



Leech Lake Tribal College

Student Title IX Information

Fall 2020

What is Title IX?



- ▶ Title IX is a federal civil rights law passed as part of the Education Amendments of 1972. This law protects people from discrimination based on sex in education programs or activities that receive Federal financial assistance. Title IX states that:

“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 applies to any institution receiving federal financial assistance from the Department of Education, including state and local educational agencies. Educational programs and activities that receive federal funds from the Department of Education must operate in a nondiscriminatory manner. Also, a recipient may not retaliate against any person for opposing an unlawful educational practice or policy, or because a person made charges, testified or participated in any complaint action under Title IX.

2020 Title IX “Final Rule”



- ▶ For the first time, the Us Department of Education’s Title IX regulations recognize that sexual harassment, including sexual assault, is unlawful sex discrimination. The Department previously addressed sexual harassment only through guidance documents, which are not legally binding and do not have the force and effect of law.
- ▶ The Department of Educations' new regulations impose important legal obligations on school districts, colleges, and universities (collectively “schools”), requiring a prompt response to reports of sexual harassment. The Final Rule improves the clarity and transparency of the requirements for how schools must respond to sexual harassment under Title IX so that every complainant receives appropriate support, respondents are treated as responsible only after receiving due process and fairness, and school officials serve impartially without bias for or against any party

What Does That Mean for LLTC & Students?



- ▶ The Leech Lake Tribal College (LLTC) is required to establish a new and specific sexual harassment policy that includes a Title IX commission that oversees complaints of sexual misconduct
- ▶ The LLTC's Title IX policy and Title IX reporting information is required to be clear, transparent, and easily accessible to all students and the public
- ▶ The LLTC is required to provide specific Title IX training to ALL students, staff, and its Title IX commission
- ▶ The LLTC is required to investigate and document all complaints of sexual misconduct. If an incident of sexual misconduct has been proven to be likely then an investigative hearing will be initiated and overseen by an outside Title IX hearing officer



- ▶ The LLTC is required to publically announce and display its Title IX policy, reporting information, training, grievance procedures, and appeal process
- ▶ LLTC is required respond immediately to ALL complaints of sexual misconduct
- ▶ The LLTC is required to protects a complainants autonomy and respect their refusal to proceed with an investigation and/or hearing
- ▶ The LLTC must notify students that the complainant has control over the college's response that best fits the complainants needs
- ▶ Allegations of sexual misconduct can be reported anonymously
- ▶ The LLTC is prohibited from retaliation

Title IX Policy Information



- ▶ All new and returning students must complete a Title IX informational. Title IX information is provided to all new and returning students through the required orientation
- ▶ LLTC's Title IX information is on the LLTC website under Title IX
- ▶ Title IX information is in all students student portal
- ▶ Title IX information is prominently displayed in Cedar Hall and the Oak Building in the student information areas
- ▶ Title IX information is displayed in the entryway of all other buildings that have student access
- ▶ The LLTC Title IX policy is located in the human resources department, security office, and student services



What is Sexual Harassment, Discrimination, and Misconduct?

The US Department of Education defines sexual harassment as:

- Any instance of quid pro quo harassment by a school's employee
- Any unwelcome sexual misconduct that a reasonable person would find so severe, pervasive, and objectively offensive that it denies a person equal educational access
- Sex-based misconduct that includes sexual assault, sexual discrimination, dating violence, domestic violence, or stalking as defined in the Violence Against Women Act (VA WA)
- Providing different aid, benefits, programs, or services in a different manner on the basis of sex
- Denying students access to aid, benefits, programs, or services on the basis of sex

How Do LLTC Students Report Sexual Harassment?



- ▶ The LLTC has a designated email for Title IX reporting which is: titleixreporting@lltc.edu
- ▶ The LLTC has a designated phone number for title IX reporting which is: 218-556-8325
- ▶ The LLTC has a Title IX Commission which has a designated Title IX coordinator that is responsible for responding to Title IX complaints. LLTC's Title IX coordinator is the director of human resources. The current director is Melissa McFarlane who is located at LLTC, Cedar Hall, room 210L, phone number: (218) 335-4261, email: melissa.mcfarlane@lltc.edu
- ▶ The LLTC has a Title IX investigator who is the campus security officer. The current campus security officer is John "JR" Robinson who is located at LLTC, Oak Building, room 102, phone number: (218) 335-4260, email: john.robinson@lltc.edu



How Do LLTC Students Report Sexual Harassment?

- ▶ The LLTC has two designated deputy Title IX coordinators who are the director of operations and the dean of student services

The current director of operations is Bill Fredrickson who is located at LLTC, Oak Building, room 119, phone: 218-335-4234, or email: bill.fredrickson@lltc.edu

The current dean of students is Jorge Mendoza who is LLTC, Cedar Hall: Student Services, room #207B, 6945 phone: 218-335-4262 or email: jorge.mendoza@lltc.edu

- ▶ Students can report allegations of sexual misconduct, discrimination, or harassment to any LLTC employee who are asked to report complaints to the LLTC Title IX Coordinator

The Investigation Process



1. Sexual harassment, discrimination, or misconduct is reported to the school and the Title IX coordinator
2. Information regarding sexual violence support services will be given to the complainant
3. The Title IX coordinator gives notice of the complaint to both parties
4. The Title IX investigator and coordinator will gather evidence (the burden of proof is on the college not the parties involved). The complainants privacy will be protected and the alleged suspect will remain innocent until determined otherwise. An advisor or attorney for both parties is allowed to gather and submit evidence
5. Written permission must be obtained for medical documentation that will be used throughout the investigation and/or hearing process
6. If it is determined sexual harassment likely occurred, a hearing council will be formed and a hearing will take place



Institutional Action

School implements an institutional action based on hearing outcome

Dismissal of complaint if there is not evidence of sexual misconduct

Restriction - A limitation on a student's privileges for a period of time and may include but not be limited to the denial of the use of facilities or access to parts of campus, denial of the right to represent LLTC, or denial of participation in extracurricular activities

Service Project - Community service or an education class or project beneficial to the individual and campus or community. Probation Level I - A specified period of time during which the student is placed on formal notice that he/she is not in good social standing with LLTC and that further violations of regulations will subject him/her to suspension or expulsion from the CMN

Suspension - If warranted by the severity of the incident, exclusion from enrollment in classes and other privileges or activities for a definite period of time not to exceed three years and until the conditions which are set forth in the hearing outcome letter are met. Students who are suspended from LLTC are not permitted on campus or in campus buildings, facilities or activities at any time for any reason during the period of suspension, unless otherwise directed by the Dean of Student Affairs. Conditions to conclude a suspension and reinstatement process will be stated in the written notification. Notation on the transcript is not made; however, a permanent record of the action is maintained in the student's record. Any refund of tuition or fees will be subject to LLTC's normal withdrawal policy. Expulsion - Termination of student status for an indefinite period. The conditions for readmission, if any, shall be stated in the hearing outcome letter. Notation on the transcript is not made; however, a permanent record of the action is maintained in the student's record. Any refund of tuition or fees will be subject to LLTC's normal withdrawal policy. Expulsion should be reserved and used only in cases involving the most severe instances of misconduct

Termination - Termination of employment status for an indefinite period if it is determined that an LLTC employee/faculty is responsible for a sexual misconduct. The conditions for re-employment, if any, shall be stated in the hearing outcome letter.

Complainant's Rights:



- ▶ Be given a written explanation of the allegations and the hearing process
- ▶ Have access to evidentiary material in advance of the hearing
- ▶ Be present during the entire hearing
- ▶ Be accompanied by an advisor during the hearing. The advisor is limited to advising the student and may not present the case, or make statements during the proceedings. Students must provide LLTC with the name and contact information for the student's advisor as soon as practical but at least three (3) days prior to the hearing (if the advisor is an attorney, LLTC's attorney will also be present for the hearing)
- ▶ Be given a timely hearing
- ▶ Exclude evidence of the victim's past sexual history from discussion during the hearing. The past sexual history of the victim with persons other than the respondent shall be presumed irrelevant
- ▶ Clarifying that evidence of a prior consensual dating or sexual relationship between the parties by itself does not imply consent or preclude a finding of sexual harassment
- ▶ Written notification of the outcome of the hearing including any sanctions; remedies/accommodations for the complainant; additional remedies for the school community
- ▶ Written notification of any external counseling services that may be available
- ▶ Written notification of options for changing academic, living, transportation, and work site situations if reasonable
- ▶ Written notification of an avenue for appeal



Respondent's Rights:

- ▶ Be given written notice of the allegations and the hearing process
- ▶ Have access to evidentiary material in advance of the hearing
- ▶ Be present during the entire hearing
- ▶ Have no violation presumed until found responsible
- ▶ Be given a timely hearing
- ▶ Be accompanied by an advisor during the hearing. The advisor is limited to advising the student and may not present the case, or make statements during the proceedings. Students must provide LLTC with the name and contact information for the student's advisor as soon as practical but at least three (3) days prior to the hearing (if the advisor is an attorney, LLTC's attorney will also be present for the hearing)
- ▶ Written notification of the outcome of the hearing including any sanctions; remedies/accommodations for the complainant; additional remedies for the school community
- ▶ Written notification of any external counseling services that may be available
- ▶ Written notification of options for changing academic, living, transportation, and work site situations, if reasonable
- ▶ Written notification of an avenue for appeal

Right to Appeal and Complain



- ▶ Students have the right to appeal

An appeal is not a new hearing, but is a review of the record of the original hearing. It serves as a procedural safeguard for the student. The burden of proof shifts from LLTC to the student(s) found responsible for the policy violation. The complete appeals process is available in the LLTC Title IX policy located on the website, student portals, student services, the LLTC human resources department, and LLTC campus security office

- ▶ Students have the option to complain to outside parties

U.S. Department of Education's Office of Civil Rights.

Minnesota Department of Human Rights

Other college Title IX offices

References



U.S. Department of Education: Office of Civil Rights