



MOREHOUSE
SCHOOL OF MEDICINE

Understanding 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 subject to discrimination under any educational program or activity receiving Federal financial assistance."

20 USC 1681 & 34 CFR PART 106 (1972)

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Understanding Title IX

Training Objectives

An Introduction to Title IX

Prohibited Conduct: Sexual Harassment and Sexual Assault

Campus Save Act & Violence Against Women Act

Pregnant and Parenting Students

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Resources

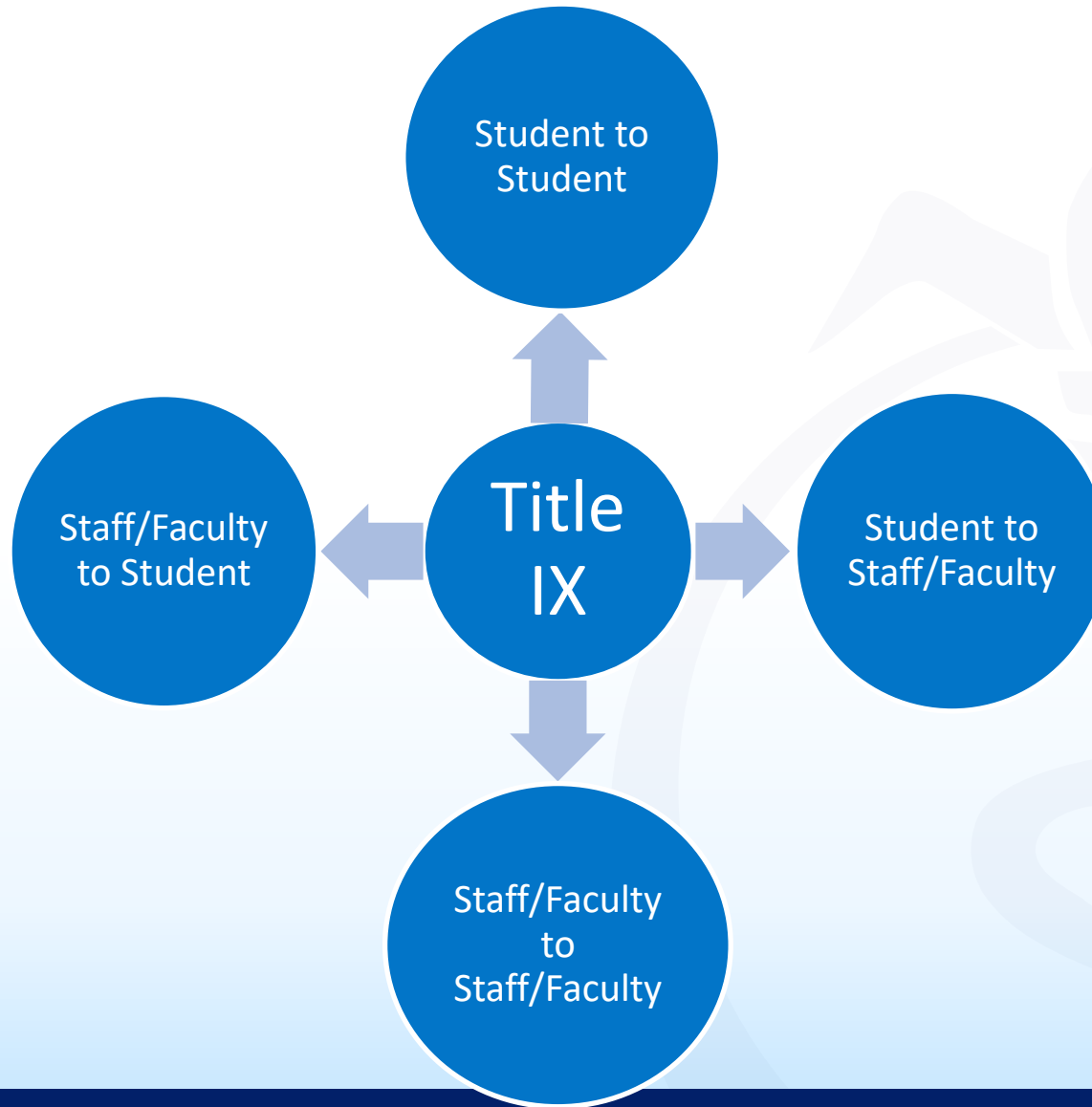
Title IX Origin Story

- In 1972, Congress passed Title IX in response to the patterns of educational inequalities women experienced in higher education until that point in time.
- Before Title IX, women were often excluded from or had only very limited access to educational programs.
- Title IX was designed to address inequities in access and participation in all educational activities beginning with sports programs and extending to all aspects of an educational experience, including access to financial aid, graduation rates, etc.
- On May 6, 2020, the U.S. Department of Education unveiled a Final Rule changing how colleges and universities must handle allegations of sexual misconduct, harassment, and assault under Title IX of the Educations Amendments of 1972, effective as of August 14, 2020.
- June 2022: OCR published the Notice of Proposed Rule Making (NPRM) outlining proposed changes to the Title IX regulations.
- On July 12, 2022, the NPRM was published in the Federal Register and the 60-day comment period began.

What does Title IX cover?

- Sex-Based/Gender Discrimination
 - Program/Course Equity
 - Pregnancy
 - Sex, Sexual Orientation & Gender Identity
- Sexual Harassment/Violence of Students and Employees
- Pregnancy and related medical conditions
- Employment Practices including hiring and retention of employees
 - Benefits and Leave
- Recruitment, Admissions, Financial Aid and Scholarships
 - Course Offerings and Access
- Counseling

Who is protected under Title IX?



Title IX Final Rule Definitions

- **Responsible Party:** MSM designee(s) with the authority to take corrective action on the part of the institution and who may receive actual knowledge of a grievance or allegation.
- **Complainant:** An individual who is alleged to be the victim of conduct that could constitute sexual harassment. (Accuser)
- **Respondent:** An individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment. (The Accused)

Prohibited Conduct



Sexual Harassment and Sexual Assault



Sexual Harassment

Sexual harassment means conduct on the basis of sex that satisfies one or more of the following:

- (1) An employee of the recipient conditioning the provision of an aid, benefit, or service of the recipient on an individual's participation in unwelcome sexual conduct [traditionally understood as *quid pro quo*];
- (2) Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the recipient's education program or activity; or
- (3) "Sexual assault" as defined in 20 U.S.C. 1092(f)(6)(A)(v), "dating violence" as defined in 34 U.S.C. 12291(a)(10), "domestic violence" as defined in 34 U.S.C. 12291(a)(8), or "stalking" as defined in 34 U.S.C. 12291(a)(30).

Sexual Harassment

- **Nonverbal** – May include staring at someone (i.e. “undressing someone with one’s eyes”); blowing kisses; winking; or licking of one’s lips in a suggestive manner; displaying sexually oriented pictures or cartoons; using sexually oriented screen savers; viewing pornographic web sites
- **Verbal** – May include telling jokes; using sexually explicit profanity or threats; describing sexual encounters with others; suggesting sexual activity; whistling in a sexually suggestive manner; using terms such as “honey”, “babe”, “sweetheart”, “dear”; repeated requests for dates, etc.
- **Physical Contact** – May include touching, patting, pinching, bumping, grabbing, cornering or blocking a passageway, kissing, providing unsolicited back or neck rubs
- **Bottom line: If someone thinks you are harassing them, you ARE harassing them!**

Examples of Harassment

- Sending sexually oriented jokes on an email list, even after being asked to stop
- Supervisors frequently rating the bodies and sex appeal of employees to include comments about their clothing and appearance
- Male students begin calling a student “Cardi B” because of her resemblance and she becomes the target of relentless remarks
- A professor insists for a student have sex with her/him in exchange for good grades



These examples are provided by the ATIXA Gender-Based and Sexual Misconduct Model Policy and Civil Rights Investigation Grievance Procedures

Sexual Assault

- Any nonconsensual sexual act proscribed by Federal, Tribal, or State law including when the victim lacks the capacity to consent
- Any type of sexual activity that the victim does not consent to
- Can verbal, visual, or anything that forces the victim to join in unwanted sexual contact
- Can be based on power differentials (*quid pro quo*), the creation of a hostile environment, or retaliation

Dating violence

- Violence committed by a person—
 - (A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and
 - (B) where the existence of such a relationship shall be determined based on a consideration of the following factors:
 - (i) The length of the relationship.
 - (ii) The type of relationship.
 - (iii) The frequency of interaction between the persons involved in the relationship.

Examples of Sexual Assault

A male resident is working late at the Lee Street Clinic completing patient charts. A female co-worker makes a suggestive comment, backs him into a corner and rubs his crotch.

Mark and Jim are on a date and take a walk through the park. While sitting on a bench they start kissing. Jim he doesn't want to go any further than kissing. Mark becomes annoyed and pins Jim down and fondles him. Mark accuses Jim of leading him on and forces him to have intercourse.

One night a male student is visiting an ex-partner/friend and feels justified in forcing his ex-partner to have sex because the couple has had a previous sexual relationship.

A guy passes out at a party. As he goes in and out of consciousness, he hears three girls laughing and sees them removing his pants. They write on his body and genitals. He is too incapacitated to stop them.



Campus SaVE Act & VAWA



The Campus SaVE Act

1990 - Clery Act

Requires public and private colleges and universities to disclose information about certain crimes that occur on or near campus. The Act applies to all colleges and universities that receive any federal funding, including student financial aid.

2013 - Campus SaVE Act

Amended the Clery Act to increase transparency requirements for colleges, guarantee rights for survivors, establish disciplinary proceedings and require education programs regarding sexual misconduct and related offenses.

2014 - Campus SaVE Act

Requires schools to report compliance with the Campus Save Act in their Annual Security Reports to include information on education programs on sexual violence prevention.

Violence Against Women Act

- Federal law
- Under the Violence Against Women Act (“VAWA”), all colleges and universities across the country are required to:
 - Report dating violence, domestic violence, sexual assault, and stalking, beyond crime categories the Clery Act already mandates
 - Adopt certain student discipline procedures, such as for notifying purported victims of their rights
 - Adopt certain institutional policies to address and prevent campus sexual violence
 - Adopt new definitions for sexual misconduct and crimes

VAWA Definitions of Sex Crimes

The definitions of sex crimes have been standardized to reduce confusion and misreporting of sexual violence, especially in the area of acquaintance sexual assault

- **Sex Offenses:** Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent
- **Rape:** The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim
- **Fondling:** The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity
- **Incest:** Nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law
- **Statutory Rape:** Nonforcible sexual intercourse with a person who is under the statutory age of consent (age 16 in Georgia)

VAWA Required Definitions for Student Conduct Codes

- **Dating Violence**

- A violent act committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; and
- The existence of the relationship shall be determined based on victim's statement with consideration of the length of the relationship, the type of the relationship, and the frequency of the relationship

- **Domestic Violence**

- A violent crime committed by a current or former spouse or intimate partner OR a person sharing a child with the victim; AND
- Has cohabitated with the victim as a spouse or intimate partner

- **Stalking**

- Engaging in a course of conduct (two or more acts) by which the stalker directly, indirectly, or through third parties follows, monitors, observes, surveils or threatens a person AND
- Causes a reasonable person to fear for his or her safety or the safety of others or causes that person to suffer substantial emotional damage

Pregnant and Parenting Students



**GOAL – Support ALL
MSM Students**

MSM Requirements

- Make adjustments that are reasonable and responsive to the student's temporary pregnancy status
- Allow a pregnant student to attend classes and any other school-sponsored activity or organization
- Excuse a student's absences due to pregnancy or childbirth
- Reinstate the student to the status held before leave began
- Allow the student to make up the missed work
- Protect the student from harassment
- Educate our faculty and staff

Coordinating Assistance

- Contact the Title IX Coordinator to coordinate assistance in continuing your education.
- Meet as an academic team to discuss and develop an action plan for making up assignments, examinations and experiences
- Identify a team lead from this group to ensure the adjustments are well documented
- Conduct this as a group meeting with the student and academic team when possible

Filing a Complaint



Initiating a Complaint

- Who is a *Responsible Employee*?
- It is **EVERYONE'S** responsibility to file any complaints of sex discrimination with the Title IX Coordinator
- It is preferred that these complaints are done in writing by completing the Title IX complaint form through our compliance reporting system
- Complaints should be filed timely...as soon as possible after the incident
- Privacy and confidentiality is priority and case details are on a need-to-know basis only

School Responsibility: Who should receive Title IX complaints?

- Title IX Coordinator
 - Provides information and training to students and employees
 - Ensures the school complies with Title IX
 - Investigates and resolves complaints promptly and effectively; issues final disposition
 - Identifies and addresses systemic issues
- U.S. Department of Education's Office for Civil Rights
 - You may file a complaint directly with the OCR

Title IX Grievance Reporting –Who May Report?



A sexual harassment/misconduct grievance may be reported by anyone to an MSM “Responsible Party” with the authority to take corrective action on the part of MSM. Reports may be provided through:

- [Msm.ethicspoint.com](https://msm.ethicspoint.com)
- TitleIX@msm.edu
- 404-756-1846
- Written Notice
- In Person

How About I Just Tell the Police?

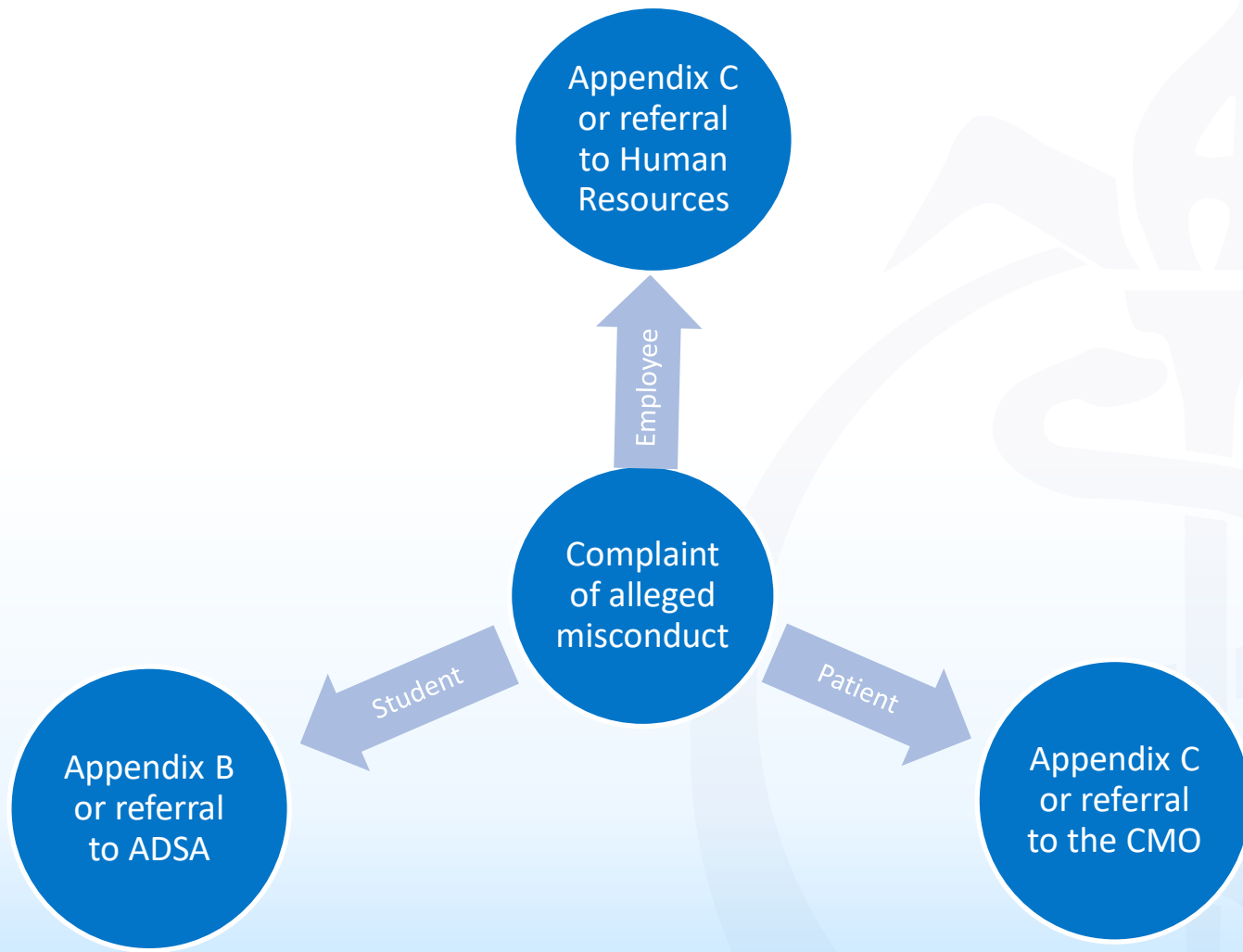
- Law enforcement involvement does not relieve the institution from investigating under Title IX
- You may have a Title IX violation without a criminal violation (standard of proof is different)
- Victim may not want to notify police



General Investigation Process



Which process do we use?



Processing a complaint

- Written or verbal reports of Title IX misconduct
 - Include names, dates, times and locations
 - Coordinator will respond and initiate the Formal Complaint process.
 - Coordinator will initiate supportive measures
- Initial assessment will be completed within 10 days of receipt of the complaint. If potentially substantiated:
 - Identify the correct procedure to address the complaint
 - Notify the appropriate MSM official
 - Implement appropriate supportive measures or support services
- The case will be dismissed if the Prohibited Conduct is not substantiated.

Key Points to Remember



- Morehouse School of Medicine does not tolerate sex discrimination, sexual harassment or sexual violence of any kind
- Review MSM's Sex/Gender Non-discrimination and Anti-Harassment Policy; the grievance procedures are outlined in the policy
- Know your legal rights under Title IX
 - they are NOT negotiable
 - they are NOT subject to compromise
- Remember to report all issues of sex discrimination and sexual harassment to the Title IX Coordinator
- Contact the Title IX Coordinator any time you have a question

RESOURCES

Title IX Coordinator

- Claudette Bazile, TitleIX@msm.edu

MSM Department of Public Safety

- 404-752-1794 or 404-752-1795

MSM Counseling Services (Students)

- SHWC Behavioral Health Services 404-756-1241
- Georgia Crisis & Access Line (GCAL) at 1-800-715-4225

Employee Assistance Program (Employees)

- www.CignaBehavioral.com employer ID: MSM
- 877.622.4327

Grady Rape Crisis Center

- 404-616-4861

U.S. Department of Education Office for Civil Rights

- 1-800-421-3481 or OCR@ed.gov



Thank You!

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NCPC A-422

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[File a report](#)

