

“Title IX”: What it is and What we do

December 2016

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Title IX of the Educational Amendments of 1972

The Office of Civil Rights (OCR) within the United States Department of Education implemented Title IX of the Educational Amendments of 1972 to help colleges and universities address and prevent sex-based discrimination.

Title IX states that “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.”

Educational programs and activities covered by Title IX

Admissions	Vocational education
Recruitment	Recreation
Financial aid	Physical Education
Academic programs	Athletics
Student treatment and services	Housing
Counseling and guidance	Sanctions/discipline
Classroom assignment	Employment
Grading	

Discrimination is prejudicial treatment based on an individual's membership in a particular category. Types of discrimination include disparate treatment, disparate impact and retaliation.

Dear Colleague Letter

The OCR issued a "Dear Colleague" Letter (DCL) on April 4, 2011 that provided additional guidance about handling issues of sexual harassment and sexual violence.

Sexual Harrassment under Title IX ?

Sexual Harassment:

Any unwelcome sexual advances, request for sexual favors, and other verbal or physical conduct of sexual nature.

Types of sexual harassment:

(1) **Quid Pro Quo** - “This for that” – someone who holds a position of authority (or perceived authority) that tries to influence a situation by offering advantages not normally offered by trying to take away opportunity from the student/ staff member.

What constitutes sexual harassment under Title IX ? - continued

(2) **Hostile Environment** – When A situation that interferes with your educational/work environment and/or your ability to pursue academic activities. This the most common form of harassment and can be committed by anyone.

(3) **Sexual Violence** - Physical sexual act perpetrated against a person's will or when a person is incapable of giving consent (i.e., drugs or alcohol, age, physically or mentally incapacitated or impaired).

Sexual violence includes attempted or completed rape or sexual assault, as well as stalking, verbal or physical sexuality – based threats or abuse, and intimate partner violence.

Faculty Members are “Responsible Employees”

Responsible employees have the initial obligation to report incidents of sexual harassment/misconduct to their supervisor or the Title IX coordinator (or other appropriate designee).

All relevant details about the alleged sexual violence that the student or another person has shared and that the school will need to determine what occurred and to resolve the situation. This includes the names of the alleged perpetrator (if known), the student who experienced the alleged sexual violence, other students involved in the alleged sexual violence, as well as relevant facts, including the date, time, and location.

Confidentiality...

There are only two protected classes of college employees who can completely honor a student's request for confidentiality:

1. *Licensed health care providers*
2. *Clergy*

A faculty member should make every effort to ensure that before the student reveals information that he or she may wish to keep confidential, the student understands the TA's reporting obligation and the student's option to request that the school maintain confidentiality.

Your Role in Supporting Sexual Assault Victims

Let them know that they can confidentially go to:

- ER – University Hospital or Newark Beth- Israel Hospital
- C-CAPS

Other resources available to students

Title IX Coordinator

Residence Coordinator

Dean of Students Office

What should you report?

Any observed, experienced, or known sex determination, including sexual harassment and/or sexual violence involves any member of our society.

It does not matter if the incident occurred on-campus, off-campus, or on Spring Break outside of the United States. If the situation occurred while a student is pursuing his/her education, we want to know about it.

Moreover, it does not matter if the incident occurred yesterday, last week or two years ago. We still want to hear from you.

Report directly to Title IX Coordinator or Deputy Coordinator, and NJIT Public Safety if an emergency situation, but maintain strict confidentiality beyond that.

What happens after I Report?

The University is required to:

(1) Take immediate, appropriate action to investigate or otherwise determine what occurred once we know or reasonably should know about possible sexual harassment/sexual violence. *Note: Victim is NOT required to report to police, testify or act as complainant.*

(2) Take prompt and effective steps to end the sexual harassment/sexual violence and prevent its recurrence.

(3) Protect the complainant, including taking interim steps prior to the final outcome of the investigation.

(4) Notify both parties of the outcome of the complaint.