collin College's institutional policies and procedures.
 3. Complaints of sex discrimination involving pregnant and parenting students, employees, or other individuals who are participating in or attempting to participate in Collin College's education program or activity.
- Also includes all complaints of sex-based harassment that are submitted by an employee complainant against an employee respondent.
- Involves Investigators, Decision-Makers, and Appellate Officers
- When a complaint is submitted regarding institutional policies and procedures, Collin College is not considered a respondent.

Grievance Procedures for Complaints of Sex-Based Harassment Involving Either Student Complainants or Student Respondents

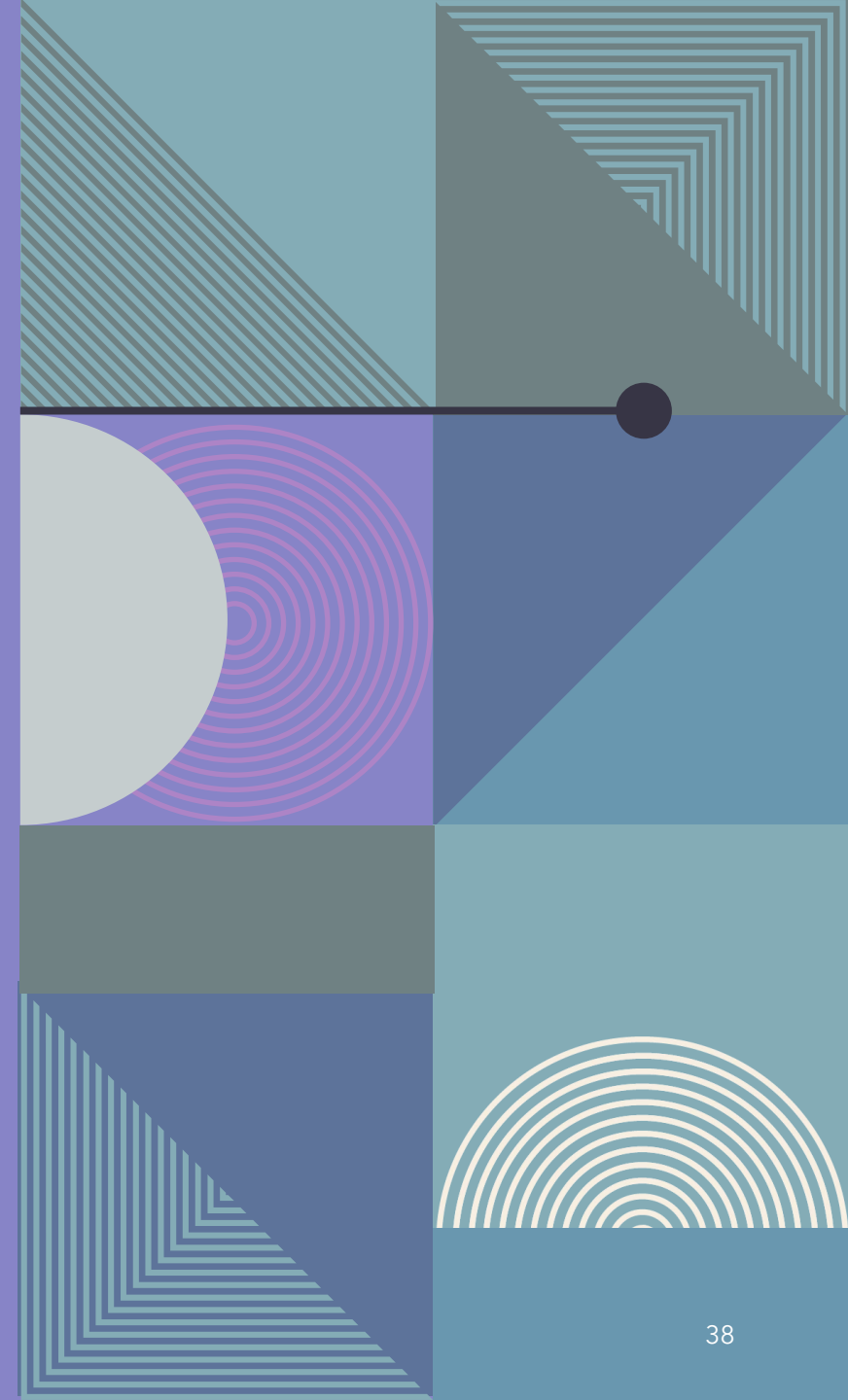
- All complaints of sex-based harassment in which a student is either the complainant or respondent, including:
 1. Employee complainant and student respondent.
 2. Student complainant and employee respondent.
 3. Student complainant and student respondent.
 4. Any other complainant (e.g., community member, contractor, student or employee from another institution) and student respondent.
 5. Student complainant and any other respondent (e.g., community member, contractor, student or employee from another institution).
- Involves Investigators, Decision-Makers, and Appellate Officers



SERVING IMPARTIALLY AND AVOIDING PREJUDGMENTS

What is Bias?

- A tendency, inclination, or prejudice toward or against someone.
- Often based on stereotypes and result discriminatory practices.
- Can be explicit or implicit.
 - Explicit Bias: Attitudes and stereotypes that affect understanding, actions, and decisions in a conscious manner, which can be identified through self-reflection.
 - Implicit Bias: Attitudes and stereotypes that affect understanding, actions, and decisions in an unconscious manner, which are more difficult to identify through self-reflection.



Avoiding Bias in the Title IX Complaint Resolution Process

It is easy for biases to emerge in the context of the Title IX Complaint Resolution Process.

A key to maintaining impartiality throughout the Title IX process is to avoid bias.

How to Avoid Bias:

1. Monitor your language by being mindful of what you say and how you say it.
2. Avoid using generalizations (e.g., referring to all complainants as victims),
3. Question your thinking and challenge your assumptions by considering whether you would draw the same conclusions if the scenario involved other people (e.g., of a different sex, race, socio-economic status).
4. Gather all relevant facts before drawing any conclusions or reaching a determination.

Conflicts of Interest

- All participants in the Title IX Complaint Resolution Process must be free from:
 - Conflicts of interest or bias “for or against” complainants generally.
 - Conflicts of interest or bias “for or against” respondents generally.
 - Conflicts of interest or bias “for or against” an individual complainant.
 - Conflicts of interest or bias “for or against” an individual respondent.
- We must serve as **impartial representatives** of Collin College and not prejudge the facts at issue.

When Should You Recuse Yourself?

- If you have a current or ongoing relationship with the complainant, respondent, or a witness. For example:
 - The complainant is enrolled in your current class. (Note: It may be alright for you to serve if you previously had a class with a complainant, respondent, or witness, as long as you can favorably answer items 2 and 3 below.)
 - The respondent is an active member of a Collin College recognized student organization for which you serve as a member, officer, or advisor.
 - You and the complainant have significant interaction on- or off-campus (e.g., mentor, career coach, work, or community activities).
- If you do not think you can be impartial.
- If the situation is going to make you uncomfortable.
- If you are not sure whether you should recuse yourself, contact the appropriate Title IX coordinator, deputy Title IX coordinator, or designee overseeing the case.

THINGS TO REMEMBER

- All parties have the right to a prompt, fair, impartial, unbiased, and equitable process.
 - As neutral representatives of Collin College, it is our responsibility to ensure that all parties are treated equitably throughout the Title IX Complaint Resolution Process.
- We must avoid prejudging a party or the facts of a case prior to the conclusion of the appropriate Title IX process.
 - The respondent is always presumed to be not responsible for the alleged misconduct until the conclusion of the appropriate Title IX process when a final determination is made.
- Privacy and confidentiality are vital!
- If you have a question or concern, contact the appropriate Title IX coordinator, deputy Title IX coordinator, or designee overseeing the case.

COLLIN COLLEGE'S TITLE IX COORDINATORS

Title IX Coordinator for Students

Terrence Brennan
District Dean of Students
Collin Higher Education Center
3452 Spur 399
Suite 457
McKinney, TX 75069
Phone: 972.881.5734
Email: tbrennan@collin.edu

Title IX Coordinator for Employees

Dr. Jennifer DuPlessis
Chief Human Resources Officer
Collin Higher Education Center
3452 Spur 399
Suite 339
McKinney, TX 75069
Phone: 972.985.3702
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Deputy Title IX Coordinator for Students

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