



Title IX for Faculty/Staff

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What is Title IX?

Title IX of the Education Amendments Act of 1972 is a federal law that states:

"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."

- ▶ **Title IX applies to all educational institutions**, both public and private, **that receive federal funds**. Almost all private colleges and universities must abide by Title IX regulations because they receive federal funding through federal financial aid programs used by their students.
- ▶ **At its core, Title IX is about *balance, equity, and fundamental fairness without discrimination!***
- ▶ ***Protected characteristics include:***

- | | |
|--|-----------------------------|
| ➤ <i>Age</i> | ➤ <i>Pregnancy</i> |
| ➤ <i>Color</i> | ➤ <i>Race</i> |
| ➤ <i>Gender identity or expression</i> | ➤ <i>Religion</i> |
| ➤ <i>Marital status</i> | ➤ <i>Sex</i> |
| ➤ <i>National or ethnic origin</i> | ➤ <i>Sexual orientation</i> |
| ➤ <i>Physical or mental disability</i> | ➤ <i>Veteran status</i> |

New Title IX Regulations, August 2020

"Sexual Harassment"

- Shift in language
- Sexual harassment can qualify as discrimination under Title IX if it is "**severe, pervasive, and offensive conduct, effectively denying a person equal educational access.**"
- Courts have generally found that even a single instance of rape or sexual assault by another student meets this standard.

Title IX at SUNY Old Westbury

- The College has a **duty** to
 - Educate our community (Trainings & Prevention Programs)
 - Promptly respond to complaints / Reports/ incidents
 - Prevents its recurrence
- The College strives to support a living and learning environment **free from discrimination and sexual violence.**
- The College takes every measure to prevent our campus from becoming a hostile environment, especially for those who have experienced of discrimination, assault, abuse, and harassment, and encourage all survivors of discrimination to make an official report and continue their education.

Examples of Discrimination under TIX



Applies equally to all students regardless of sexual orientation, gender identity or expression.

Sexual Harrassment

- Quid Pro Quo (educational/employment decisions based on a request for sexual favors.
- Direct propositions of a sexual nature
 - Nonconsensual touching, hugging, kissing or brushing against another person's body
 - Sexually explicit statements, questions, or jokes
 - Remarks of a sexual nature about a person's clothing or body, sexual activity, sexual orientation, gender identity, or previous sexual experience.

Sexual Misconduct

- Sexual Assault: Non-consensual sexual contact, non-consensual sexual intercourse, and sexual exploitation

Examples of Discrimination under TIX

Stalking

- A course of conduct directed at a specific person that would cause a reasonable person to:
 - Become uncomfortable with the persistent pattern of unwanted attention.
 - Fear for their safety or the safety of others
 - Suffer substantial emotional distress



Dating and Domestic Violence

- Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the student.
- Current or former spouse, someone with whom the student has a child, related by blood or marriage to the student, or someone who is or has been continually living in the same household



Policy for Alcohol and/or Drug Use Amnesty in Sexual Violence Cases

The health and safety of every student at the State University of New York and is of utmost importance.

SUNY College at Old Westbury recognizes that students who have been drinking and/or using drugs (whether such use is voluntary or involuntary) at the time that violence, including but not limited to domestic violence, dating violence, stalking, or sexual assault occurs **may be hesitant to report such incidents due to fear of potential consequences for their own conduct.**

SUNY College at Old Westbury **strongly encourages students to report incidents of domestic violence, dating violence, stalking, or sexual assault to institution officials.**

A bystander acting in good faith or a reporting individual acting in good faith that discloses any incident of domestic violence, dating violence, stalking, or sexual assault to SUNY College at Old Westbury officials or law enforcement **will not be subject to SUNY College at Old Westbury's code of conduct action for violations of alcohol and/or drug use policies** occurring at or near the time of the commission of the domestic violence, dating violence, stalking, or sexual assault.

Role of Faculty and Staff

- Mandated Reporters
- Difference between private and confidential
- Any incidents of sexual discrimination/violence reported that occurred within the colleges educational program or activity on-campus or off-campus*
- Must notify Office of Diversity, Equity and Inclusion

**This includes Athletics, class trips, off campus events, etc.*

What Can Faculty/Staff Do?

- Talk to our students and be ready to listen
- Answer questions as best as you can
- Don't be afraid to ask questions of ODEI
- Don't share your negative experiences (or your friends/family experiences), simply listen
- Don't tell them what to do/how to feel if something is reported to you
- Inform them you are a mandated reporter, but would only tell the person on staff who needs to know
- Empower them to ask questions/reach out with any concerns



If a Student Reports To You:

Step 1

- Student comes to you to share incident(s) of sexual discrimination/violence.

Step 2

- Explain to student that you are willing to listen but the student will have to repeat their experience to the Title IX Coordinator. Explain privacy v. confidentiality.
- Allow them the option of telling their story to you and Title IX Coordinator or to just the Title IX Coordinator.
- Please notify them that they have the right to go through either the College conduct process, the criminal law process (UPD/NCPD, etc.) or both. They also have the right to not pursue action but it is up to the TIX Coordinator's discretion if they will move forward with an investigation.

Step 3

- Offer to walk them to the TIX Coordinators Office. They can also submit their report via email.

Step 4

- You will notify the Title IX Coordinator separately about the student disclosure and the information shared.

Who else is involved?

- **University Police**
 - Receives reports
 - Proceed with criminal cases, arrests, collaborates with DA office.
- **Director of Student Conduct: Kathleen Lieblich**
 - Receives TIX reports
 - Executes the conduct process
 - Trains and organizes hearing board
 - Conduct Board Hearing administrator
- **Vice President for Diversity, Equity and Inclusion, Title IX Officer, and Ombuds Dr. Usama M. Shaikh**
 - Receives TIX reports
 - Provides interim measures
 - Collaborates with local external entities to support students
- **Interim Director of Human Resources, Dr. David Tomanio**
 - Receives TIX reports when faculty/staff involved
 - Works with TIX Officer throughout the investigative process
 - Determines outcome(s) based on investigation
- **Interim Vice President Student Affairs: Claudia Marin Andrade**
 - Decides final appeal for student process (if necessary)

Reported... What now?

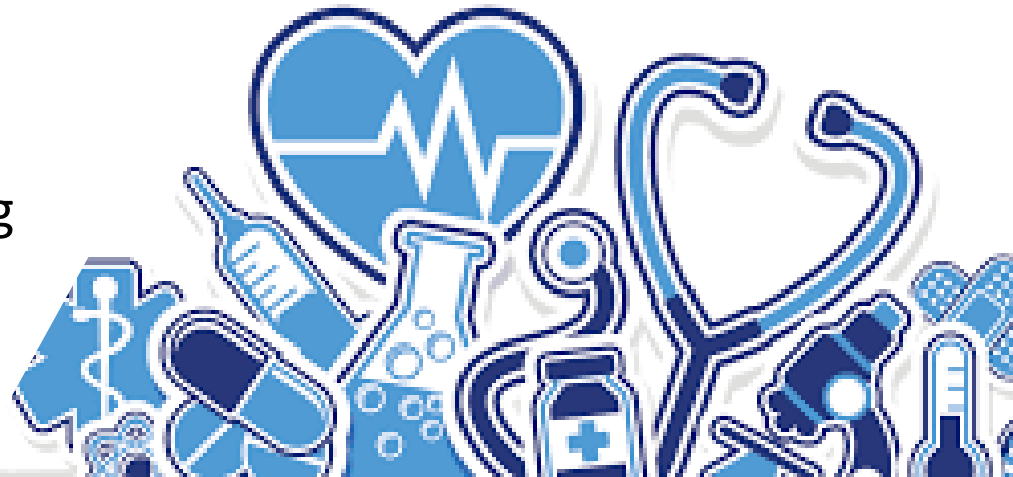
- The Title IX Coordinator/Deputy Title IX Coordinator will inform on the following:
- **Medical services, counseling and academic support services**, on or off campus.
- Explain and explore options, including
 - filing a **criminal complaint** and/or
 - the **campus student conduct process**.
- Available **interim remedies/accommodations** before an investigation or hearing takes place (housing, academic, other).



REPORTING
OPTIONS



Academic
SUPPORT



Off-campus resources:



State Police



Local Police



SANE Nurse –
North Shore University Hospital



Local medical providers



The Safe Center of
Long Island

Also provides confidential
on-campus trauma
counseling.

Student Conduct: What Protections Does Title IX Offer To Affected Parties?



All parties will be treated equally and fairly

Alternative arrangements during hearings

Provided with academic accommodations as requested.

Prompt investigations

Published timelines

Notice of outcome



Retaliation is prohibited (against ANY participants in the process – accused/respondent, victim/complainant, witnesses, or reporting individuals)



Each student will have the opportunity to select an advisor for the hearing and will be provided one if the student doesn't select one.

Resources

- www.oldwestbury.edu/title-ix
- www.tscli.org
 - Hotline: 516-542-0404
Phone: 516-465-4700 *
- It's On Us: <http://itsonus.org>
- The Green Dot Program:
<http://livethegreendot.org>
- One Student: <http://onestudent.org>
- RAINN: www.rainn.org or 1-800-656-HOPE
- National Sexual Violence Resource Center:
www.nsvrc.org
- Male Survivor: www.malesurvivor.org
- Men Can Stop Rape:
www.mencanstoprape.org
- SUNY Sexual Assault & Violence Response (SAVR) Resources
<https://www.suny.edu/violence-response/>



Thank you!

Contact Information

Office of Diversity, Equity and Inclusion

Campus Center, Room H-417

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