

## Title IX Compliance Audit Webinar – December 7, 2016 Questions and Answers

- 1) So these are all sections of Title IX right?  
This presentation and the focus of my audit related to the section of Title IX specific to sex discrimination which has been interpreted to apply to sexual harassment and assault on college campuses. There are other sections of Title IX which my presentation did not cover.
- 2) Are there any best practices for to whom the Title IX coordinator should report?  
Not that I am aware of.
- 3) Did you identify any additional regulations specific to children that might be involved?  
If you are referring to minors on campus, no, but this was not an area of focus during my audit.
- 4) Did you look at training for high level administration and other employees on campus?  
I looked at training for various groups of employees on campus including Dean's (i.e., high level administration). I based my assessment on those employees that I believe could be in a situation where a Title IX allegation might be brought to their attention (making them a "responsible employee.") The training template provided with the presentation materials summarizes the key stakeholders for whom I evaluated the adequacy of the training provided.
- 5) Do you believe Title IX training should be different for different groups/ employees?  
Although I think generally the content should be the same for training the different categories of stakeholders on campus (students, higher level administrators, faculty, staff, etc.), I think that it is reasonable to expect that the presentation of this information would be tailored to the specific group receiving the training.
- 6) Do you think Title IX is relevant to Universities without athletics?  
Title IX is absolutely relevant to universities without athletics as the new focus is on sexual harassment and assault on campus which is not specific to students who participate in athletic activities.
- 7) Have you seen any guidance on how many Title IX investigators an institution should have?  
I have not.
- 8) How receptive was faculty to training?  
Within the scope of my audit, I did not evaluate whether faculty were receptive to the training, only that the training content was adequate, and that there was a process in place to ensure that all relevant stakeholders received training. This is an area that we are continuing to improve upon to ensure that all faculty and staff receive training annually. We have moved to an online training program so that we can better track faculty and staff participation.

- 9) How was Title IX identified as an area to audit at your university?  
Compliance with Federal and State regulations has been assessed as a high risk for our university, so we generally perform a couple of compliance audits each year. We work with our AVP of Compliance and Ethics and stay abreast of “hot topics” when determining which compliance audits to incorporate into our annual audit plan. Title IX has been a “hot topic” for the last couple of years.
- 10) Is it required to have a confidential hotline?  
I do not believe that it is required (but I would check with your legal counsel). However, it is recommended in the guidance. The Checklist for Campus Sexual Misconduct Policies, states that a university’s policy should explain the process for “third-party and anonymous reporting.”
- 11) Thoughts on the frequency of climate surveys, for institutions that may conduct surveys, but not annually (bi-annual or other).  
According to the guidance the intent of a climate survey is to assess the adequacy of a university’s Title IX policies and procedures (i.e., are they effective) and they should be performed annually. If a university decides to perform them less frequently than annually then I think that the rationale should be documented (i.e., prior climate survey results confirm effectiveness of current Title IX policies and procedures, stability of your Title IX policies and procedures, minimal faculty and staff turnover, comprehensive training, etc.).
- 12) Title IX fully protects same-sex misconduct also, correct?  
Yes
- 13) With regard to individual Title IX investigations, do you have any guidance on aspects of the investigations that may be auditable (other than the 60 day reasonableness criteria)?  
Adequacy of the training of investigators; Adequacy of the process to monitor complaints and assess whether investigators adequately classified investigation as a Title IX complaint (i.e., review processes in place of investigation reports); Adequacy of procedures in place to ensure Title IX cases treated consistently and equitably (i.e., review procedures in place to ensure similar cases treated consistently).
- 14) How long did your audit take?  
About 250 hours but it was a combined Title IX /Clery Act Compliance Audit.
- 15) What were some of your major findings?  
I am not comfortable sharing the details of my findings, but overall although I felt our university’s Title IX policies and procedures were comprehensive, I recommended that a central repository be created with all Title IX information, to improve the accessibility of this information by all RIT stakeholders. We now have a Title IX specific website which is well organized and makes it much easier for our students, faculty and staff to access this information. Also, as noted above, I felt that there were opportunities to further improve the process to ensure that all relevant stakeholders receive Title IX training annually.

16) Is there any guidance regarding whether or not campus police departments should be responsible for Clery Act reporting (annual security report)?

Not that I am aware of.

17) Is there any guidance regarding specific roles that should not be combined with the Title IX coordinator role? (in the event that the Title IX coordinator duties are included in another position.)

The 2011 Dear Colleague Letter states, “The Title IX coordinators should not have other job responsibilities that may create a conflict of interest. For example, serving as the Title IX coordinator and a disciplinary hearing board member or general counsel may create a conflict of interest.”