

## UA Title IX Compliance Scorecard Metrics February 2016

This rubric authored by the UA Title IX work team (comprised of the UAA, UAF and UAS Title IX Coordinators and professional staff with Title IX responsibilities), identifies key compliance requirements. For compliance purposes, the team captured, and each campus is measuring, its performance against the requirements articulated in federal law, Office of Civil Rights (OCR) guidance and Dear Colleague Letters (DCL) issued by OCR.

Across the UA system, best practices in Title IX are emerging through guidance provided by the White House (2014) and the Department of Education (2015). The work team and

Green: Compliant, easily understandable and supports Title IX compliance

**P04.08 Employee Discipline**

Red: Non-compliant

Yellow: Compliant but cumbersome or impedes compliance

Green: Compliant, easily understandable and supports Title IX compliance

**P09.02 Student Code of Conduct**

Red: Non-compliant

Yellow: Compliant but cumbersome or impedes compliance

Green: Compliant, easily understandable and supports Title IX compliance

**2. University Title IX Procedures**

Procedures identified as required under OCR Guidance and as minimum requirements under the Michigan State University Resolution Agreement, Aug 2015.

Rating:

Red: 0% to 50% (0-12)

Yellow: 50% to 90% (13-22)

Green: 90% (23 or more)

Criteria:

- † Procedures apply to complaints alleging all forms of sex discrimination against employees, students, and third parties
- † Procedure and how to file a complaint is easily understood, easily located and widely distributed, including the name or title, office address, email address, and telephone number for the individual with whom complaints may be filed
- † Provisions for the prompt adequate, reliable and impartial investigation of complaints, including the opportunity for the parties to present witnesses and other evidence and to have similar and timely access to information being considered in the grievance process
- † Reasonably prompt timeframes for the major stages of the grievance process, including provisions for extension of time, that apply equally to the parties
- † Written notice of the outcome of the complaint, and any appeals to all parties including the respondent, alleged victim and if different, the complainant
- † Assurance that the university will take prompt and effective steps to end the sexual or gender-based harassment, assault and sexual or violence; eliminate any hostile environment; prevent its recurrence; and remedy the discriminatory effects on the vic f

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- † Statement that the preponderance of the evidence standard will be used for investigating alleged sex discrimination, including sexual and gender-based harassment, assault and violence complaints and making findings related to the allegations
- † Procedure for promptly and effectively notifying both complainants and respondents of the initiation of an investigation; the potential policy violation(s) at issue; the right to participate

have been other complaints or reports of harassment against the alleged harasser, and the rights of the accused individual to receive information about the accuser and the allegations if a formal proceeding with sanctions may result

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- a Promotional Materials
- a Handbooks
- a Unions
- a Professional Organizations
- a Application forms
  - a Employmys

- a Clearly communicate that the school does not tolerate sexual harassment and violence
- a Include that TIX protects all students and employee, including lesbian, gay, bisexual, and transgender (LGBT) from sex discrimination.
- a Encourage any student, employee or third party who believes he or she has been subjected to sex discrimination to report the incident.
- a Note the university's commitment to conducting a prompt and equitable investigation and immediately and appropriately address any violations of policy.
- a Inform community members how to report allegations
- a Provide contact information of TIXC
- a Discuss interim measures.
- a Discuss protection against retaliation.
- a Inform university community members of the responsibility to take prompt and effective steps to end the sexual and gender-based harassment, assault and violence; eliminate the hostile environment; prevent its recurrence; and, as appropriate, remedy its effects.
- a Encourage students and staff to work together to prevent acts of sex discrimination of any kind.
- a Highlight resources available to individuals who have been subjected to sex discrimination, including sexual and gender-based harassment, assault and violence.
- a Explain that the university will complete investigations in a prompt and equitable manner
- a Explain that students and employees found to have engaged in acts of sex discrimination will be promptly disciplined. Discipline may include, if warranted, suspension, expulsion or termination.

## 5. Title IX Coordinator

Campuses must appoint a Title IX Coordinator in accordance with 34-CFR-106.8(a), and the position may

alleging any actions which would be prohibited by this part (34-CFR-106.8). This position may not be left vacant; a recipient must have at least one person designated and actually serving as the Title IX Coordinator at all times (DCL 2015 pg.2).

- † The Title IX Coordinator reports directly to senior leadership (DCL 2015 pg.2).
- † The Title IX Coordinator does not have other job responsibilities that may create a conflict of interest. For example, designating a disciplinary board member, general counsel, dean of students, superintendent, principal, or athletics director as the Title IX Coordinator may pose a conflict of interest (DCL 2011 pg.7 & DCL 2015 pg.3). Designating a full-time Title IX Coordinator will minimize the risk of a conflict of interest (2014 Q&A, DCL 2015 pg.3).
- † TIXC has the qualifications, authority, and time to address all complaints throughout the institution, including those raising Title IX issues (DCL 2015 pg.3).
- † Title IX Coordinator and Deputy Coordinators receive sufficient initial training and regular mandatory (in-person or on-line) training. This training content will include, at minimum: the handling of complaints or other reports of sexual harassment, sexual assault and sexual violence, the University's grievance procedures, and confidentiality requirements (DCL 2011 pg. 7; Harvard 2014).
- † Title IX Coordinator is informed of all reports and complaints raising Title IX issues, even if the complaint was initially filed with another individual or office or the investigation will be conducted by another individual or office (DCL 2015 pg.3).
- † TIXC monitors outcomes, identifies and addresses any patterns, and assesses effects on the campus climate (DCL 2015 pg.3).
- † Title IX Coordinator has knowledge of the recipient's policies and procedures on sex discrimination and is involved in the drafting and revision of policies and procedures to help ensure that they comply with the requirements of Title IX (DCL 2015 pg.3).
- † When a campus is considering relying on one of the exceptions to the non-discrimination general rule, Title IX Coordinators are involved in every stage and work with school officials and legal counsel to help determine whether the exception is applicable and, if so, properly executed (Title IX Resource Guide 2015 pg.1).

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- x DCL 2011. Dear Colleague Letter of the U.S. Dept. of Education/Office of Civil Rights (April 4, 2011).
- x DCL 2015. Dear Colleague Letter of the U.S. Dept. of Education/Office of Civil Rights (April 24, 2015)  
<http://www.ed.gov/ocr/letters/colleague-201504-title-ix-coordinators.pdf>
- x Letter to Title IX Coordinators (April 24, 2015)  
<http://www.ed.gov/ocr/docs/dcl-title-ix-coordinators-letter-201504.pdf>
- x Title IX Resource Guide, U.S. Dept. of Education/Office of Civil Rights, April 2015

## **7. Training for Students, Faculty and Staff**

January 2001 OCR Revised Sexual Harassment Guidance, Section VIII *Prevention*, identifies training for administrators, teachers, staff and age-appropriate classroom information for students as helpful to ensure “that they understand what types of conduct can cause sexual harassment and that they know how to respond.” Training is required as an element of compliance. In April, 2014, OCR released additional Q & A guidance to identify required training elements and is very specific on the elements. Criteria below are extracted from Section J Title IX Training, Education and Prevention, J-1-What type of training on Title IX and sexual violence should a school provide to its employees?”:

- † The potential for revictimization by responders and its effects on students
- † Appropriate methods for responding to a student who may have experienced sexual violence, including the use of non-judgmental language
- † The impact of trauma on victims
- † The Title IX Coordinator contact information in order to report sexual misconduct.
- † Training is provided on a regular basis
- † The School can verify that training is effective.

## 8. Responsible Employee Notification

Responsible employees are those employees who have the authority to take action to redress the harassment, who have the duty to report to appropriate school officials sexual harassment or any other misconduct by students or employees, or *an individual who a student could reasonably believe has this authority or responsibility* (OCR 2001 Guidance)

Appropriate employees must be notified of their status as Responsible Employees and trained in the duties and obligations of a responsible employee. Students and employees should have clear information about obligations of responsible employees. (2014 OCR Q&A)

### Rating:

- Red: No notification or training (see Training Metric in this document for required training elements); no information made available to students and employees about responsible employee obligations.
- Yellow: Employees have been identified and notified but not trained; or greater than two years since efforts are made to re-notify; and no mechanism to inform students and employees about responsible employee obligations.
- Green: Define and notify responsible employee within 30 days of employment, annual re-notification; mechanism/training to notify students and employees of responsible employee obligations.

### Criteria:

- † Identify which employees are responsible employees
- † Inform all responsible employees of their designation
- † Inform students and staff members which employees are responsible employees and the obligations of a responsible employee
- †

According to the *Not Alone* document, legislative or administrative options to require schools to conduct a survey will be explored in 2016.

Rating:

- Red: No climate survey climate survey in past two years
- Yellow: Survey performed within past year, no cross-functional university "student campus climate committee" UVA 2015, MSU 2015
- Green: Annual assessment (survey and focus group), generate and implement improvements, include student leaders, no cross-functional "student campus climate committee" UVA 2015, MSU 2015

Criteria:

- a [Campus] has created an evidence based student survey to identify and prioritize needs (per WH Guidance April 2014 and Rutgers 2015 report)
- a [Campus] has involved student leaders to inform survey content and to help assess the effectiveness of campus efforts to eliminate sexual harassment and violence, and how to use survey information to take proactive steps ( DCL 2011, page 18)
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### 13. Victim and Respondent Support

Not required by law but identified as a best practice in White House Task Force report.

Campus provides support and advocacy for both reported victims and respondents. (Key concepts, metrics, and best practices taken from the White House Task Force report *Not Alone*, April 2014)

Rating:

- Red: No victim advocate  
No respondent advocate
- Yellow: Advocates may be available as needed, may not be trained in internal policies, and may not be available on-campus
- Green: Victim advocate exists and is trained in internal policies  
Respondent advocate exists and is trained in internal policies

Criteria:

Reported Victim Services:

- a [Campus] has an MOU with a local rape crisis center for 24-hour services and ongoing victim support.
- a [Campus] has a victim advocate available who has a "confidential" status and is not required to report assaults to school officials.
- a [Campus] has a victim advocate who c 0 Tw 2.761 0 Td( )Tj0.5 0 Tdl3.1( in)2.2( in)2.(s)-1.ial"3-3(s)-1.-itatin

Criteria:

- † Annual review and assessment of:
  - All informal and formal complaints of gender-based discrimination
  - Climate survey results
- † Consult with any advisory committees/working groups developed to address gender-based discrimination on campus
- † Compare and analyze data from current year as compared to past years for:
  - Increases or decreases in number and severity of incidents
  - Any emerging patterns or trends

Propose recommendations for improvements to anti-harassment efforts and establish timelines for implementation