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Housekeeping

- Chat Bar
- Recording
- Disclaimer
Agenda

- Brief Review of Religious Exemption
- Consideration of Policies including Student Code of Conduct
- Removing Barriers to Reporting
- Prevention Programming
- Mindset Shift
What is 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 education program or activity receiving Federal financial assistance...except:
TITLE IX'S RELIGIOUS EXEMPTION

Schools may be exempt from Title IX if they are "controlled by a religious organization" and if enforcing Title IX would be "inconsistent with the religious tenets of the organization."
WHO IS ELIGIBLE?

A SCHOOL CAN DEMONSTRATE THEY ARE CONTROLLED BY A RELIGIOUS INSTITUTION BY SHOWING:

- The institution is a school or "department of divinity."
- Faculty, staff, and students are required to engage in a personal belief or religion.
- The institution's charter, catalog, or "other official publication" explicitly states that it is controlled by a religious organization or doctrine.
- The institution has a statement of religious practices and "members of the institution must engage in the religious practices" outlined in the statement.
- The institution has a "published institutional mission" that refers to religious tenets or beliefs.
- There is sufficient evidence that the institution is controlled by a religious organization.

**This may change when the new regs are released**
UTILIZING THE EXEMPTION

To seek assurance of the exemption, or if an institution is under investigation for non-compliance, a school's highest official may submit a written statement to the Assistant Secretary specifying Title IX provisions that conflict with the school's religious tenet(s). The institution has the burden to demonstrate that they are controlled by a religious institution. 34 CFR §106.12 (b).
Inconsistent application of code violations that could intersect with Title IX

Processing Code of Conduct violations that are connected to a Title IX matter through a separate process before or after Title IX grievance process
Lifestyle policies around sexual behavior need to be consistently applied.

Provide clear education and training on when a matter should be reported to Title IX versus addressed through conduct process.

Building a relationship with the conduct office is crucial.
If allegations fall under Title IX, you MUST investigate through the Title IX grievance process even if there are potential Code of Conduct violations as well.

It is NOT recommended to turn over conduct violations that are part of a Title IX formal complaint to the another office for additional investigation after a finding in a Title IX grievance process.

INSTEAD, add the potential conduct violations into the Title IX Notice of Allegations to investigate together through Title IX grievance process.

Findings of Responsibility will then will allow for sanctions to be issued to either Title IX policy violations, Code of Conduct violations, or both.
LET'S TALK (OR TYPE)...

- What is your cultural narrative regarding Title IX?
- What does your reporting pattern look like?
DO I REPORT OR NOT?

BARRIERS TO REPORTING AT FAITH-BASED SCHOOLS

• Belief that they won't be believed
• Belief that nothing will be done
• Fear of getting in trouble
• Shame, Embarrassment
• And more...
REMOVING BARRIERS
NEW REGS EXPECTED TO FURTHER EXPAND ON REMOVING REPORTING BARRIERS.

Amnesty Policy
Open Communication on Title IX
Clarity on Religious Exemption
Healthy Conversations on Sexuality

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BUILDING A HEALTHY CULTURE: Prevention Leads the Charge!

GET BUY-IN FROM KEY ADMINISTRATORS AND LEADERSHIP

• Lean into university values.
• What is our mission?

ABSTINENCE EDUCATION VS. HOLISTIC EDUCATION
AREAS TO CONSIDER FOR EFFECTIVE PREVENTION

- Consent
- Bystander Intervention
- Policy Application
Mindset Matters

It is easy to get stuck in the "what we will not do or what we do not have to do" mindset.

You must also focus on what you CAN do and what you ARE responsible for.

This can be done while holding the tensions of respecting university values, faith values, federal requirements, and human beings.
You Can...

- Have a published Title IX grievance process
- Respond to reports
- Appropriately train key role players
- Remove reporting barriers
- Track trends and assess culture
- Create healthy and safe spaces for reporting and conversation
Kindness and care are never exempt categories. Faith values are usually consistent on this.

SUPPORT ALWAYS. SUPPORT FIRST.

Litigation can often be prevented by being clear, kind, and consistent.
QUICK TITLE IX COORDINATOR TO-DO LIST:

"CLEAR IS KIND." - BRENÉ BROWN

Clarify Religious Tenets.
Meet with Leadership.
Review documents and policies.
Provide clarity through communication, training, and policy.
Stay connected as new regulations are released.
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PREGNANCY DISCRIMINATION AND ACCOMMODATIONS UNDER TITLE IX

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