

CHEI Title IX Policy

Introduction

Title IX applies to education programs or activities that receive federal financial assistance and specifically prohibits discrimination on the basis of sex, including sexual harassment. On May 6th of 2020, the U.S. Department of Education published its final regulations regarding sexual harassment under Title IX of the Education Amendments of 1972. The final regulations became effective on August 14, 2020. Community HigherEd has updated all material relating to Title IX that comply with all Department of Education mandates for faculty, staff and students.

Title IX Definition

Title IX of the Education Amendments of 1972 (Title IX) prohibits discrimination based on sex in education programs and activities in federally funded schools at all levels. Title IX protects students, employees, applicants for admission and employment, and other persons from all forms of sex discrimination, including discrimination based on gender identity or failure to conform to stereotypical notions of masculinity or femininity. All students are protected by Title IX regardless of their sex, sexual orientation, gender identity, part-or full-time status, disability, race, or national origin—in all aspects of a recipient’s educational programs and activities.

Sexual Harassment is defined as any unwelcome conduct that a reasonable person would find so severe, pervasive and objectively offensive that it denies a person equal educational access. Key provisions of the Title IX regulations include sexual assault, dating violence, domestic violence, and stalking as unlawful discrimination on the basis of sex. Colleges and universities are required to develop procedures to respond to claims of sexual harassment, by developing training programs for faculty and staff as well as educational programs for students. CHEI requires all employees to complete a Title IX course upon hire and provides annual training opportunities thereafter.

New Rule Changes

The new Title IX regulations direct how education institutions must address incidents of sexual assault and harassment involving both students and employees. Some key changes include the following:

- Actual Knowledge – Schools are not obligated to take action unless they receive actual knowledge of allegations of sexual harassment.
- Jurisdiction – Schools are only responsible for addressing sexual harassment that occurs under an education program or activity.
- Standard of Proof – Schools can choose the burden of proof for Title IX adjudications: the lower burden of “preponderance of the evidence”, or the higher burden of proof, “clear and convincing.”
- Live Hearing - Institutions of higher education must provide for live hearings for formal complaints of sexual harassment.
- Cross-Examination – Cross examination at a live hearing must be conducted directly, orally, and in real time by the party's advisor and never by a party personally.

- Single-Investigator Model - The investigator cannot be the same person who determines whether the respondent is guilty.
- Students' Rights - The investigator must provide all parties an equal opportunity to examine all evidence gathered during the investigation that is directly related to the allegations. A copy of the investigative report must be given to the parties at least ten days prior to the hearing.
- Respondent's Right - Schools must tell respondents in writing they are presumed innocent until determined to be guilty.
- Informal Resolution - Schools can offer informal resolution options, such as mediation, to the parties, but both parties must give voluntary, informed, written consent.
- Recordkeeping Requirements - Schools must maintain Title IX records for seven years.

Colleges and universities are required to develop procedures to respond to claims of sexual harassment, by developing training programs for faculty and staff as well as educational programs for students. CHEI has implemented the required training recommendations and has updated websites, policies, training materials, employee orientation, webinars, MCC courses, PowerPoint training videos and other sources to insure all employees and students are aware of these updates and have access to needed resources related to Title IX violations.

Clery Act

The Clery Act is a consumer protection law that aims to provide transparency around any campus crime policy and statistics. The Clery Act and the updated Violence against Women’s Reauthorization Act includes all forms of sexual assault and violence, therefore we have added these sections to the newly updated Title IX Policy.

Violence against Women Reauthorization Act (VAWA)

The Violence against Women Reauthorization Act (VAWA) provides comprehensive protections and vital services for survivors of domestic violence, dating violence, sexual assault, and stalking. In addition, the Intimate Partner Violence Policy requires expanded reporting for incidents of sexual assault, dating violence, domestic violence, and stalking incidents that are reported to administration, Title IX Officers, or local police agencies. SaVE requires these specific areas to be disclosed on the annual campus crime statistics report, which is in the CHEI Security Report Policy, (also found on the “collegesooner” website under consumer information). The Campus SaVE Act (Campus Sexual Violence Elimination Act) amends the Clery act to include intimate partner violence. The term “intimate partner violence” is defined to mean any physical, sexual, or psychological harm against an individual by a current or former partner or spouse of the individual. It would include sexual violence, dating violence, domestic violence and stalking.

Dating Violence

The term “dating violence” means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The following factors determine the existence of such a relationship:

- The length of the relationship
- The type of relationship

- The frequency of interaction between the persons involved in the relationship

Domestic Violence

The term “domestic violence” includes felony or misdemeanor crime of violence committed by-

- A current or former spouse or intimate partner of the victim
- A person with whom the victim shares a child in common
- A person who is cohabitating with or has cohabitated with the victim as a spouse
- A person similarly situated to a spouse of the victim
- Under the domestic or family violence laws of the jurisdiction receiving grant monies or by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction

Stalking

The term “stalking” means engaging in a course of conduct directed at a specific person that would cause a reasonable person to-

- Fear for his or her safety or the safety of others; or
- Suffer substantial emotional distress

If you have any questions about the Organizations procedures for dealing with a rape, sexual assault, domestic violence, dating violence, or stalking you should consult your Instructor, Department Head, Campus Director or any Title IX Officer. Such a discussion will be strictly confidential unless you request otherwise.

All proceedings will include a prompt, fair, and impartial process from the initial investigation to the final result/outcome. The proceedings will be conducted by Administrators who are equipped to investigate issues related to dating violence, domestic violence, sexual assault, and stalking. Every effort will be conducted in a manner that protects the safety of victims and promotes accountability.

Reporting an Assault

The Organization encourages a student or employee to report any situation in which he or she believes a sexual assault occurred. This will ensure that appropriate support and resources are provided. It is also important that a sexual assault victim consider contacting Campus Administration immediately (before showering, washing clothing, etc.) so as to preserve evidence for the proof of a criminal offense. Any information regarding a sexual assault on or off the campus can be reported to the office of the President Dr. Raye Mahlberg, Human Resources Director/Title IX Investigator Brenda Knox, or Title IX Coordinator Christina Steuart.

A thorough investigation will be conducted by those who are trained to protect the safety of the victims and promote accountability. The appropriate law enforcement agencies will be involved if deemed

necessary. An incident report will be filed in the Human Resources Department. Disciplinary procedures will be determined by the President; Dr. Raye Mahlberg, after the matter has been investigated.

The accuser and the accused are entitled to the same opportunities to have others present during any disciplinary proceeding, including the opportunity to be accompanied to any related meeting or proceeding by Administration.

The accuser and the accused will be notified simultaneously in writing of the outcome of the proceeding, appeal procedures or any change to the result before it becomes final.

Any student who has been a victim of a sexual assault can be referred to a professional in the community who can provide assistance with emotional and medical health concerns or legal issues.

The Investigation Process

Title IX investigations are carried out similarly to any other. There is an informal process, where involved parties resolve their issues informally through mediation. This informal process is only appropriate in certain cases. The formal investigation process is broken down into several phases:

- Notify the involved parties
- Gather the facts
- Review and analyze the information
- Determine whether a violation has occurred
- Write the report
- Notify the involved parties of the outcome

Each phase requires time and effort, but the Title IX investigator will be prompt in initiating the investigation. CHEI will send a copy of the final report to each party at least 10 days before it is finalized to give them the opportunity to respond. If there is no appeal, and the allegations are true, the decisionmaker will determine a sanction for the perpetrator. Under the Clery Act, the Title IX office will advise victims of counseling resources, support services and the option to pass the incident on to local law enforcement.

Bystander Intervention

Bystander Intervention is a philosophy and strategy for prevention of various types of violence, including bullying, sexual harassment, sexual assault, and intimate partner violence. ***Be an intervener!***

Intervention by third parties is often the key to stopping violence and sexual assaults against anyone. Often people don't intervene because they may assume the situation isn't a problem, or feel it is none of their business. They may assume that someone else will do something, or believe that other people weren't bothered by the problem. In some cases, a person might feel their personal safety is at risk. Unfortunately, fear, complacency, the desire not to get involved in disputes of others or the lack of courage can result in tragedy.

Tips for Intervening

In a situation potentially involving sexual assault, relationship violence, or stalking:

- Approach everyone as a friend
- Do not be antagonistic
- Avoid using violence
- Be honest and direct whenever possible
- Recruit help if necessary
- Keep yourself safe
- If things get out of hand or become too serious, contact the police

Recognition of Signs of Abusive Behavior

Because relationships exist on a spectrum, it can be hard to tell when a behavior crosses the line from healthy to unhealthy or even abusive. Here are some warning signs of abuse:

- Checking your cell phone or email without permission
- Constantly putting you down
- Extreme jealousy or insecurity
- Explosive temper
- Isolating you from family or friends
- Making false accusations
- Mood swings
- Physically hurting you in any way
- Possessiveness
- Telling you what to do
- Repeatedly pressuring you to have sex

Title IX Officers Contact Information

The Organization has three Title IX Officers. The Title IX Coordinator receives the reports of sexual misconduct; the Investigator is responsible for gathering facts and interviewing parties and witnesses; and the Final Decision Maker, will determine any sanctions and remedies. The Title IX contacts for the Organization are: Christina Stueart, Accreditation Compliance Director; Brenda Knox, Human Resources Director; and Dr. Raye Mahlberg, President. Their assigned Title IX role and contact information is listed below:

- Christina Stueart, Title IX Coordinator – cstueart@communitycarecollege.edu (918) 610-0027 x 2031
- Brenda Knox, Investigator – bknox@communtiyarecollege.edu (918) 610-0027 x 2032
- Dr. Raye Mahlberg, Final Decision Maker- rmahlberg@communtiyarecollege.edu (918) 610-0027 x 2112



Training

In addition to local resources, the Title IX Coordinator along with the Campus Directors, President and HR Director will provide annual opportunities for faculty and staff training. Guest speakers from the Tulsa Police Department and other community resources may be utilized as needed to promote awareness and provide the necessary information to keep our students, staff and faculty safe. Covid-19 considerations continue to be a factor in decisions that affect any gatherings of 10 or more. At this time all meetings and in services are being held via Zoom.

Ongoing Prevention and Awareness

The College offers training, literature and other resources for all students, faculty, and staff on sexual harassment. Resources include the recommendation of services offered by the following organizations.

Local Resources

Resources include the recommendation of services offered by the following organizations.

Tulsa Police Department

Call 911 if in immediate danger – 24 hours

Oklahoma Coalition Against Domestic Violence & Sexual Assault

The Oklahoma Coalition against Domestic Violence and Sexual Assault is to organize and mobilize member programs to prevent and eliminate sexual and domestic violence and stalking in the State of Oklahoma and in Indian Country. www.ocadvsa.org

DVIS-24 hour: 918-743-5763

All services at DVIS are offered free of charge (with the exception of offenders programs) and are available in both Tulsa and Creek Counties.

Oklahoma Safeline/Oklahoma State Department of Health

Provides advocates and support to survivors of abuse as well as information on intimate Partner Violence www.ok.gov/health

The Family Safety Center: 918-742-7480

The Family Safety Center is a site in downtown Tulsa that provides a one-stop-shop to victims of interpersonal violence including domestic violence, dating violence, sexual assault, and stalking. Services are available to people of all ages and a number of offices have representatives present at the Family Safety Center.

Oklahomans for Equality (OkEq): 918-743-4297

Oklahomans for Equality (OkEq) seeks equal rights for Lesbian, Gay, Bisexual, and Transgender (LGBT) individual's and families through advocacy, education, programs, alliances, and the operation of the Dennis R. Neill Equality Center. For members of the LGBT community OkEq can provide targeted resources and support in a comforting environment.



[Mental Health Association of Oklahoma \(918\) 585-1213](#)

5330 E 31st St #1000, Tulsa, OK 74135 – Free online groups - <https://mhaok.org/>

National Resources

National Domestic Violence Hotline 800-799-7233 or TTY 800-787-3224 or CHAT at thehotline.org
741-741 (text START to be connected via chat to a professional counselor)

[Rape, Abuse & Incest National Network Hotline](#)

RAINN (Rape, Abuse & Incest National Network) is the nation’s largest anti-sexual violence organization. RAINN’s prevention and education efforts include working with Colleges and local communities to help raise awareness about issues related to sexual assault. Call 1-800-656-4673 (HOPE). www.rainn.org

[Not Alone](#)

This website provides information for students, schools, and anyone interested in finding resources on how to respond to and prevent sexual assault on college and university campuses and in our schools. www.notalone.gov

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