



# 2022 NEW TITLE IX REGULATIONS

HINDS COMMUNITY COLLEGE

TITLE IX TEAM TRAINING



# **HINDS COMMUNITY COLLEGE**

**Designated Title IX Coordinator**

**DeAndre House**

**Associate Vice President of Student Services**

**&**

**Title IX Coordinator**

**POB 1100 Raymond, MS 39154**

**Phone: 601.857.3353**

**Email:**

**[Deandre.House@hindsc.edu](mailto:Deandre.House@hindsc.edu)**

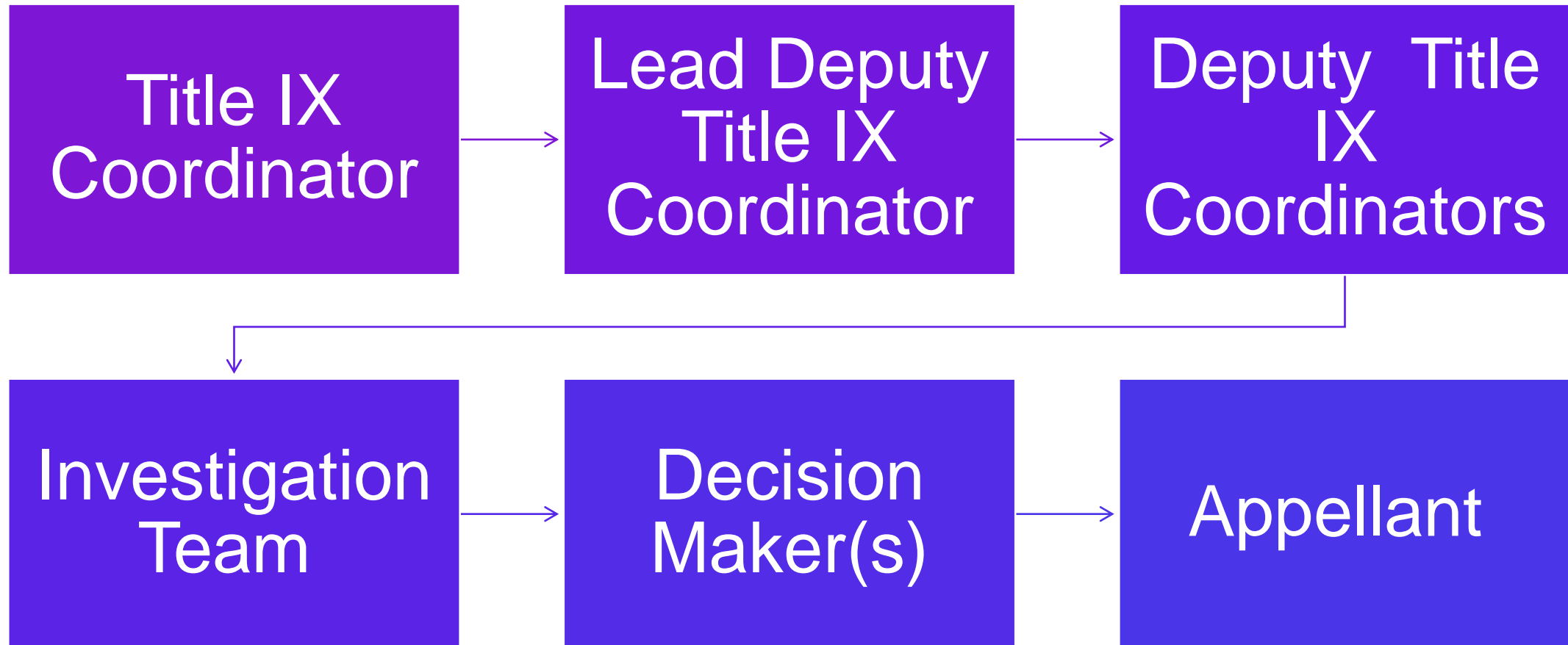
**Or**

**[TitleIX@hindsc.edu](mailto:TitleIX@hindsc.edu)**





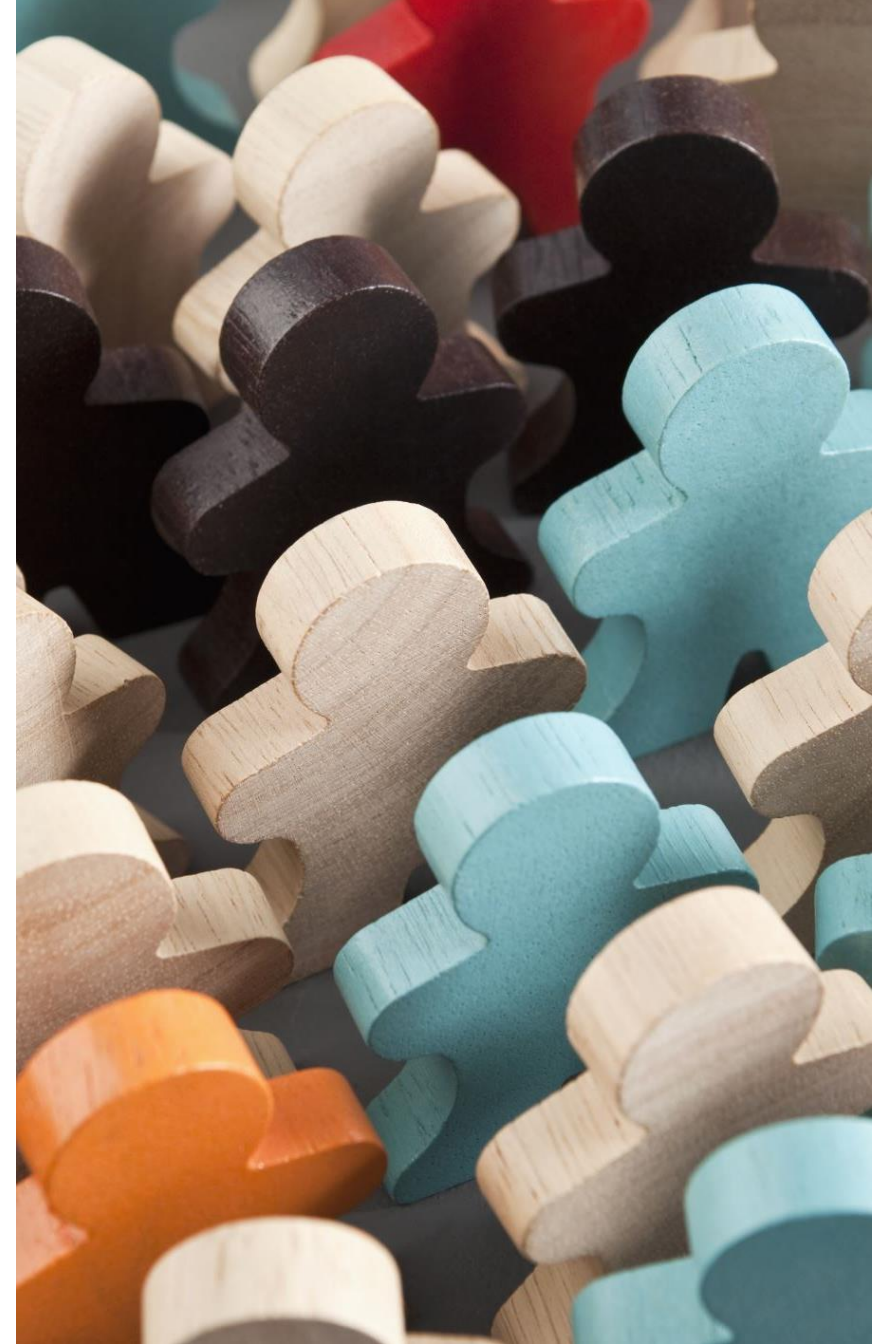
# TITLE IX TEAM





# **CONFLICT OF INTEREST**

**The College will ensure that the Title IX Coordinator, Lead Deputy Title IX Coordinator, Deputy Title IX Coordinator(s), Investigator(s), Decision-maker(s), Mediator(s) or Appellant(s) does not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.**





2020  
TITLE IX  
REGULATION  
CHANGES

- ☐ Terminology
- ☐ Jurisdictional
- ☐ Grievance Procedures
- ☐ Supportive Measures
- ☐ Formal Investigation
- ☐ Hearing Procedures
- ☐ Notice to Parties
- ☐ Notice to Community



**Adjustment Time!**





**Defined by the U.S. Department of Education Office for Civil Rights in the 2020 regulations, sexual harassment replaces sexual misconduct. Sexual harassment includes any of three types of misconduct on the basis of sex, all of which jeopardize the equal access to education that Title IX is designed to protect:**

**"SEXUAL HARASSMENT"**



# "SEXUAL HARASSMENT"

1. Any instance of *quid pro quo* harassment by a College employee;
2. Any unwelcome conduct that a reasonable person would find so severe, pervasive, and objectively offensive that it denies a person equal educational access;
3. Any instance of sexual assault, dating violence, domestic violence, or stalking as defined in the Violence Against Women Act (VAWA)





The background features a series of overlapping, wavy bands of color. On the left, there are shades of teal and light blue. These transition into various shades of green as they move towards the right. At the bottom of the waves, there are hints of red and orange. The overall effect is a sense of fluid motion and organic growth.

**"TERMINOLOGY"**



# TERMINOLOGY

## Formal

1. Title IX
2. Reporting Party
3. Responding Party
4. Report
5. Resolution

## New

1. *Recipient*
2. *Complainant*
3. *Respondent*
4. *Complaint*
5. *Grievance Process*



- **Complainant**- An individual who is alleged to be the victim of conduct that could constitute sexual harassment.
- **Respondent**- An individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.
- **Recipient** – The Title IX official who receive the formal complaint.
- **Formal Complaint** – A document filed by a complainant or signed by the Title IX Coordinator, alleging sexual harassment against a respondent and requesting that the recipient investigate the allegation of sexual harassment.



- **Advisor-** Is a person selected by the complainant or respondent to advise them during the grievance process along with the live hearing.
- **Fact Witness** -A person (s) who witness alleged violation(s) and can provide facts.



- **"Notice" of sexual harassment or allegations of sexual harassment to a recipient (Title IX Coordinator) or any official of recipient who has authority to institute corrective measures on behalf of the recipient.**
- **"Notice" includes, but not limited to, a report of sexual harassment to the Title IX Coordinator.**
- **"Notice" would also include observation of sexual harassing conduct.**

**" ACTUAL KNOWLEDGE "**



# "BURDEN OF PROOF"

The burden of gathering evidence sufficient to reach a determination regarding responsibility rests on the recipient and not on the complainant or respondent.



The College is responsible for providing burden of proof.



# EDUCATION PROGRAMS OR ACTIVITIES



- **The College must respond when sexual harassment occurs in the College's education programs or activities, against a person in the United States.**
- **Education programs or activities include locations, events, or circumstances over which the College exercised substantial control over both the respondent and the context in which the sexual harassment occurred, and includes any building owned or controlled by a student organization that is officially recognized by the College.**







# SEXUAL HARASSMENT

- **A person in authority conditioning the provision of an aid, benefit, or service of the recipient on an individual's participation in unwelcome sexual conduct.**
- **Unwelcome conduct determined by a reasonable person to be severe, pervasive, and objectively offensive that it effectively denies a person equal access to the recipient's education program or activity.**



# SEXUAL ASSAULT

**Is any attempted or actual sexual act directed against another person without consent of the victim, including instances where the victim is incapable of giving consent.**



# SEXUAL ASSAULT

- **Rape** is 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.
- **Fondling** is the touching of the private 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 his/her age or because of his/her temporary or permanent mental incapacity



# SEXUAL ASSAULT

- **Incest** is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- **Statutory Rape** is sexual intercourse with a person who is under the statutory age of consent.







# **CONSENT**

**Is a voluntary (freely given) informed agreement through mutually understandable words or actions indicating a willingness to engage in sexual activity.**

- Consent cannot be given by someone who is incapacitated.**
- Past consent does not imply current or future consent.**
- Silence or 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 person.**
- Consent can be withdrawn at any time.**
- Coercion, force, or threat of either invalidates consent.**



# **INCAPACITATION**

**Is when a physically helpless person is considered to be one who is asleep, unconscious or for any other reason unable to communicate unwillingness to engage in any act. A mentally incapacitated person may be one who is under the influence of alcohol or a drug or who is mentally incapable of understanding the implications and consequences of any act.**







# DATING VIOLENCE

**Is violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the complainant statement and with consideration of the length of the relationship, the type of relationship and the frequency of interaction between the persons involved in the relationship.**

**For the purpose of this definition:**

- **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.**



# DOMESTIC VIOLENCE

**Is violence committed:**

- **By a current or former spouse or intimate partner of the victim;**
- **By a person with whom the victim shares a child with;**
- **By a person who is live together, or has lived together, the victim as a spouse of intimate partner;**
- **By a person similarly situated to a spouse of the victim under the domestic or family violence laws of jurisdiction in which the crime of violence occurred.**
- **By any other against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.**



**Somebody watching me !**





# **STALKING**

**Is engaging in a course of conduct directed at a specific person that cause a reasonable person to:**

- **Fear for the person' safety or the safety of others; or**
- **Suffer substantial emotional distress. For the purpose of this definition:**
- **Course of conduct means two or more acts, including, but limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, interferes with a person's property.**
- **Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.**
- **Substantial emotional distress means significant mental suffering or anguish that may but does not necessarily require medical or other professional treatment or counseling.**



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**"REPORTING"**



# NOTIFICATIONS

- **Community Notification-** to notify applicants for admission and employment who the recipient (Title IX Coordinator) is and contact information.
- **Non-Discrimination Statement**
- **Websites and Publications**



# REQUIREMENTS OF EMPLOYEES

- **Hinds Employees (Administration, Faculty and Staff) are mandatory reporters .**
- **Hinds employees are required to immediately report incidents of sex discrimination, including sexual harassment to the campus Deputy Title IX Coordinator(s), Title IX Coordinator or Campus Police.**
- **Hinds employees must convey to students that they are required to report any actual knowledge of this nature.**
- **Hinds employees are not to investigate any actual knowledge, witnessed or reported of sex discrimination, including sexual harassment.**



# REPORTING

- A student or employee who believes they have been a victim of sex discrimination, including sexual harassment is encouraged to contact the campus Deputy Title IX Coordinator or Title IX Coordinator at 601.857.3353 or [TitleIX@hindsc.edu](mailto:TitleIX@hindsc.edu), the Campus Police/Security department on their local campus
- Any person may report sex discrimination, including sexual harassment, even if they are not the alleged victim of conduct that could constitute sex discrimination or sexual harassment. Reports can be made any time of day by emailing [TitleIX@hindsc.edu](mailto:TitleIX@hindsc.edu).





## KEY FACTS

- **There is no time limit or statute of limitations on a complainant's decision to file a formal complaint.**
- **At the time of filing a formal complaint complainant must be participating in or attempting to participate in the education program or activities of the College with which the formal complaint is filed.**



## KEY FACTS

- **Complainants and respondents must be informed in writing of all meetings of any kind related to the investigation. Must allow sufficient time for the them to prepare.**
- **Complainants and respondents must be informed in writing the date, time ,location and purpose of the meeting.**
- **Complainants and respondents must be informed in writing of their right to be accompanied to all meetings by an advisor of their choice.**
- **Title IX must prohibit retaliation.**
- **Title IX or the College cannot impose "gag orders" .**



# RESPONSE TO SEXUAL HARASSMENT

The College must respond **promptly** to Title IX sexual harassment in a manner that is not deliberately indifferent, which means in a way that clearly unreasonable in light of the known circumstances.





"SUPPORTIVE MEASURES"



# **S U P P O R T I V E   M E A S U R E S**

- **Are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, without fee or charge, to the complainant or respondent, before or after the filing of a formal complaint or where no formal complaint had been filed.**
- **Such measures are designed to restore or preserve access to the College's education program or activities, without unreasonably burdening the other party; protect the safety and the Colleges educational environment and deter sexual harassment.**



# MANDATORY RESPONSE

- When actual knowledge of sexual harassment is reported promptly contact the complainant to discuss the availability of supportive measures, consider the complainant's wishes with respect to supportive measures.
- Offer and inform the complainant of the availability of supportive measures with or without the filing of a formal complaint and explain to the complainant the process for filing a formal complaint.
- Follow the College's grievance process.
- Do not restrict rights protected under the U.S. Constitution, including the First Amendment, Fifth Amendment, and Fourteenth Amendment, as a way of responding in a non-deliberately indifferent manner.



# SUPPORTIVE MEASURES

**The Title IX Coordinator or Lead Deputy Title IX Coordinator will work in coordination with other necessary College administrators; college officials to make immediate supportive actions. To enable students or employees with complaints and witnesses to continue studies or duties of employment, and to ensure the integrity of an investigation.**

**Need-to-Know Basis**





# FOR STUDENTS

**These actions may include, but not limited, to the following:**

- **Referral to Counseling services;**
- **Modifying housing, classes or work schedules as necessary;**
- **Addressing other academic or workplace concerns**  
*(e.g., assignments, grades, and withdrawal)* **without penalty;**
- **No-contact notices to all parties involved;**
- **Provide resources involving law enforcement to assist in maintaining order or safety; and**
- **Any other appropriate actions warranted by the circumstances.**





# **STUDENT RESPONDENT INTERIM- SUSPENSION**

**The Title IX Coordinator has the responsibility to recommend to the Dean of Students/Operating Dean that a respondent be removed from the College, if considered an immediate threat to the physical health or safety of others.**

**Violations of these protective actions will be considered as related offenses which may lead to additional student conduct action(s) and possible arrest.**



# EMPLOYEE SUPPORTIVE MEASURES:



**Leave of Absence**



**Adjustment to work  
schedule/location**



**Counseling**



**No Contact Orders**



**Specific Area  
Trespass Notices**



**Provide resources**



## **EMPLOYEE ADMINISTRATIVE LEAVE**

- **Title IX & Sexual Harassment applies to employees of Hinds Community College.**
- **The Title IX Coordinator has the responsibility to recommend to the Human Resource Department/appropriate vice-president, that an employee be placed on administrative leave, during the pendency of a grievance process.**
- **This determination should be made when an employee is the respondent of an allegation of sex discrimination, including sexual harassment and their presence creates a hostile or unsafe environment.**





# **TITLE IX GOVERNS EMPLOYEES CONDUCT**

**When a complaint involves an employee, the recipient (Title IX) will oversee that the process is fair and due process is taken. Employees will follow a standard grievance process outlined in this policy. Title IX will make referral to appropriate college official, based on the findings from the investigation.**



# EMPLOYEE SANCTIONS

**If found responsible during a Decision-Maker investigation or hearing an employee sanctions could include:**

- **Performance improvement plans**
- **Mandatory Counseling**
- **Loss of supervisory authority**
- **Demotion**
- **Leave/suspension with or without pay**
- **Termination**



- **Intake (documentation)**
- **Assess (*an immediate threat to the physical health or safety of others*)**
- **Contact Lead Deputy Title IX/Title Coordinator.**
- **Contact Campus Police, Dean of Students/Operating Dean, if interim-measures are assessed and deemed appropriate.**

**HINDS PROCEDURES**



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**"GRIEVANCE PROCEDURES"**



# FORMAL COMPLAINT

- The formal complaint process begins when the recipient (*Title IX Coordinator/Lead Deputy Title IX Coordinator or Deputy Title IX Coordinator*) receives a formal complaint form or submitted written document of an alleged sexual harassment.
- At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the education program or activity of the College where the formal complaint is filed.
- The recipient will promptly contact the complainant to discuss the complaint and provide supportive measures.
- The recipient will explain the grievance procedures and investigation process for filing a formal complaint and provide a copy of the Title IX/Sexual Harassment Policy Booklet.

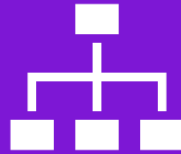


# **G R I E V A N C E**

- **The recipient will contact the respondent in writing to schedule a meeting, to discuss the allegation of sexual harassment, within 48-hours if applicable. The respondent will be given time to provide a response on their behalf.**
- § **The recipient will provide supportive measures to the respondent.**
- **The recipient will explain the grievance procedures and provide a copy of the Title IX/Sexual Harassment Policy Booklet.**



# GRIEVANCE CONTINUE...



The Title IX Coordinator or Lead Deputy Title IX Coordinator will review all content.



Under the Formal Complaint module, the Title IX Coordinator/Lead Deputy Title IX Coordinator will refer all content to the Investigation Team. The complainant and respondent will receive a letter via Hinds email notifying them that an investigation process has begun.





## **INFORMAL RESOLUTION**

**Based on the nature of the complaint an informal resolution processes may be requested by either party but must be agreed upon by both parties prior to an investigation. Both parties have the right to withdraw from the informal process at any time before the mediation. The Title IX Coordinator/Lead Deputy Coordinator will then resume the grievance process with respect to the formal complaint.**



# DISMISSAL OF COMPLAINT # 1

- **The Title IX Coordinator must dismiss allegations of conduct that do not meet the definition of sexual harassment or did not occur in a College's education programs or activity against a person in the United States.**
- **Such dismissal is only for Title IX purposes and does not prevent the College from addressing the conduct in any manner the College deems appropriate.**



# DISMISSAL COMPLAINT #2

- **The Title IX Coordinator in their discretion, may dismiss a formal complaint or allegations therein if the complainant informs the Title IX Coordinator in writing that the complainant desires to withdraw the formal complaint or allegations therein.**
- **If the respondent is no longer enrolled or employed by the College, or**
- **If specific circumstances prevent the College from gathering sufficient evidence to reach a determination.**

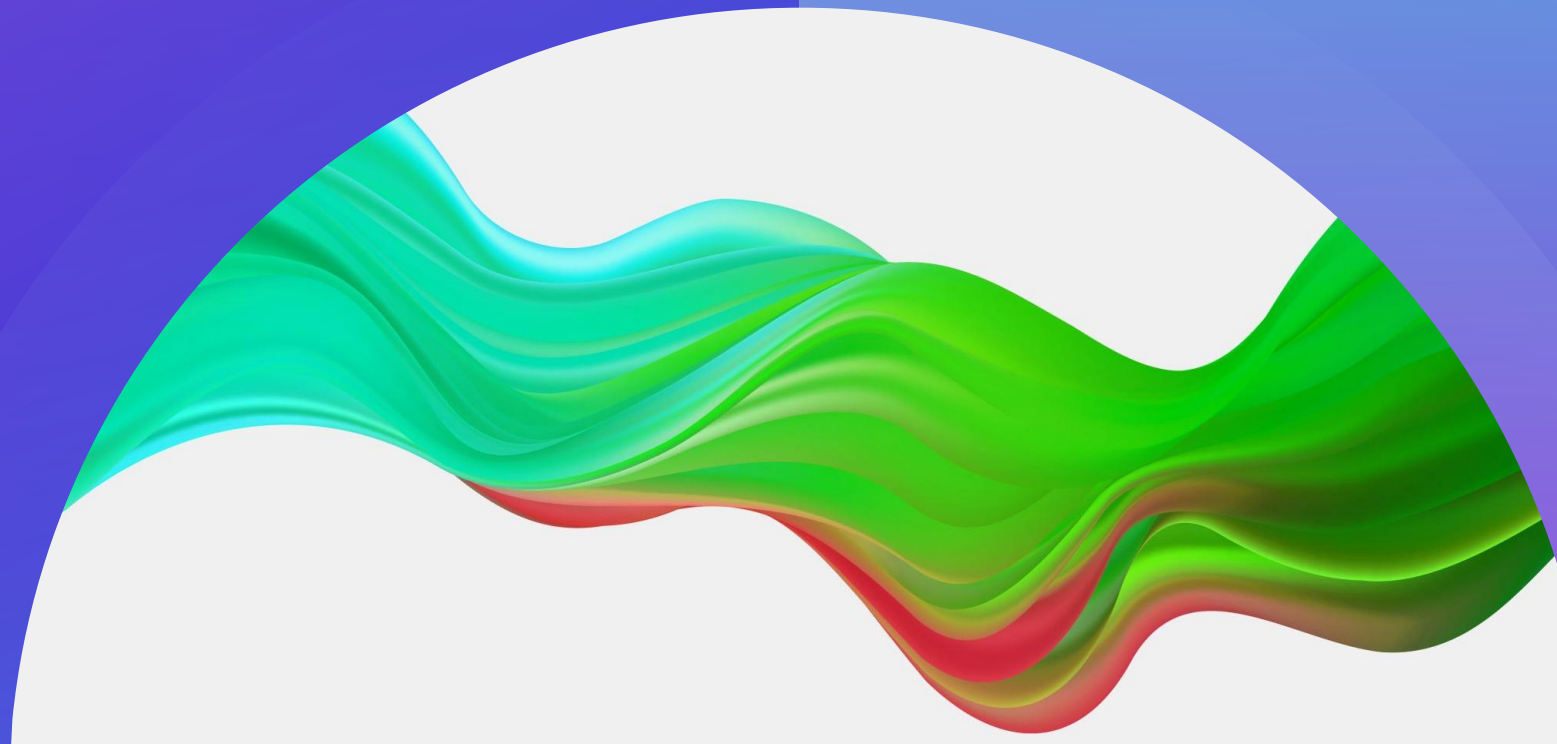


# DISMISSAL OF COMPLAINT

- **The Title IX Coordinator must give the complainant and the respondent written notice of a dismissal and the reasons for the dismissal.**
- **Dismissal is appealable.**



"INVESTIGATION"





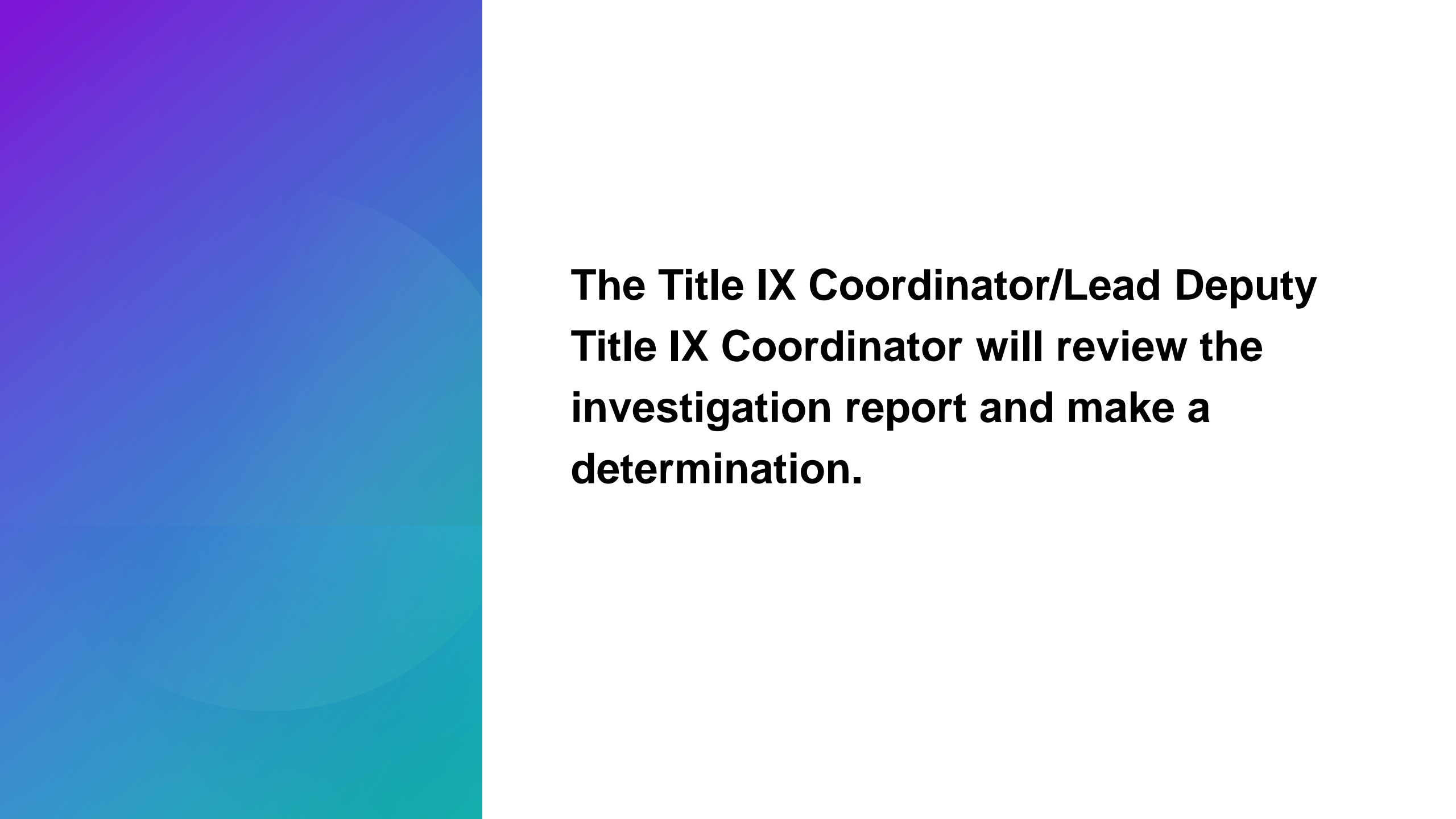
# **INVESTIGATION**

- **The complainant and the respondent will be scheduled separate times to meet with the investigation team to discuss their statements.**
- **The complainant and the respondent will be allowed to have their advisor present during the investigation meeting.**
- **The complainant and the respondent have an equal opportunity to present fact witness(es), and other inculpatory and exculpatory evidence.**



- **Prior to the completion of the investigative report, the investigation team will send a copy to the complainant and the respondent and their advisors, if any, all evidence obtained that is directly related to the complaint to review.**
- **The complainant and the respondent has 10-days to submit a meaningful written response, which the investigator will consider prior to completion of the investigative report.**
- **The Investigation Team will provide an investigation report to the Title IX Coordinator/Lead Deputy Title IX Coordinator to appropriately summarize the investigation and all relevant evidence obtained.**





**The Title IX Coordinator/Lead Deputy  
Title IX Coordinator will review the  
investigation report and make a  
determination.**



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**"ADJUDICATION"**





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**Both parties will receive a 10-day written notice of the hearing, to their Hinds email.**

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**Both parties are required to have one advisor of choice, the name and contact information of that advisor must be submitted 5-days before the hearing.**

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**Both parties are allowed to review all material prior to the hearing.**



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**Both parties are allowed to have fact witness(es) at the hearing, the fact witness(es) should have already been interviewed in the investigation process and statements recorded and reviewed by both parties.**

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**The Live Hearing will include audio or audiovisual recording, or transcripts of the hearing.**

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**The Live Hearing are conducted by a trained Decision Marker(s).**

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**In the Live Hearing, the advisor will conduct the cross-examination. The advisor is permitted to ask the other party and any witnesses all relevant questions and follow-up questions.**



- The cross-examination at the live hearing must be conducted directly, orally, and in real time by the party's advisor of choice and never by a party personally.
- The Decision Marker(s) will use “Rape Shield Protection” deeming irrelevant questions and evidence about a complainant's prior sexual behavior unless offered to prove that someone other than the respondent committed the alleged misconduct or offered to prove consent.
- In the Live Hearing, if the party or witness does not submit to cross-examination, the decision-maker(s) must not rely on any statements of that party or witness in reaching a determination regarding responsibility based solely on a party's or witness's absence, from the live hearing or refusal to answer cross-examination or other questions.



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**At the request of either party, the recipient must provide for the entire live hearing (including cross-examination) to occur with the parties located in separate rooms with technology enabling the parties to see and hear each other. The request must be made 48-hours prior to the hearing.**


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**Live Hearings may be conducted with all parties physically present in the same geographic location or, at the College's discretion, any or all parties, witnesses, and other participants may appear at the live hearing virtually.**

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**The Decision-Makers will make their determination on preponderance of the evidence standard.**



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- **The final decision of the hearing will be sent via email or given to both parties within 2-business days after the hearing.**
  - **All information is confidential, and any disclosure to persons other than the parties deemed necessary shall be handled in accordance with all applicable Federal and state laws, including FERPA.**



# SANCTIONS

- **Student Conduct Probation**
- **Modified Suspension**
- **Suspension**
- **Expulsion**





"APPEAL"



# **TITLE IX APPEAL**

**After a final decision or dismissal of a formal complaint is made both parties have a right to an appeal within (5) business days. The Appeal process is a written submission to the Title IX Appellant, located in Denton Hall-office 209, on the Raymond Campus, any additional questions contact 601-857-3232. The appeal must include the appeal form, the appropriate box marked under grounds for appeal and include all supportive documentation when submitted.**



# GROUNDS FOR AN APPEAL



Procedural irregularity that affected the outcome of the matter



New evidence that was not reasonably available at the time the determination regarding responsibility was made, that could affect the outcome of the matter.



Conflict of interest or bias on the part of the Title IX Coordinator, decision maker, or investigator.



# PROCEDURE



**WHEN AN APPEAL IS SUBMITTED, THE APPELLANT/APPEAL COMMITTEE WILL RESPOND WITHIN 10 BUSINESS DAYS, BY HINDS EMAIL.**



**THE OTHER PARTY WILL RECEIVE WRITTEN NOTIFICATION VIA THEIR HINDS EMAIL OF THE APPEAL REQUEST AND THE FINAL DECISION.**





QUESTIONS