

Legal and Regulatory Requirements

Federal Legal Framework

“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 of **KB1**ity receiving Federal financial assistance.”

-Title IX of the Education Amendments of 1972 and its implementing regulation at 34 C.F.R. Part 106 (Title IX)

Historic Evolution



Department of Education’s Office for Civil Rights (OCR) enforces Title IX through:

- Evaluation, investigation, resolution of complaints alleging sex or gender discrimination
- Non-complaint driven proactive compliance reviews examine potential systemic violations **KB2**
- Suspension or termination of federal funding for finding of noncompliance

OCR enforces several *other* federal civil rights laws prohibiting discrimination:

- Title VI of the Civil Rights Act of 1964
- Section 504 of the Rehabilitation Act of 1973
- Age Discrimination Act of 1975

OCR guidance increased the focus on sexual violence since 2011, notably:

- Dear Colleague Letter re: Sexual Violence (2011)
- Dear Colleague Letter re: Retaliation (2013)
- Questions and Answers about Title IX and Sexual Violence (2014)
- Dear Colleague Letter re: Designation and Responsibilities of Title IX Coordinators (2015)



OCR
Office for Civil Rights

Slide 1

KB1

or

Kellie Brennan, 7/27/2015

KB2

examine patterns and systemic issues

Kellie Brennan, 7/27/2015

Title IX: *Issue Response*

Investigation Procedures

OCR Investigation Requirements

- Prompt and equitable investigations
- Concluded within 60 days
- Conducted by trained investigators
- Standard of proof: *preponderance of the evidence*
- Provide interim measures
- Issue written notice of outcome provided to parties
- 16 university employees conduct Title IX investigations

Reporting and Investigation Origination

Title IX Coordinator May receive reports directly Oversees all Title IX investigations			
OSU Police Division	Office of Human Resources	Office of Student Conduct	Anonymous Reporting Line
<ul style="list-style-type: none"> • Conducts criminal investigation • Investigation does not require filing of criminal charges 	<ul style="list-style-type: none"> • Investigates complaints against employees, potential violations of university policy 	<ul style="list-style-type: none"> • Investigates complaints against students, potential violations of Code of Student Conduct and university policy 	<ul style="list-style-type: none"> • Office of University Compliance and Integrity administers and ensures independent investigation of reports

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- ACTION
- COUNSELING
- TRAINING



**THE OHIO STATE
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Sexual Misconduct, 1.15

University Policy

Applies to: Faculty, staff, students, student employees, graduate associates, appointees, volunteers, supplier/contractor, and visitors.

Responsible Office

Office of Human Resources

POLICY

Issued: 10/01/1980
Revised: 08/23/2016

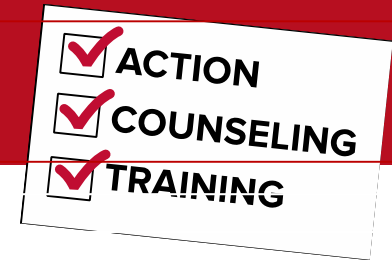
Members of the university community have the right to be free from all forms of sexual misconduct which impede the realization of the university's mission of distinction in education, scholarship, and service. All members of the university community are expected to conduct themselves in a manner that maintains an environment free from sexual misconduct.

Sexual misconduct violates the dignity of individuals and will not be tolerated. The university community seeks to eliminate sexual misconduct through education and by encouraging everyone to report concerns or complaints, including third parties when the accused is a member of the university community. The university is committed to stopping sexual misconduct, preventing its recurrence, eliminating any hostile environment, and remedying its discriminatory effects. This policy defines expectations for the university community and establishes mechanisms for determining when those expectations have been violated.



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Policy sections:

- **Definitions**

- Sexual Harassment
- Sexual Assault
- Relationship Violence
- Stalking
- Consent

- **Jurisdiction**

- This policy applies to alleged sexual misconduct that takes place on university property or at university sponsored events, regardless of their location.
- This policy may also apply to alleged sexual misconduct that occurs off-campus, including virtual spaces, when the Title IX coordinator or deputy coordinator determines that the alleged sexual misconduct could reasonably create a hostile environment.



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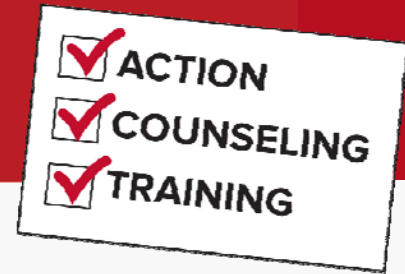


Procedure:

- **Conducting Investigations**
 - Equitable access to support person
 - Standard of evidence
 - Timeframes (60-day guideline)
 - Timely and equal access to information
- **HR investigates allegations of employee misconduct**
 - Investigator interviews parties, witnesses, prepares case report
- **Student Conduct investigations allegations of student misconduct**
 - Investigator interviews parties, witnesses, offers hearing options under Code of Student Conduct



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Thorough	Reliable	Impartial	Investigation
Prompt	Effective	Equitable	Process
Stop the Discrimination	Prevent its Recurrence	Remedy the effects upon the victim & community	Remedies