



MinnState.edu

Title IX Coordinator

Summer Meeting

Office of Equal Opportunity & Compliance, Division of Human Resources

Summer 2025

Equal Opportunity & Compliance

Desiree' Clark, System Director

Ashley Atteberry, Associate Compliance Officer

Overview

Federal

- Laws, court decisions
- Office of Civil Rights
- Clery, VAWA, Higher Ed Act
- ADA

State

- Statutes & policies
- Office of Higher Ed
- Basic needs

System

- Policies, procedures; training
- Office of Equity & Inclusion
- General Counsel
- Academic & Student Affairs

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 (34 CFR Part 106)

Title IX Coordinator Responsibilities

- Designated “Title IX Coordinator”, reports to senior leader
- Must have one person: ultimate oversight responsibility
 - Additional coordinators: “Deputies”
- At all times: to coordinate efforts at institution to comply with and carry out all responsibilities under the law
- Independent, with authority and knowledge
- Highly visible
- Sufficiently trained
- Repository for all reports and complaints for sex discrimination

Accessible Reporting to Title IX Coordinator

Any person may report sex discrimination, including sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment),

- » in person,
- » by mail,
- » by telephone, or
- » by electronic mail,

using the **contact information listed for the Title IX Coordinator**, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report.

Accessible Reporting, continued

- » Such a report may be made **at any time** (including during non-business hours) by using the telephone number or electronic mail address, or by mail to the office address, listed for the Title IX Coordinator.
- » Schools must **prominently display on their websites** the required contact information for the Title IX Coordinator.

Coordinator Responsibilities

- Dissemination of Policy and publication of Procedure
- Effective training of policy and procedure
- Responding to reports and complaints; no deliberate indifference*
- Directs prompt institution response, supervising grievance process*
- Assessing environment and systemic problems or needs
 - Barriers to reporting
 - Systemic concerns
 - Environment patterns

Policy dissemination

» Annual Notice

- Prior to the start of Fall term
- Identify prohibited conduct (sex-based discrimination & harassment)
- Questions about implementing Title IX: Coordinator & OCR

» Continuous Notice

- Prominently displayed
 - Website easily accessible to applicants and public
- Application forms and recruitment materials
 - Available to public, students, employees, and applicants
- Grievance procedures & process
 - How to report or file a complaint of sex discrimination
 - How to report or file a formal complaint of sexual harassment
 - How the college/university will respond

Deliberate Indifference Standard

Means in a way that is not clearly unreasonable in light of the known circumstances

Mandatory response includes:

- » Offering **supportive measures** to the complainant (victim of alleged misconduct)
- » Title IX Coordinator **promptly contacts complainant** to discuss the availability of supportive measures, consider the complainant's wishes with respect to supportive measures, inform the complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the complainant the process for filing a formal complaint.
- » Follow a grievance process **before the imposition** of any disciplinary sanctions or other actions that are not supportive measures, against a respondent.
- » Must **not restrict rights** protected under the First Amendment, Fifth Amendment, and Fourteenth Amendment, as a way of responding in a non-deliberately indifferent manner.

Areas of Compliance



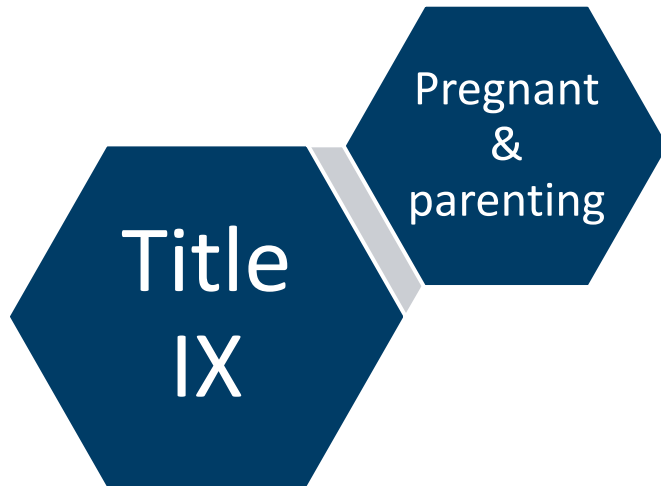
Admission & Recruitment



- No person shall, on the basis of sex, be denied admission, or be subjected to discrimination in admission nor counseling or guidance of students or applicants for admissions;
- There shall be no different treatment concerning the actual or potential parental, family, or marital status of a student or applicant, nor on the basis of pregnancy, childbirth, termination of pregnancy, or recovery therefrom;
- Treat disabilities related to pregnancy, childbirth, termination of pregnancy, or recovery therefrom in the same manner and under the same policies as any other temporary disability or physical condition; and
- Shall not make pre-admission inquiry as to the marital status of an applicant for admission, including whether such applicant is “Miss” or “Mrs.”

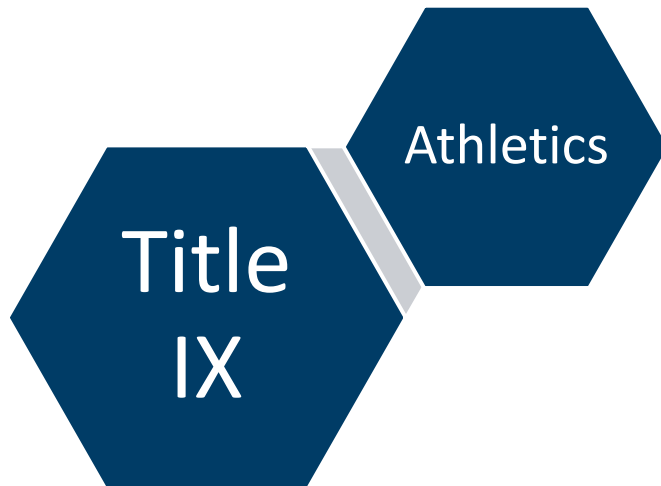
Citation: 34 CRF 106.21, 160.23, 106.36

Pregnant & Parenting



- On the basis of such student's pregnancy, childbirth, false pregnancy, termination of pregnancy or recovery therefrom:
 - Student may request to participate voluntarily in a separate portion of the program or activity of the recipient.
 - Student shall be treated in the same manner and under the same policies as any other temporary disability.
 - If no leave policy or if student who does not otherwise qualify for leave under a policy, treat the aforementioned as justification for a leave of absence for so long a period of time as is deemed medically necessary by the student's physician, at the conclusion of which the student shall be reinstated to the status which she held when the leave began.
- Citation: 34 CRF 106.40

Athletics



- Provide reasonable opportunities for awarding athletic scholarships or grants-in-aid for members of each sex in proportion to the number of students of each sex participating in interscholastic or intercollegiate athletics
- May operate or sponsor separate teams for members of each sex where selection for such teams is based upon competitive skill or the activity involved is a contact sport
- Provide equal athletic opportunity for members of both sexes, including the following factors: effectively accommodating the interests and abilities of members of both sexes; provisions of equipment and supplies; scheduling of games and practice time; travel and per diem allowance; coaching and academic tutoring; coaches and tutors; locker rooms, practice and competitive facilities; medical and training facilities and services; housing and dining facilities and services; and publicity.

Citation: 34 CRF 106.37(c), 106.41

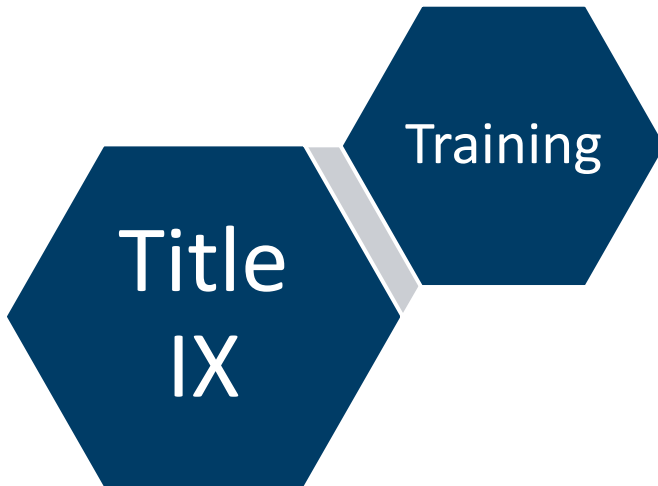
Employment



- No person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination in employment, or recruitment, consideration, or selection therefor, whether full-time or part-time, under any education program or activity
- Make all employment decisions in any education program or activity in a nondiscriminatory manner
- Shall not discriminate against or exclude from employment any employee or applicant for employment on the basis of pregnancy, childbirth, false pregnancy, termination of pregnancy, or recovery therefrom
- Shall not make pre-employment inquiry as to the marital status of an applicant for employment, including whether such applicant is “Miss or Mrs.”

Citation: 34 CRF 106 Subpart E (106.51-62)

Training



- Title IX Personnel (Title IX Coordinator, investigator, decision-maker, person designated to facilitate an informal resolution process)
 - Definition of sexual harassment, scope of education programs and activities, and informal resolution processes; how to serve impartially, including avoiding prejudgment, conflicts of interest, and bias
 - For investigators: how to create an investigative report that fairly summarizes relevant evidence
 - For decision-makers: technology used at a live hearing; issues of relevance for questions and evidence
 - All materials must not rely on sex stereotypes and must promote impartial processes
 - All training materials must be publicly available on website

Citation: 34 CRF 106.45(b)(1)(iii); 106.45(b)(10)(i)(D)

Grievance Process



- Prompt and equitable resolution of student and employee complaints alleging any action that would be prohibited by Title IX
- Based on actual knowledge of sexual harassment in an education program or activity of the college or university against a person in the United States, there must be a prompt response in a manner that is not deliberately indifferent
- Response must treat complainants and respondents equitably by offering supportive measures
- Require an objective evaluation of all relevant evidence and provide that credibility determinations may not be based on status as a complainant, respondent, or witness
- Require that Title IX Personnel not have a conflict of interest or bias

Citation: 34 CRF 106.8(c), 106.44(a), 106.45

Grievance Process, continued



- Include presumption that respondent is not responsible for alleged conduct until a determination regarding responsibility is made
- Include reasonably prompt time frames for conclusion of the grievance process; written notice to the complainant and the respondent of the delay or extension, and reasons for the action
- Notice of allegations: sufficient details known at the time (including identities of parties) and with sufficient time to prepare a response before any initial interview; statement respondent is presumed not responsible; right to advisor of choice (may be attorney); right to review and inspect evidence; prohibition of knowingly making false statements or submitting false information

Citation: 34 CRF 106.8(c), 106.44(a), 106.45

Grievance Process, investigation



- Grounds for must dismiss and may dismiss
- May consolidate formal complaints
- Burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rests on the recipient and not on the parties
- Provide an equal opportunity for the parties to present witnesses
- Provide both parties an equal opportunity to inspect and review any evidence; parties must have at least 10 days to submit a written response, which the investigator will consider prior to completion of the investigative report; all such evidence must be available at hearing
- An investigative report that fairly summarizes relevant evidence and, at least 10 days prior to a hearing, send to each party and the party's advisor, if any, the investigative report for their review and written response

Citation: 34 CRF 106.8(c), 106.44(a), 106.45

Grievance Process, hearing



- Provide for a live hearing
- Must create an audio or audiovisual recording, or transcript, of any live hearing and make it available to the parties for inspection and review.
- Decision-maker must permit each party's advisor to ask the other party and any witnesses all relevant questions and follow-up questions, including those challenging credibility. Such cross-examination must be conducted directly, orally, and in real time by the party's advisor of choice
- Decision-maker must first determine whether the question is relevant and explain any decision to exclude a question as not relevant

Citation: 34 CRF 106.8(c), 106.44(a), 106.45

Grievance Process, hearing continued



- Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.
- Decision-maker must issue written determination regarding responsibility; must be provided to parties simultaneously
- Must offer both parties an appeal from a determination regarding responsibility, and from a recipient's dismissal of a formal complaint or any allegations therein, on the following bases

Citation: 34 CRF 106.8(c), 106.44(a), 106.45

Grievance Process, informal resolution



- Must not require waiver of right to an investigation and formal hearing
- Offered after formal complaint has been filed
- Any time prior to reaching a determination regarding responsibility, informal resolution may be facilitated
- Written notice disclosure to parties: allegations, requirements of process, right to withdraw and resume grievance process, and any consequences for participating, including records maintained
- Parties must provide voluntary written consent
- Not used to resolve allegations that employee sexually harassed student

Citation: 34 CRF 106.8(c), 106.44(a), 106.45

Grievance Process, recordkeeping



- Must maintain records for 7 years
 - Each sexual harassment investigation, including determination and recordings/transcripts
 - Any appeal and results
 - Any informal resolution and results
 - All materials used to train Title IX Personnel
 - Any actions taken in response to a report or formal complaint of sexual harassment, documenting basis for conclusion that response was not deliberately indifferent; decisions about supportive measures

Citation: 34 CRF 106.8(c), 106.44(a), 106.45

Capacity and Infrastructure

Title IX Coordinator Responsibilities
Visibility and awareness
Admissions, recruitment, scholarships
Pregnant and parenting students
Athletics
Employment
Training and education
Grievance process oversight

PD	Per Week	Per Month	Per Year
5%	2 hours	9 hours	104 hours
10%	4 hours	18 hours	208 hours
25%	10 hours	44 hours	520 hours
50%	20 hours	88 hours	1,040 hours
100%	40 hours	176 hours	2,080 hours

Federal Laws & Regulations

Title IX

- 34 CFR 106

Clery

- Daily crime log
- Timely warnings
- Annual report

Campus SaVE Act

- Prevention & education programs
- Fair, equitable process
- Transparent & timely
- Annual training

VAWA

- Victim brochure

OCR (Dept of Ed)

- Enforcement & investigations
- Resolution agreements

Office of Civil Rights, Dept. of Ed

Regional OCR office for Minnesota

Denver Office

Office for Civil Rights

U.S. Department of Education

Cesar E. Chavez Memorial Building

1244 Speer Boulevard, Suite 310

Denver, CO 80204-3582

Telephone: 303-844-5695

FAX: 303-844-4303; TDD: 800-877-8339

Email: OCR.Denver@ed.gov

Summer 2025 Update

- » On June 23, 2025, the FBI updated the National Incident-Based Reporting System (NIBRS) User Manual to replace the term “Fondling” with “Criminal Sexual Contact,” and created a more expansive definition of what constitutes the latter.
 - These definitions are used in Clery/VAWA, which were adopted in the 2020 Title IX Regulations.
 - FBI’s update functionally updated Title IX policies to replace “Fondling” with “Criminal Sexual Contact.”
 - The definition is more expansive, prohibiting “sexual degradation” and “sexual humiliation” in addition to “sexual gratification.” It also expands what touching qualifies as a violation from “private body parts” to just “body parts” and adds clarity that prohibited touching can involve either a clothed or unclothed body part.

Trending News

» DOE investigations re: Title IX

- July 1, 2025: Resolution agreement with University of Pennsylvania
- July 30, 2025: DOE and Brown University agreement
- August 1, 2025: Resolution agreement with Wagner College

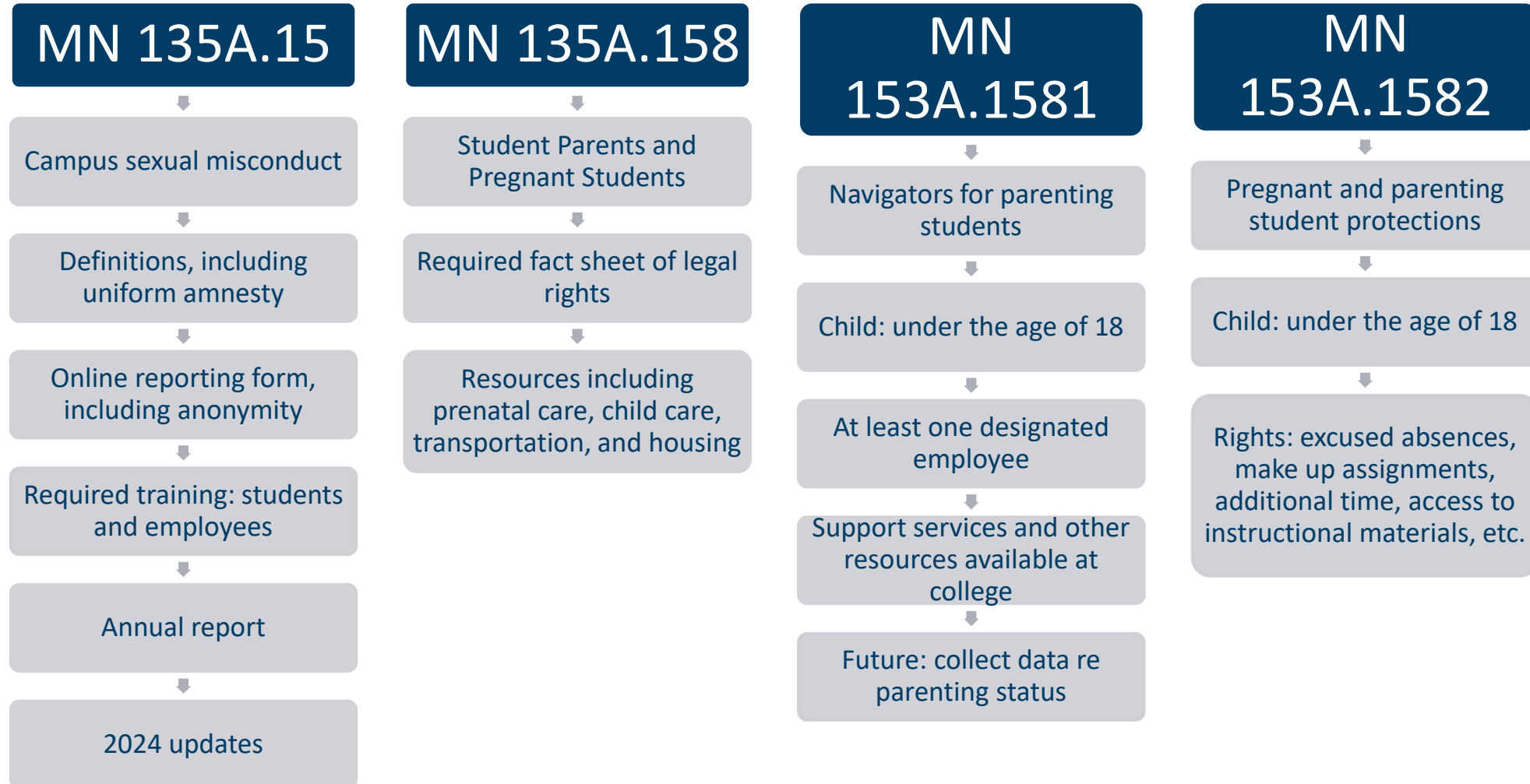
» Other investigations

- Section 504 and ADA Title II: process for requesting accommodations, training employees, retaliation
- Title VI (race, color, national origin, including shared ancestry or ethnic characteristics): deliberate indifference to complaints

Trending News, continued

- » Myers et al. v Stephen F. Austin State University (Univ of TX system)
 - 6 plaintiffs argue cutting 3 women's varsity sports is violation of Title IX
 - University rebuttal: economic only decision; cited *Loper Bright* decision renders moot DOE 3-part test
 - Judge: *Loper Bright* can't be applied; cited *Kisor v. Wilkie*, federal agencies retain 'leeway to interpret regulatory language'; DOE's interpretation of Title IX regulations remains
 - STA must reinstate cut programs
 - Pending appeal

Adjacent State Statues



Minnesota State

Board Policy 1B.1

- Protected classes
- Discrimination, harassment, sexual harassment, & retaliation

Board Policy 1B.3

- Sexual misconduct
 - Title IX sexual harassment + VAWA crimes
 - Sexual exploitation
- Retaliation

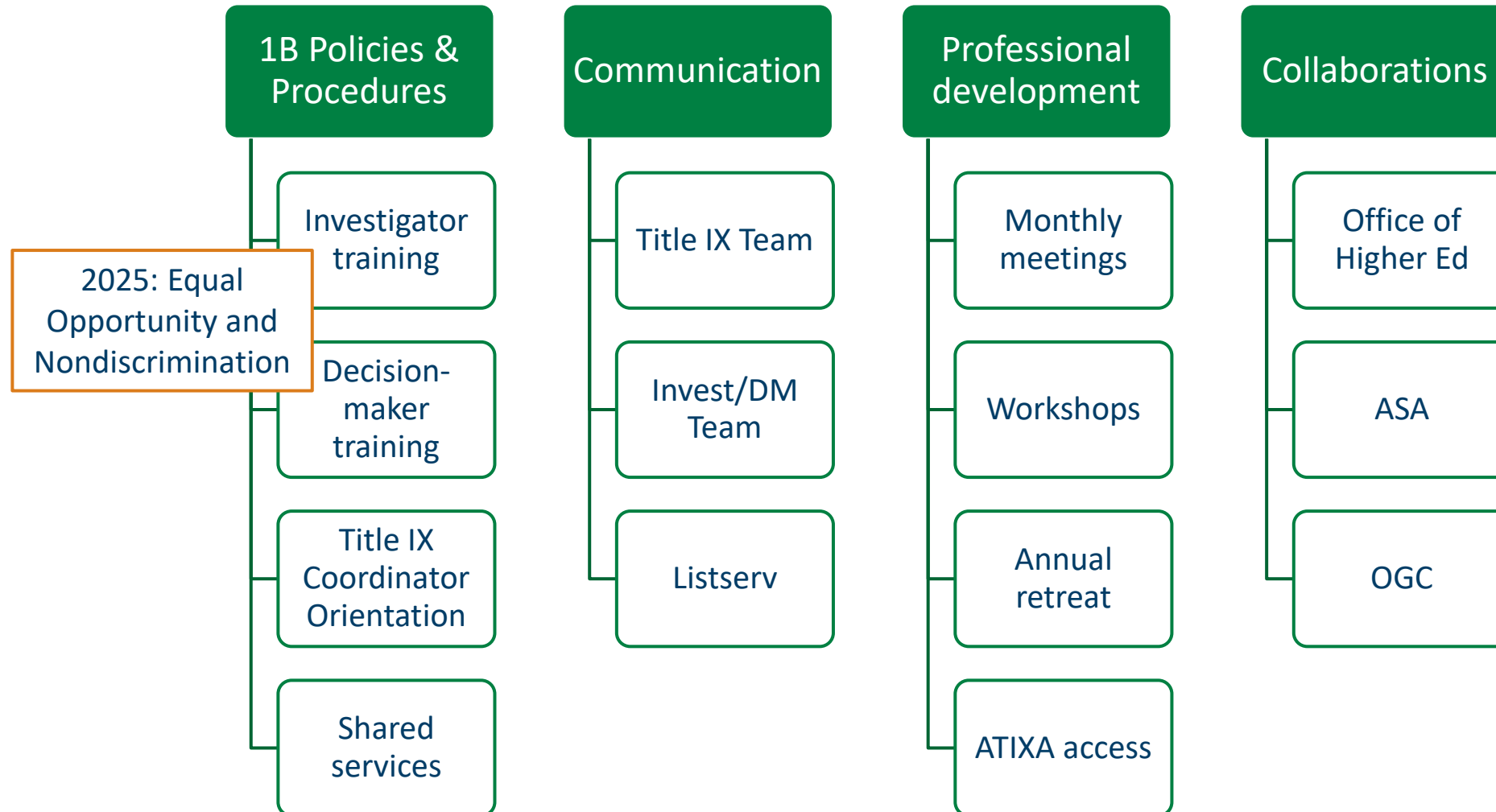
System Procedure 1B.1.1

- Designated Officer
- Investigator
 - Investigation
- Decision-maker
 - Decision
 - Appeal

System Procedure 1B.3.1

- Jurisdiction: Title IX
- Informal resolution
- Investigation + Formal Hearing

System Office Provisions



Thank you.



MINNESOTA STATE

30 East 7th Street, Suite 350
St. Paul, MN 55101-7804

651-201-1800
888-667-2848

MinnState.edu

This document is available in alternative formats to individuals with disabilities. To request an alternate format, contact Human Resources at 651-201-1664.
Individuals with hearing or speech disabilities may contact us via their preferred Telecommunications Relay Service.
Minnesota State is an affirmative action, equal opportunity employer and educator.