

EQUAL PAY
FOR
EQUAL WORK

NO
MEANS
NO

EXPLORE TITLE IX



THURGOOD MARSHALL
SCHOOL OF LAW

Recognizing gender bias, sex discrimination and sexual misconduct offenses, knowing your rights and educating our students, faculty and staff in order to conduct business in a discrimination-free environment



TSU

TEXAS SOUTHERN UNIVERSITY

Thurgood Marshall School of Law

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What is Title IX?

On June 23, 1972, the President signed Title IX of the Education Amendments of 1972, 20 U.S.C. Â§1681 et seq., into law. Title IX is a comprehensive federal law that prohibits discrimination on the basis of sex in any federally funded education program or activity.

Title IX states 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 education program or activity receiving Federal financial assistance.

The principal objective of Title IX is to avoid the use of federal money to support sex discrimination in education programs and to provide individual citizens effective protection against those practices. Title IX applies, with a few specific exceptions, to all aspects of federally funded education programs or activities. In addition to traditional educational institutions such as colleges, universities, and elementary and secondary schools, Title IX also applies to any education or training program operated by a recipient of federal financial assistance. This includes more than 16,000 local school districts, 7,000 postsecondary institutions, charter schools, for-profit schools, libraries, and museums. Also included are vocational rehabilitation agencies and education agencies of 50 states, the District of Columbia, and territories and possessions of the United States.

The Department of Education has issued regulations on the requirements of Title IX, 34 C.F.R. § 106.1 et seq. The Title IX common rule published on August 30, 2000 covers education program providers/recipients that are funded by other federal agencies.

Texas Southern University Position Statement

Texas Southern University (TSU) is a strong proponent of Title IX enforcement and in ensuring that sex discrimination and sexual violence is eradicated. Title IX is a Federal law that prohibits sex discrimination under any education program or activity receiving Federal financial assistance. In accordance with Title IX, TSU policies prohibit sex discrimination and sexual misconduct (which includes: sexual harassment, sexual assaults, dating violence, domestic violence, sexual exploitation and stalking). Please review the University Title IX Grievance Procedure (MAPP 02.05.09) and familiarize yourself with its content. A copy is appended. In addition to the MAPP, you might want to visit the TSU website at <http://hr.tsu.edu/current-employees/employee-relations-compliance/tix/>.

Statement of Thurgood Marshall School of Law Non-discrimination Policy

It is the policy of Thurgood Marshall School of Law (TMSL), Texas Southern University, to provide a working and academic environment that provides equal opportunity to all members of the Law School community. In accordance with federal and state law, TMSL prohibits all unlawful discrimination, including harassment, on the basis of race, color, religion, national origin, gender, gender identity, gender expression, sexual orientation, including sexual harassment, age, disability, citizenship, and veteran status, in the administration of its academic programs, employment policies, or other law school administered rights, privileges, programs or activities.

Let's all do our part to ensure Title IX compliance at Texas Southern University.

Forward together, this goal can be accomplished.

Recognizing Sex Discrimination

Conduct directed at a specific individual or group adversely affects the education or employment of the individual or group because of sex

Examples:

- Exclusion from educational resources or activities because of one's gender
- Subjection to jokes or derogatory comments about one's gender
- Being held to different standards or requirements on the basis of one's gender



Sexual Misconduct Offenses

Include but not limited to:

1. Sexual Harassment
2. Non-Consensual Sexual Contact (*or attempts to commit same*)
3. Non-Consensual Sexual Intercourse (*or attempts to commit same*)
4. Sexual Exploitation

Recognizing Sexual Harassment

Any unwelcome, gender-based verbal or physical behavior that creates a hostile educational or work environment and:

1. Unreasonably interferes with, denies or limits someone's ability to participate in or benefit from the university's educational program and/or activities and is
2. Based on power differentials (quid pro quo, the creation of a hostile environment or retaliation)



Examples:

- Inappropriate touching, pinching, patting, rubbing or purposefully brushing up against someone
- Sharing sexually inappropriate images or videos, such as pornography
- Sending suggestive letters, notes or emails
- Displaying inappropriate sexual images or posters in the workplace
- Telling lewd jokes or sharing sexual anecdotes
- Making inappropriate sexual gestures
- Staring in a sexually suggestive or offensive manner
- Making sexual comments about appearance, clothing or body parts
- Making offensive comments about someone's sexual orientation or gender identity



Non-Consensual Sexual Contact

Any intentional sexual touching, however slight, with any object by a man or a woman upon a man or a woman that is without consent and/or by force

Examples:

- Intentional contact with breasts, buttocks, groin or genitals or touching someone with one of these body parts or making someone touch you or themselves with or on any of such body parts
- Any intentional bodily contact in a sexual manner, though not involving contact with/of/by breasts, buttocks, groin, genitals, mouth or other orifice

Non-Consensual Sexual Intercourse

Any sexual intercourse, however slight, with any object by a man or woman upon a man or woman that is without consent and/or by force

Intercourse includes:

- Vaginal penetration by a penis, object, tongue or finger
- Anal penetration by a penis, object, tongue or finger
- Oral copulation (mouth to genital contact)

Sexual Exploitation

Occurs when a person takes non-consensual or abusive sexual advantage of another for his/her own advantage or benefit or to benefit or advantage anyone other than the one being exploited

Examples:

- Invasion of sexual privacy
- Prostituting a student
- Non-consensual video or audio-taping of sexual activity
- Allowing friends to hide in a closet to watch you have consensual sex



Know Your Rights

- Under Title IX, both the accuser and accused have equal rights, such as the right to:
- Have an adviser of choice present during the process (this includes an attorney if allowed at all by schools)
- Present evidence or have witnesses speak on their behalf
- Have timely access to information that will be used at the hearing
- Be present at pre-hearing meetings that provide an opportunity to present their testimony
- Receive the final hearing decision in writing at the same time as the other party without being required to sign a *non-disclosure agreement*
- Have the right to appeal a final decision

Standard of Evidence

Under Title IX, the appropriate standard of evidence is: a ***preponderance of the evidence***:

- A hearing must determine whether a complaint of sex discrimination is “more likely than not” to have occurred or 51% likely to have occurred.
- Standard applies for all complaints of sex discrimination, including sexual harassment and violence
- Title IX outlines standards for ***school disciplinary processes*** — ***not criminal complaints***, which require the highest standard of evidence, “beyond a reasonable doubt.”



The 2017 Interim Guidance allows schools to use the ***clear and convincing evidence standard***, but only if all other forms of campus misconduct investigations utilize this standard.

As a federal civil right, Title IX automatically protects any individual who reports sex discrimination, sexual harassment, or sexual violence against retaliation. Employees and third party reports are protected along with reporting victims from any adverse consequence, harassment, intimidation, or discrimination that is causally related to reporting sex discrimination under Title IX. Schools must protect against other employees or students retaliating against a reporting party when it “knows or should know” about the retaliatory harassment or behavior. If a school discourages or threatens you about discussing complaints of sex discrimination, sexual harassment, or sexual violence, this may be considered retaliation.

Title IX Complaints Process

Any person who has concerns about sex discrimination or sexual misconduct is encouraged to seek the assistance of a Title IX coordinator. Coordinators are knowledgeable about, and will provide information on, all options for complaint resolution. Any person is free to contact any Texas Southern University Title IX Coordinator.

Who to Contact:

Sex discrimination, sex harassment and sex assault complaints should be filed with the following University officials:

Informal complaints at the law school may be filed with:

Marcia Johnson

TMSL Professor of Law and Title IX Liaison

Email: Marcia.Johnson@tmslaw.tsu.edu

Phone: 713.313.7406

Against TSU faculty, staff, visitors or contractors, complaints should be filed with:

Keisha David

TSU Associate Vice President CHRO and Title IX Coordinator

Email: Keisha.David@tsu.edu

Phone: 713.313.7037

Against TSU students, complaints should be filed with:

Dean of Students Office

Phone: 713.313.1038

Against an Athletic coach, administrator or student, complaints should be filed with:

Dwalah Fisher

Email: Dwalah.Fisher@tsu.edu

Phone: 713.313.7272

*** Complaints alleging sexual assault can also be filed with the Texas Southern University Department of Public Safety (TSUDPS) at 713.313.7000**

Title IX Resources

TMSL Gender Equity Committee consists of students, faculty, and administrators and advises on programming, publications, policies, and training.

TSU: How to file a complaint

<http://hr.tsu.edu/current-employees/employee-relations-compliance/tix/filing-a-title-ix-complaint/>

TSU Title IX Grievance Procedure presentation

<http://www.tsu.edu/about/administration/general-counsel/pdf/title-ix-presentation-kmckanders-july2012.pdf>

Texas Southern University Manual of Administrative Policies and Procedures <http://www.tsu.edu/mapp/>

Texas Southern University Student Code of Conduct

<http://hr.tsu.edu/wp-content/uploads/2015/04/2015-TSU-Student-Code-of-Conduct.pdf>

Texas Southern University Faculty Manual

<http://www.tsu.edu/about/administration/division-of-academic-affairs-and-research/pdf/2014-faculty-manual.pdf>

Office of Civil Rights

https://www2.ed.gov/about/offices/list/ocr/docs/tix_dis.html

Texas Southern University Title IX Coordinator: Ms. Keisha David,

Texas Southern University Deputy Title IX Coordinators collaborate with the University's Title IX Coordinator and other Deputy Title IX Coordinators.

Their responsibilities include:

- Tracking and monitoring incidents, including sex discrimination and sexual misconduct;
- Ensuring that the University responds effectively to each complaint; and
- Where appropriate, conducting investigations of particular situations.

Texas Southern University Counseling Center

Monday—Friday

8:00 a.m.—5:00 p.m.

713.313.7804 (main line); 713.313.7817 (fax)

Houston Area Women's Center

24-Hour Hotline Numbers

Domestic Violence Hotline: 713.528.2121

Rape Crisis Hotline: 713.528.7273

REMEMBER...

Report prohibited conduct!



Prohibited conduct includes sexual harassment, sexual misconduct or contact, workplace harassment, retaliation, disparate treatment and other prohibited workplace conduct as defined in MAP 02.05.00. Every student and/or employee who witnesses prohibited conduct or who may believe they are the subject of prohibited conduct or behavior are obligated by university policy to report the conduct immediately to the appropriate authorities.



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At TMSL, you may direct all Title IX inquiries to:

Marcia Johnson, TMSL Title IX Liaison

Email: marcia.johnson@tmslaw.tsu.edu

Phone: 713.313.7406

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