



Protecting Minors on Campus From Sexual Misconduct

II. Title IX Issues

Sexual misconduct against minors, whether perpetrated by college employees, volunteers, contractors, or students, is a form of discrimination covered by Title IX, the federal statute prohibiting discrimination on the basis of sex at educational institutions receiving federal funds. Title IX requires that institutions implement a nondiscrimination policy and select a Title IX coordinator and investigator. By meeting the following requirements, an institution is taking important steps toward effectively preventing and responding to sexual misconduct. Please see the [Resources](#) sections for more information about an institution's Title IX responsibilities.

A. Nondiscrimination Policy	Yes/No/Not Applicable	Further Steps
1. Does your institution have a written policy that:		
<ul style="list-style-type: none"> ■ States that the institution does not discriminate on the basis of sex in its programs? 		
<ul style="list-style-type: none"> ■ Establishes that sexual assault includes sexual misconduct involving minors and that each is a type of sex discrimination? 		
<ul style="list-style-type: none"> ■ Defines sexual misconduct, sexual assault, and sexual harassment? 		
<ul style="list-style-type: none"> ■ Includes examples of conduct prohibited by the policy? 		
<ul style="list-style-type: none"> ■ States that questions about Title IX can be directed to the Title IX coordinator or to the U.S. Department of Education's Office for Civil Rights? 		
<ul style="list-style-type: none"> ■ Includes the Title IX coordinator's name or title, office address, telephone number, and email address? 		
<ul style="list-style-type: none"> ■ Applies to sexual assault or sexual misconduct involving minors that occurs outside a school program, if the conduct negatively affects a victim's school experience or the overall school environment? 		

B. Nondiscrimination Policy (continued)	Yes/No/Not Applicable	Further Steps
2. Is the written policy disseminated to:		
■ Students?		
■ Administrators, faculty, and other employees?		
■ Applicants for admission?		
■ Applicants for employment?		
3. Is your institution's policy available:		
■ On the school website?		
■ In hard copy at multiple campus locations?		
■ In both printed and electronic publications, including student handbooks, codes of conduct, and catalogs?		
C. Title IX Coordinator	Yes/No/Not Applicable	Further Steps
4. Has your college designated at least one Title IX coordinator?		
5. If you have designated multiple Title IX coordinators, do you make clear that one person is the senior coordinator and the others have deputy or supporting roles?		
6. Have you ensured that your Title IX coordinator's regular job duties do not create a conflict of interest (for example, individuals who decide student or employee discipline cases may have a conflict)?		
7. Does your Title IX coordinator(s) have training in, or experience with:		
■ Warning signs of sexual misconduct, including strategies used by perpetrators and behaviors exhibited by child victims?		
■ Your institution's child protection policies?		
■ Federal and state child protection-related laws such as mandatory reporting laws?		
■ Federal and state nondiscrimination laws?		
■ Your institution's nondiscrimination policy?		
8. Does your Title IX coordinator:		
■ Investigate or oversee the investigation of all incidents of alleged sexual misconduct or other inappropriate behavior involving minors?		
■ Ensure that consistent standards and practices apply to all such investigations?		
■ Identify and address patterns or systemic problems?		
■ Make it clear that he or she is available to meet with those who believe sexual misconduct or other inappropriate behavior involving a minor has occurred?		
■ Assist campus security or law enforcement as needed?		

D. Title IX Coordinator (continued)	Yes/No/Not Applicable	Further Steps
<ul style="list-style-type: none"> ■ Review or oversee college activities involving minors to ensure compliance with institution policies? 		
<ul style="list-style-type: none"> ■ Keep a confidential log of complaints to help identify students, employees, contractors, or volunteers who are the subject of multiple complaints of sexual assault or misconduct? 		
E. Investigators	Yes/No/Not Applicable	Further Steps
9. Has your institution selected at least one individual to investigate every complaint or reasonable suspicion of sexual misconduct involving minors?		
10. If an investigator is not available or has a conflict of interest, can your institution arrange for an alternate investigator?		
11. To ensure that your institution has selected and trained the most appropriate individuals to conduct investigations, are your investigators:		
<ul style="list-style-type: none"> ■ Fair, trusted, and independent? 		
<ul style="list-style-type: none"> ■ Objective, with no stake in the outcome of the investigation? 		
<ul style="list-style-type: none"> ■ Impartial, with no supervisory authority over any party? 		
<ul style="list-style-type: none"> ■ Trained or experienced in investigating allegations of sexual misconduct involving minors? 		
<ul style="list-style-type: none"> ■ Knowledgeable about state and federal nondiscrimination and child protection laws? 		
<ul style="list-style-type: none"> ■ Knowledgeable about the institution's child protection and nondiscrimination policies? 		
<ul style="list-style-type: none"> ■ Able to discuss difficult topics such as sexual practices and intimate physical details without awkwardness and with compassion? 		
<ul style="list-style-type: none"> ■ Knowledgeable about services and resources available to individuals affected by sexual assault or misconduct? 		
<ul style="list-style-type: none"> ■ A strong interviewer? 		
<ul style="list-style-type: none"> ■ Able to communicate well with all types of minors and all levels of employees? 		
<ul style="list-style-type: none"> ■ Prepared to respect the rights under collective bargaining agreements of unionized employees who are parties or witnesses? 		
<ul style="list-style-type: none"> ■ Able to testify competently and hold up in the witness chair? 		
<ul style="list-style-type: none"> ■ Able to fairly investigate allegations against prominent individuals, such as a well-known employee or a beloved volunteer? 		

Resources

Title IX Resources

- **UE's Title IX Advisory Series, 2011.**

www.ue.org/Learn/TitleIXAdvisory.aspx

The advisory series addresses the issues covered by OCR's "Dear Colleague" letter (DCL), including FAQs about the DCL, requirements for Title IX coordinators, revising nondiscrimination policies and grievance procedures, responding to complaints and conducting investigations, conducting hearings in sexual assault and harassment cases, and required training and prevention measures.

- **"Checklist for Complying With OCR's 'Dear Colleague' Letter on Student Sexual Assault and Harassment." From the UE Toolbox, 2011.**

www.ue.org/Libraries/Shared_RML/Title_IX_Advisory_Checklist_for_Complying_With_OCR_s_Dear_Colleague_Letter.sflb.ashx

This publication covers the topics that educational institutions should address when reviewing and revising their policies and practices on student sexual assault and harassment. Many items covered are specifically discussed in the DCL, while some are practices recommended by UE.

Sample Policy

- **Sexual Misconduct Policy**

Dickinson College

www.dickinson.edu/student-life/resources/Dickinson-College-Sexual-Misconduct-Policy/

This policy has a thorough definitions section that clarifies several terms including sexual misconduct, sexual harassment, sexual assault, sexual coercion, sexual exploitation, and stalking.



Next in the Series

III. Reporting and Addressing Suspected Misconduct *(Coming soon)*

- A. Covering the "Who, What, Where, and When" of Reporting Misconduct
- B. Addressing Reports

Education's Own Insurance Company

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