



TITLE IX

POLICY AND PRACTICE

A Presentation to Bethel University

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Welcome
to...

When poll is active, respond at pollev.com/jodieferise228

Text **JODIEFERISE228** to **22333** once to join

Let's see who is in the room! Please select your primary designation from those below:

A. Faculty

B. Administration

C. Athletics Staff

D. Staff (Non-Athletic)

E. Something Else

When you think about Title IX, what's the first word or phrase that comes to your mind?

How would you rate your present familiarity with the requirements of Title IX?

1 - I am virtually a blank slate

2 - I know more than nothing,
but not by much

3 - I know just enough to be
dangerous

4 - I'm no expert, but I'm
getting there

5 - I could be teaching this
session (but I don't wanna)

Framing The Issue at Bethel



Bethel University (the “University”) believes in the intrinsic **value of all human beings**. Moreover, it is committed to the full, **peaceable participation** of all of its members in the educational endeavor it fosters. Bethel University is committed to maintaining a learning and living **environment which is fair and respectful** and **will not tolerate any threats or acts of Sexual Misconduct**.

This Policy outlines the University’s community expectations to ensure a campus free from Sexual Misconduct, the steps for recourse for those individuals who have been subject to Sexual Misconduct, and the procedures for determining whether a violation of University policy has occurred.



Bethel University is a Christian community committed to academic pursuit and spiritual growth under the Lordship of Jesus Christ. As members of this community, we covenant to engage actively in the pursuit of personal holiness by obedience to Scriptural teaching. This includes agreeing to follow the **Biblical precepts regarding sexual purity.**

While some portions of this Policy may address intimate or sexual activities outside of marriage, such discussions **should not be seen as condoning these actions.** At the same time, an individual's engagement in intimate or sexual activities outside of marriage **does not excuse Sexual Misconduct** carried out against that individual.



The University is committed to protecting the members of its community against Sexual Misconduct— **regardless of the context in which it arises.**

The University recognizes that sometimes an individual **may be reluctant to report** an instance of Sexual Misconduct or participate in a complaint resolution process **out of concern** that other conduct relating to the incident (e.g. use of alcohol or drugs or engaging in sexual contact outside of marriage) **involves a violation of the University Community Life Covenant.**



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.



Tiny statute,
Enormous impact

This is Title IX

The original intent of Title IX was to bring greater equality to women's sports.

True

False



1972 – Higher Education Amendments

1975 – Title IX Athletics Regulations

1976 – NCAA lawsuit

1982 – NCAA takes control of women's athletics

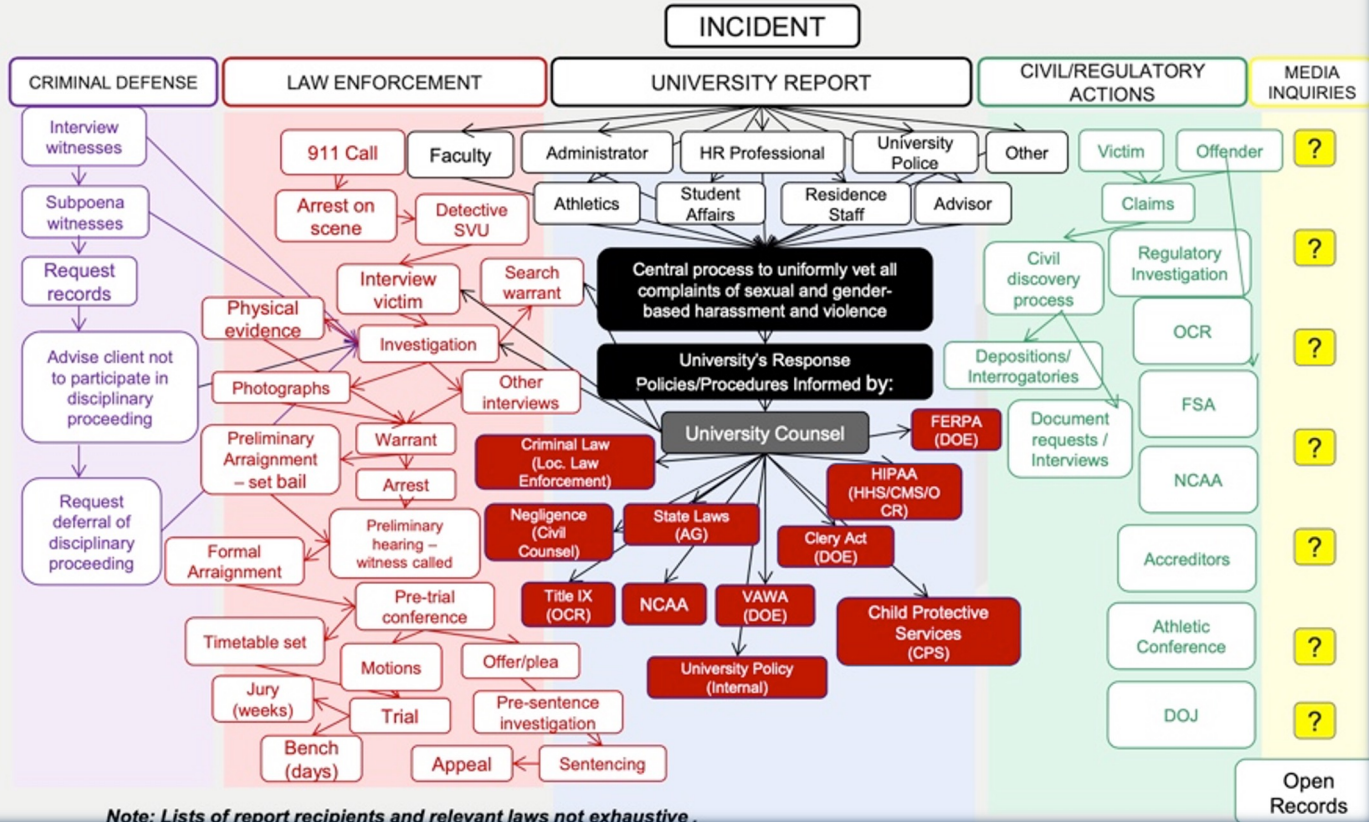
2016 – Transgender guidance, later rescinded

2020 – New Title IX Regulations issued

2022 – New Title IX Regulations issued (again)

“When it comes to sexual abuse, it’s quite simple: No means no,” Biden said [in his speech](#). “No means no if you’re drunk or you’re sober. No means no if you’re on a bed or in a dorm or on the street. No means no even if you said yes at first and you changed your mind. No means no.”

The Challenge of the Context



A bit of context...

Title IX

- Federal regulations updated 2020 (and...2023)
- Prohibits sex discrimination in schools receiving federal funds

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VAWA

- Expands Clery Act
- Includes dating violence, domestic violence, stalking



Calculating what's at stake

Student safety

Campus culture

Risk exposure/ litigation

Institutional reputation

Title IV federal funds

Title IX prohibits sex discrimination but... *what exactly does that include?*

- Sexual harassment
- Sexual assault
- Dating violence
- Domestic violence
- Stalking
- Pregnancy and childbirth discrimination
- Retaliation



Retaliation

An institution's **response** to a complainant or respondent in response to a Title IX complaint may, itself, constitute discrimination on the basis of sex in violation of Title IX.



What is expected of our institution?

Identification of Title IX Coordinator

Training requirements

Policy and compliance

Contact with parties

Supportive measures

Authority and access

What is expected of our institution?

Adoption of grievance procedures

Live hearing

Equitable treatment

Unbiased evaluation of evidence

Presumption of non-responsibility

Advisors

Opportunity for "cross-examination"

Ability to appeal



What is expected of us individually?

All University employees **who are not confidential resources** and who obtain or receive information regarding possible Sexual Misconduct **must report** that information **to the Title IX Coordinator**. Student employees who receive such information in the course of their work position or duties also must report the information to the Title IX Coordinator.



What is expected of us individually?

Incidents personally **observed**

Incidents **reported to you**

Incidents of which you otherwise
become aware

ASAP

What if the incident involves a minor?



What is expected of the parties?

Truthfulness

Good faith

But participation is **not** required

Title IX principles and limitations

- Requires the school has **actual knowledge** of the discrimination
- Requires the school has **substantial control** over the Respondent, the context, and the building
- Requires the incident occurred **within the USA**



Title IX principles and limitations

Does Title IX cover **off-campus** incidents?

- Part of campus operations
- Substantial control over Respondent and context
- Off-campus building is **owned or controlled by official student organization**



Confidentiality vs. Privacy



Most employees **are not**
confidential reporters

- ~Wellness Center
- ~Family Justice Center
- ~Pastoral resources

Standard of Proof

Preponderance of the Evidence
regardless of parties



Emergency Removal

Individualized safety and risk
assessment

Immediate threat to
physical health or safety

Notice and opportunity to
challenge



Informal Resolution

Available as alternative

Both parties must agree





Writing new history

- LGBTQ+
- Grievance procedures
- Prevention



Thank You

Questions? Please feel
free to reach out!

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