



December 19, 2023

OCR's 2023 Higher Education Resolution Agreements: Session 1

An ATIXA Webinar

NOT FOR DISTRIBUTION



ARCADIA UNIVERSITY

Multiple Complainants alleged a tenured faculty member made numerous sexual comments during his course

Students raised concerns with multiple people, over multiple years, and the behaviors continued and were unaddressed

Non-TIX administrators determined the conduct was not TIX

Formal complaints filed in 2021

“Legacy Policy and Procedures” (Pre-Regs)

Faculty member delayed the hearing for 3+ months citing health issues

Once AU reset the case for hearing, Respondent immediately requested to begin his retirement from the institution

Case was then closed, with no hearing

TAKEAWAYS

Institutions cannot skip a preliminary inquiry/assessment conducted by trained personnel

Cases involving employee respondents must still go through the Title IX process

Informal reports or complaints can often constitute notice

A dismissal does not alleviate the obligation to Stop, Prevent, and Remedy

TAFT COLLEGE

Trans female student unofficially began transitioning while enrolled by sharing new pronouns and her chosen name with some students, faculty –

TAKEAWAYS

Policies must be clear and apply broadly to sex-based discrimination

Centralized policies streamline to whom and how to report

Even informal reports can constitute notice

Offer an investigation even if also addressing the harassment in other ways

CALIFORNIA CAREER COLLEGE (CCC)

Two administrators at CCC noticed a student was pregnant and told her she would need to take a leave of absence

CCC's Director told her that she would need to withdraw from the program since she could not complete clinicals

CCC disputed the student's account, saying the student made the withdrawal decision on her own

Title IX Coordinator and Title IX office information was not readily available to the student during process

When the student informed CCC of her desire to return, CCC told her that she would need to complete the semester over again

TAKEAWAYS

Institutions required to excuse student absences for pregnancy needs

Students should be reinstated to the status held prior to leave

Students should have opportunity to make up work

Pregnant students must be able to get clear info about Title IX and rights

TROY UNIVERSITY

Student notified the University of her pregnancy prior to the start of the fall 2020 term and received accommodations

Faculty expressed concern about the student missing class, counted absences against her grades, and put restrictions on late assignments

The student notified the TIXC that faculty had denied her accommodations

TIXC failed to communicate with the student, coordinate support, intervene in a timely manner, and failed to monitor accommodations

Troy also failed to provide its community with information about the rights of pregnant students

TAKEAWAYS

Institutions should establish a procedure for handling pregnancy discrimination complaints

TIXCs must coordinate accommodations in an iterative process

TIXCs should maintain oversight of accommodation effectiveness and compliance

Train institutional community on rights of pregnant students

INDIANA UNIVERSITY-PURDUE UNIVERSITY

Complaint alleged that the University discriminates against males and non-blacks by operating the Girls STEM Institute (GSI), a program that empowers Black girls to explore STEM

University provided “significant assistance” to GSI:

- IUPUI professor founded GSI

- IUPUI employees administer GSI programs

- GSI offices on IUPUI campus

- GSI conducts programs at IUPUI

- IUPUI fundraises for GSI

IUPUI asserted GSI open to all students, but program materials geared towards “girls of color”



TAKEAWAYS

Significant
assistance analysis

Audit single-sex
programs

All communication
must clearly state
"open to all"

Questions?

Session 2 of OCR's 2023 Higher Education Resolution Agreements Webinar is January 9, 2024, from 2:00pm-3:15pm ET

www.atixa.org/events



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