

COTTEY  
COLLEGE



# TITLE IX TRAINING

Presented by  
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**THE BASICS** |

“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



# TIMELINE

June 23, 1972  
Title IX is enacted by  
Congress and signed into  
law (37 words)

April 4, 2011  
President Obama  
administration releases the  
Dear Colleague Letter,  
which required schools to  
adopt a minimal standard  
of proof in administering  
student discipline & to  
conduct their own  
investigations into sexual  
misconduct

September 22, 2017  
President Trump  
administration announce  
that the rescission of the  
Dear Colleague Letter and  
issued a question and  
answer document.

May 6, 2020  
Department of Education  
released new Title IX rules  
– this was the first full rule  
making since 1975 and the  
first dedicated to  
addressing sexual  
harassment (2,083 pages)

June 23, 2022  
Department of Education  
submits notice of proposed  
rulemaking, which would  
include some significant  
changes to Title IX

# 9 THINGS TO KNOW ABOUT TITLE IX

1. Title IX is a civil right that prohibits sex discrimination in education.

2. Title IX applies to all community members regardless of gender identity.

3. Schools may not retaliate against someone filing a complaint and must keep complaints safe from other retaliatory harassment.

4. Schools should ensure that no student has to share campus spaces (such as residence halls, classes, and workspaces) with their abuser.

5. Schools can issue no-contact directives to prevent accused students from approaching or interacting with the accuser.

6. Schools must be proactive in ensuring that campus is free from sex discrimination.

7. Schools cannot discourage individuals from continuing your education.

8. All schools receiving federal funding, including public K-12 schools and the majority of colleges, are subject to Title IX.

9. Schools must have an established procedure for handling complaints of sexual discrimination, harassment, and violence.

# TITLE IX AT COTTEY

- Found in Section VI of the [Student Handbook](#)
- Cottey is committed to providing a workplace and educational environment, as well as other benefits, programs, and activities that are free from sexual assault and retaliation
- Title IX encompasses a set of internal policies and procedures that provide a prompt, fair, and impartial process for those involved in an allegation of sexual harassment or retaliation

# SCOPE & JURISDICTION

- Respondent is a member of the Cottey community, a grievance process is available regardless of the status of the complainant
  - Community includes students, student organizations, faculty, administrators, staff, and third parties (guests, visitors, etc.)
- Jurisdiction education programs and activities of Cottey that takes place...
  - on campus;
  - in college owned by Cottey;
  - at a Cottey sponsored event;
  - or by a Cottey registered student organization
- Title IX is not enforceable if the allegation occurs outside of the United States; however, the College may respond through the use of other policies and procedures

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**ROLES** |





# TITLE IX TEAM — TITLE IX COORDINATOR

McGee Stoller

Director of Human Resources and Title IX Coordinator

Office of Human Resources

Main Hall, 1000 W. Austin Blvd., Nevada, MO, 64772

(417) 667-8181, extension 2103

Email: [titleix@cottey.edu](mailto:titleix@cottey.edu)



**Core Team** – Deputy Coordinators; serve as investigators, hearing officers, advisors, or hearing panelists



-  McGee Stoller – Director of Human Resources
-  Dr. Landon Adams – Vice President for Student Life & Enrollment
-  Brett Dawn – Manager of Safety, Security, and Clery
-  Dr. Jill Compton – Assistant Vice President for Academic Affairs

**TITLE IX TEAM**

# MANDATED REPORTERS

If any of the following individuals are made aware of a community member who has experienced sexual harassment or retaliation they are considered mandated reporters and thus their knowledge of the situation automatically triggers the start of the Title IX process.

- Title IX Coordinator
- Director of Safety, Security, and Clery
- Security Officers
- Director of Housing
- Hall Directors
- President
- Vice Presidents
- Assistant Vice President for Academic Affairs

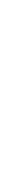
# CONFIDENTIAL REPORTERS

- Jeanna Simpson – Director of Health and Counseling Services
- Blaklee Sanders – Counselor
- Gracie Pesicka – Athletic Trainer
- Peer Listeners
- Off-campus:
  - Licensed professional counselors and medical providers
  - Local rape crisis counselors
  - Domestic violence resources
  - Local or state assistance agencies
  - Clergy/chaplains
  - Attorneys

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# DEFINITIONS



# PREPONDERANCE OF THE EVIDENCE

“After post-hearing deliberation, the Decision-makers render a determination based on the **preponderance of the evidence**, whether it is more likely than not that the Respondent violated the Policy as alleged.” – Student Handbook, page 137

- Preponderance of the evidence is **one type of evidentiary standard used in a burden of proof analysis**
- Under the preponderance standard, the burden of proof is met when the party with the burden convinces the fact finder that there is a greater than 50% chance that the claim is true
- This is the evidentiary standard typically applied in civil cases or non-criminal cases
- The preponderance of the evidence standard is a lower evidentiary standard than **clear and convincing** or **beyond a reasonable doubt**

# UNPACKING LANGUAGE

- determined by a reasonable person,
- to be so severe, and
- pervasive, and,
- objectively offensive,
- that it effectively denies a person equal access to Cottey's education program or activity.

# COERCION

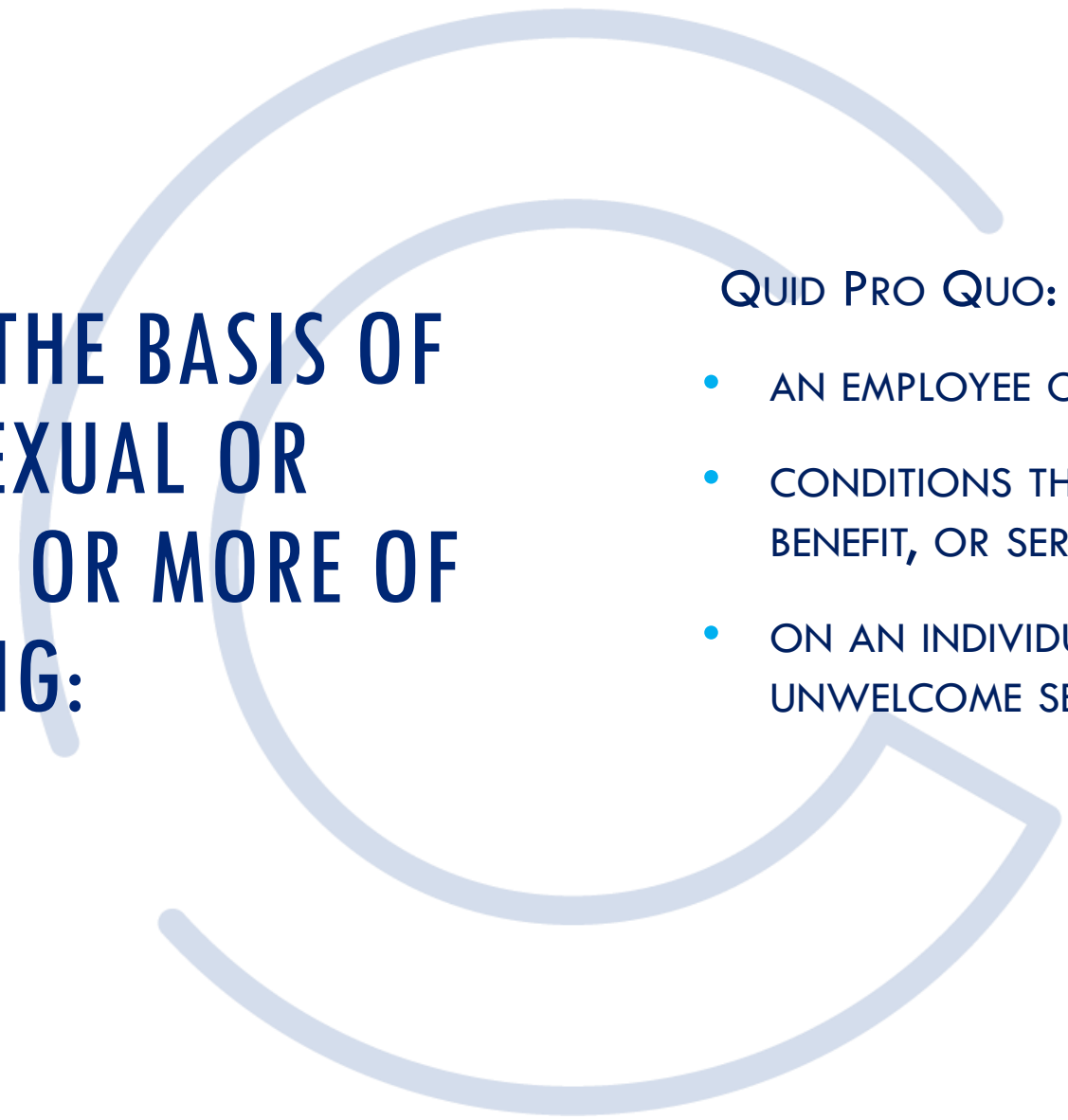
- Coercion is **unreasonable pressure for sexual activity**
- Coercive conduct differs from seductive conduct based on factors such as the type and/or extent of the pressure used to obtain consent
- When someone makes clear that they do not want to engage in certain sexual activity, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive

Examples include: verbally pressure; threatening them; using alcohol or drugs to make them more vulnerable or to incapacitate them; or using physical force.



# CONSENT


- Consent is **knowing** and **voluntary**, with **clear permission** by word or action to engage in sexual activity.
- It is the responsibility of each party to determine that the other has consented.
- Consent may be revoked.
- Consent is not possible when a person is unable to understand what is happening, disoriented, helpless, asleep, or unconscious.
- Incapacitation is determined through consideration of all factors.
  - incapacitation is not synonymous with intoxication, impairment, blackout, and/or being drunk.



**CONDUCT ON THE BASIS OF  
SEX THAT IS SEXUAL OR  
SATISFIES ONE OR MORE OF  
THE FOLLOWING:**

**QUID PRO QUO:**

- AN EMPLOYEE OF THE RECIPIENT,
- CONDITIONS THE PROVISION OF AN AID, BENEFIT, OR SERVICE OF THE RECIPIENT,
- ON AN INDIVIDUAL'S PARTICIPATION IN UNWELCOME SEXUAL CONDUCT.



**CONDUCT ON THE BASIS OF  
SEX THAT IS SEXUAL OR  
SATISFIES ONE OR MORE OF  
THE FOLLOWING:**

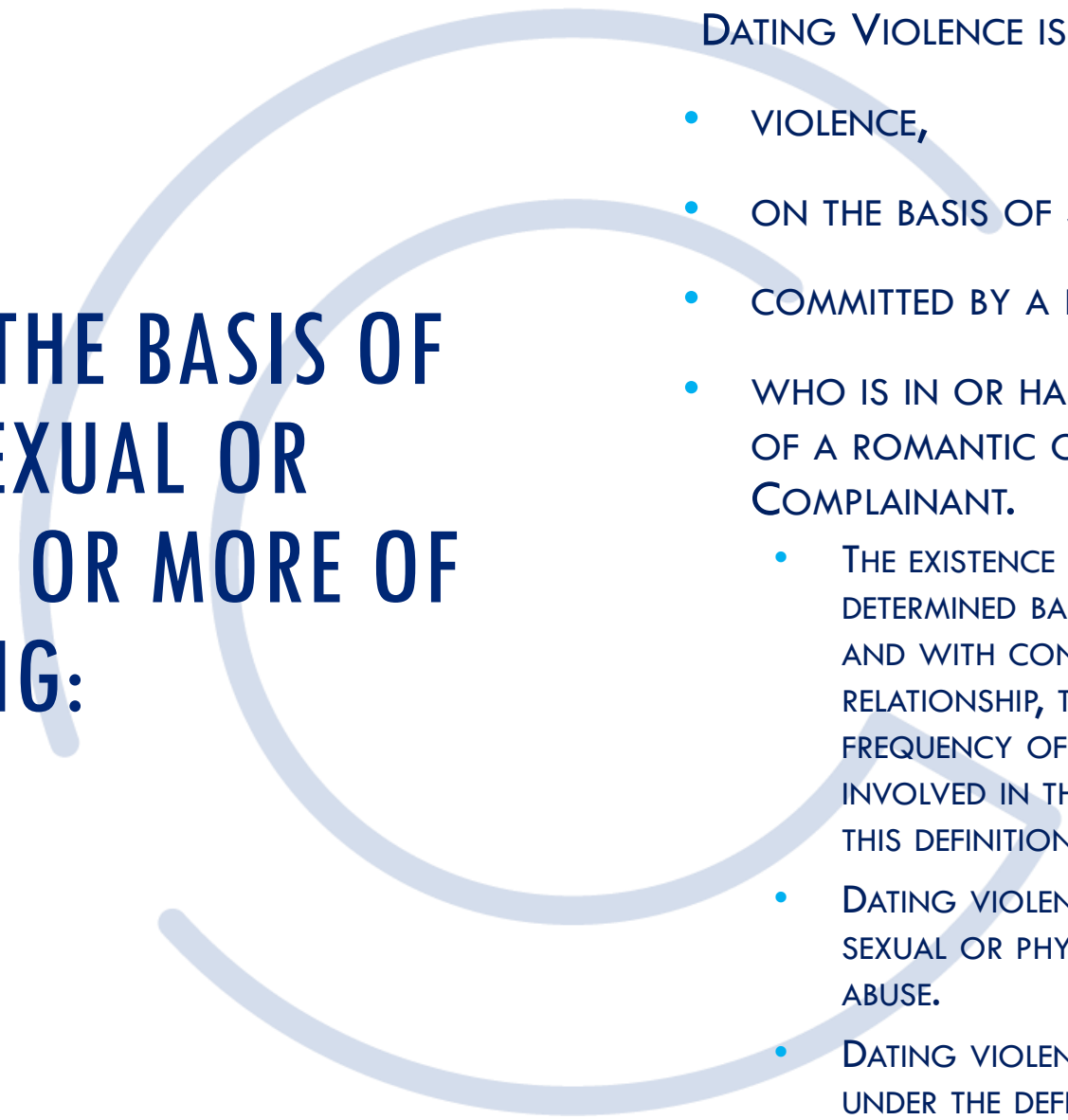
**SEXUAL HARASSMENT:**

- UNWELCOME CONDUCT,
- DETERMINED BY A REASONABLE PERSON,
- TO BE SO SEVERE, AND
- PERVASIVE, AND,
- OBJECTIVELY OFFENSIVE,
- THAT IT EFFECTIVELY DENIES A PERSON EQUAL ACCESS TO COTTEY'S EDUCATION PROGRAM OR ACTIVITY.

# CONDUCT ON THE BASIS OF SEX THAT IS SEXUAL OR SATISFIES ONE OR MORE OF THE FOLLOWING:

SEXUAL ASSAULT IS DEFINED AS THE FOLLOWING:

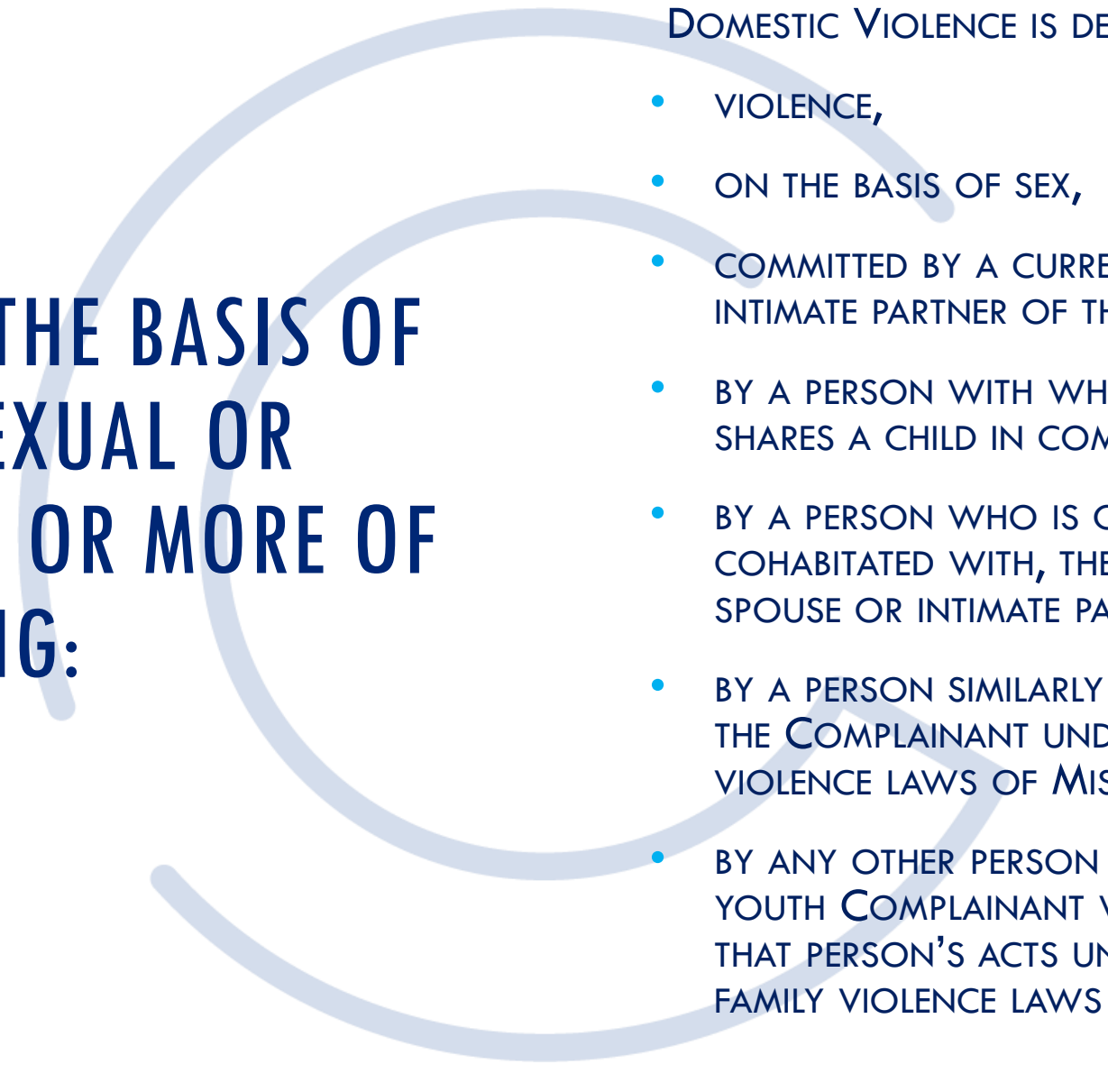
- SEX OFFENSES, FORCIBLE:
  - ANY SEXUAL ACT DIRECTED AGAINST ANOTHER PERSON ,
  - WITHOUT THE CONSENT OF THE COMPLAINANT,
  - INCLUDING INSTANCES IN WHICH THE COMPLAINANT IS INCAPABLE OF GIVING CONSENT.
- SEX OFFENSES, NON-FORCIBLE:
  - INCEST:
    - NON-FORCIBLE SEXUAL INTERCOURSE,
    - BETWEEN PERSONS WHO ARE RELATED TO EACH OTHER,
    - WITHIN THE DEGREES WHEREIN MARRIAGE IS PROHIBITED BY MISSOURI LAW.
  - STATUTORY RAPE:
    - NON-FORCIBLE SEXUAL INTERCOURSE,
    - WITH A PERSON WHO IS UNDER THE STATUTORY AGE OF CONSENT OF SEVENTEEN (17).



**CONDUCT ON THE BASIS OF  
SEX THAT IS SEXUAL OR  
SATISFIES ONE OR MORE OF  
THE FOLLOWING:**

**DATING VIOLENCE IS DEFINED AS THE FOLLOWING:**

- VIOLENCE,
- ON THE BASIS OF SEX,
- COMMITTED BY A PERSON,
- WHO IS IN OR HAS BEEN IN A SOCIAL RELATIONSHIP OF A ROMANTIC OR INTIMATE NATURE WITH THE COMPLAINANT.
  - THE EXISTENCE OF SUCH A RELATIONSHIP SHALL BE DETERMINED BASED ON THE COMPLAINANT'S STATEMENT AND WITH CONSIDERATION OF THE LENGTH OF THE RELATIONSHIP, THE TYPE OF RELATIONSHIP, AND THE FREQUENCY OF INTERACTION BETWEEN THE PERSONS INVOLVED IN THE RELATIONSHIP. FOR THE PURPOSES OF THIS DEFINITION—
  - DATING VIOLENCE INCLUDES, BUT IS NOT LIMITED TO, SEXUAL OR PHYSICAL ABUSE OR THE THREAT OF SUCH ABUSE.
  - DATING VIOLENCE DOES NOT INCLUDE ACTS COVERED UNDER THE DEFINITION OF DOMESTIC VIOLENCE.



**CONDUCT ON THE BASIS OF  
SEX THAT IS SEXUAL OR  
SATISFIES ONE OR MORE OF  
THE FOLLOWING:**

**DOMESTIC VIOLENCE IS DEFINED AS THE FOLLOWING:**

- VIOLENCE,
- ON THE BASIS OF SEX,
- COMMITTED BY A CURRENT OR FORMER SPOUSE OR INTIMATE PARTNER OF THE COMPLAINANT,
- BY A PERSON WITH WHOM THE COMPLAINANT SHARES A CHILD IN COMMON, OR
- BY A PERSON WHO IS COHABITATING WITH, OR HAS COHABITED WITH, THE COMPLAINANT AS A SPOUSE OR INTIMATE PARTNER, OR
- BY A PERSON SIMILARLY SITUATED TO A SPOUSE OF THE COMPLAINANT UNDER THE DOMESTIC OR FAMILY VIOLENCE LAWS OF MISSOURI, OR
- BY ANY OTHER PERSON AGAINST AN ADULT OR YOUTH COMPLAINANT WHO IS PROTECTED FROM THAT PERSON'S ACTS UNDER THE DOMESTIC OR FAMILY VIOLENCE LAWS OF MISSOURI.

# CONDUCT ON THE BASIS OF SEX THAT IS SEXUAL OR SATISFIES ONE OR MORE OF THE FOLLOWING:

STALKING IS DEFINED AS THE FOLLOWING:

- ENGAGING IN A COURSE OF CONDUCT,
- ON THE BASIS OF SEX,
- DIRECTED AT A SPECIFIC PERSON, THAT
  - WOULD CAUSE A REASONABLE PERSON TO FEAR FOR THE PERSON'S SAFETY, OR
  - THE SAFETY OF OTHERS; OR
  - SUFFER SUBSTANTIAL EMOTIONAL DISTRESS.

FOR THE PURPOSES OF THIS DEFINITION—

- COURSE OF CONDUCT MEANS TWO OR MORE ACTS, INCLUDING, BUT NOT LIMITED TO, ACTS IN WHICH THE RESPONDENT DIRECTLY, INDIRECTLY, OR THROUGH THIRD PARTIES, BY ANY ACTION, METHOD, DEVICE, OR MEANS, FOLLOWS, MONITORS, OBSERVES, SURVEILS, THREATENS, OR COMMUNICATES TO OR ABOUT A PERSON, OR INTERFERES WITH A PERSON'S PROPERTY.
- REASONABLE PERSON MEANS A REASONABLE PERSON UNDER SIMILAR CIRCUMSTANCES AND WITH SIMILAR IDENTITIES TO THE COMPLAINANT.
- SUBSTANTIAL EMOTIONAL DISTRESS MEANS SIGNIFICANT MENTAL SUFFERING OR ANGUISH THAT MAY BUT DOES NOT NECESSARILY REQUIRE MEDICAL OR OTHER PROFESSIONAL TREATMENT OR COUNSELING.

# STALKING

Stalking is **repeated, unwanted contact or conduct that communicates a threat** or makes the person being stalked fear for their safety.

Stalking can be direct, such as **obsessively following someone or initiating unwanted and repeated face-to-face, phone, text, or email communication**. It can also be indirect, such as **watching someone from a distance; sending unwanted gifts; or using technology (such as social media platforms or GPS) to harass, track, or spy on someone**.



# FORMS OF SEXUAL HARASSMENT

**Verbal:** Sexual harassment that is verbal may consist of sexual comments about someone's appearance, sex-based jokes or slurs, gender-specific put-downs, or other threatening or intimidating language. Here are some examples of what verbal sexual harassment might look or sound like. Keep in mind that these kinds of comments can occur in person or via social media:

Sexual rumors about a person

Sexual innuendos and other comments about a person's clothing, body, or sexual activities

Offensive and/or persistent vulgar jokes about sex or gender-specific traits

Suggestive sounds directed at someone (whistling, kissing)

Sexual comments about someone's weight, body shape, size, or figure

Repeated, unwanted propositions for dates and/or sexual activity

Questions or suggestions about a person's sexual fantasies, preferences, or history

# FORMS OF SEXUAL HARASSMENT

Non-Verbal: Making an offensive gesture or posting a revealing or explicit photo of someone are examples of non-verbal forms of sexual harassment. Additional examples include:

- Sexual gestures and hand or sign language that denotes sexual activity

- Messages, emails, or posts to social media that contain unwelcome sexual content

- Indecent exposure

- Videoing or photographing sexual activity and/or a person's intimate body parts without their consent

- Disseminating or posting images or videos that include sexual content without the depicted person's knowledge or permission (even if the person consented to the images being taken)

# FORMS OF SEXUAL HARASSMENT

Physical: Sexual harassment that creates a hostile environment can also be physical, with unwanted sexual contact such as intentionally brushing up against someone or pressing into their body without their consent. These behaviors are not acceptable, no matter the environment. Individuals should have the other party's permission before engaging in any of the following:

- Suggestively touching a person's back, legs, hair, or clothes

- Rubbing someone's shoulders or feet

- Inappropriately hugging or kissing someone

- Pinching, grabbing, or patting a person's intimate body parts

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**PROCEDURE** |

# FILING A COMPLAINT

## File a complaint with the Title IX Coordinator or Deputy Coordinators

- Verbal notice either in person or by calling 417-667-8181, ext. 2103
- Written notice via an email to [titleix@cottey.edu](mailto:titleix@cottey.edu)

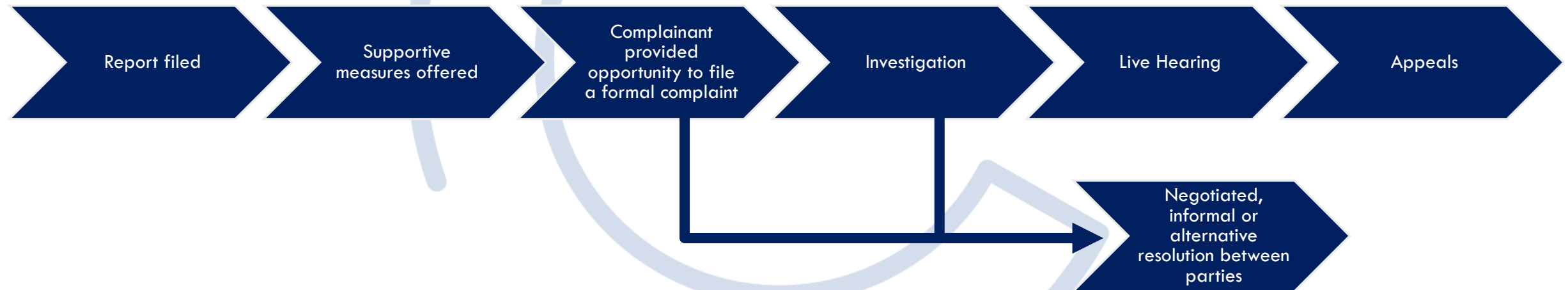
## Online submission via My Cottey

- <https://cottey.edu/contact-information/consumer-information/title-ix-policies/>

# SUPPORTIVE MEASURES

- Non-disciplinary and non-punitive, individualized services offered as appropriate
- May include, but are not limited to the following:
  - Referral to counseling, medical, and/or other healthcare services
  - Implementing contact limitations (no contact orders) between the parties
  - Academic support, extensions of deadlines, or other course/program-related adjustments
  - Trespass, Persona Non Grata (PNG), or Be-On-the-Lookout (BOLO) orders
  - Class schedule modifications, withdrawals, or leaves of absence
  - Increased security and monitoring of certain areas of the campus
  - Any other actions deemed appropriate by the Title IX Coordinator

# PROCEDURE TIMELINE



# HEARINGS

- Information considered by a panel of Cottey personnel
- Cross-examination by advisors of complainant, respondent, and parties with relevant information
- Hearing Officer would preside over the hearing and determine in real-time what questions are and are not relevant to the proceeding



# APPEALS

- Students have a right to appeal on the following grounds:
  - Procedural irregularity that affected the outcome of the matter
  - New evidence that was not reasonably available at the time of the determination
  - Title IX Coordinator, Investigator, or Decision-makers had a conflict of interest or bias for or against either party that affected the outcome
- Either party may file a request for appeal, it must be in writing and submitted within three days of delivery of the notice of outcome
- Any sanctions determined by the hearing panel are implemented as soon as the outcome of the appeal or the expiration of the appeal window

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# PREGNANCY & TITLE IX

# PREGNANCY POLICY

- A student who foresees any educational issues related to a pregnancy is strongly encouraged to notify College personnel.
- This allows the College and the student to work together to identify a plan for the continuation of the student's education.
- The choice to inform the College is voluntary.
- Once contact has been made with the Title IX Coordinator or Deputy Coordinator, the student has several options:
  - Continue at the College and seek reasonable adjustments to educational obligations
    - Work with the AVPAA to identify needed and reasonable adjustments
  - Request a leave of absence
    - Leave time is based on the pregnancy and medical needs of the student – an educational plan must be agreed upon between faculty, student, and the Title IX Coordinator
  - Withdraw
    - Would then need to complete standard withdrawal and then readmission procedures in order to return

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QUESTIONS?