

# New Faculty Orientation

## Office of Compliance, Risk and Ethics: Title IX and Youth Protection

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# Title IX

**Mission: Reduce or eliminate barriers to educational opportunity caused by sex discrimination in institutions that receive federal funding.**

***"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." - U.S. Department of Education***

**Montgomery College is included on a list of colleges and universities who have been forbidden by a court from enforcing the 2024 Title IX Regulations.**

On April 29, 2024, the U.S. Department of Education (the Department) published new Title IX regulations that were set to go into effect on August 1, 2024. (2024 Title IX regulations) However, following multiple legal challenges, the 2024 Title IX regulations are currently on hold in over twenty states and for hundreds of K-12 schools and postsecondary institutions, including Montgomery College.

**What happens now?**

- Until further guidance is provided by the Department or the court system, the College will continue to use its current policies and procedures, which are compliant with the Title IX regulations issued in 2020.
- College staff worked diligently to prepare updates to policy and procedures to ensure compliance with the 2024 Title IX regulations, and we are ready to implement these new policies and procedures should the current injunction be lifted.

# Title IX Sexual Harassment

- **Sexual Harassment** - Conduct on the basis of sex that satisfies one or more of the following:

(1) *Quid Pro Quo* - An employee of the recipient conditioning the provision of an aid, benefit, or service of the recipient on an individual's participation in unwelcome sexual conduct;

(2) Unwelcome conduct determined by a reasonable person to be so severe, pervasive, **and** objectively offensive that it effectively denies a person equal access to the recipient's education program or activity; or

(3) "Sexual assault" as defined in 20 U.S.C. 1092(f)(6)(A)(v), "dating violence" as defined in 34 U.S.C. 12291(a)(10), "domestic violence" as defined in 34 U.S.C. 12291(a)(8), or "stalking" as defined in 34 U.S.C. 12291(a)(30).

# How to Report

- Must make a report to the Title IX Coordinator
- Advise the student that you will be making the report
- Complainant ultimately decides what will happen next
- Initial meeting with Title IX Coordinator fulfills the College's obligation to respond without deliberate indifference
- Title IX Resource Cards

# Framework

- **Supportive Measures - individualized services reasonably available that are nonpunitive, non-disciplinary, and not unreasonably burdensome to the other party while designed to preserve and restore equal education access, protect safety, or deter sexual harassment.**
- **Provided regardless of whether a formal complaint has been filed or not. (§106.30)**
- **The College will treat complainants and respondents equitably, meaning that for a complainant, the College will offer supportive measures, and for a respondent, the College will follow the adjudication process before imposing disciplinary sanctions.**
- **Examples: No Contact Order, Counseling Referral, Academic Adjustments, Escort Service, Relocation of classes and schedules, etc.**

# Pregnancy and Related Conditions

- Absences due to pregnancy or any related conditions must be excused for as long as their doctor says it is necessary for them to be absent. When they return to school, the student must be reinstated to the status you held before their leave.
- Faculty who base grades on class attendance cannot penalize a pregnant student for their absence and must allow the student to earn back the credit from the classes that were missed.
- Students must be given the opportunity to make up missed work, with the goal of having the student graduate on time, if possible and if desired by the student. Montgomery College is required to let students make up the work they missed while absent from class due to pregnancy or any related conditions, including bed rest or recovery from childbirth. It is recommended that for an extended absence, the student and professor work together to keep up with regularly scheduled assignments.
- With medical documentation, students may be provided with a larger classroom desk, a designated lactation room, or allowing frequent trips to the restroom.
- Students who are pregnant or dealing with any pregnancy-related conditions must be permitted to continue their off-campus work, including internships and career rotations. We cannot require a doctor to approve the continuation of these activities unless a note is required of all students with a medical condition.
- <sup>6</sup> These rules supersede any school- or instructor-based attendance or other policies regarding allowable numbers of absences or ability to make up missed school work.

# Inclusive Environment

Montgomery College is committed to creating and sustaining a safe, non-discriminatory, and inclusive learning environment for all students, faculty, staff and administrators.

This includes those who identify with a gender that is different from their sex, gender-assigned-at-birth, or express their gender identity in a non-binary way.

Not only does this respect the identities of those who are transgender or gender non-conforming, but it creates a culture of inclusion and diversity that benefits all students, staff, faculty, and administrators.

- Students and Staff may designate a chosen first name
- Individuals may use the restroom that corresponds to their identity
- Seek to use the designated pronouns of others



# Youth Protection



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# Protection of Minors – 75005CP

- Distinctions between minors enrolled in credit/non-credit courses and those participating in a College or non-College sponsored program or event
- The College also has agreements with MCPS that apply to partnership programs, such as Dual Enrollment and ACES
- Key Elements of the Policy
  - Background Screening
  - Training
  - Rule of 3
  - Program Registration
  - Children in the workplace and in the classroom
  - Mandatory Reporting of Suspected Abuse

# Mandatory Reporting of Suspected Abuse

- Anyone who has reason to believe a child has been subjected to abuse or neglect must make a report to government authorities.
- The most important factor in reporting is to act promptly.
- Reporting to external authorities and to the youth protection coordinator
- Also applies to abuse reported by an adult that occurred while they were a minor.
- Also applies if knowledge of minors in the home.
- If an individual is unsure about whether or how to make a report, promptly contact the youth protection coordinator, Debbie Bouyer.

