

Title IX: What You Need to Know Now

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What is Title IX?

Refers to Title IX of the Educational Amendments of 1972, and applicable implementing regulations, which protects people from sex and gender discrimination in educational programs and activities at institutions that receive federal financial assistance.

Title IX covers more than athletics and sexual assault, it addresses concerns relating to discrimination on the basis of sex or gender in all aspects of the educational process, including in the areas of recruitment, admissions, and counseling; financial assistance; the needs of pregnant and parenting community members, discipline; and employment.

The Authority



- The US Department of Education (DOE) is charged with enforcing the provisions of Title IX. The Office of Civil Rights (OCR) is the section of DOE that administers Title IX.
- [FIU Regulation-105](#)
- Updates from DOE were implemented on August 14, 2020.

We do what we do not because it is the law

But because it is the RIGHT thing to do.

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Definition of Terms

Sexual Harassment (Title IX)

occurs in the University's education programs or activities within the United States. **Such conduct must meet the severe, pervasive, and objectively offensive standard**, as established by the Supreme Court. Furthermore, instances of Sexual Assault (as defined in the Clery Act), Dating Violence, Domestic Violence, and Stalking (as defined in the Violence Against Women Act (VAWA)) also fall under this classification

Sexual Misconduct

includes instances of sex discrimination and sexual harassment that may occur outside of the United States that **must meet the severe, pervasive, or objectively offensive standard**. Including this distinct definition in this Regulation allows the University to address conduct that does not meet the standards under the Title IX regulations but that the University has historically deemed as behavior that is against the values of the University.



Jurisdiction

Jurisdiction applies to University educational program or activities, including locations, events, or circumstances over which the University exercised substantial control over both the respondent and the context in which the harassment occurs, and also includes any building owned or controlled by a student organization that is officially recognized by the University.

For Sexual Misconduct matters, jurisdiction applies to Respondents who are members of the University community regardless of location.

Making a Formal Complaint

A **Formal Complaint** may be filed with the Title IX Coordinator in person, by mail, or electronic mail.

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A **Formal Complaint** may also be filed through conduct.fiu.edu or <https://fiu.i-sight.com/portal/idea>.



Supportive Measures

The Title IX Coordinator may impose reasonable and appropriate **Supportive Measures** when necessary to protect the safety and/or emotional well-being of the parties or witnesses involved and/or to provide academic or other appropriate support. This is based on an assessment of any risk of harm to the parties, any other individuals, or the broader University community.

Supportive Measures include: Medical Services, Change in Class/Work Schedule, Voluntary Leave of Absence, University-Imposed Leave or Suspension for the Respondent, among others.



Grievance Process

- **Investigation**
- **Informal Resolution** is available provided the verbal, written consent of both parties to engage in such a process any time before a determination of responsibility.
- **University Live Hearing**, described on a later slide.
- **Appeals Process**
 - If Respondent is Student, appeals are made to Sr. VP of Academic and Student Affairs
 - If Respondent is Faculty/Staff, appeals are made to Sr. VP of Human Resources
- Administration of **Sanctions or Remedies** by Student Conduct and Academic Integrity (SCAI) or Employee and Labor Relations (ELR)

Advisor

During the grievance process, the Complainant and Respondent may have an **Advisor** of their choice accompany them to any related meeting or proceeding. This **Advisor** may be, but is not required to be, an attorney.

During a hearing held pursuant to this FIU-105, an **Advisor** will be provided by the University for cross-examination purposes only if a party does not already have an **Advisor**.

- This advisor will be a trained University Official. If you would like to volunteer to serve as an on-call **Advisor**, please contact idea@fiu.edu.



University Live Hearing

- Live Hearings will be conducted with all parties physically present in the same geographic location or with all participants appearing virtually in real time.
- This process will be used in matters for Faculty, Staff and Students.
- The **Advisor**, on behalf of a party, will conduct cross-examination of the other party and witnesses at the University Live Hearing.
- Hearings will be overseen by the **Hearing Officer**. They will determine whether questions posed in cross-examination are relevant, while providing the rationale for those questions that are dismissed.
- **Hearing Body**, made up of three Faculty, Staff, and/or Students, will assist **Hearing Officer** in issuing written determination of responsibility.



Responsible Employee

If someone reports an incident to you, a report should be made to the Title IX Coordinator as quickly as possible. You should provide any relevant details that you have (i.e. name of student(s) involved, location of incident, if physical violence was allegedly used, etc.)

Once this information has been communicated, you have **fulfilled** your responsibility to report.

The University only expects you to report what you have been told; you do **not** need to independently investigate, or otherwise attempt to resolve the complaint.

Student employees are only Responsible Employees if they are employed in the following positions: 1) Graduate Teaching Assistants and Graduate Research Assistants; 2) The Athletics Department; or 3) Housing and Residential Life.

Practical Concerns – First Contact

How do I speak to someone who may have been assaulted?

- Don't be judgmental
- Listen closely and attentively. (Avoid "Why" questions)
- Acknowledge how the individual is feeling and ask if there is anything that you can do for them.
- Explain that you will need to inform a University official so that the Employee can be protected.
- Inform the Employee of the University's resources
- The Employee/Student does not want the information reported, what do I do?
- Can I tell the Employee/Student that the information is confidential?

Who should I report to?

For reports or inquiries of sexual harassment or sexual misconduct concerning faculty, staff, and outside contractors, visitors or vendors:

Courtney McHenry, Interim Title IX Coordinator
Assistant Director, IDEA
PC 321 Phone: (305) 348-2785
Email: cmchenry@fiu.edu

Joann Cuesta Gomez, Deputy Title IX Coordinator
Director, Employee and Labor Relations (ELR)
PC 236 Phone: (305) 348-4186
Email: elr@fiu.edu

Who should I report to?

For reports or inquiries of sexual harassment or sexual misconduct concerning students.

Michelle Horvath, Deputy Title IX Coordinator
Assistant Dean of Students, Student Conduct and Academic Integrity
GC 311 Phone: (305) 348-3939
E-Mail: conduct@fiu.edu

For reports or inquiries of sexual harassment or sexual misconduct involving athletics.

Julie Berg, Deputy Title IX Coordinator
Senior Associate Athletic Director
OBCC 202A Phone: (305) 348-2352
Email: julie.berg-Mc_Graw@fiu.edu



Questions or Comments?

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