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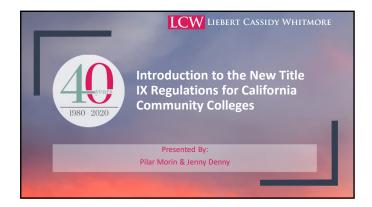
LIEBERT CASSIDY WHITMORE

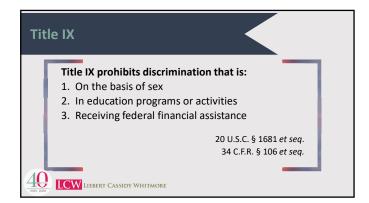
Introduction to the New Title IX Regulations for California Community Colleges

6/10/2020

Presented by:

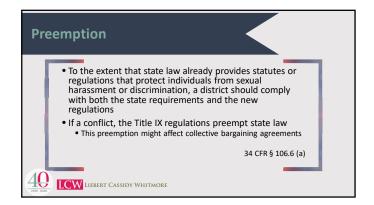
Pilar Morin & Jenny Denny

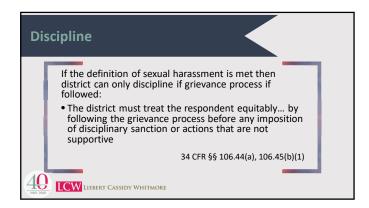






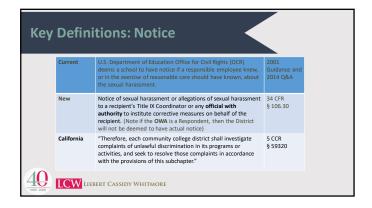


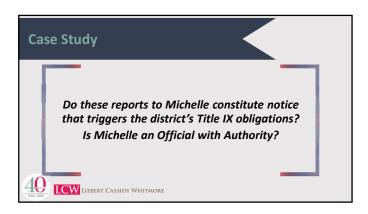




Ove	erall R	equirement	
	Current	Upon notice of sexual harassment or sexual violence: Take prompt and effective action. To end the misconduct. To prevent its recurrence. To remedy its effects.	2001 Guidance 34 CFR § 106.8(b)
	New	A recipient with <i>actual knowledge</i> of sexual harassment in an education program or activity of the recipient against a person <i>in the United States</i> , must respond in a manner that is not deliberately indifferent.	34 CFR § 106.44(a)
	California	CCDs must ensure its programs and activities are available to all persons without regard to sex or gender, sexual orientation, etc. CCDs must investigate a properly filled complaint. [section 59334] CCDs must seek to resolve those complaints in accordance with the provisions of [sections 59300 et seq.].	Title 5, California Code of Regulations (CCR) § 59320
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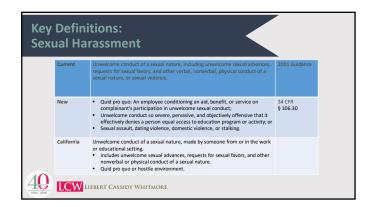


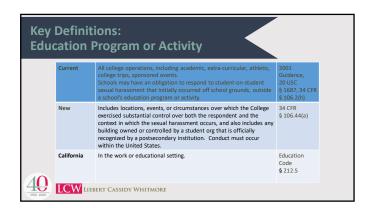




		itions: ple Employees	
	Current	A responsible employee: • has the authority to take action to redress sexual violence; • has been given the duty of reporting incidents of sexual violence or any other misconduct. • Is someone a student could reasonably believe has this authority or duty to address complaint.	2001 Guidance and 2014 Q&A
	New	No "responsible employee," but recipients must have trained Title IX Coordinator. (Note, you may still use this term, and designate these employees but the District will be deemed to have actual notice only if Officials with Authority has knowledge)	34 CFR § 106.8
	California	No "responsible employee," but a district must identify a single person as the district officer responsible for receiving unlawful discrimination complaints. Note: Nothing prohibits a district from identifying employees as "responsible employees."	5 CCR § 59324
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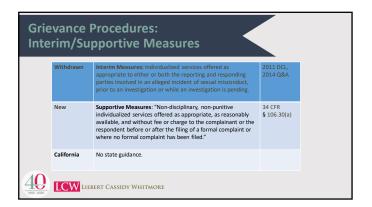


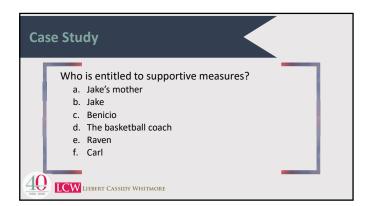






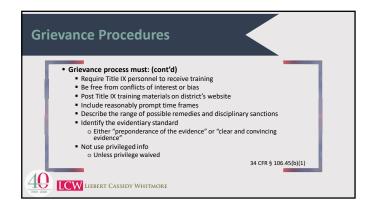






Grievance Procedures	
Grievance process must:	
 Provide remedies on finding of Title IX violation 	
 Presume the respondent is not responsible for a Title IX violation Only on a finding that Respondent violated Title IX; 	
 Require an objective evaluation of all relevant evidence 	
 Avoid credibility determinations based on a person's status as a complainant, respondent, or witness 	
o No "Complainants never lie" or "Respondents never tell the truth	
34 CFR § 106.45(b)(1)	
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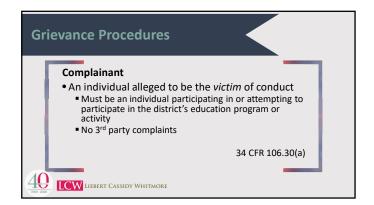


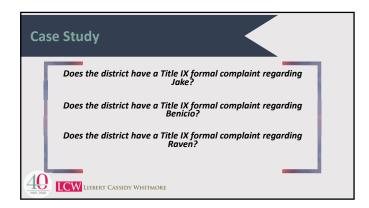


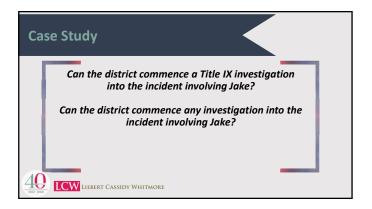
Grie	evance	Procedures: Triggers	
	Current	When a College knows or should know of possible sexual violence, it must investigate or determine what occurred.	2001 Guidance and 2014 Q&A
	New	A recipient must follow procedures consistent with section 106.45 in response to a formal complaint .	34 CFR § 106.44(b)(1)
	California	If a district receives charges of unlawful discrimination, it is required to assess the complaint, and a formal complaint triggers a district investigation under Section 59334.	5 CCR §§ 59327-59328
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Gri	sevance Procedures
	Formal Complaint
	 Document filed by the complainant OR Signed by the Title IX Coordinator
	Alleging sexual harassment AND requesting investigation
	34 CFR §106.30(a)
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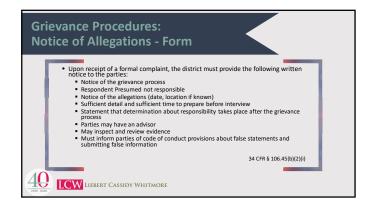


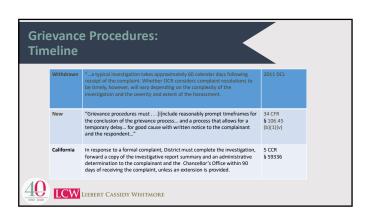


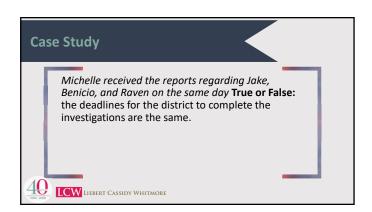




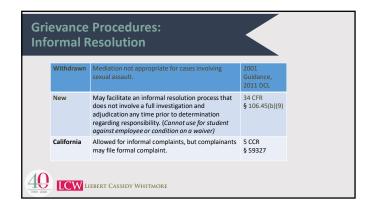


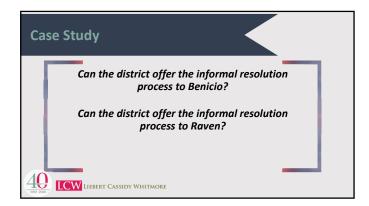


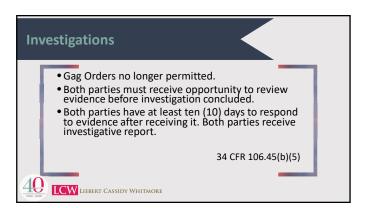




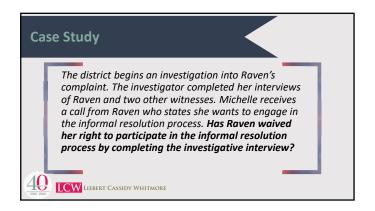


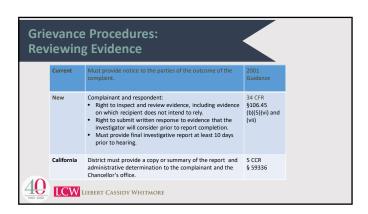




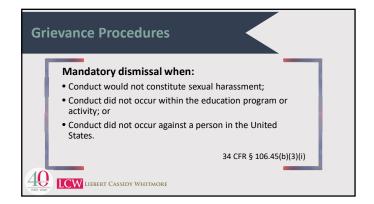


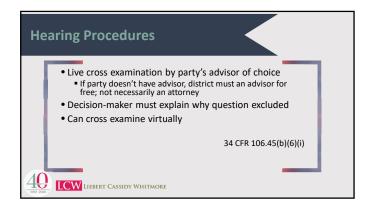


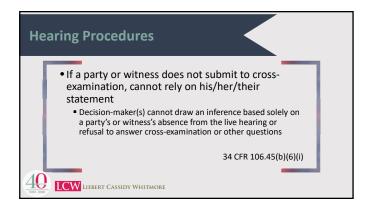




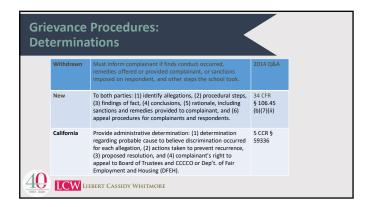
Cas	se Study
	The district's investigators are nearing completion of their investigations into Jake's and Benicio's complaints. True or False: Because their complaints involve the same Respondent, the district should allow Jake, Benicio, and the basketball coach to review the evidence prior to finalizing the investigative report.
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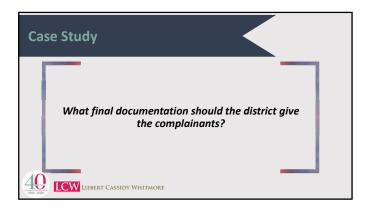


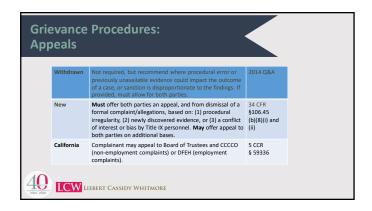




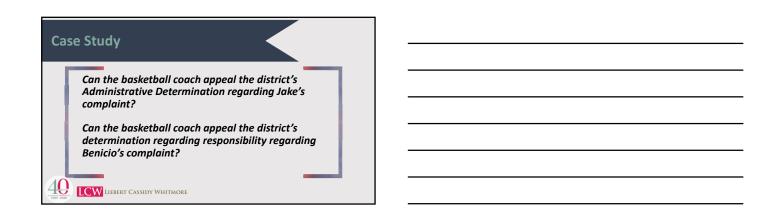


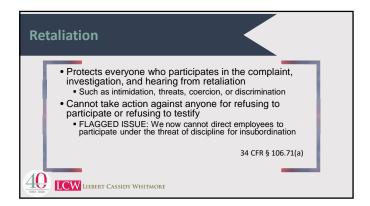








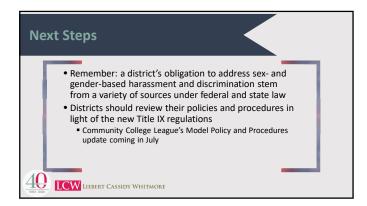
















-	Thank You!		
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