



INSTITUTIONAL
COMPLIANCE SOLUTIONS

TITLE IX CONSIDERATIONS WITH FAITH BASED SCHOOLS

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INSTITUTIONAL
COMPLIANCE SOLUTIONS

BRITTANY GATES

CONSULTANT &
CASE MANAGER



Housekeeping

- Chat Bar
- Recording
- Disclaimer



Agenda

● Brief Review of Religious Exemption

● Consideration of Policies including Student Code of Conduct

● Removing Barriers to Reporting

● Prevention Programming

● Mindset Shift

What is 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...**except:**





TITLE IX'S RELIGIOUS EXEMPTION

Schools may be exempt from Title IX if they are "controlled by a religious organization" and if enforcing Title IX would be "inconsistent with the religious tenets of the organization."



WHO IS ELIGIBLE?

A SCHOOL CAN DEMONSTRATE THEY ARE CONTROLLED BY A RELIGIOUS INSTITUTION BY SHOWING:



The institution is a school or "department of divinity."



Faculty, staff, and students are required to engage in a personal belief or religion.



The institution's charter, catalog, or "other official publication" explicitly states that it is controlled by a religious organization or doctrine.



The institution has a statement of religious practices and "members of the institution must engage in the religious practices" outlined in the statement.



The institution has a "published institutional mission" that refers to religious tenets or beliefs.



There is sufficient evidence that the institution is controlled by a religious organization.

****This may change when the new regs are released****

UTILIZING THE EXEMPTION

To seek assurance of the exemption, or if an institution is under investigation for non-compliance, a school's highest official may submit a written statement to the Assistant Secretary specifying Title IX provisions that conflict with the school's religious tenet(s). The institution has the burden to demonstrate that they are **controlled by a religious institution. 34 CFR §106.12 (b).**



CODE OF CONDUCT AND LIFESTYLE EXPECTATIONS



CODE OF CONDUCT

POSSIBLE RISK AREAS:

- Inconsistent application of code violations that could intersect with Title IX
- Processing Code of Conduct violations that are connected to a Title IX matter through a separate process before or after Title IX grievance process

CODE OF CONDUCT AND LIFESTYLE EXPECTATIONS



CODE OF CONDUCT

CONSISTENCY IS KEY!

- Lifestyle policies around sexual behavior need to be consistently applied.
- Provide clear education and training on when a matter should be reported to Title IX versus addressed through conduct process.
- Building a relationship with the conduct office is crucial.

If allegations fall under Title IX, you MUST investigate through the Title IX grievance process even if there are potential Code of Conduct violations as well.

It is NOT recommended to turn over conduct violations that are part of a Title IX formal complaint to the another office for additional investigation after a finding in a Title IX grievance process.

INSTEAD, add the potential conduct violations into the Title IX Notice of Allegations to investigate together through Title IX grievance process.

Findings of Responsibility will then will allow for sanctions to be issued to either Title IX policy violations, Code of Conduct violations, or both.

LET'S TALK (OR TYPE)...

- What is your cultural narrative regarding Title IX?
- What does your reporting pattern look like?

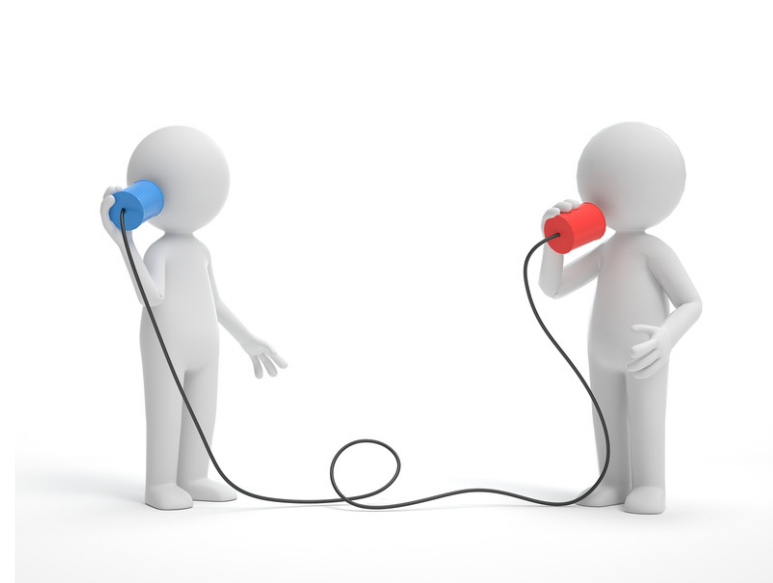


REMOVING BARRIERS

NEW REGS EXPECTED TO FURTHER EXPAND ON REMOVING REPORTING BARRIERS.



Amnesty Policy



Open
Communication
on Title IX



Clarity on
Religious
Exemption



Healthy
Conversations on
Sexuality

BUILDING A HEALTHY CULTURE:

Prevention
Leads the
Charge!

**GET BUY-IN FROM
KEY
ADMINISTRATORS
AND LEADERSHIP**

**ABSTINENCE
EDUCATION VS.
HOLISTIC
EDUCATION**

- Lean into university values.
- What is our mission?





AREAS TO CONSIDER FOR EFFECTIVE PREVENTION

- Consent
- Bystander Intervention
- Policy Application



Mindset Matters

It is easy to get stuck in the "what we will not do or what we do not have to do" mindset.

You must also focus on what you CAN do and what you ARE responsible for.

This can be done while holding the tensions of respecting university values, faith values, federal requirements, and human beings.



You Can...

- Have a published Title IX grievance process

- Respond to reports

- Appropriately train key role players

- Remove reporting barriers

- Track trends and assess culture

- Create healthy and safe spaces for reporting and conversation



Kindness and care are never exempt categories.
Faith values are usually consistent on this.



SUPPORT ALWAYS. SUPPORT FIRST.



Litigation can often be prevented by being clear,
kind, and consistent.

QUICK TITLE IX COORDINATOR TO-DO LIST:

"CLEAR IS KIND." - BRENÉ BROWN



Clarify
Religious
Tenets.



Meet with
Leadership.



Review
documents
and
policies.



Provide clarity
through
communication,
training, and
policy.



Stay
connected
as new
regulations
are
released.

FREE Webinars

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Wednesdays**

*PREGNANCY
DISCRIMINATION AND
ACCOMMODATIONS
UNDER TITLE IX*

Free  **Webinar**

The graphic features a light blue background with a yellow vertical stripe on the left. At the top left of the stripe is the ICS logo (Institutional Compliance Solutions). Below the logo is a square image showing a stack of papers and a white highlighter. At the bottom of the stripe is a grid of small dots. The text is positioned to the right of the stripe.



Connect With Us!



- Institutional Compliance Solutions
- Title IX Coordinators
- K-12 Title IX Coordinators



- Institutional Compliance Solutions
- Courtney Bullard
- Betsy Smith
- Celeste Bradley



@Title9Authority



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