

R04. Title IX Coordinator Trainings and Responsibilities (34 CFR 106)

Applies to:	Students	Overseer:	Title IX Coordinator
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Policy Statement:

Elim Bible Institute and College does not engage in any discrimination or harassment as stated in the Non-Harassment Policy or the Equal Employment Opportunity policy.

In accordance with Federal regulations, a Title IX Coordinator is designated by EBIC to ensure Title IX compliance at the school. This individual will have the qualifications, training, authority, and time to address all complaints of this nature.

Procedure:

Title IX Coordinator's responsibility:

- Help ensure EBIC's compliance with Title IX's administrative requirements
- Have knowledge of EBIC's policies and procedures on sex discrimination
- Provide training and technical assistance on school policies related to sex discrimination and develop programs such as college trainings, on issues related to Title IX to assist EBIC in making sure that all members of the school community know their rights and responsibilities
 - EBIC has adopted a position on sexuality that is higher than what the Affirmative Consent and Responsible Employees laws require regarding premarital sexual engagement: *EBIC believes God has reserved the most intimate of sexual relationships for the marriage union between a man and a woman. It is, therefore, not only a violation of our social policy, but also of God's law to engage in such behavior outside of the marriage covenant. (Student Handbook – Code of Conduct: Standards of Behavior)*
- Regularly assess the adequacy of current training opportunities and programs and propose improvements as appropriate
- May help EBIC by coordinating the implementation and administration of EBIC's procedures for resolving Title IX complaints,
 - Including educating the school community on how to file a complaint alleging a violation of Title IX,
 - Investigating complaints,
 - Working with law enforcement when necessary, and
 - Ensuring that complaints are resolved promptly and appropriately
- Coordinate EBIC's response to all complaints involving
 - Possible sex discrimination to monitor outcomes,
 - Identify patterns, and
 - Assess effects on the campus climate

Training Material¹:

Training takes place initially within the first month of assuming the role of Title IX Coordinator and then every January thereafter. The Title IX Coordinator reviews the Title IX training material annually. Title IX Training includes the following:

- Information and Resources on Title IX:
 - <https://sites.ed.gov/titleix/policy/>
 - <https://www.federalregister.gov/documents/2020/05/19/2020-10512/nondiscrimination-on-the-basis-of-sex-in-education-programs-or-activities-receiving-federal>
- U.S. Department of Education Title IX Final Rule Overview (<https://www2.ed.gov/about/offices/list/ocr/docs/titleix-overview.pdf>)
- Summary of Major Provisions of the Department of Education’s Title IX Final Rule (<https://www2.ed.gov/about/offices/list/ocr/docs/titleix-summary.pdf>)
- OCR Webinar: Title IX Regulations Addressing Sexual Harassment (<https://www.youtube.com/watch?v=TdfT5R8ibm4>)
- Questions and Answers on the Title IX Regulations on Sexual Harassment (<https://www2.ed.gov/about/offices/list/ocr/docs/202107-qa-titleix.pdf>)

Every complaint and report regarding matters of Title IX, will be brought to the Title IX Coordinator. The Title IX Coordinator will investigate the matter and inform the student of their decision. If the student desires to appeal the decision, it will be brought to the President’s Cabinet and the President. Together they will investigate the matter and inform the student of their decision. Their decision is final.

Staff, faculty, adjunct teachers, etc. are trained in “responsible employee.” The responsible employee is any University employee who is not a Confidential Employee. A “responsible employee” knows to

- (1) Warn the student of the employee’s obligation to report any information the student reveals to the Title IX coordinator,
- (2) Explain to the student his or her option to ask that the institution nonetheless consider maintaining the confidentiality of that information, but that the institution may not be able to guarantee confidentiality, and
- (3) Advise the student of the ability to instead share this information with counseling, advocacy, health, mental health, or other sexual assault-related resources who are not obligated to report it to the Title IX coordinator.

Students will be trained on affirmative consent during the Title IX training. Staff will be trained on affirmative consent during the 1st Fall Staff Meeting.

Definitions:

Affirmative Consent – Affirmative consent is a clear, unambiguous, knowing, informed, and voluntary agreement between all participants to engage in sexual activity. Consent is active, not passive. Silence or lack of resistance cannot be interpreted as consent. Seeking and having consent accepted is the responsibility of the person initiating each specific sexual act regardless of whether the person initiating the act is under the influence of drugs and/or alcohol. Consent to any sexual act or prior consensual sexual activity between or with any party does not constitute consent to any other sexual act. The definition of consent does not vary based upon a participant’s sex, sexual orientation, gender identity or gender expression. Consent may be initially given but withdrawn at any time. When consent is withdrawn or cannot be given, sexual activity must stop. Consent cannot be given when a person is incapacitated.

¹ Refer to the Title IX Policy for further details.

Incapacitation occurs when an individual lacks the ability to fully, knowingly choose to participate in sexual activity. Incapacitation includes impairment due to drugs or alcohol (whether such use is voluntary or involuntary), the lack of consciousness or being asleep, being involuntarily restrained, if any of the parties are under the age of 17, or if an individual otherwise cannot consent. Consent cannot be given when it is the result of any coercion, intimidation, force, or threat of harm.

Title IX Process

For an outlined process to sexual violence reports and available resources, refer the Sexual Violence Response policy.