

Addressing Concerns Involving Third Parties



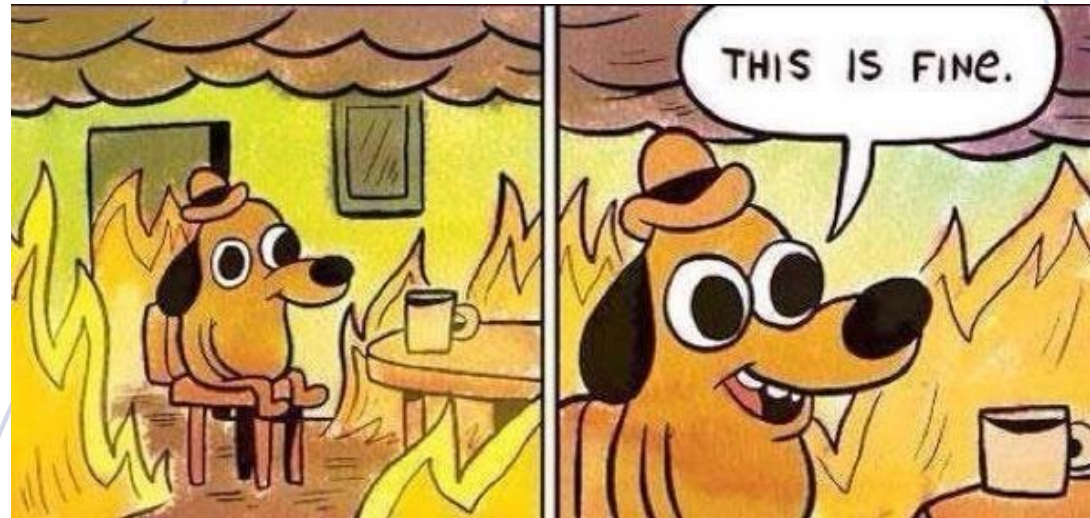
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Let's talk about...

- I. Duty re 3rd Parties
- II. Who/Where
- III. WHAT



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.

Title IX of the Education Amendments of 1972



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1972

Title IX codified as educational amendment to CRA.

Largely to address equity issues in athletics.



2001

OCR "Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or THIRD PARTIES".



2013

VAWA Reauth; amendments to Clery (1990)



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The diagram consists of two large, light blue circles. The left circle is labeled 'Title VII' and the right circle is labeled 'Title IX'. The overlapping area in the center is highlighted by a white rectangular box containing three lines of text. The text describes the overlap in enforcement schemes and the application of policies developed under Title VII to actions brought under Title IX. It also states that separate enforcement mechanisms exist, allowing individuals to use both statutes to attack the same violations.

Title VII

Enforcement schemes of
Title IX & Title VII overlap in
employment discrimination.

Courts have generally held
that policies developed under
Title VII *apply with equal
force to employment actions
brought under Title IX.*

Separate enforcement
mechanisms - Individuals
can use BOTH statutes to
attack the same violations.

Title IX



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Who/Where

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Examples

A student reported a sexual assault involving a student at another school (or vice-versa).

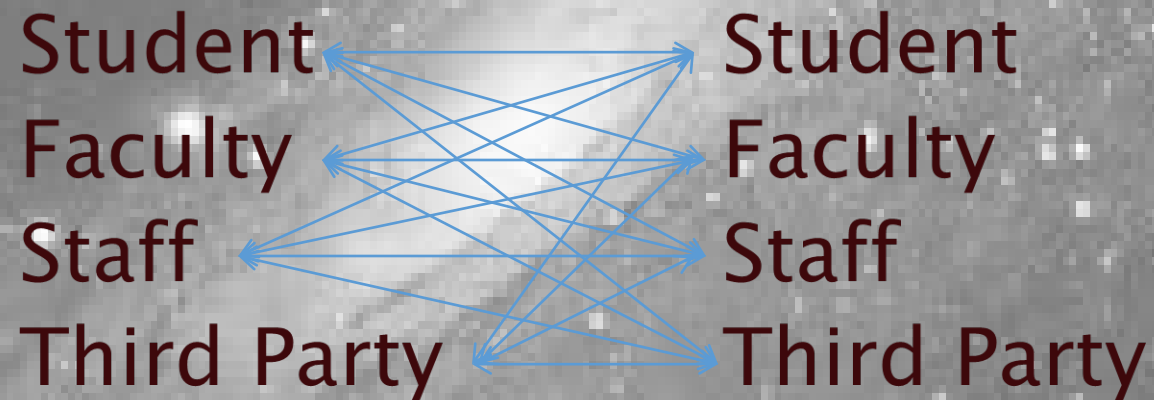
A patron of the university library regularly makes unwanted remarks about the student's physical appearance.

Employees of a vendor company engage in "locker-room" talk that is offensive to visitors.

Employees at a construction site across the street engage in cat-calling towards students walking to school.

A student interning at an off-site facility reported that that his supervisor is "hitting on" him and he is nervous about receiving a bad grade for shutting her down.





Reporting Party	Responding Party	Location	Response
Student / Employee	3 rd Party	On-campus / campus controlled event	<ul style="list-style-type: none"> • Offer remedies for safety & support (TIX/VAWA); • Disciplinary options n/a; • Consider report to 3rd party oversight
Student / Employee	3 rd Party	Off-campus / private event	<ul style="list-style-type: none"> • Offer remedies for safety & support (TIX/VAWA); • Disciplinary options n/a; • Consider report to 3rd party oversight
3 rd Party	Student / Employee	On-campus / campus controlled event	<ul style="list-style-type: none"> • Offer limited remedies; • Disciplinary options • VAWA rights attach
3 rd Party	Student / Employee	Off-campus / private event	<ul style="list-style-type: none"> • Discretionary jurisdiction; • VAWA rights attach

What do we do?



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At a minimum...

- policy/procedure
- notice = “*known*” and “*should have known*”
- training
- little “i” / big “I”
- support (counseling, advocacy, work, housing, absences, financial aid, etc.)
- alt remedies (criminal report, VPO, civil, etc.)
- access restrictions





S.P.R.



- Disciplinary action, up to and including termination
- No Contact Orders
- MOU/Affiliation Agreement
- Notice to students, employees, interns, etc.
- Multiple reporting options per agency
- DOCUMENTATION





"As one person I
cannot change
the world, but I
can change the
world of one
person."

~ Paul Shane Spear



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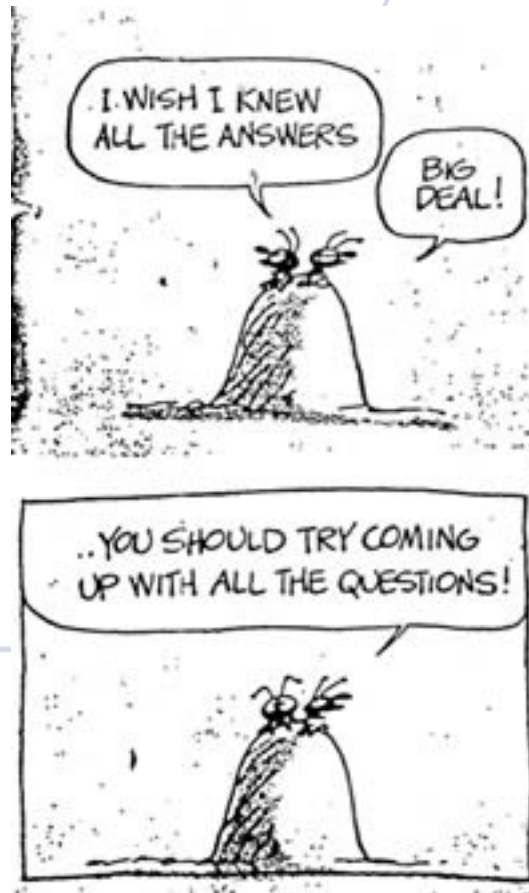


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Questions/Preguntas

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Thank you!!

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