



HCC

Equity and
Diversity /
Title IX Office

HCC TITLE IX

EMPLOYEE TRAINING

2020-2021



PURPOSE

- To comply with Federal law and HCC policies, procedures and processes
- To provide training on the two distinct processes for handling discrimination and Title IX Complaints for ALL students and employees
- To provide information on supportive measures & resources to the Campus community



OBJECTIVES

- Participants will identify the federal regulations governing discrimination, discriminatory harassment, sexual misconduct, Title IX and retaliation
- Understand the major provisions of the DOE's Title IX Final Rule
- Participants will gain knowledge about Title IX concepts
- Participants will identify important resources & steps in the reporting process
- Participants will engage in discussion regarding opportunities and challenges encountered in the learning and working environment



FEDERAL LAWS PROHIBITING DISCRIMINATION

- **Title VI of the Civil Rights Act of 1964:** Prohibits discrimination on the basis of Race, Color, and National Origin.
- **Title VII of the Civil Rights Act of 1964:** Prohibits employers from discriminating against individuals with respect to compensation, terms, conditions, or privileges of employment.
- **Title IX of the Education Amendments of 1972:** Prohibits discrimination on basis of Sex.



FEDERAL LAWS PROHIBITING DISCRIMINATION

- **Section 504 of Rehabilitation Act of 1975:** Prohibits discrimination on the basis of Physical and/or Mental Disability.
- **Age Discrimination Act of 1975:** Prohibits Age Discrimination.
- **Title II of the Americans with Disabilities Act of 1990:** Prohibits discrimination by public entities, whether or not they receive federal financial assistance.



TITLE IX

20 U.S.C. § 1681 & 34 C.F.R. § 106

“ 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.”



WHAT IS A RESPONSIBLE EMPLOYEE?

- ✓ An employee who has the authority to take action to address and redress harassment
- ✓ Any learned information needs to be timely reported to the Title IX Coordinator.
- ✓ HCC has no licensed counselors or ministers that can protect confidentiality, but we can protect your privacy.



Responsible Employees



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Roles of Title IX Grievance Process Participants



- ✓ Title IX Coordinator - Coordinates Title IX efforts for the college, including, but not limited to the setting up and implementing live hearings, training, and related compliance matters.
- ✓ Investigator - Investigates the allegations made in a formal complaint and creates investigative reports based on relevant evidence.
- ✓ Decision Maker - Oversees and conducts the hearing/adjudication and/or appeals processes.
- ✓ Hearing Advisors - Relays evidence and parties' relevant cross-examination questions to other parties and witnesses so that the parties never personally confront anyone.

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ROLES OF TITLE IX GRIEVANCE PROCESS PARTICIPANTS

<p>Title IX Coordinator</p> <p>Coordinates Title IX efforts for the college, including, but not limited to the setting up and implementing live hearings, training, and related compliance matters.</p> <p>Specific duties:</p> <ul style="list-style-type: none"> Intakes reported sexual harassment complaints Responds promptly when there is actual knowledge of an allegation to sex-based discrimination matters under federal Title IX regulations, Violence Against Women's Act (VAWA), and <u>CJery</u> Confidentially discusses available options to the Complainant, provide supportive measures to the Complainant and Respondent upon request or according to their wishes Explains grievance process. Where Complainant doesn't file a formal complaint, the Title IX Coordinator may initiate the grievance procedure on their own given the circumstances. Assigns complaints to an investigator; Assigns an advisor of choice to the primary parties Accepts the Investigator reports and submits them to the Decision-maker Accepts notice from Complainant wishing to dismiss a complaint (if this occurs) Carries out the remedies contained in the written determination issued by the Decision-maker. Officially keeps all records. 	<p>Title IX Investigator</p> <p>Investigates the allegations made in a formal complaint and creates investigative reports based on relevant evidence.</p> <p>Specific duties:</p> <ul style="list-style-type: none"> Conducts and fosters impartial inquiries in an objective, respectful manner during the investigation without reflection of bias or conflict of interest Submits Complainant, Respondent and Witness Statements; and documented evidence to the Title IX Coordinator
<p>Title IX Decision-maker</p> <p>Oversees and conducts the hearing/adjudication and/or appeals processes.</p> <p>Specific duties:</p> <ul style="list-style-type: none"> Decides whether questions used during the cross-examination process are relevant BEFORE any party or witness has to respond. Excludes a party's or witness's statements in the absence of a party or witness, OR if a party or witness choose to not answer cross-examination questions. If a party reports to hearing without an advisor, HCC will provide an advisor to the party of its own choosing, free of charge, solely to conduct cross-examination on that party's behalf. Evaluates and weighs all relevant evidence, including a party's or witness's statements without inference and applies HCC's standard of evidence on whether the Respondent is responsible for the alleged sexual harassment. Issues a written determination of the findings, disciplinary sanctions, remedies to the complainant, and other 	<p>Title IX Hearing Advisor</p> <p>Relays evidence and parties' relevant cross-examination questions to other parties and witnesses so that the parties never personally confront anyone.</p> <p>Specific duties:</p> <ul style="list-style-type: none"> Inspects and reviews evidence obtained by HCC as part of its investigation if the information is directly related to the allegations raised in the formal complaint. Evidence includes documents, notes from interviews with students or employees and witnesses, or other types of evidence that may or may not be used prior to a determination on whether sexual harassment occurred. Cross-examines other parties and witnesses with real-time back and forth questions and follow-up questions, including questions that question credibility to help the decision-maker arrive at a factually accurate decision about what happened.



Pool of Trained Employees

The Title IX Formal Grievance Process will use a pool of HCC faculty and staff who will be trained to serve as Investigators should a formal investigation occur, Decision-Makers during live hearings, and Complainant/Respondent Advisors whether or not a live hearing occurs.

- ✓ Members of the Pool will be trained annually, and can serve in the identified roles, at the direction of the Title IX Coordinator.
 - The Pool members will receive comprehensive training which includes, but is not limited to:
 - HCC's Title IX - Sexual Harassment Policy and Procedures;
 - The definition of sexual harassment in the Federal Rule;
 - The scope of HCC's education programs or activities;
 - How to Conduct the Grievance process including hearings, appeal, and informal resolution process;

NOTICE



Actual Knowledge

- Notice of sexual harassment or allegations of sexual harassment to a school's Title IX Coordinator or any official of the school who has authority to institute corrective measures on behalf of the school.

Constructive Knowledge

- Recipient “knew or should have known” about the incident.



Rules, Regulations and Requirements



THE CLERY ACT

In 1990, Congress enacted the Crime Awareness and Campus Security Act of 1990, which amended the Higher Education Act of 1965 (HEA). Clery requires colleges/universities to keep and publish information about crime on or near their campus. Clery also requires annual reporting of crime and fire as well as a timely warning notification system for all reported Clery crimes.

VIOLENCE AGAINST WOMEN ACT REAUTHORIZATION ACT OF 2013

“V.A.W.A.”

V.A.W.A. amended the Clery Act to require institutions to compile statistics for incidents of “domestic violence”, “dating violence”, and “stalking”; also requires the inclusion of certain policies, procedures, and programs pertaining to these incidents in their annual security reports (ASR) filed annually with the Department of Education on October 1st.





34 C.F.R. §106.8 : Designation of Coordinator

- **Designation of Coordinator:** Each Recipient must designate at least one employee to coordinate its efforts to comply with its responsibilities under this part. The recipient must notify all its students and employees of the name or title, office address, electronic mail address, the telephone number of the employee or employees designated pursuant to this paragraph.



34 C.F.R. § 106.8: Dissemination of Policy

Dissemination of Policy: Each recipient must notify application for admission and employment, students, employees, and all unions or professional organizations holding collective bargaining/professional agreements with the recipient that it does not discriminate on the basis of sex in the education program or activity that it operates, and that it is required by Title IX.



34 C.F.R. § 106.8: Adoption of Grievance Procedures

Adoption of Grievance Procedures: A recipient must adopt and publish grievance procedures that provide for the prompt and equitable resolution of student and employee complaints alleging any action that would be prohibited by this part and of formal complaints as defined in section 106.44(e)(6).

A recipient must provide notice of the recipient's grievance procedures, including how to report sex discrimination and how to file or respond to a complaint of sex discrimination, to students and employees.



DEFINITIONS & IMPORTANT TERMS



PARTIES TO AN INVESTIGATION

Complainant (e.g., Reporting Party): An individual who has reported being the victim of conduct that could constitute sexual harassment, or on whose behalf the Title IX Coordinator has filed a formal complaint.

Respondent (e.g., Responding Party): An individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

Witness: A person who was present for the incident or otherwise has first hand knowledge of the incident.

VIOLENCE AGAINST WOMEN REAUTHORIZATION ACT DEFINITIONS



- **Domestic Violence**: Felony or misdemeanor crime of violence committed by a former or current spouse, intimate partner, co-parent or cohabitant, or any other person against an adult or youth victim.
- **Dating Violence**: Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim, based on the length, type and frequency of interaction between the persons.
- **Stalking**: Occurs when a person willfully, maliciously, and repeatedly follows, harasses or cyberstalks another person.



Sexual Harassment

Sexual Harassment means “conduct on the basis of sex” that satisfies one or more of the following:

- Conditioning education benefits on participation in unwelcome sexual conduct (i.e., quid pro quo); or
- Unwelcome conduct that a reasonable person would determine is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the school’s education program or activity; or
- Sexual assault, dating violence, domestic violence, or stalking as defined by VAWA



Victims include male, female, transgender & harasser can be same gender

Perpetrated by employees, students, others

Sexual Harassment

Must be related to a program or activity sponsored by the institution

Unwelcome conduct sexual in nature



HARASSMENT

Quid Pro Quo

- A favor or advantage granted or expected in return for something; such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive environment.

Hostile Environment

- When sexual harassment becomes sufficiently serious that it interferes with or limits a student's ability to participate in or benefit from an institution's programs.



Understanding Consent

Consent as Defined by HCC

Consent is a voluntary agreement to engage in sexual activity. Someone who is incapacitated cannot consent. Past consent does not imply future consent. Silence or an absence of resistance does not imply consent; consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another; consent can be withdrawn at any time; and coercion, force or threat invalidates consent.

script: rockstardinosaurpirateprincess
video: blueseatstudios.com
narrator: graham wheeler
animation: rachel brian



RETALIATION

An intentional act; it occurs when any “adverse action” taken against a person participating in a “protected activity” because of their participation or opposition to that protected activity. An “adverse action” means “any adverse treatment that is based on a retaliatory motive and is reasonably likely to deter the [plaintiff] or others from engaging in protected activity.”

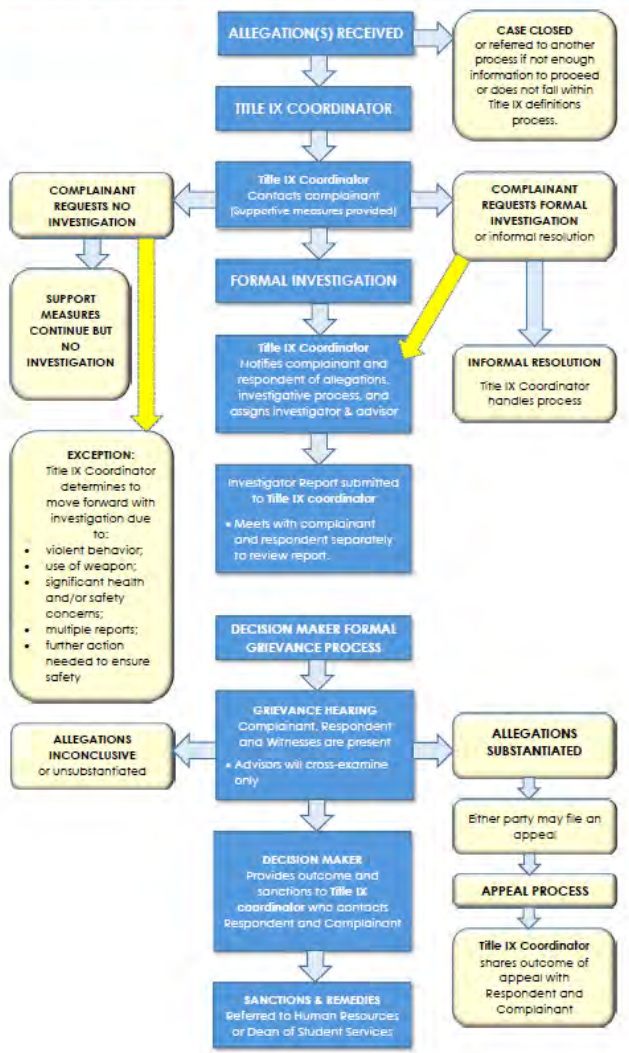


RETALIATION

Institutions are responsible for taking steps to prevent retaliation and take strong responsive action if it occurs when:

- An individual files a complaint with the school or any State or Federal agency alleging a violation of Title IX;**
- An individual testified or participated in any manner in an OCR or school's investigation proceeding; or**
- An individual advocated for others' Title IX rights or participated as a witness during an investigation.**

TITLE IX PROCESS – SEXUAL HARASSMENT





Accessible Reporting to Title IX Coordinator



- 1. Each institution must designate at least one employee as the Title IX Coordinator.*
- 2. Applicants for admission and employment, students, parents or legal guardian must be notified about the contact for the Title IX Coordinator.*
- 3. Any person may report sex discrimination, including sexual harassment.*



COMPLAINT PROCEDURES

1. ***Treat complainants and respondents equitably.***
2. ***Notice upon receipt of formal complaint.*** Upon receipt of a formal complaint, a recipient must provide written notice to the known parties.
3. ***Investigations of a formal complaint.*** The recipient must investigate the allegations in a formal complaint.
4. ***Determination regarding responsibility.*** The Decision Maker must issue a written determination regarding responsibility.
5. ***Appeals.*** Either party may submit an appeal if they are not satisfied with the outcome of the process.



COMPLAINT PROCEDURES

6. *Informal resolution.* At any time prior to reaching a determination regarding responsibility the recipient may facilitate an informal resolution process, such as mediation, that does not involve a full investigation and adjudication.

7. *Recordkeeping.* A recipient must create, make available to the complainant and respondent, and maintain for a period of three years records of sexual harassment investigations, appeals and resolutions.

8. *Retaliation.* Nothing herein restricts a recipient's ability to take disciplinary action against a student or employee who intentionally submits a formal complaint in bad faith or a student or employee who knowingly provides false information during the investigation or adjudication or a formal complaint.

What to do if you are a Complainant?



- Go to a safe place
- Contact police or tell someone else
- Seek medical assistance
- Call the Title IX Coordinator and/or a local crisis center for more assistance and information



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What Can You Do To Help?

Becoming a proactive bystander



source: Alyssa Hernandez for
Cal State, Fullerton



Where To Go For Help

Police: 911

Campus Safety: 813-253-7911

HCC Title IX Coordinator:

813-253-7037

HCC Title IX Liaisons:

Dale Mabry: 813-253-7297

Plant City: 813-757-2132

Ybor City: 813-253-7653

South Shore: 813-259-5725

Brandon: 813-253-7825

Hawks Landing: 813-253-7313

Athletics: 813-253-7304

Counseling Center: hccfl.edu/ssem/counseling

Dean of Students:

Dale Mabry: 813-253-7311

Plant City: 813-757-2156

Ybor City: 813-253-7680

South Shore: 813-259-6152

Brandon: 813-253-7901

The Centre for Women: 813-251-8437

Training Tools: SafeColleges



, Comments, Concerns?



**Thank you for
participating**

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