



# GENDER BASED DISCRIMINATION IN HIGHER EDUCATION

## Rights and Responsibilities on Campus

Presented by



Support for Survivors of Domestic & Sexual Violence



**WARNING**

**TRIGGER WARNING**

**Sexual Violence, Relationship Violence,  
Stalking**

# Three Main Regulations

## PREVENTING SEXUAL VIOLENCE IN HIGHER EDUCATION ACT

Illinois Regulation

## TITLE IX

Federal Regulations



## CLERY ACT

Add on to Title IX

# Title IX

Provides anyone who interacts with a school that is federally funded from sex based discrimination. Schools are required to respond and remedy hostile educational environments.



## WHO IS PROTECTED

- Students
- Parents/Guardians
- Employees
- Applicants

# Sex Based Discrimination



## WHAT IS IT?

- Exclusion from program, activity, benefit, or service
- Harassment
- Violence
- Unequal treatment

## SEX BASED REFERS TO

- Gender Identity
- Sexual orientation
- Pregnant or parenting



# Examples of Sex Based Discrimination



## EXCLUSION FROM

Athletics, clubs/groups,  
classes or programs

## HARASSMENT

Verbal or physical, stalking,  
bullying, intimidation

## VIOLENCE

Sexual Violence, Intimate  
Partner Violence, Domestic  
Violence

# Schools must

- **Prevent** sex based discrimination
- Clear, published policy and procedure
- Keep a log of crimes on campus
- Issue **timely warnings** when a crime is committed
- Publish **Annual Security Report** (ASR)
- Promptly investigate & remedy
- Receive **training**
- Have a designated **Title IX coordinator**
- Have at least one **confidential advisor**
- Provide **support resources** for survivors
- Provided **supportive measures** to survivors



# Responsibilities of Title IX Coordinator



## Reporting

- Send warnings out if crime was committed on campus
- Annual Security Report
- Nondiscrimination policy
- Conduct investigations
- Enforce disciplinary actions
- Receive complaints

## Survey Campus Climate

- Monitor outcomes
- Observe patterns
- Assess campus climate

## Education

- Training staff
- Publishing policies & procedures
- Disseminating information to students



# Athletics

**Must provide equal athletic opportunities, regardless of gender identity**

- Provision of equipment and supplies
- Scheduling of games and practice time
- Travel and per diem allowances
- Opportunity for coaching and academic tutoring
- Assignment and compensation of coaches and tutors
- Provision of locker rooms, and practice and competitive facilities
- Provision of medical and training facilities and services
- Housing and dining services
- Publicity
- Recruitment
- Support services



# Pregnant & Parenting Students

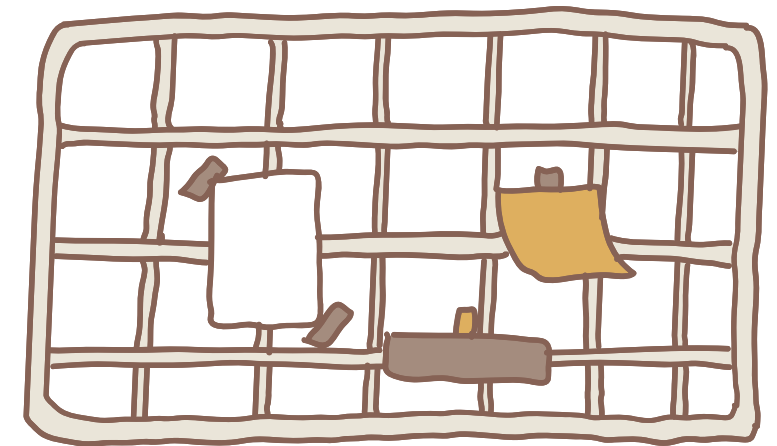
- Cannot exclude a pregnant student from participating in educational programs
- Must excuse absences that are pregnancy or childbirth related
- Cannot require medical certification to stay in school



# CLERY ACT

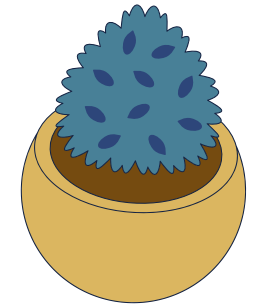
## RELATIONSHIP VIOLENCE & SEXUAL VIOLENCE PREVENTION & EDUCATION

- Requires colleges and universities to provide education and **prevention** related to
  - Domestic Violence
  - Dating Violence/Intimate Partner Violence
  - Stalking
  - Sexual Violence
- All incoming and ongoing **students** and **staff** must complete a **training**



*Cannot Retaliate*

# Filing a complaint



## INFORMAL RESOLUTION

- Not if the perpetrator is an employee
- School works with both parties until agreement on resolution occurs
- Up to the victim to decide if they want informal process

## INVESTIGATION

- School will interview victim, perpetrator, possibly witnesses, possibly evaluate evidence
- School will decide if the perpetrator is guilty
- Must complete investigation for **school wide no contact order**

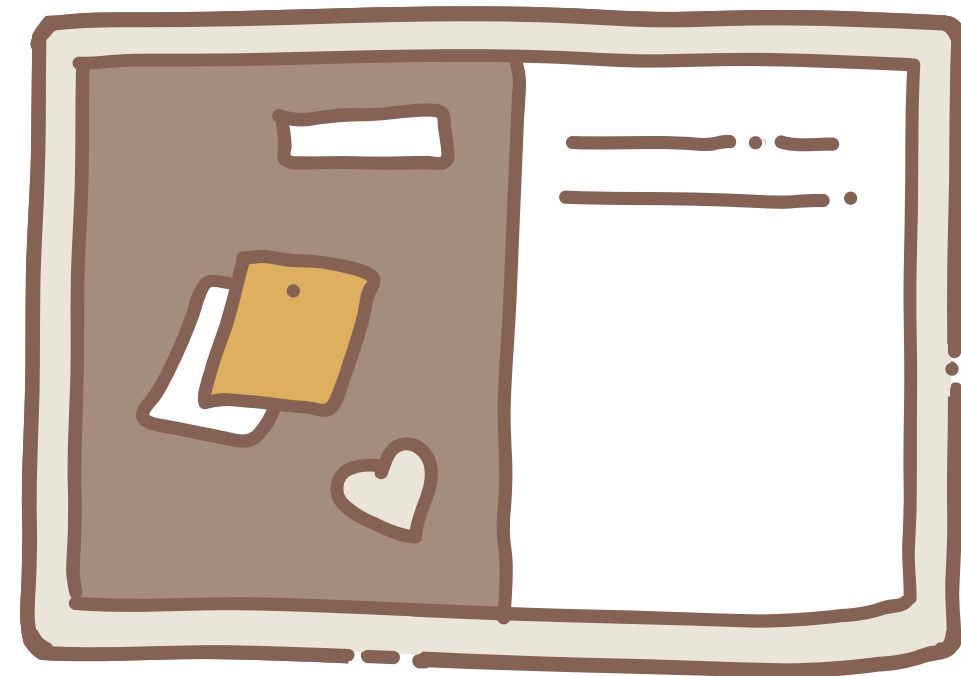
# Interim Measures

- Options to avoid contact with alleged perpetrator
  - Change academic or extracurricular activities, transportation, housing, and such
- If perpetrator is immediate threat, school can remove them
- Offer **support services**
  - Mental health, health, academic support, housing assistance, advocacy
- Right to report crime to law enforcement



# Investigation

- Individuals on **committee** must be well **trained and free of bias**
- Presumption of innocence
- School decides which **standard of proof** to use
- After complaint is filed, both parties receive **written notification**
- Entire process must be done in a reasonably **prompt** time frame
- Both parties can submit evidence/expert witness
  - Which will be provided to both parties
- Both Parties have a **right to an advisor**



# Hearing/Trial

Right to  
Appeal

- Hearing Officer will be selected and preside over the hearing
  - Selected by the school
- Usually held within 10-15 days of investigative report being finalized
- The parties can be "represented" by an advisor, and do not have to be present at hearing
  - Can provide testimony in an alternative manner



# Remedy and Resolution

- Ensuring perpetrator and complainant do not share activities or extracurriculars
- Ban non-student from campus
- Supportive measures for victim
- "Educate" perpetrator
- Disciplinary measures
  - Probation, Expulsion, Suspension
- School wide no contact order
- Assign victim an escort





# Supportive Measures

Allowing extra time for academic work or providing retakes

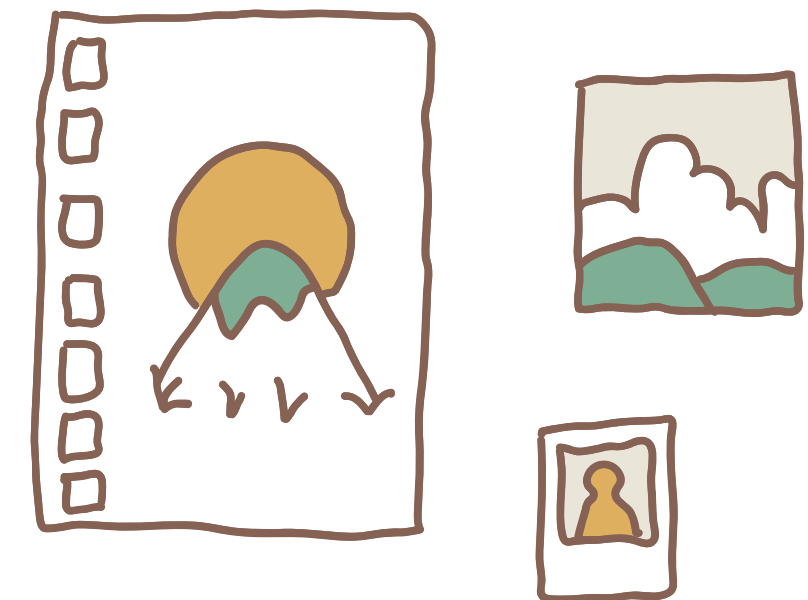
Allowing withdrawal with no penalty

Allowing leave of absence



# Biden's Proposed Changes

- Strengthen protections for LGBTQIA+ people
- Restore victim's protections
- Improves adaptability of processes
- Removes live hearing requirement
- Clarify that no retaliation can be taken against a complainant



# SHAMELESS PLUG

Follow us on



ILLINOIS VALLEY  
COMMUNITY COLLEGE  
PRESENTS 2022-2023



**ONE BOOK, ONE COLLEGE**  
Poverty & Parenthood

## Scheduled Events

**September 21** – Jared Olesen Presentation  
on Campus

**October ?** – Zonta Domestic Violence  
Awareness Walk in Ottawa



# Heather Steele

She/Her

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**Follow Safe Journeys**



**815-673-1555**

24/7 - Free - Confidential  
Support Line