

Title IX Team Meeting

February 27, 2025

Amber Sims

Title IX Coordinator

Agenda

- ▶ Introductions and Ice Breaker: What are your Spring Break Plans?
- ▶ Roles & Responsibilities
- ▶ 2020 Regulations update
- ▶ Pregnancy & Parenting
- ▶ Sexual Assault Awareness Month (SAAM)



Roles & Responsibilities

Investigator

- ▶ Investigators are individuals designated to conduct reliable, prompt, fair, and impartial investigations of sex- and gender-based discrimination and misconduct reports.
- ▶ As an investigator, you will be searching for facts, witnesses, evidence and anything relevant to the assigned case.
- ▶ You will also be assigned in pairs. We no longer follow a “single” investigator model. This is a plus for us and for all parties involved because investigators are charged with compiling and organizing relevant information as well as maintaining accurate and thorough investigation records and notes; ending with a comprehensive investigation report.

Roles & Responsibilities

Decision Maker

- ▶ The Decision Maker(s) must issue a written determination regarding responsibility. To reach this determination, the preponderance of the evidence standard must be applied. The written determination must include:
 - ▶ 1) Identification of the allegations as defined in 34 C.F.R. 106.30
 - ▶ 2) A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
 - ▶ 3) Findings of fact supporting the determination;
 - ▶ 4) Conclusions regarding the application of the recipient's code of conduct to the facts;
 - ▶ 5) A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the recipient imposes on the respondent, and whether remedies designed to restore or preserve equal access to the recipient's education program or activity will be provided by the recipient to the complainant; and
 - ▶ 6) The recipient's procedures and permissible bases for the complainant and respondent to appeal.

Roles & Responsibilities

Advisor

- ▶ Generally, an individual who assists an advisee in navigating the school's formal and/or informal resolution process.
- ▶ An advisor typically is familiar with institutional policies and procedures and assists the party with respect to the resolution process. OCR regulations, state law, case law, Institutional policy, and the wishes of the advisee will define the parameters of the advisor's role in a particular case.
- ▶ An advisor may have been chosen by the advisee or appointed by the school.
- ▶ An advisor could be an attorney or an advocate by background and training, but when serving as an advisor, they will need to adjust to the specific expectations of the advisor role. To be clear, parties are only permitted someone in the role of an "advisor" to accompany them in the process, regardless of whether that person has a background as an advocate, friend, relative, criminal, defense lawyer, emotional supporter, etc.
- ▶ There are no particular advisor qualifications, and a school cannot deny a party their "advisor" of choice.

Regulations Update

- ▶ Dear Colleague Letter pinned February 15, 2025 describes how DEI (Diversity, Equity, and Inclusion) will no longer be used as a standard for admissions, financial aid, hiring, or training to decrease “systemic and structural racism”.
- ▶ We are still currently under 2020 Regulations which protects against *biological* sex based discrimination including harassment. MC Policy reflects 2020 regulations. 20 U.S.C. § 1681, et seq.
- ▶ <https://www.midland.edu/about/tix/index.php> still current link to report harassment or discrimination.



Pregnancy & Parenting

- ▶ Schools must not discriminate against any student, or exclude any student from their education program or activity, including any class or extracurricular activity, based on a student's pregnancy, childbirth, false pregnancy, termination of pregnancy, or recovery there from. 34 C.F.R. § 106.40(b)(1). A school also must not discriminate against or exclude from employment any employee or employment applicant on these bases. 34 C.F.R. §106.57(b).
- ▶ Medical Leave: A student must submit documentation to the office of Title IX or Accommodations from any licensed healthcare provider. The institution must still provide access to classes and assistance.
- ▶ Return: Upon return, the student must be readmitted at the same status they were before taking leave. Reapplication requirements and re-admission tests are not allowed. Medical clearance will have to come from a licensed healthcare provider.

Pregnancy & Parenting cont.

- ▶ Schools must treat pregnancy, childbirth, false pregnancy, termination of pregnancy, and recovery therefrom the same as any other temporary disability with respect to any hospital or medical benefit, service, plan, or policy for students. 34 C.F.R. § 106.40(b)(4).

For employees, schools must treat pregnancy and the same related conditions, including termination of pregnancy, as well as any temporary disability resulting therefrom, as any other temporary disability for all job-related purposes, including employment-based medical, hospital, and other benefits. 34 C.F.R. § 106.57(c).



Pregnancy & Parenting cont.

- ▶ Things to remember upon student return:
 - ▶ What timeline did other students have to complete the project
 - ▶ Is the work demonstrating competence being completed.
 - ▶ Graduation timeline.
 - ▶ Cost of attendance.



Pregnancy & Parenting

What's new!

- ▶ New Parenting and Pregnancy webpage to tentatively launch the week of March 17th, 2025.
- ▶ New Lactation room to be completed this Spring. Will be located in MHAB. Look for announcements to come!



Sexual Assault Awareness Month

SAAM



- ▶ April is Sexual Assault Awareness Month.
- ▶ Student Services is partnering with the Midland Rape Crisis & Children's Advocacy Center (MRCCAC) to host the "what was I wearing" exhibit. CLOTHING NEEDED!!!
- ▶ Speakers needed for the exhibit opening; survivor stories, victim impact stories.
- ▶ Denim Day will be April 30, 2025. Announcements to come.
- ▶ Educational Programming - Tabling event for the Spring. If you would like for me to come present to your class or staff concerning Title IX, please let me know.

Questions and Answers

THANK YOU!!!

Next team meeting will be held in August 2025. Invite will be sent out.

Asims@midland.edu

[Midland.edu/reporting](https://midland.edu/reporting)

title9@midland.edu

