

Embracing Equity, Compliance & Title IX

Yasmine Andrawis

EEO & Compliance



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Agenda

- Title IX
- Reporting Obligations
- Unlawful Discrimination
- Prohibition of Harassment
- Sexual Assaults and Sexual Misconduct
- Investigative Procedures and Informal Resolutions
- Institutional Code of Ethics
- Scenarios



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Title IX: Ensuring a Safe Environment

- Title IX of the Education Amendments of 1972 is a Federal civil rights law that prohibits discrimination on the basis of sex in education programs, including athletic programs, or activities that receive federal funding.
- **“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.”**
- Under Title IX, discrimination based on sex can include sexual harassment, rape, and sexual assault.
- AP 3434: Respondent to Harassment based on Sex Under Title IX (Interim Procedures)
- Title IX – Enacted in 1972
- The Jeanne Clery Act – 1998
- Violence Against Women Reauthorization Act (VAWA) 2013
- Campus Sexual Violence Elimination Act (SAVE Act)
- SB – 967 California Affirmative Consent Law - 2014



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Sexual Harassment and Misconduct Under Title IX

- **Definition of Sexual Harassment:**
 - Unwelcome conduct of a sexual nature, including:
 - Quid pro quo harassment (e.g., offering benefits in exchange for sexual favors).
 - Hostile environment (unwelcome sexual behavior that is severe, pervasive, and objectively offensive).
 - Sexual assault, dating violence, domestic violence, stalking.
- **Examples:**
 - A professor making unwelcome comments about a student's appearance.
 - A staff member offering academic advantages in exchange for sexual favors.
 - A student being subjected to persistent sexual jokes or inappropriate touching.



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The “Title IX”
Team... and
your role!

You are a mandatory reporter.

Administrators, faculty members, other District employees, and students shall direct all complaints of unlawful discrimination or harassment to one of the following Coordinators:

NOCCCD District Title IX Coordinator:

Yasmine Andrawis
District Director, EEO & Compliance
(714) 808-4820
yandrawis@nocccd.edu

Cypress College Title IX Coordinator:

Celeste Phelps
Dean, Student Support Services
(714) 484-7107
cphelps@cypresscollege.edu

Fullerton College Title IX Coordinator:

Rosio Becerra
Dean, Student Support Services
(714) 992-7088
rbecerra@fullcoll.edu

North Orange Continuing Education Title IX Coordinator:

Martha Gutierrez
Vice President, Student Services
(714) 808-4660
mgutierrez@noce.edu

Mandatory Reporting

- As an employee and a member of the NOCCCD community, a student may approach you regarding being the recipient of sexual misconduct or may know of another student in this situation. It is important to provide support and appropriate referrals to this person for professional resources. Understand that it is a major life decision when someone discusses a sexual assault/misconduct, and this person has placed their trust in you by revealing the experience.
- **However, it is important to inform the student/victim you are mandated to report any information reported to you. The following statement is an example of what you may say:**
- ***“I need to tell you that I am a mandated reporter. I must inform the District that an incident has occurred. Your personal safety and overall health is our number one concern. The purpose of reporting is to ensure that you are referred to necessary resources and receive appropriate assistance. If you do not want details of what occurred reported or are not interested in making a complaint at this time, you have the right to maintain your privacy. I will only report what you confide in me. If you prefer to speak with someone confidentially, I will help you contact the Student Health Center. They are not obligated to report your personal identification information to the District.”***
- If this report is made to you after normal business hours and the person wants to maintain confidentiality, please refer them to Campus Safety who will connect them with community resources.
- Remember to be a compassionate listener if they begin to discuss sexual assault or misconduct with you. It takes courage to discuss an incident of this nature. As you listen, remember:
 - Listen without judgment
 - Display empathy
 - Let the individual lead the conversation
 - Protect privacy but do not promise confidentiality
 - Take notes
 - You are the conduit to providing appropriate resources
 - You represent the District as you listen with kindness and responsiveness.
- Inform them you are a mandated reporter.
- Faculty and staff who receive complaints of sexual harassment or sexual violence are required to report complaint to the *Campus Title IX Coordinator*.
- Psychologist or Psychiatrist as both would maintain the privilege of confidentiality but are mandated report the incident excluding the personal identifying information.
- If someone desires to maintain their confidentiality - refer them to Campus Health Services or after hours to Campus Safety who will refer them to community resources.



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3410: Unlawful Discrimination, Harassment & Retaliation

- AP/BP 3410 sets forth NOCCCD's commitment to maintaining an educational and working environment free from discrimination.
- Equal opportunity for all, regardless of race, color, religion, sex, gender, gender identity, gender expression, sexual orientation, national origin, ancestry, disability, medical condition, age, marital status, or veteran status.
- Prohibition of harassment and retaliation.
- Compliance with federal and state laws.
- Scope of Applicability:
 - Students, employees, applicants for employment, and visitors.
 - All educational programs and activities.
 - Employment practices and decisions.
- EEO:
 - Commitment to hiring, promoting, and retaining a diverse workforce.
 - Ensuring fair and equitable treatment of all employees.
- Reporting:
 - Process for reporting discrimination or harassment incidents.
 - Responsibilities of employees and students in reporting.
- Investigations and Resolutions:
 - How NOCCCD handles discrimination complaints.
 - Timelines and steps involved in the investigation.
- Prevention and Training:
 - Ongoing training programs to prevent discrimination and harassment.
 - Raising awareness of rights and responsibilities.



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3430: Prohibition of Harassment

- BP 3430 reflects NOCCCD's steadfast commitment to maintaining a workplace and educational environment free from harassment in any form.
- Scope of Applicability:
 - Policy applies to all NOCCCD employees, students, volunteers, contractors, and visitors.
 - Extends to all aspects of NOCCCD operations and interactions.
 - Defining harassment as unwelcome conduct based on protected characteristics.
 - Examples of prohibited harassment, including but not limited to race, gender, religion, age, and disability.
- Prohibition of Retaliation:
 - Protecting Reporting Individuals
 - Policy prohibits retaliation against those who report harassment.
 - Encouragement for individuals to report concerns without fear of reprisal.
- Reporting:
 - Clear procedures for reporting harassment incidents.
 - Roles of NOCCCD employees and management in addressing concerns.



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3540: Sexual Assaults and Sexual Misconduct

- BP/AP 3540 reflects NOCCCD's unwavering commitment to creating a safe and respectful educational and working environment, free from sexual assault and misconduct.
- Scope of Applicability:
 - All NOCCCD employees, students, volunteers, contractors, and visitors.
 - Extends to all NOCCCD locations and activities.
- Stats:
 - 1 in 5 college women are victims of sexual violence
 - 1 in 7 men are victims of sexual violence
 - Approximately 68% of sexual assault are not reported to the police
 - 90% of victims of sexual violence know their perpetrator
 - Substantial incidents of sexual violence go unreported



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5500: Student Code of Conduct

- 1.17 Attempting any act constituting cause for disciplinary action as identified in the above sections of this policy.
- 1.18 Sexual assault or sexual exploitation regardless of the victim's affiliation with the District.
- 1.19 Committing sexual harassment as defined by law or by District policies and procedures.
- 1.20 Engaging in harassing or discriminatory behavior based on disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or any other status protected by law.
- 1.21 Engaging in physical or verbal intimidation or harassment of such severity or pervasiveness as to have the purpose or effect of unreasonably interfering with a student's academic performance, or District employee's work performance, or of creating an intimidating, hostile or offensive educational or work environment.
- 1.22 Engaging in physical or verbal disruption of instructional or student services activities, administrative procedures, public service functions, authorized curricular or co-curricular activities or prevention of authorized guests from carrying out the purpose for which they are on District property.
- 1.23 Stalking, defined as a pattern of conduct by a student with intent to follow, alarm, or harass another person, and which causes that person to reasonably fear for his or her safety, and where the student has persisted in the pattern of conduct after the person has demanded that the student cease the pattern of conduct. Violation of a restraining order shall, without more, constitute stalking under this policy.
- 1.24 Persistent, serious misconduct where other means of correction have failed to bring about proper conduct or where the presence of the student causes a continuing danger to the physical safety of students or others.



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<https://catalog.nocccd.edu/fullerton-college/college-policies-rules/standards-student-conduct-discipline-policy/>

Definitions

- **Sexual assault/misconduct** can include, but is not limited to, rape, domestic violence, dating violence, or stalking.
- **Dating violence** is violence committed by a person who is or has been in a relationship of a romantic or intimate nature with the victim. The existence of a romantic /intimate relationship will be determined based on the length of the relationship, type of relationship, and frequency of interaction between the persons involved in the relationship.
- **Domestic violence** includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, a person with whom the victim shares a child in common, a person who is cohabitating with or has cohabitated with the victim as a spouse, a person similarly situated to a spouse of the victim under California law, any other person against an adult or youth victim who is protected from that person's acts under California law.
- **Stalking** is engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety, or the safety of others, or to suffer substantial emotional distress.



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California Consent Law

- Affirmative consent means affirmative, conscious, and voluntary agreement to engage in sexual activity.
- It is the responsibility of each person involved in the sexual activity to ensure that he or she has the affirmative consent of the other or others to engage in the sexual activity.
- Lack of protest or resistance does not mean consent, nor does silence mean consent.
- Affirmative consent must be ongoing throughout a sexual activity and can be revoked at any time.
- The existence of a dating relationship between the persons involved, or the fact of past sexual relations between them, should never by itself be assumed to be an indicator of consent.
- Consent cannot be given if the person is sleeping, unconscious, intoxicated, or under the influence of drugs or medication.



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Bystander Intervention

See something--Say something!

Safety is everyone's responsibility. If you see something, say something. If you notice something suspicious, unusual or if a situation just does not seem right, you are encouraged to call Campus Safety to report it. This can be done on your personal phone or emergency phone on campus. A map of emergency phones on campus will help you locate emergency phones near your parking area and your classrooms.

- ✓ **Remain Calm.**
- ✓ **Remember Safety First.**
Always consider your safety and the safety of others first
- ✓ **Keep It Simple.**
Clear, direct, and respectful in your message, avoid complex direction
- ✓ **Watch Your Body Language.**
Be aware of your posture and gestures, and personal space
- ✓ **Gather the Facts and Document.**
- ✓ **Contact Campus Safety, if necessary.**



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Investigative Procedures

1. Reporting the Complaint:

- An individual who believes they have experienced or witnessed unlawful discrimination, or harassment should report the incident to a designated authority within NOCCCD. This may be the Title IX Coordinator, Human Resources, or another designated official.

2. Initial Assessment:

- Upon receiving the complaint, NOCCCD will conduct an initial assessment to determine whether the allegations fall within the scope of their policies and procedures.

3. Interim Measures:

- If necessary, NOCCCD may implement interim measures to protect the complainant and others involved during the investigation. These measures can include temporary reassignments, no-contact orders, or adjustments to work or academic environments.

4. Formal Investigation:

- If the complaint meets the criteria for investigation, NOCCCD will initiate a formal investigation. This typically involves assigning an investigator or team of investigators to gather information, interview witnesses, and review relevant documents.

5. Interviews and Evidence Gathering:

- The investigator(s) will interview the complainant, the respondent (the individual accused of discrimination or harassment), and any relevant witnesses. They will also collect any evidence, such as emails, documents, or other records.

6. Confidentiality and Non-Retaliation:

- NOCCCD emphasizes the importance of confidentiality throughout the investigation process and ensure that individuals who report or participate in investigations are protected from retaliation.

7. Conclusion of Investigation:

- After completing the investigation, the investigator(s) will compile their findings and present them to NOCCCD's designated decision-maker or adjudicator.

8. Determination and Remedies:

- The decision-maker will review the findings and determine whether unlawful discrimination or harassment occurred. If a violation is found, appropriate remedies and sanctions will be applied. This may include disciplinary action, training, or other corrective measures.

9. Notification to Parties:

- Both the complainant and the respondent will be informed of the outcome of the investigation, including any actions taken as a result.

10. Appeals Process:

- NOCCCD has an appeals process in place for the complainant.

11. Ongoing Prevention and Education:

- NOCCCD will engage in ongoing efforts to prevent unlawful discrimination and harassment through education, training, and awareness programs.



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Informal Resolutions

- Undertake efforts to informally resolve the charges
- Advise the complainant that he or she need not participate in informal resolution
- Notify the person bringing the charge of his or her right to file a formal complaint as provided in section 7.0 of these procedures, and of the procedure for filing such a complaint
- Advise the complainant, that he or she may file a nonemployment-based complaint with the Office for Civil Rights of the U.S. Department of Education (OCR) where such a complaint is within that agency's jurisdiction;
- Advise the complainant that he or she may file his or her employment-based complaint with the U.S. Equal Opportunity Commission (EEOC) and/or the California Civil Rights Department (CRD) where the complaint is within the jurisdiction of those agencies.
- Efforts at informal resolution need not include an investigation unless the Responsible District Officer determines that an investigation is warranted by the seriousness of the charges.



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3050: Institutional Code of Ethics

- AP/BP 3050 outlines the guiding principles and ethical standards that govern NOCCCD's operations and conduct.
- Core Principles:
 - Integrity: Honesty, transparency, and accountability in all dealings.
 - Respect: Valuing diversity and treating all individuals with dignity.
 - Fairness: Providing equitable opportunities and treatment.
 - Responsibility: Upholding obligations to the community and stakeholders.
- Scope of Applicability:
 - All employees, trustees, and volunteers.
 - Adherence to ethical standards in all NOCCCD activities.
- Key Points:
 - Ethical Decision-Making
 - Conflicts of Interest
 - Reporting Violations/Whistleblowers
 - Accountability
 - Expectation to act in a professional, courteous, and honest manner



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Scenario #1

- **Scenario Overview:**

Chris, a faculty member, has been repeatedly misgendering Alex, a non-binary student, in the classroom. Alex reports the issue to the Title IX coordinator, Jordan. The scenario will explore how the university should address this situation.

- What are Jordan's next steps?



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Scenario #2

- Alex: "Since I reported the sexual harassment incident, Michelle has started giving me undesirable assignments, excluded me from meetings, and made derogatory comments about my work performance."
- What is the chief concern in this statement?
- What are HR's next steps here?



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Key Takeaways

- **Mandatory Reporting:** You must report any incidents of sexual harassment, discrimination, or violence.
- **Confidentiality:** You cannot promise confidentiality, but you can ensure privacy by sharing information only with the Title IX Coordinator.
- **Support:** Be an advocate for students and colleagues by directing them to the appropriate campus resources.



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Resources

- <https://www.nocccd.edu/employees-departments/departments/equal-employment-opportunity-eeo-and-compliance>

QUESTIONS? THOUGHTS? FEEDBACK?



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