



Title IX and Sexual Harassment

A Guide

**Rights, Responsibilities,
and Responses**

Understanding Title IX

What is Title IX?

Title IX of the Education Amendments of 1972 protects people from discrimination based on sex in educational programs or activities that receive Federal financial assistance (this includes colleges and universities). This law used to be focused on women's athletics, however now it pertains mostly to sexual harassment cases in addition.

Sexual harassment is unlawful discrimination prohibited by Title IX. Sexual harassment includes sexual assault, dating violence, domestic violence, and stalking.

Lane Community College (LCC) is committed to ensuring that the campus is kept safe. LCC responds quickly and effectively to any complaint regarding sexual harassment.

What is the Role of the Title IX Coordinator?

The Title IX Coordinator at LCC is responsible for overseeing all sexual respect areas on campus. The Title IX Coordinator is specifically responsible for:

- Ensuring LCC follows all federal and state policies regarding Title IX
- Receiving reports of sexual harassment from students and staff
- Providing students and staff with information regarding the Title IX process and support measures available
- Providing in depth information on filing a formal complaint
- Ensuring the Title IX process is conducted without bias and conflicts of interest

The Title IX Coordinator is available to students and staff regarding all the above. They will provide support, guidance, and information.

“No person in the United States shall, on the basis of sex, be excluded from participation in, be denied benefit of, or be subjected to discrimination under any education program or activity receiving federal financial assistance.”

-Title IX of the Education Amendments of 1972

Non-Discrimination

When handling Title IX complaints, LCC is committed to equity and non-discrimination for both parties. Here is what you can expect:

- Supportive measures will be offered as appropriate and as reasonably available to restore access to LCC's programs or activities.
- Both parties will be protected from retaliation during and after the Title IX process.
- LCC will take active steps to stop instances of sex discrimination, prevent recurrence, and address its effects.
- LCC is responsible for responding to sexual harassment at buildings owned or under the control of school sanctioned student organizations.
- School Title IX officials will serve impartially without bias for or against any party.
- LCC will listen to both parties throughout the process.
- LCC is responsible for responding to incidents that occur within the schools educational programs or activities.

Lane Community College's Notice of Non-Discrimination

The College's nondiscrimination statement provides notice to all members of the College community about the College's commitment to providing a working and learning environment that is free from discrimination, harassment and retaliation.

It is a policy of the Board of Education and a priority of Lane Community College that there will be no discrimination and harassment on the grounds of race, color, sex, sexual orientation, gender identity, marital status, religion, national origin, age, or disability in any educational programs, activities or employment. Inquiries may be directed to Shane Turner Chief Human Resources Officer 541-463-5115, Shane Turner Interim Title IX Coordinator 541-463-5930 or ADA/504 Compliance Officer Jane Reeder 541-463-3133.

Information for Complainants

Definition of Complainant: An individual who is alleged to be the victim of conduct that could constitute sexual harassment.

Complainants have the ability to decide if they will move forward with a formal complaint or pursue an informal complaint process. At any time, either party can withdraw from the informal process and file a formal complaint.

During the Federal Title IX process, here is what a complainant can expect:

- To be given options and instructions for filing a formal or informal complaint.
- To have your identity kept confidential as required by law, except when necessary to ensure the safety of any person or as necessary to carry out a title IX proceeding.
- To have the right to an advisor of choice who may or may not be an attorney. If the complainant does not have an advisor, one will be appointed for the live hearing.
- To be provided with a fair and impartial grievance process administered by trained school officials.
- To have the right to present evidence and witnesses.
- To have the right to examine all evidence presented.
- To be given the choice to be separated from the respondent during a hearing.
- To be provided with “rape shield” protections meaning you will not be required to face any irrelevant questions about your sexual history. Some exceptions may apply.
- To be treated equitably and provided with remedies anytime a party is found responsible.
- To receive written communication at each step of the process and a written determination once the process is completed.
- To have equal right to appeal at the end of the process based on:
 - Procedure irregularity
 - Bias claim
 - New evidence to present

Information for Respondents

Definition of Respondent: An individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

A respondent will be treated equitably during the Federal Title IX process with a presumption of innocence. Respondents will be provided with supportive measures during the process as well.

During the Federal Title IX process, here is what a respondent can expect:

- To have your identity kept confidential as required by law, except when necessary to ensure the safety of any person or as necessary to carry out a title IX proceeding.
- To receive written notice of allegations upon receipt of a formal complaint.
- To not have any disciplinary sanctions imposed without the proper grievance process being followed. An emergency removal is an exception.
- To be provided with a fair and impartial grievance process administered by trained school officials.
- To have the right to an advisor of choice who may or may not be an attorney. If the complainant does not have an advisor, one will be appointed for the live hearing.
- To have the right to present evidence and witnesses.
- To have the right to examine all evidence presented.
- To be given the choice to be separated from the complainant during a hearing.
- To receive written communication at each step of the process and a written determination once the process is completed.
- To have equal right to appeal at the end of the process based on
 - Procedure irregularity
 - Bias claim
 - New evidence to present

What is Sexual Harassment?

Definition of Sexual Harassment: Unwelcome conduct that a reasonable person would determine is so severe, pervasive, and objectively offensive that it denies a person's equal access to education.

Sexual harassment is a form of sex discrimination prohibited by Title IX.

Sexual harassment includes the three categories:

- **Hostile Environment Harassment:** unwelcome conduct that is severe, pervasive, and objectively offensive and denies someone equal educational access or creates an intimidating, threatening, or abusive educational environment.
Example: Someone continues to use sexually suggestive language and repeatedly targets another person with this language.
- **Quid Pro Quo Harassment:** occurs when a campus employee causes a student to believe educational benefit is directly tied to the student submitting to unwelcome sexual advances.
Example: A faculty member promises to give a student an A in their class if they agree to go on a date.
- **Any instance of sexual assault, dating violence, domestic violence or stalking:** see LCC's policy for further definitions:
<https://www.lanec.edu/copps/documents/sexual-respect-sexual-misconduct>

A formal complaint must meet one of the above definitions to be considered under Federal Title IX procedures. If it does not meet one of the above definitions, the complaint will default to following student conduct procedures.

What to Expect from a Formal Title IX Complaint

When a formal title IX complaint is filed, it must meet certain requirements to be pursued under federal policies:

1. Must meet one of the definitions of sexual harassment as described above
2. Must be reported to an official with authority at the college
3. Must happen to a person in the US
4. Must happen during an educational program or activity

If the complaint meets these requirements, the Federal Title IX process will continue. Here is what parties can expect to happen during the process:

It is important to know that each party may have an advisor of choice during the process. If a party does not have an advisor, one will be appointed by the college.

1. Receive support measures from the Title IX Coordinator
 - a. This will include access to resources on campus, and could also include accommodations, no contact orders, or emergency removal.
2. Investigation
 - a. During the investigation an impartial investigator will conduct interviews and gather evidence.
 - b. The investigator will write a “findings report” and send this and evidence to both parties for review.
 - i. Parties will have 10 business days to review the evidence before the next step.
3. Live Hearing
 - a. During the live hearing, the investigative report will be shared, parties can present witnesses, and cross-examination by advisors will take place.
 - b. The Hearing Officer (different staff than the investigator) will then write their final report with determination of responsibility and sanctions/remedies.

Retaliation Prohibited

LCC prohibits any intimidation, threats, coercion, or discrimination against any individual who made a report or complaint of sexual harassment, testified, assisted, or participated or refused to participate in any manner in a Title IX investigation, proceeding, or hearing. Individuals who experience retaliation may file a complaint using the formal complaint process.

4. Appeals

- a. Both parties have the right to appeal based on; procedure irregularity, newly discovered evidence, or a claim of bias on the part of a staff member.
- b. An appeal must be filed within 15 business days of the final report being sent. Appeals can be sent to titleix@lanecc.edu
- c. An appeal will be reviewed by an impartial appeals officer and a determination will be sent within 45 business days.

At any time a federal case must be dismissed if:

- Federal definitions above are not met
- If the complainant is no longer accessing the educational program or activity

At any time a federal case may be dismissed if:

- The complainant desires to withdraw
- If respondent is no longer enrolled or employed
- If the school cannot gather enough evidence to reach a determination

If the case is dismissed under federal guidelines, both parties will receive a dismissal letter. The case may then be pursued under LCC student conduct policies.

Role of Advisor

The role of the Advisor is to provide support and assistance in understanding and navigating the investigation process.

The Advisor may not testify in or obstruct an interview or disrupt the process. The Title IX Coordinator has the right to determine what constitutes appropriate behavior of an Advisor and take reasonable steps to ensure compliance with this procedure.

A party does not have a right to self-representation at the hearing; an Advisor must conduct any cross-examination. LCC provides an Advisor of its choice, free of charge to any Party without an Advisor in order to conduct cross-examination. If an Advisor fails to appear at the hearing, LCC will provide an Advisor. To limit the number of individuals with confidential information about the issues, each Party may identify one Advisor.

Contact Information

LCC is committed to providing a safe educational environment for students, faculty, and staff.

How to File a Title IX Complaint:

If it is an emergency please call Campus Public Safety at 541-463-5555 or dial 911.

- Directly to Title IX Coordinator
- Fill out the online form:

https://cm.maxient.com/reportingform.php?LaneCC&layout_id=7

Interim Title IX

Coordinator:

Shane Turner

(541) 463-5930

titleix@lanecc.edu

turnerms@lanecc.edu

Campus Resources:

Title IX

541-463-5930

titleix@lanecc.edu

www.lanecc.edu/sexualrespect

Mental Health and Wellness Center (confidential resources available)

541-463-5059

mhwc@lanecc.edu

www.lanecc.edu/mhwc

Health Clinic (confidential resources available)

541-463-5655

Student Survivor Legal Service Domestic Violence Clinic LCC

Location (confidential resource)

541-346-4666

Gender Equity Center

541-463-5137