

Title IX/Title IV Compliance Laws

Policies and Procedures: Staff-Faculty Training 2020-21

Magdalen Mission and Purpose

Magdalen College of the Liberal Arts seeks to serve her students, their families, the Church, and society by providing a premier Catholic, Great Books, liberal arts education that is faithful to the magisterium and rooted in a vibrant liturgical and sacramental culture, calling all within her collegiate community to a life of intellectual excellence, service, and faithful discipleship.

What is Title IX?

Title IX of the Education Amendments of 1972 (20 U.S.C. §1681) prohibits sex discrimination of students and employees of educational institutions that receive federal financial assistance. Title IX applies to every aspect of federally funded education programs. In compliance with Title IX, Magdalen College of the Liberal Arts prohibits sex discrimination in all programs, activities and employment.

- *"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." 20 U.S.C. §1681*

What is the Campus SaVE Act?

The Campus SaVE Act is an update to the Clery Act, expanding the scope of this legislation in terms of reporting, response, and prevention education requirements around rape, acquaintance rape, domestic violence, dating violence, sexual assault, and stalking.

What is VAWA?

The Violence Against Women Act (VAWA) is the cornerstone of our nation's response to domestic and sexual violence. A bipartisan bill to reauthorize VAWA (S. 47) passed in the Senate on February 12, 2013 ([78-22](#)) and in the House of Representatives on February 28, 2013 ([286-138](#)). President Obama signed the bill into law on March 7, 2013.

The Scope of Title IX

- The scope of Title IX is primarily to ensure the safety of students and the preservation of a hostile-free environment; thus it is important to note that for Title IX purposes, any and all allegations must be investigated. The standard of proof required to issue a sanction regarding a Title IX grievance is a *clear and convincing standard*, i.e., probable that the action did in fact take place. To require a clear and certain standard of proof for issuing such a sanction is a violation of Title IX.
- Protection under federal and state laws do not grant protection from sanctions for Title IX grievances. A perpetrator's actions which do not violate federal or state law are still subject to sanctions by Magdalen College of the Liberal Arts under Title IX.
- In the event of a Title IX grievance which violates federal or state law, Magdalen College of the Liberal Arts is still required to conduct its own investigation and issue sanctions independent of local and federal law enforcement's investigation.

The areas included in the College's Title IX responsibilities

- Events which occur off campus may affect a student's ability to participate in his/her academic pursuits and may create a hostile environment. As such, under Title IX Magdalen College of the Liberal Arts is responsible for addressing all Title IX grievances which may occur while a student is under the care of the college, including those which occur off of college property and which include people not affiliated in any way with the school.

Related College Policies

- Non-Discrimination
- Harassment and Hazing
- Domestic-Dating Violence and Stalking
- Sexual Misconduct
- College Grievance Procedures
- Non-Retaliation Statement

Reporting a Grievance

- In any case of harassment or misconduct, students, staff, faculty and other members of the College community can seek help and report a grievance through the **Title IX coordinator**, or any other employee which the student, staff or faculty member may reasonably believe to have care or authority over the community.
- The Title IX coordinator has a responsibility to coordinate the recipient's efforts to comply with its obligations under Title IX and the Title IX regulations. These responsibilities include coordinating any investigations of complaints received pursuant to Title IX and the implementing regulations.
- Magdalen College of the Liberal Arts' Title IX Coordinator:
 - *Dean of Students, Ms. Mazel Belt*
- Other persons responsible for responding to reports of discrimination, harassment, violence, etc. include:
 - *Director of Human Resources, Daniel Peterson*
 - *Dean of Men, Mr. Samuel Fusini*

Incidents of Student Grievances

- “Responsible Employees” are employees whom a student may reasonably believe to have care and authority to address or report a Title IX grievance. Responsible employees are responsible for reporting all Title IX grievances to the Title IX coordinator.
- ***College employees are required to report all student Title IX/VAWA grievances to the Title IX coordinator***
- When a student confides in a staff/faculty member that a grievance has been committed to themselves, other student(s) or guests of the College, the staff/faculty member should:
 - Never promise confidentiality
 - Recommend immediate medical attention
 - Contact Title IX coordinator immediately

Immediate Response to Grievance

- ***Go to a safe place.***
- ***Call the Dean On-Call*** (603-731-2782) or the Warner, NH Police Department (603-456-3433)
- ***In the case of an emergency call 911***, even if they do not want to press charges. They will be assisted in getting immediate and critical medical attention.
- ***Encourage them to talk to someone they trust*** — a relative, a resident assistant, a residence hall director, a priest, a tutor, a good friend,— for help and support

Immediate Response to Grievance

- ***Collect evidence of the grievance.*** Take pictures of evidence and write down details of the events. In the case of sexual assault, do not shower or douche. While at the hospital, a victim will be checked for physical injuries, and evidence will be collected in case he/she decides to press charges. Going to the hospital does not mean that they will need to press charges. That can be decided later.
- ***Explore legal avenues for criminal and/or civil action*** as well as utilizing on- campus reporting procedures, including the College's disciplinary system.
- ***Seek counseling services*** – resources on mental and physical health facilities can be found through the Office of Student Life

College Grievance Procedures

- All Title IX grievances are investigated by the Conduct Grievance Board, consisting of the Title IX coordinator and two appointed members of the staff and/or faculty. Magdalen College of the Liberal Arts is responsible for completing investigations and issuing any necessary sanctions within a reasonable time of the initial report, i.e., within sixty (60) days.
- Please refer to the Title IX Policies and Procedures document for additional, in-depth descriptions of the procedures followed by the Conduct Grievance Board.

Retaliation

- Magdalen College of the Liberal Arts does not tolerate and protects its students from any retaliation (either from alleged perpetrators or others) aimed at Title IX complainants. Counter allegations are dealt with individually as a separate case, and do not alter the investigation of the initial complaint.
- Retaliation against an employee or student who complains in good faith about sexual harassment in accordance with the reporting grievances policy is a violation of college policy, and is prohibited by law. If a student, faculty, or staff member believes that he/she has been subjected to retaliation, he/she should report the incident in accordance with the Reporting Procedure contained in the Title IX Policies and Procedures document.

Bystander Intervention

- If you suspect that someone is being harassed, abused or discriminated against, don't ignore it.
- Bystanders can take positive, safe steps to intervene for others by:
 - Asking the person being harassed if they want to talk or need help
 - Expressing observations and concerns to Title IX Coordinator and/or your supervisor

Additional Resources

- For additional resources on Title IX and VAWA related issues, please see the following:
 - **NH Sexual Assault 24-hour Hotline** at (1-800-277-5570)
 - **NH Domestic Violence 24-hour Hotline** (1-866-644-3574)
 - **Residence Life Director – On-Call** (603) 731-2782
 - Magdalen Website
 - Ask a student life dean or stop by the Office of Student Life