



# What You Need to Know About Title IX

PRESENTED BY:

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# What is Title IX?

Title IX of the Education Amendments of 1972 is a federal law that prohibits discrimination on the basis of sex in education programs or activities operated by recipients of federal financial assistance.

*NCTC is a recipient of federal financial assistance.*



# What Does Title IX Cover?

- **Sex Discrimination:** Discrimination against an employee is defined as conduct directed at an employee on the basis of sex or gender that adversely affects the employee's employment.
- **Sexual Harassment:** Sexual harassment is unwelcome conduct of a sexual nature, including unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature

# Examples of Sexual Harassment

- Direct or implied threats that submission to sexual advances will be a condition of advancement or promotion in any endeavor, including but not limited to employment, work status, promotion, or academic grades;
- Direct propositions of a sexual nature;
- Unnecessary touching, hugging, or brushing against another person's body;
- Sexually explicit statements, questions, or jokes; or
- Remarks of a sexual nature about a person's clothing or body, sexual activity, sexual orientation, gender identity, or previous sexual experience.

# Two Types of Sexual Harassment

## ➤ Quid Pro Quo

Employment or education decisions based on a request for sexual favors.

“This for that”

## ➤ Hostile Environment

Unwelcome conduct that unreasonably interferes with an employee’s ability to work or a student’s ability to learn, or creates an intimidating, hostile, or offensive work or learning environment.

# What Does Sexual Harassment Look Like?

- The person engaging in harassing behavior is often in a position of power, influence, or authority over the individual toward whom the conduct is directed.
- Questionable conduct is more likely to be harassment if it is repeated. Sexual harassment can also be based on power and intimidation as opposed to sexual interest.

# Responding to Sexual Harassment

- Sexual harassment is unlikely to stop until confronted.
- In some cases, this may mean informing the person directly that his or her actions are offensive and unwelcome.
- Other situations may require an informal talk from a supervisor, a formal reprimand, or a disciplinary hearing.

# Sexual Violence

➤ Sexual Violence is a form of sexual harassment.

(\*Sexual violence includes same-sex sexual violence.)

Sexual violence includes the following:

- ✓ Rape
- ✓ Sexual assault
- ✓ Sexual battery
- ✓ Sexual abuse
- ✓ Sexual coercion



# Retaliation

- Retaliation = The College District prohibits retaliation against an employee who makes a claim alleging to have experienced discrimination or harassment, or another employee who, in good faith, makes a report, serves as a witness, or otherwise participates in an investigation.

# Title IX Coordinator

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# Reporting Procedures (DIAA Local)

An employee who believes that he or she has experienced prohibited conduct or believes that another employee has experienced prohibited conduct should immediately report the alleged acts. The employee may report the alleged acts to his or her immediate supervisor.

Alternatively, the employee may report the alleged acts to one of the College District officials below.

For the purposes of this policy, College District officials are the Title IX coordinator.

We are all responsible employees.



# Title IX Investigation (DIAA Local)

## Notice of Report:

Any College District supervisor who receives a report of prohibited conduct shall immediately notify the appropriate College District official listed above and take any other steps required by this policy.



# Title IX Investigation (DIAA Local)

## Investigation:

The College District may request, but shall not insist upon, a written report. If a report is made orally, the College District official shall reduce the report to written form. Critical Incident Report  
<http://www.nctc.edu/cares-team/index.html>

Upon receipt of notice of a report, the Title IX Coordinator determine whether the allegations, if proven, would constitute conduct as defined by this policy. If so, the College District official shall immediately authorize or undertake an investigation, **regardless of whether a criminal or regulatory investigation regarding the same or similar allegations is pending.**

If appropriate, the College District shall promptly take interim action calculated to prevent prohibited conduct during the course of an investigation.

The investigation may be conducted by the College Title IX Investigators as instructed.

The investigation may consist of personal interviews and analysis of other information or documents related to the allegations.

# Concluding the Investigation: (DIAA Local)

The investigator shall prepare a written report of the investigation and submit to the Title IX Coordinator.



# College District Action (DIAA Local)

If the results of an investigation indicate that prohibited conduct occurred, the College District shall promptly respond by taking appropriate disciplinary or corrective action reasonably calculated to address the conduct.

The College District may take action based on the results of an investigation, even if the conduct did not rise to the level of prohibited or unlawful conduct.



# Confidentiality (DIAA Local)

To the greatest extent possible, the College District shall respect the privacy of the complainant, persons against whom a report is filed, and witnesses. Limited disclosures may be necessary in order to conduct a thorough investigation and comply with applicable law.





# Appeal (DIAA Local)

A complainant who is dissatisfied with the outcome of the investigation may appeal through DGBA(LOCAL), beginning at the appropriate level.

The complainant may have a right to file a complaint with appropriate state or federal agencies.



#1 True or False

Sexual harassment means  
bothering someone in  
sexual way?

# True

Sexual harassment is any unwanted act or behavior that is sexual in nature that negatively affects the recipient's work or academic environment.

If the conduct is not sexual in nature, it may be another form of harassment.

## #2 True or False

Sexual harassment must persist over a long period of time to be considered actionable.

# False

A single incident can be considered sexual harassment. Quid pro quo harassment can occur in only one incident as can hostile environment sexual harassment

**IF**

the single incident is severe enough.

# #3 True or False

A consensual sexual relationship between two people cannot be deemed sexual harassment.

# False

The issue is not one of consent. The issue is whether the advances are welcome. One may consent and yet not welcome the advances.

In situations involving two people of unequal status, a subordinate may be unable to refuse sexual advances due to the fear of adverse employment or education action.

# #4 True or False

Sexual harassment can be perpetrated by a subordinate against his or her supervisor.



# True

Even though instances of sexual harassment most often involve a power differential, it is not necessary for the harasser to have more power or authority than the victim. An subordinate employee can create a hostile environment for his or her supervisor.

# #5 True or False

If you believe you have been sexually harassed, you need not personally confront the harasser to give him/ her a chance to correct the behavior before reporting the conduct.

# True

There is no requirement that a person who has been harassed personally confront the harasser with objections to the conduct.



# #6 True or False

You make a sexually charged joke at work. Your co-workers all seem to laugh and enjoy that humor. This does not constitute sexual harassment since it is not “unwelcome” conduct.

# False

The joke may have offended someone, yet he or she did not feel comfortable stating so.



# New Developments?