



# **Nondiscrimination, Title IX, and COCC Sexual Harassment Training**

Campus Public Safety  
October 2020



# Nondiscrimination

It is the policy of the Central Oregon Community College that there will be no discrimination or harassment on the basis of age, disability, sex, marital status, national origin, ethnicity, color, race, religion, sexual orientation, gender identity, genetic information, citizenship status, veteran or **military** status, **pregnancy** or any other classes protected under Federal and State statutes in any education program, activities or employment.



# Title IX and COCC Sexual Harassment

- Sexual harassment (quid pro quo or hostile environment)
- Sexual Assault
- Domestic violence
- Dating violence
- Stalking



# A Note About Language

- Title IX: Complainant and Respondent
- COCC: Reporting and Responding Parties



# Title IX and Sexual Harassment

- Sexual harassment, sexual assault, domestic violence, dating violence, and stalking
- Severe, pervasive AND objectively offensive
- Reasonable person standard



Unreasonably interferes and creates an intimidating, offensive OR hostile environment...



# Actual Knowledge

Institution must have actual knowledge

- Title IX Coordinator
- Official with authority for corrective measures



“Responsible employee”



# Jurisdiction

- Must be participating or attempting to participate in academic or work activity *at the time* the complaint is filed
- COCC must have substantial control of the respondent or context



Can file if no longer participating  
Must investigate even if off-campus



# Other Important Notes

Only complainant can file complaint

Cannot restrict parties from discussing case

Interim measures limited

Respondent right to cross-examine complainant

College-sponsored advocate

Written notice at all steps of process (ten days)

Reporting party, third party or witness can file report

Can restrict parties from discussing case

Interim measures still in play

No right to cross-examine reporting party

College-sponsored advocate

Process is Oregon







## Other Important Notes

- Title IX: Only complainant can file complaint
- Oregon/COCC: Reporting party, third party or witness
- Title IX: Cannot restrict parties from discussing case
- Interim measures severely limited
- Respondent right to cross-examine accuser
- Written notice at all steps of process
- All parties have right to a College-sponsored advocate



## Next Steps

- Write new Title IX policy and define process
  - Description of process and timeframes, presumption of innocence, burden of proof standard, range of sanctions
- Write new College sexual harassment policy and process
  - Includes definitions for anti-oppression, culturally responsive, gender-responsive, and trauma-informed
- Identify Title IX roles and people
- Develop training, including on trauma-informed care
  - Must track all trainings and archive materials in publicly accessible site



## Next Steps

- Identify mandatory notification requirements
  - Prospective students: Website\*
  - Prospective employees: Employment website\*
  - Current students: Orientation, annual notification, website\*
  - Current employees: Website\*, annual notification
  - Unions

\* Must be prominent (two-click rule)



# Is this really going to happen?

- DOE firm on August 14 deadline
- ACLU and state attorney generals issued legal challenges, but unlikely to persevere
- Congressional actions are possibility – but unlikely
- Biden support to overturn



## What we need to decide:

- Separate sexual harassment policy?
- Standard of evidence for formal Title IX hearings?
- Hearings Officer: Who and How Many?
- Advocates: Who and How Many?