

# Title IX and Anti-Hazing Training and Overview

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## Today's Topics

- Current Status of Title IX
- Title IX Overview
- Gender Equity and Sex Discrimination
- Sexual Harassment
- Sexual Harassment Reporting and Investigation
- Anti-Hazing

## Current Status of Title IX Rule

- The Biden Administration’s Title IX rule went into effect August 2024.
- Immediate Court action began, and it was enjoined from enforcement.
- On January 9, 2025, a federal district court vacated the 2024 Rule.
- Dear Colleague Letter sent by DoE on February 4, 2025, affirms DoE is enforcing Title IX in accordance with the 2020 Rule.

## TITLE IX OVERVIEW

Title IX prohibits discrimination based on sex in any educational program receiving federal funding.



### Title IX Overview

- Covers all programs at the educational institution
  - *Note: Do not confuse the Clery Act geography rules with Title IX's scope.*
- Covers students, employees, and many 3<sup>rd</sup> parties
  - **Note: An employee can file a Title IX complaint against another employee.**
- Definition of sex includes pregnancy
- **Recent judicial opinions interpret “sex” to include sexual orientation and gender identity.**
  - **But a recent Executive Order from the Trump Administration reiterated the Administration’s position that there are only two genders as assigned at birth.**
- Enforced by the Office of Civil Rights

## TITLE IX OVERVIEW

Title IX has a wide-ranging reach.

## Title IX Impact Areas



## Knowledge Check

What rule is in effect for enforcing for Title IX?

- a. 2024 Rule
- b. 2020 Rule

# Gender Equity & Sex Discrimination



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Aultman College  
prohibits Sex  
Discrimination.

## Prohibition Against Sex Discrimination

Aultman College policy prohibits sex discrimination which includes discrimination based on pregnancy, gender identity and failure to conform to stereotypical notions of femininity and masculinity.

Furthermore, the College's policy and corresponding Title IX regulations consider sexual harassment a form of sex discrimination.

*Source: Aultman College Title IX Policy: Sex Discrimination, Sexual Harassment, and Sexual Assault*



Discrimination  
can take various  
forms.

## Types of Prohibited Discrimination

### Disparate Treatment - Treating someone different based on their sex

Decision maker was aware of the complainant's sex and acted at least in part based on sex

Does not require bad faith, ill will, or evil motive

### Disparate Impact - Applying a facially neutral policy that has a different impact on one sex over the other.

Facially-neutral policy had a disproportionate adverse impact based on sex.

There was no substantial legitimate justification for the policy.

### Retaliation - Taking an action against someone because they made a complaint or participated in a Title IX investigation

Complainant engaged in protected activity and the actor knew about it.

The actor subjected the complainant to adverse action because of the protected activity.

Aultman College provides accommodations to promote gender equity.

## **Aultman College Policy on Gender Equity**

**Specifically addresses the accommodations and processes for non-binary or transgender individuals**

- Requires an individual's legal name be used for official transcripts, financial aid documents, and other college systems where a legal name is required by law or college policy
- Allows students to notify faculty of their preferred name/pronoun so that their preferred name and pronouns be used for internal college purposes, including college Id's and classroom references.
- Provides other accommodations to promote gender equity and expects all employees to adhere to those accommodations.

# Sexual Harassment



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## Aultman College Policy on Sexual Harassment

Aultman College Policy defines Sexual Harassment as a form of prohibited sex discrimination which includes sexual violence.

*Source - Aultman College Title IX Policy: Sex Discrimination, Sexual Harassment, and Sexual Assault*

Aultman College prohibits all forms of sexual harassment.

## What is Sexual Harassment?

Sexual harassment refers to sex-based conduct that satisfies one or more of the following:

- (1) ***quid pro quo*** harassment by an employee of an educational institution—meaning that an employee offers something to a student or other person in exchange for sexual conduct;
- (2) **unwelcome conduct** that a **reasonable person** would find to be **so severe, pervasive, and objectively offensive** that it effectively denies a person equal access to an education program or activity; or
- (3) **sexual assault** (as defined in the [Clery Act](#)), **dating violence, domestic violence, or stalking** (as defined in the [Violence Against Women Act](#)). Each of these categories of misconduct is a serious violation that jeopardizes a victim's equal access to education.

Harassment may  
take various  
forms.

## Domestic Violence, Dating Violence, and Stalking

Aultman College's Title IX Policy states in conjunction with Title IX the following types of behaviors are prohibited -

- Domestic Violence: Crimes of violence committed by a current or former intimate partner of a victim or by any other person against a victim who is protected from that person under Ohio's domestic or family violence laws.
- Dating Violence: Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim (where the existence of such a relationship is determined by length, type, and frequency of interactions).
- Stalking: Course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others or suffer substantial emotional distress.

*Source: Aultman College Title IX Policy: Sex Discrimination, Sexual Harassment, and Sexual Assault*

Not everything  
is harassment.

## What is Not Harassment?

- Negative evaluations or grades based on performance
- Supervisor or instructor directives related to job/course
- Criticism of job performance or classwork.
- Discipline consistent with employee handbooks or the student code of conduct.
- Disagreements with supervisors, co-workers, instructors, or other students.

# Reporting and Investigations



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**REPORTING AND  
INVESTIGATION**

Requirements  
for Formal  
Complaint  
Process  
Regarding  
Sexual  
Harassment

**Formal Complaint Process: Core Requirements  
(34 CFR 106.45)**

**Equitable Treatment**

**Sanctions and Remedies**

**Objective Evaluation**

**Standard of Evidence  
(Aultman College:  
Preponderance of the  
Evidence)**

**Training of Key Participants**

**Presumption of Innocence**

**Appeals Process and  
Standards**

**Prompt Timeframes**

**Supportive Measures**

**Legal Privilege**



Source: Thompson Coburn Title IX Training Series - PowerPoint Presentation  
([thompsoncoburn.com](http://thompsoncoburn.com))

Title IX  
Reporting is  
Important.

## Reporting Title IX Complaints Overview

All allegations of a Title IX violation should be reported to the Title IX Coordinator

Aultman College's Title IX Coordinator

Sue Shepherd

Dean of Student Success

2600 6<sup>th</sup> St. SW

Canton, OH

330. 363.4349

Sue. [Shepherd@aultmancollege.edu](mailto:Sue_Shepherd@aultmancollege.edu)

Under College policy, all faculty and staff (except confidential resources) have an obligation to report alleged violations of Title IX.

Students should be encouraged to report but are not required to report.

There is a responsibility to report situations of misconduct and/or harassment.

## When Should You Report?

### Think Critically About Reporting:

- Is this an academic issue or a sexual harassment and/or discrimination issue?
- Is someone looking for guidance on interacting with someone without any indicators of misconduct or harassment?
- NOTE: Aultman College has a strict anti-retaliation policy.

*But when in doubt - you should report.*

Investigations  
may be more  
effective when  
allegations are  
reported timely.

## The Complaint Process

There is no required timeline for filing a complaint but the sooner a complaint is filed, the easier it is to investigate and respond as the information will be fresh.

- To the extent possible, a complaint should include:
  - Date(s) and time(s) of the alleged conduct
  - Names of all individuals involved (including potential witnesses)
  - Description of what happened; and
  - Contact information of the complainant

Aultman College strives to close out an investigation within 30 days of receiving a complaint. The investigation must be started within 7 days of receiving the complaint.

A Notice of Allegations is required under Title IX.

## Notice of Allegations

If there is a formal complaint under the grievance procedures - a notice of allegations must be provided to identified parties that includes:

- The College's grievance procedures
- Sufficient information to allow for a response including identities, the alleged conduct, and date and time (to the extent known).
- An anti-retaliation statement
- Statement regarding equal opportunity to access relevant evidence.



## REPORTING AND INVESTIGATION

Supportive Services can help provide educational access and protect safety.

**Supportive Services:** Reasonable individualized services that are non-punitive, non-disciplinary, and not unreasonably burdensome to another, while designed to ensure equal educational access, protect safety and/or deter sexual harassment.

**Examples of Supportive Services may include:**

- Separating the parties
- Placing limitations on contact between the parties
- Making alternative class-placement or workplace arrangements.



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## **Who is the Title IX Coordinator**

- a.) Jean Paddock**
- b.) Monica Mendenhall**
- c.) Sue Shepherd**
- d.) Wendy Davis**

Knowledge  
Check

Parties involved  
in an  
investigation  
have rights.

## Rights of the Parties

- Equal opportunity to identify and have the investigator consider witnesses and other evidence.
- It's the College's burden to investigate.
- Access to all information the investigator considers
- Access to review statements or evidence provided by the other party.
- Access to review and comment on information the investigator develops.



## REPORTING AND INVESTIGATION

Aultman College has policies for the Investigation process.

## Investigation Process



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All formal Title IX investigations must have a live hearing before an impartial Hearing Officer

## Live Hearings

**Formal Title IX investigations must have a live hearing in which**

- All participants must be able to hear and see each other (even if virtually)
- The College must keep a verbatim record
- The College must provide a representative to any unrepresented party.
- Each party must be permitted to cross-examine the other.



The Hearing Officer will provide a written determination.

## **Live Hearings - Hearing Officer's Written Determination**

**The Hearing Officer will provide a written determination including:**

- Findings of Fact
- Conclusions about whether the conduct occurred
- Rationale for conclusions as to each allegation
- Any disciplinary sanctions that may be imposed
- Any remedies that may be provided to the Complainant

Note: The Hearing Officer cannot be the Title IX Coordinator and/or the investigator of the case.

**Either party may appeal to the College President within 10 days of receipt of the Hearing Officer's written determination.**

Complaint resolutions should include communication to the involved parties.

## Complaint Resolution

### Share with Complainant

- If Misconduct is Confirmed: Advise Complainant and inform that corrective action has been taken
- If Misconduct is NOT Confirmed: Advise Complainant that there was insufficient evidence to corroborate complaint.

### Share with Respondent

- If Misconduct is Confirmed: Advise respondent of determination and applicable corrective action. If corrective action is less than termination -
  - Advise that retaliation will not be tolerated
  - Advise that future misconduct may result in termination/expulsion
- If Misconduct is NOT Confirmed
  - Counsel Respondent about any policies at issues and how to avoid problems
  - Advise that retaliation will not be tolerated.

Informal  
Resolution is  
available so  
long as both  
parties agree.

## Informal Resolution

**Informal Resolution, such as mediation, may be used instead of the formal investigation and live hearing process. The following standards apply -**

- Informal Resolution may only be used if both parties consent to it in writing. No party will be forced to waive their right to a formal investigation or determination.
- The complainant will not be required to work directly with the respondent to resolve the concern.
- Either party may terminate the informal process.

### **Informal resolution should**

- Be documented,
- May not be appealed and
- May never be used for allegations of sexual harassment of a student by an employee

## Investigation Best Practices

### Preserve Documentation

- Keep investigation file together in secure location (Do not keep in personnel files)
- Any documentation of disciplinary action should go to the appropriate personnel or student file.
- Document follow-up actions

### Appropriate follow-up with Parties should occur

- Respondent Follow-up: Monitor behavior to prevent further misconduct or retaliation.
- Complainant Follow-up: Follow-up to confirm that misconduct is not ongoing nor is there any retaliatory behavior.

The informal Title IX resolution process requires a live hearing.

- a.) True
- b.) False

# Anti-Hazing



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Aultman College prohibits any hazing activities.

## Anti-Hazing Policy

**Aultman College prohibits hazing activities by any members of the college community.**

**Applies to all members affiliated with the college community including students, employees, student organizations, volunteers, alumni, and contractors.**

**Applies to both on-site and off-site locations including off-site education and group travel.**

## What is Hazing?

Hazing is doing any act or coercing another, including the victim, to do any act of limitation to any student or other organization or any act to constitute or reinstate membership in or affiliation with any student or other organization that causes or creates a substantial risk of causing mental or physical harm to any person, including coercing another to consume alcohol or a drug of abuse.

*Examples: Abuse, physical violence, forced consumption of drugs or alcohol, sleep deprivation, forced activities that are degrading.*

## ANTI-HAZING

Aultman College maintains a policy for addressing hazing allegations.



## Hazing Reporting and Investigations

- Aultman College encourages reporting and takes all reports of misconduct seriously to ensure it is maintaining a safe campus.
- Alleged hazing should be reported to the Dean of Student Success or the Campus Coordinator.
- An investigation will occur following the Anti-Hazing Policy which includes:
  - Interviews and investigations of all relevant parties as determined by the nature of the alleged incident
  - Investigative report with sanction recommendations

## Consequences of Hazing Behavior

- Hazing is a violation of the Student Code of Conduct and subject to sanctions including a warning, probation, suspension, and dismissal.
- Any reasonable or credible allegations of hazing behavior may be reported to local law enforcement for further investigation under O.R.C. 2903.31.

Hazing allegations are very serious.

## What Constitutes Hazing?

- a.) Forced activities that are morally degrading.
- b.) Assigning a tough but reasonable assignment.
- c.) Forced sleep deprivation
- d.) All of the above
- e.) Answers (a) and (c).

Knowledge  
Check



**QUESTIONS?**



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