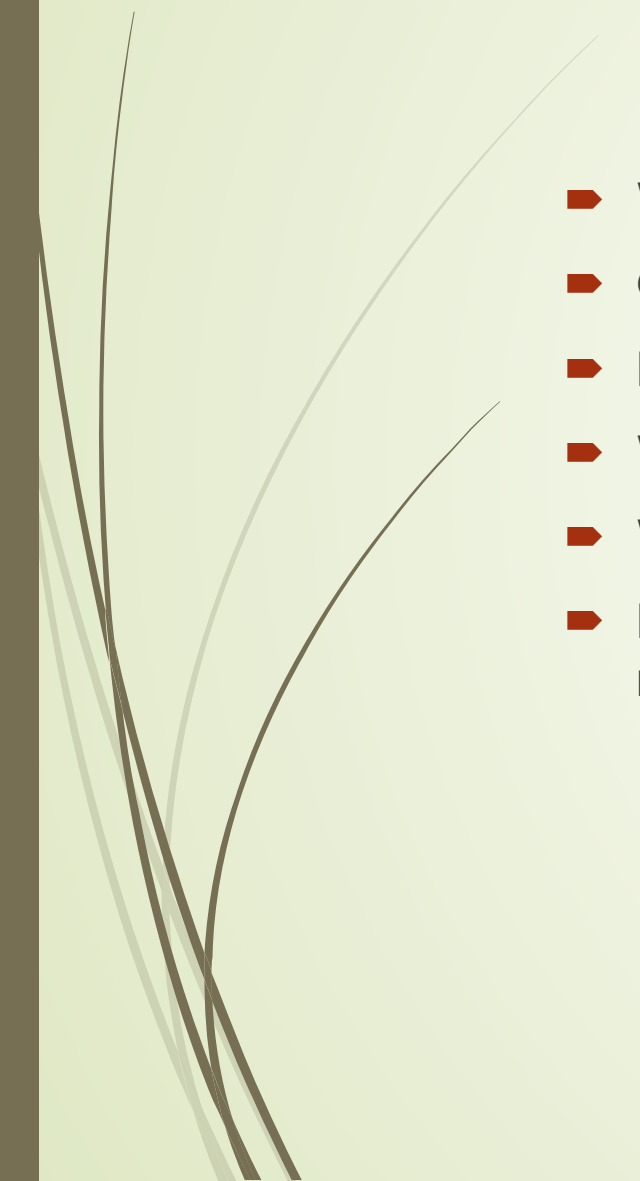


Rising Beyond Neutrality to Inclusivity at Indian River State College

**The Equity Council
October 28, 2020**



Questions to Consider:

- 
- ▶ What do you know about “Transgender”?
 - ▶ Gender: A binary or is it?
 - ▶ How does gender expression and identity impact students here?
 - ▶ Who are Trans students and what do they want us to know?
 - ▶ What can we do better?
 - ▶ How can we commit ourselves to actively changing our campus to be more inclusive to the Trans community?

Quiz Time

Can you match a words from the word bank with the following definitions?

GenderIdentity
Pronouns
Bias
sex
BigenderGenderfluid
PolygenderTranssexual
SexualReassignmentSurgery
GenderExpression
HeteronormativityBisexual
GenderVariantCisgender
Non-BinaryGenderBinary
FemininityPangender
Transphobia
orientationTransgenderTransition
CrossDresserAndrogynousgender
TrigenderGenderQueerTransman
DenderDysphoriaMasculinity
GenderNonConforming
DragGenderConformityqueer
TranswomanIntergender
expressionBinaryIntersex

- A. Describes someone who is comfortable with the gender identity & gender expression assigned to them based on their physical sex
- B. Either the male or the female division of species differentiated by social and cultural roles and behavior
- C. Something that is made of two pieces or parts
- D. A person's sense of being masculine, feminine or other gendered
- E. A person who lives as a member of a gender other than that expected of them based on anatomical sex
- F. The irrational fear of those who are gender variant and/or the inability to deal with a gender ambiguity

Gender: A Binary or is it?



Gender Binary Rules of Thumb:

- Must identify as either “Male” or Female”
- Only two gender options
- Societal Institutions reinforce this binary (e.g. education, government, consumerism)

Non-Gender Binary Rules of Thumb:

- Can identify within the gender spectrum
- Multiple gender options
- Supported through policies and deconstruction of gendered institutions (e.g., gender inclusive restrooms, gender inclusive housing, gender neutral language)

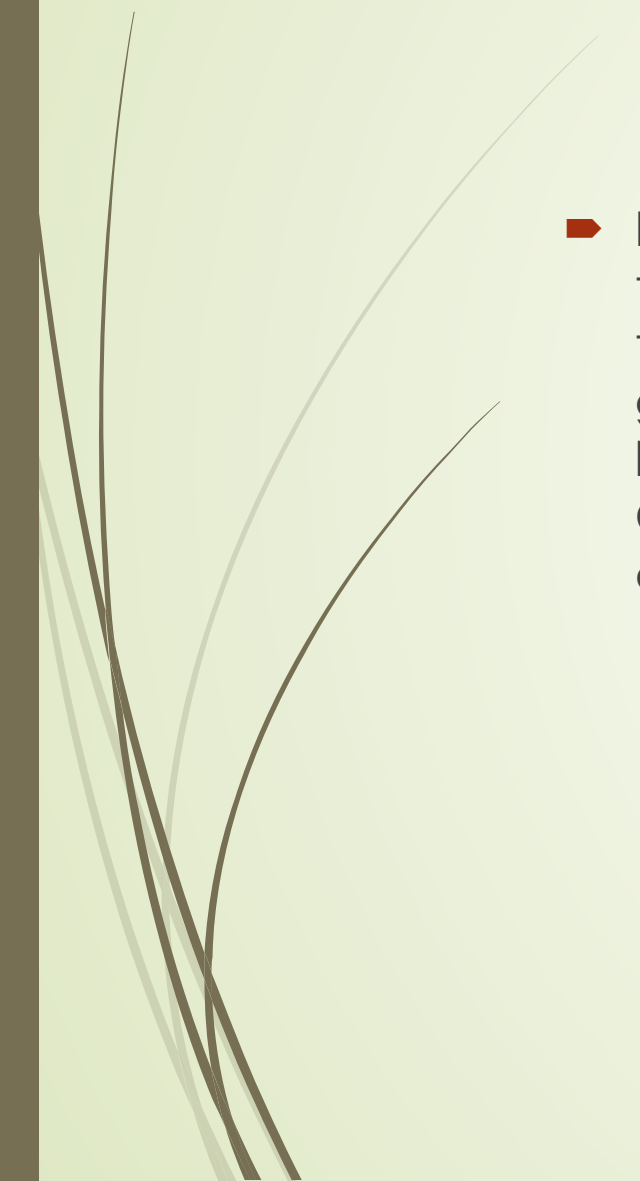


What LGBTQIA+ Students Want Their Professors to Know

- ▶ <https://www.youtube.com/watch?v=rnbnF8QAnsY>

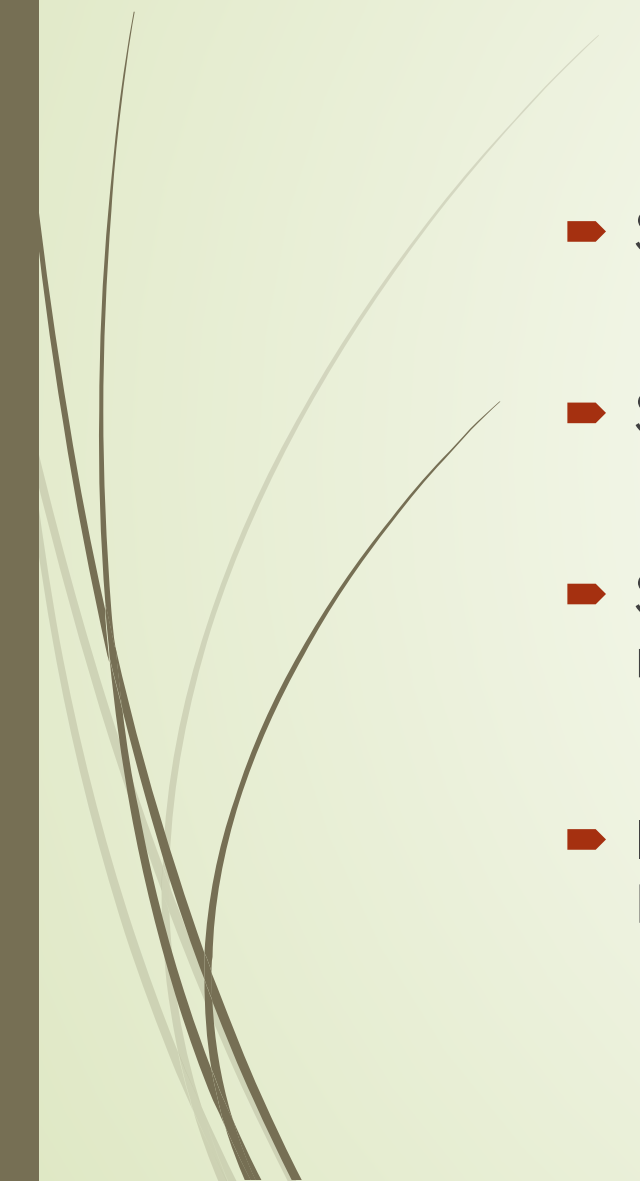


PREFERRED NAMES

- IRSC recognizes that faculty, staff, and students may use names other than their legal names to identify themselves for a variety of reasons. The ability to use a preferred name can be particularly important for transgender or gender non-conforming persons. Except when the use of an individual's legal name is required by law or policy, individuals will be identified in Hood College information systems by the preferred name in accordance with the designed use of the software.
- 



Reasons One Might Desire to Use a Preferred name

- ▶ Student's legal name is inconsistent with their gender identity
 - ▶ Student primarily uses their middle name instead of their first name
 - ▶ Student goes by a nickname significantly different from their first name
 - ▶ International students or other students who wish to adopt an English language nickname during their course of study
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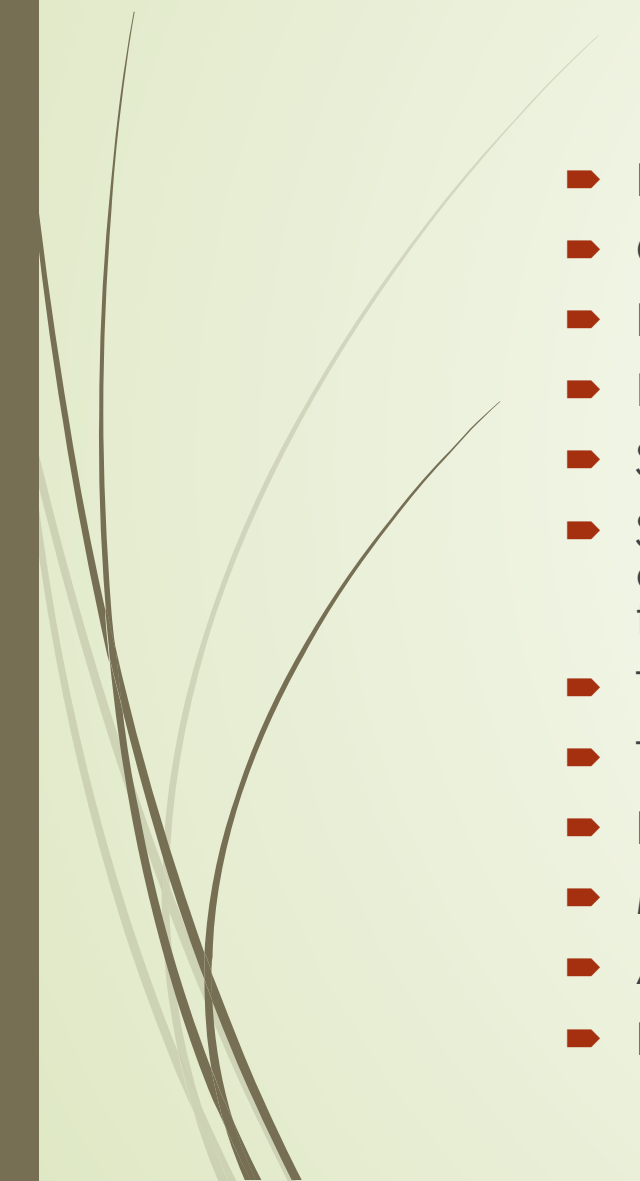


When Can Preferred Names Be Used?

- IRSC account name
- Student email account
- IRSC ID card
- Class roster & advisee lists
- Library Information System




Legal Name Will Appear

- 
- Financial Aid and Billing Records and Communication
 - Official and Unofficial Transcripts
 - Paychecks & Paystubs
 - Registrar's Office Records (i.e., permanent student file records)
 - Study Abroad (i.e., travel documents, signature documents)
 - Some official forms or correspondence from the College such as financial aid awards, River Hammock contracts, departmental or program notices, new hire forms, etc.
 - Transfer credit evaluation
 - Tax Records
 - Diplomas and certifications
 - Medical records
 - Admissions records
 - Disciplinary records



Why are Preferred First Names important to our students?

- Calling a person by their preferred name shows respect.
 - Honoring a student's preferred name contributes to the College's Commitment to Diversity and Inclusion. It is our goal to provide an empowering, safe, and nondiscriminatory educational environment. A name is an extremely important part of a person's identity. Using the wrong name can cause unintentional harm to a person by devaluing their identity and personal autonomy.
 - Many names and pronouns are gendered in their use. Using a preferred name that matches a person's gender identity helps prevent that person from being the subject of invasive questions about why they have a name that is inconsistent with their perceived gender expression
 - Many transgender students adopt a preferred first name as an important step towards expressing their gender identity.
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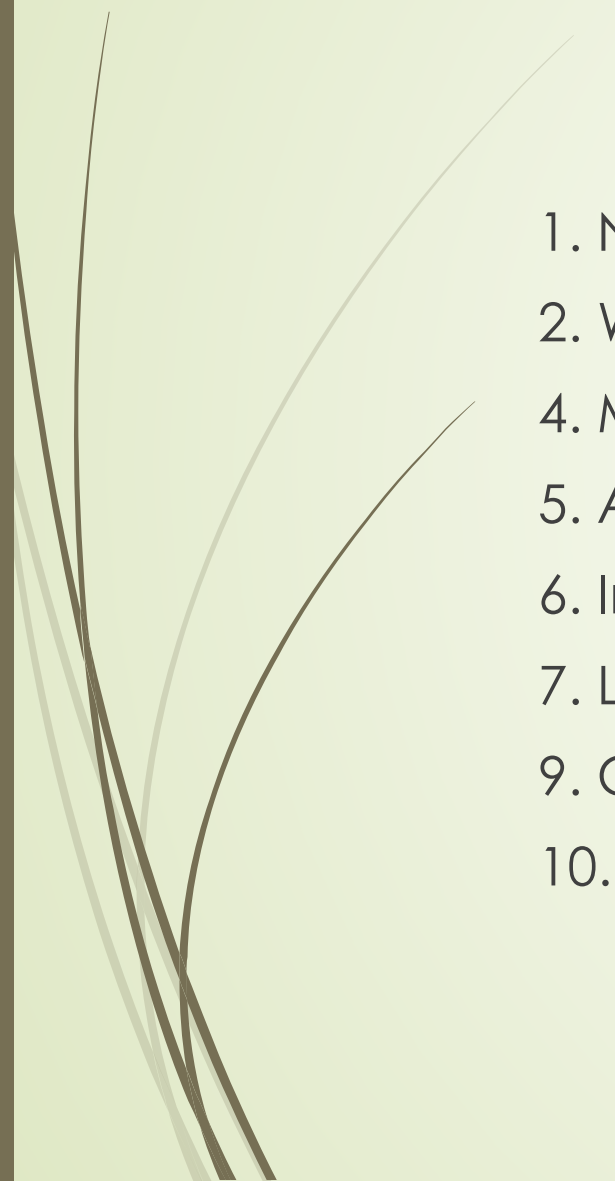
Discussion????



Important Facts to Know About the New Title IX Regulations



Topics to be Discussed

- 
1. New Terminology
 2. When Does Title IX Apply
 4. Mandatory Dismissal and Jurisdiction
 5. Advisors
 6. Interim Measures
 7. Live Hearings and Decision Makers
 9. Cross-Examination
 10. Standard of Evidence



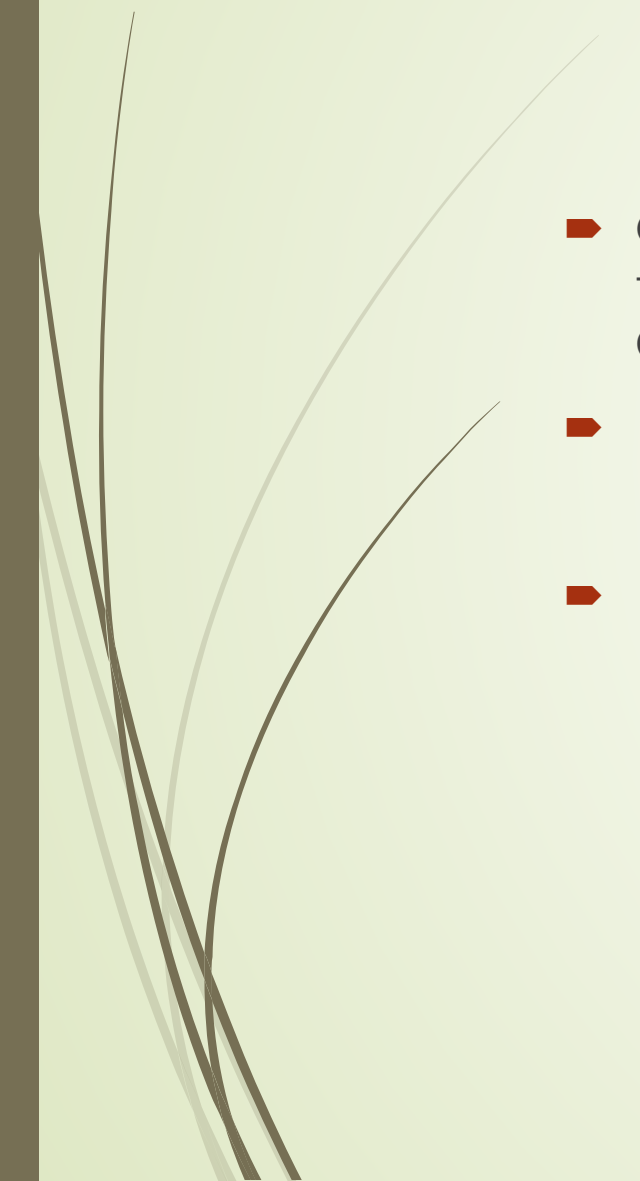
TITLE IX

- “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 educational program or activity receiving federal financial assistance.”

Title IX of the Education Amendments Act of 1972



Status of Regulations

- On May 6, 2020, Education Secretary Betsy DeVos Released the Final Rule that Governs how Sexual Assault Investigations are Handled on College Campuses.
 - Published in the Federal Register on May 19, 2020.
 - Effective Date: August 14, 2020. – No expressly stated “grace period.”
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New Terminology

- **Complainant**-an individual who is alleged to be the victim of conduct that could constitute sexual harassment, or a parent who is legally authorized to act on behalf of the individual
- **Respondent**-an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment
- **Grievance process**- formal complaints before the imposition of any disciplinary sections or other actions against the respondent.
- **Recipient**- Postsecondary education institutions
- **Supportive Measures**- individualized services reasonably available that are non-punitive, non- disciplinary, and not unreasonably burdensome to the other party while designed to ensure equal educational access, protect safety, or deter sexual harassment.
- **Actual Knowledge**-means notice of sexual harassment or allegations of sexual harassment to a recipient's Title IX Coordinator or any official of the recipient who has authority to institute corrective measures on behalf of the recipient
- **Formal Complaint**- An alleged sexual harassment document or electronic submission filed by complainant or signed by Title IX Coordinator requesting an investigation.



When Does Title IX Apply

When the recipient has:

- Control over the Respondent
- Control over context of the harassment, includes any building owned or controlled by an officially-recognized student organization.
- Control over Jurisdiction of programs (The jurisdictional limitations include geographic and temporal)
- At the time of filing a complaint, complainant must be participating in or attempting to participate in the recipient's education program or activity



Mandatory Dismissal and Jurisdiction

- ▶ 106.45(b)(3)(i) The recipient must not investigate the allegations in a formal complaint, if the conduct alleged in the formal complaint would:
 - not constitute sexual harassment as defined in § 106.30 even if proved,
 - did not occur in the recipient's education program or activity, or
 - did not occur against a person in the United States,
 - Complainant not participating or attempting to participate in recipient's program at time of complaint.

The recipient must dismiss the formal complaint with regard to that conduct for purposes of sexual harassment under Title IX; such a dismissal does not preclude action under another provision of the recipient's code of conduct.



Examples of Mandatory Dismissal and Jurisdiction

- Study abroad Programs
 - Out-of-country campuses
 - Off-campus houses/apartments
 - Off-campus events
- 



What Constitute Title IX Offenses

- Sexual Harassment is conduct on the basis of sex meeting one of the following conditions:
 - ❖ An employee of the recipient conditioning the provision of an aid, benefit, or service of the recipient on an individual's participation in unwelcome sexual conduct;
 - ❖ Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the recipient's education program or activity;
- "Sexual assault" as defined in 20 U.S.C. 1092(f)(6)(A)(v)
- "Dating violence" as defined in 34 U.S.C. 12291(a)(10)
- "Domestic violence" as defined in 34 U.S.C. 12291(a)(8)
- "Stalking" as defined in 34 U.S.C. 12291(a)(30) R



What Constitutes Notice

106.44 A recipient with actual knowledge of sexual harassment in an education program or activity of the recipient against a person in the United States, must respond promptly in a manner that is not deliberately indifferent.

- Responsible Employees as Mandatory Reporters



Composition of Title IX Team

- Title IX Coordinator
- Deputy Coordinators
- Investigators
- Hearing Officer/Decision makers (Panel) (at least 3 persons)
- An Appeal Officer
- Advisors for the Parties




ADVISORS

- The recipient must provide the parties with the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney.
- The recipient may not limit the choice or presence of advisor for either the complainant or respondent in any meeting or grievance proceeding.
- Recipients don't have to provide attorneys or equivalently talented advisors to one party just because the other party has one.
- The recipient can regulate the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally



What is the Role of Advisors

- 
- The Advisor can accompany the advisee through all phases of the resolution process and explain the process
 - The Advisor can help the advisee to decide about whether to file a formal complaint
 - The Advisor can help the advisee think through strategy, such as questions of whether to seek or cooperate with informal resolution
 - The Advisor can prepare the advisee to respond to questions during the investigation, even rehearsing beforehand
 - The Advisor can prepare the advisee to respond to questions during the investigation, even rehearsing beforehand
 - The Advisor can help the advisee with accessing supportive measures, community resources, and advocacy
 - The Advisor can help the advisee to review and comment on the investigation report



Advisors

A party cannot “fire” an assigned advisor during the hearing, but if the party correctly asserts that the assigned advisor is refusing to “conduct cross examination on the party’s behalf,” then the recipient is obligated to provide the party an advisor to perform that function, whether that means counseling the assigned advisor to perform that role, or stopping the hearing to assign a different advisor.

- When should we provide one?
- How?
- Who?

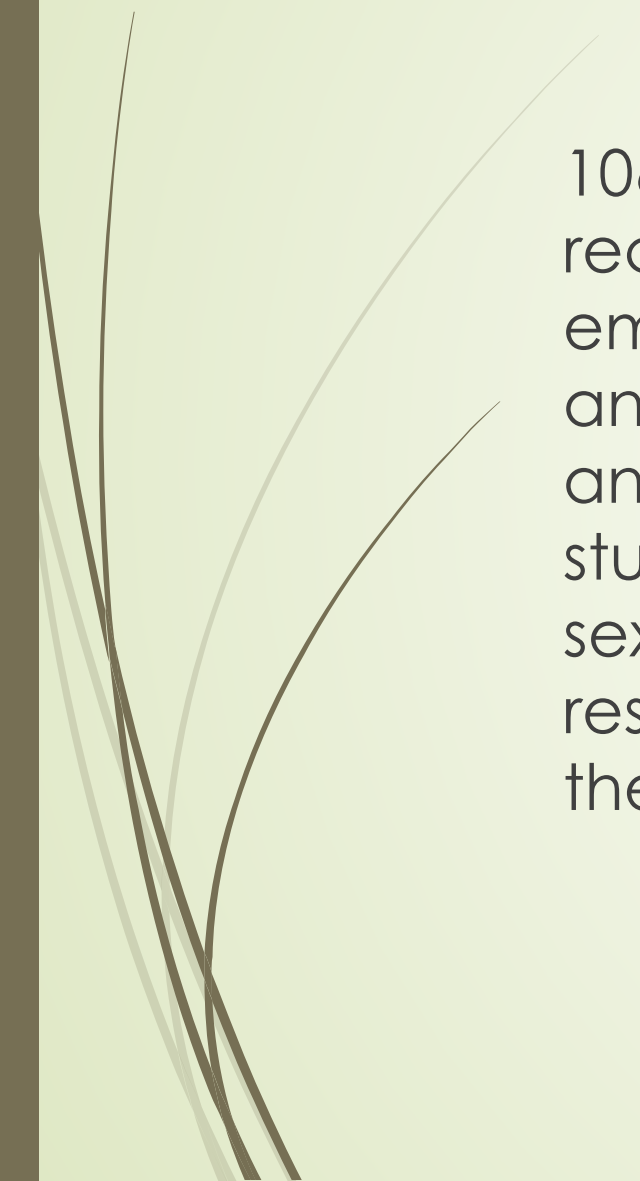


Role of the Investigators

- To investigate and resolve complaints about sexual misconduct or harassment Your duties require you
- To act as a neutral party and provide unbiased information while maintaining a respectful attitude.
- Offer resources and information regarding school policies and assist with staff training



Interim Measures



106.44 (c) A recipient can remove a respondent from the recipient's education program or activity on an emergency basis, provided that the recipient undertakes an individualized safety and risk analysis, determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal, and provides the respondent with notice and an opportunity to challenge the decision immediately following the removal.




Live Hearings and Decision Makers

106.45(b)(6)(i) For postsecondary institutions, the recipient's grievance process must provide for a live hearing.

- What does “live” mean?
- Who are the Decision Makers?
- Panels or Administrators?




Cross-Examination



106.45(b)(6)(i) At the live hearing, the decision-maker(s) must permit each party's advisor to ask the other party and any witnesses all relevant questions and follow-up questions, including those challenging credibility.



Standard of Evidence



106.45(b)(1)(vii) State whether the standard of evidence to be used to determine responsibility is the preponderance of the evidence standard or the clear and convincing evidence standard, apply the same standard of evidence for formal complaints against students as for formal complaints against employees, including faculty, and apply the same standard of evidence to all formal complaints of sexual harassment.



Questions????

Thank You