Title IX of the Educational Amendments of 1972

Provides that “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 educational program or activity receiving Federal financial assistance

Law and its regulations apply to all public and private institutions of higher education that receive federal funding
• Texas Southern University as a public state of Texas institution of higher education which receives federal funds must comply with the Title IX

• Policy of TSU not to discriminate on the basis of sex in its educational programs and activities

• Title IX is administered by the U. S. Department of Education – Office for Civil Rights (OCR)
• April 2011 OCR issued a “Dear Colleague Letter” regarding Title IX

• Assist Universities, colleges, school districts in meeting their obligations under Title IX

• Since issuance of Letter, a number of universities have revised their Title IX policies and procedures to bring them into compliance with the guidance provided by OCR in the Dear Colleague Letter
In November 2011 TSU entered into an agreement with OCR which provided for the updating of the University’s Title IX policies and procedures.

June 2012 TSU’s Board of Regents adopted the revised TSU Title IX Grievance Procedure – Policy 02.05.09 of the University’s Manual of Administrative Policies and Procedures (MAPP).

Copy of the newly adopted Title IX Grievance Procedure was distributed to all TSU faculty, staff and students in June 2012.
In addition to adopting and distributing the updated Title IX Grievance Procedure

TSU agreed to schedule information meetings with faculty and staff

Make certain faculty/staff are aware of the Procedure and its requirements
• Grievance Procedure confirms that it is the policy of the University not to discriminate on the basis of sex in its educational programs and activities

• Procedure prohibitions against sex discrimination apply to all University faculty, staff, students, contractors, vendors and visitors

• Sex discrimination – conduct directed at a specific individual or group of identifiable individuals that adversely affects the education or employment of the individual or group because of sex - sex discrimination includes allegations of “sexual harassment” and “sexual assault”
• Sexual harassment - form of sex discrimination: can occur when there are unwanted sexual advances; requests for sexual favors – may be accompanied by promises or threats relating to the employment or academic relationship; verbal or physical contact of a sexual nature; sexually suggestive jokes, offensive comments

• Sexual assault – non-consensual act involving psychological manipulation, physical force and coercion – sexual penetration or touching; is a criminal act under Texas law

• More detailed definitions in Title IX Grievance Procedures which were distributed to the campus community
• University’s Title IX Coordinator and Deputy Coordinators – are primarily responsible for Title IX compliance, which include receiving and investigating complaints alleging sex discrimination

• TSU Title IX Coordinator – Ms. Keisha David, Associate Director, Employee Relations and Compliance – Human Resources Office

• Deputy Coordinator – Ms. Sanya Sinclair, Human Resources Generalist
- Sex discrimination, sex harassment and sex assault complaints against TSU faculty, staff, visitors or contractors should be filed with Ms. David or Ms. Sinclair

- Sex discrimination, sex harassment and sex assault complaints against TSU students should be filed with Deputy Title IX Coordinators – Ms. Corliss Rabb – Director of Judicial Affairs, or Mr. William Thomas – Associate Dean of Students

- Dr. Dwalah Fisher – Senior Women’s Administrator, is a Deputy Title IX Coordinator in Athletics– complaints alleging sex discrimination against an Athletic coach, administrator or student should be filed with Dr. Fisher
While TSU’s Title IX Coordinators have specific areas of responsibility regarding complaints, complaints can be filed with any Coordinator/Deputy Coordinator.

Complaints alleging sexual assault can also be filed with the University’s Department of Public Safety.

All TSU administrators, deans, department heads, supervisors and coaches are responsible for “promptly” reporting incidents of sex discrimination, sexual harassment or sexual assault to a TSU Title IX Coordinator/Deputy Coordinator.
• TSU strongly encourages any faculty member, staff member, student or visitor who has been subjected to or is aware that someone else has been subjected to sex discrimination, sex harassment or sexual assault, **to promptly report the matter to the University’s Title IX Coordinator or one of the Deputy Coordinators**

• All complaint allegations will be taken seriously and appropriately investigated in accordance with the University’s Title IX Grievance Procedures.
• Procedures provide that complaints must be filed within 180 days of the incident (or last series of incident) that is the basis of the complaint.

• Even if beyond period, you are encouraged to report the incident - University will respond pursuant to its obligations under Title IX.

• Complaints will be handled in a “confidential manner to the extent possible.”
At the conclusion of the investigation, faculty, staff or students who are determined to have violated University policy by engaging in sex discrimination, sex harassment or sexual assault will be disciplined.

- Discipline may include reprimands, suspensions, termination of employees, and expulsion of students.

- Title IX Grievance Procedures prohibit retaliation against any person who files a complaint, participates as a witness, or asserts their civil rights in any other way.
While University policy prohibits sex discrimination and sexual harassment, University’s Board has also adopted a related policy regarding “Consensual Relationships” – MAPP Policy 02.05.10

Consensual relationship is defined as a “mutually acceptable romantic, or sexual relationship”

Policy strongly discourages consensual relationships between faculty/staff members and subordinate employees, student employees or students

Relationships have potential to create conflicts of interest or appearances of impropriety; may impair integrity of academic and employment decisions
• Faculty/staff member who is involved in this type of relationship with a subordinate employee or student, must promptly inform their department head/immediate supervisor of the relationship.

• Notice will allow supervisor/department head to assess situation, determine whether there is a need to alter the conditions that create the potential conflict of interest – remove a student from the class; assign a new faculty advisor; change the subordinate employee’s reporting relationship.

• If the relationship is not properly reported and the subordinate party complains of sexual harassment, there will be no presumption during the investigation that relationship was consensual.
While TSU’s Title IX Grievance Procedures focus on sex discrimination, sexual harassment and sexual assault complaints, if you believe that you have been discriminated against on the basis of race, age, disability, sexual orientation or any other factor prohibited by law or University policy, contact the University’s Title IX Coordinator or one of the Deputy Coordinators.

Complaints will be taken seriously and appropriately investigated.
Questions

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