

San Ignacio University



Know your Rights

Title IX & VAWA Policy

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Policy and Procedure

Title IX & VAWA Policy

Violence against Women Act of 1994 (VAWA) and Jeanne Clery Disclosure of Campus Security Policy & Crime Statistics Act (Clery Act)

In recognition of the severity of the crimes associated with domestic violence, dating violence, sexual assault, and stalking, Congress passed the Violence Against Women Act, as part of the Violent Crime Control and Law Enforcement Act of 1994. The reauthorization of VAWA (2000, 2005 and 2013), along with the Campus SaVE Act and the Clery Act, have worked together to improve the safety of college campuses and enhance the outlook for abuse victims. The 2013 reauthorization of VAWA also provides additional rights and services for victims of domestic violence, dating violence, sexual assault, and stalking.

Title IX

Title IX of the Education Amendments of 1972 is a federal law that prohibits discrimination based on sex and gender, which includes sexual harassment and sexual violence, in educational programs and activities.

“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...” “Title IX prohibits a recipient from discriminating on the basis of sex in admissions, recruitment, financial aid, academic programs, student treatment and services, counseling and guidance, discipline, classroom assignment, grading, vocational education, recreation, physical education, athletics, housing, and employment.”

www.justice.gov/crt/about/cor/Pubs/sexbrochure.php

Overview

We are committed to providing a safe environment for our students, faculty and staff. As part of this effort, we work to ensure San Ignacio University is free from discrimination on the basis of sex or gender in compliance with Title IX.

The University will not tolerate any discrimination, harassment or violence of any kind including, but not limited to, discrimination, harassment or violence based on sex/gender (including pregnancy and childbirth), sexual orientation, gender identity, gender expression, gender transition, transgender status, or gender variance, age, national origin, disability, veteran status, or any other category protected by federal, state, or local law.

More specifically, the University complies with Title IX of the Education Amendments of 1972, Titles VI and VII of the Civil Rights Act of 1964, Violence Against Women Reauthorization Act of 2013 (VAWA) and regulations for any other applicable federal, state, or local law and will promptly address conduct deemed to be in violation of this policy.

This policy applies to all conduct involving students, faculty, staff, visitors or other third parties that occurs on University-controlled properties, as well as offsite conduct when the University determines in its sole discretion that the offsite conduct affects a substantial University interest.

What is VAWA?

The Violence Against Women Act Reauthorization of 2013 (VAWA) requires institutions of higher education to comply with certain campus safety and security-related requirements as a condition of participation in Title IV, Higher Education Act programs. VAWA requires institutions to implement policies and processes to address sexual assault, stalking, and domestic or dating violence.

This new regulation amended section 485(f) of the Higher Education Act, otherwise known as the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act), which requires the university to compile and report statistics (not personally identifying information) about incidents of dating violence, domestic violence, sexual assault, and stalking, and to include certain policies, procedures, and programs pertaining to these incidents in the annual security report.

Failure to comply with Title IX/VAWA

Failure to comply with Title IX or VAWA can include the termination of all or part of a university's federal funding. This includes grants, subsidies, and other program funds from the federal government. In addition to the loss of federal funds, universities may be sued by those seeking redress for violations of Title IX. It is essential that institutions receiving federal financial assistance operate in a nondiscriminatory manner.

Who enforces Title IX and VAWA?

The United States Department of Education's [Office for Civil Rights](#) (OCR) is charged with enforcing Title IX and VAWA.

SIU's Title IX and VAWA coordinator

Title IX Coordinator

Carmen Rodriguez

Vice President of Administration

crodriguez@sanignaciouniversity.edu

305-629-2929 x4013

The Title IX coordinator is responsible for monitoring compliance with regulations and is responsible for receiving complaints of sexual

harassment, including sexual assault, sexual violence, relationship (domestic/dating) violence, stalking or other sexual misconduct.

Addressing Title IX and VAWA concerns at San Ignacio University

Any concerns about discrimination or harassment on the basis of gender involving a student may be brought to the University's Title IX coordinator:

Title IX Coordinator

Carmen Rodriguez

Vice President of Administration

crodriguez@sanignaciouniversity.edu

305-629-2929 x4013

Concerns of possible sexual assault or harassment of students

The policy apply to all students, including undergraduate and graduate students. Complaints of student sexual misconduct are addressed by The Office of Student Services and the VP of administration.

Reports of sexual misconduct and sexual harassment by a SIU student may be filed with the Student Services department or by any person, including both those affiliated and those not affiliated with San Ignacio University. Reports of all other abusive conduct by a SIU student can be filed with the Student Services Department or with the Vice President of Administration.

Concerns about sexual misconduct or sexual harassment involving a student, visitor or guest alleged to have been committed by a San Ignacio University employee should be promptly brought to the attention of the Office of the Vice President of Administration, including both those affiliated and those not affiliated with San Ignacio University.

For more information, please contact the University.

Concerns of possible sexual assault or harassment of employees

San Ignacio University employees who believe they have been subjected to harassment or discrimination in the workplace should contact the Vice President of Administration to learn what options are available to them.

Retaliation

Retaliation against anyone who raises concerns of sexual harassment, discrimination, domestic violence, dating violence or stalking is a violation of federal law and San Ignacio University's policy.

What's My Responsibility?

If you observe or hear of an act as described and are not an employee subject to confidentiality requirements, you must immediately contact a

Campus Title IX Coordinator:

Carmen Rodriguez
Vice President of Administration
305-629-2929 x 4013
Crodriguez@sanignaciouniversity.edu

Ivette Bajandas
Administrative and H&R Manager
305-629-2929 X4025
ibajandas@sanignaciouniversity.edu

Gisselle Bermudez
Student Service Coordinator
305-629-2929 X4022
gbermudez@sanignaciouniversity.edu

COMPLAINANT RIGHTS

If you have been subjected to sexual harassment or sexual violence, you have the right to file a report with the police department. In addition to a criminal report, you have the right to have your complaint investigated by the Title IX coordinator at the University.

You have the right to not participate in any portion of the Title IX process; if you do not wish to participate your decision does not relieve the institution from its responsibility to provide a reasonable response according to university policy and Title IX guidance.

If you decide to participate, you have the right to present witnesses and evidence during the Title IX investigation and/or hearing process.

If you decide to participate, you have the right to request confidentiality. The Title IX coordinator will determine whether or not the university may honor your request while still providing a safe and nondiscriminatory environment for all students.

If you are an individual with a disability, you have the right to request a reasonable accommodation throughout the investigation process.

- You have the right to receive updates regarding the status and progress of the Title IX investigation and/or hearing.
- You have the right to a prompt, adequate, reliable, and impartial Title IX investigation of the complaint and the United States Office for Civil Rights in the United

States Department of Education presumes a

- Typical investigation may be completed within 60 calendar days following receipt of the complaint.
- You have the right to have an advocate present during any interview throughout the Title IX investigation and/or hearing process.
- You have the right to have an attorney with you during a student conduct hearing and if a school permits one party to have an attorney present it must do so equally for both parties.
- You have the right to be notified, in writing, about the outcome of the complaint and any rights to appeal.
- You have the right not to abide by a non-disclosure (or confidentiality) agreement, whether such an agreement is verbal or in writing.
- You have the right to be protected against retaliation. University Policy, and federal law prohibits retaliation against anyone for participating in a discrimination or harassment complaint, including sexual harassment and sexual violence; you should report complaints of retaliation to the Title IX coordinator.

Important Terms

Dating Violence is defined as violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; and relationship shall be determined based on a consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

Domestic Violence is defined as a felony or misdemeanor crime of violence

committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the State of Illinois.

Sex Discrimination is defined as an adverse action taken against an individual on the basis of gender or sex and includes sexual harassment, sexual misconduct and sexual violence.

Sexual Assault is defined as any type of sexual contact or behavior that occurs by force or without consent of the recipient of the unwanted sexual activity, including when the victim lacks capacity to consent.

Sexual Harassment is defined as unwelcome conduct of a sexual nature. Sexual harassment may include unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature. Acts of sexual harassment are forms of sex discrimination prohibited by Title IX.

Sexual Violence is defined as physical sexual acts perpetrated against a person's

will or where a person is incapable of giving consent due to the victim's age, use of drugs or alcohol or because an intellectual or other disability prevents the person from having the capacity to give consent. Sexual violence includes, but is not limited to, rape, sexual assault, sexual battery, sexual abuse and sexual coercion. Acts of sexual violence are forms of sex discrimination prohibited by Title IX.

Stalking is defined as a course of conduct directed at a specific person that would cause a reasonable person to fear for his/her safety or the safety of others or suffer substantial emotional distress. Course of conduct is two or more acts in which the stalker directly, indirectly or through third parties follows, monitors, observes, threatens or communicates to or about a person, or interferes with a person's property.

Title IX Coordinator is the responsible employee of the University with major responsibility for Title IX oversight and compliance efforts. The Title IX Coordinator's responsibilities are critical to the development, implementation, and monitoring of meaningful efforts to comply with Title IX.

Frequently Asked Questions

How do I file a Title IX complaint?

Title IX complaints can be filed by anyone; you do not have to be a lawyer or have a legal background. Complaints can be filed online via email to the regional Department of Education, Office of Civil Rights office where your school is located.

Who can file a Title IX complaint?

If you believe your educational institution (I.e. College, university, community college, and high school) has discriminated against you on the basis of sex, gender identity, or sexual orientation, you can file a complaint against the institution. You do not have to be a survivor of sexual violence. Student allies, faculty, parents, and others, can file a federal complaint on behalf of survivors or others who have experienced sex discrimination.

Does Title IX include gender identity and sexual orientation?

The Office for Civil Rights of the U.S. Department of Education will investigate Title IX complaints claiming gender identity or sexual orientation discrimination. Whether Title IX covers gender identity and sexual orientation in private lawsuits has not yet been settled.

Is there a statute of limitations?

Under Title IX, there is a one hundred and eighty day (180) day statute of limitations from the date of discrimination to file a complaint. That does not mean that you must file a complaint within 180 days of a sexual assault, it means that you have 180 days from the last experience of discrimination. It is possible, in certain circumstances, to have the statute of limitations waived.

Under Clery, there is no statute of limitations. A complaint can be filed anytime.

What happens after a complaint is filed?

The Department of Education should acknowledge receipt of your complaint within two weeks of filing by emailing you and/or sending you a letter in the mail. You will likely be contacted by lawyers from the Office for Civil Rights (OCR) for clarifying information about your complaint. They will either decide whether to open an investigation, which entails contacting the school to request documents and speaking to administrators listed in the complaint. It may take several months for the OCR to make this determination.

If OCR does decide to open an investigation into your complaint, it can take years for cases to be resolved. You can read about pending Title IX complaints, including their timelines, using the [Chronicle of Higher Education's tracker](#).

What changes will be made once a complaint is filed?

It varies on a case-by-case basis, but generally, OCR will enter into a complaint resolution agreement with an institution that requires the school to make specific policy and practice changes in order to be in compliance with Title IX. Institutions obviously have the discretion to make these changes before the federal government requires them to, so seeing changes on a particular campus is not necessarily contingent upon an official resolution.

Changes that OCR can require a school to make include adopting a majority of the evidence investigatory standard, requiring a school to designate an employee as a Title IX coordinator, and publishing timeframes for stages of the investigation process.

Retrieved from: <http://endrapeoncampus.org/title-ix/> End Rape on campus.