

# Perspectives

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 Community College  
Leadership for the  
21st Century

*Despite the challenges they face, community colleges are positioned to be the catalyst for creating cultural change with regards to sexual assault prevention in our society.*

- Association for Student Conduct Administration

*The first step is to raise awareness and hold everyone accountable for stopping assaults, supporting victims, and creating and maintaining a culture of respect and non-violence. It's on each of us.*

- Kent Seaver

## Doctorate in Community College Leadership

Empowering graduates to advance community colleges towards excellence and community responsiveness through exemplary leadership.



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## Title IX and the Compliance Challenge for Community Colleges

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The nation's community colleges have become a tremendous resource for students seeking access to the benefits of a post-secondary education. For many, the variety and flexibility of degree programs at community colleges offer a cost-effective and convenient approach to advance one's educational goals in a progressive setting focused on teaching and learning. However, for the same reason, the collegiate student community is fluid, transient, and frequently changing. As students enter and depart our campus communities, what remains is the on-going responsibility to share the values and obligations that should permeate community college campuses relative to student conduct and behavior – respect for others, nondiscriminatory, equality.

Today, sexual assault prevention and compliance with Title IX of the Education Amendments of 1972 ("Title IX"), which prohibits sexual violence and harassment, is perhaps the most compelling campus safety concern for community colleges across the country (The Associated Press, 2014). While Title IX has been a federal law for more than 40 years dedicated to advancing gender equity, the current emphasis on putting a stop to sexual violence in higher education has reached a new high.

Whether community colleges are doing enough to thwart sexual violence on campuses may be an impossible question to answer. On a regular basis, students, faculty, or support services employees enter our campus and become members of our communities with the best of intentions but sometimes with troubling backgrounds. Even with a personnel file and application devoid of criminal history, persons can pose a threat that is difficult to detect. But as the legal and compliance demands are ratcheted upward, community colleges may be compelled to make tough choices to ensure every segment of the institution is meaningfully engaged to eradicate sexual violence and sexual discrimination from our campuses.

Perhaps the most influential members of the campus community that may be able to promote campus safety and Title IX compliance are the faculty. Whether it is through classroom instruction, student mentoring, applied research projects, or contributing to student life, faculty have a distinctive connection to students. As key players on the community college campus, the faculty interact with the student population in formal and casual settings that may create opportunities to identify threats to campus safety and respond effectively before others can be harmed or put at risk.

Whether the outreach involves traditional student

organizations or individual students, the contact between faculty and students creates the opportunity for open, candid, and frank communication. Furthermore, for students struggling with depression, anxiety, or other matters that may require assistance from healthcare or counseling professionals, faculty can be an important outlet for students. Likewise, the trust and confidence students develop with their instructors can lead to the discovery of valuable information for community colleges seeking to identify students who may pose a danger to themselves or others. According to the AAUP, faculty members are more than teachers but serve as advisors and mentors, and as such, "... faculty members may be among the most trusted adults in a student's life and often are the persons in whom students will confide after an assault. A faculty member may also be the first adult who detects changes in a student's behavior that stem from a sexual assault and can encourage the student to talk about it" (AAUP, 2012).

***While Title IX has been a federal law for more than 40 years dedicated to advancing gender equity, the current emphasis on putting a stop to sexual violence in higher education has reached a new high.***

Because faculty often occupy a position of trust with the student, professors and instructors typically can contribute to the community college's campus safety efforts by reporting information that may indicate a campus safety threat. Some colleges require faculty and other personnel to come forward with information that impacts campus safety such as sexual assault allegations. Faculty may have diverse opinions about their role in preventing sexual assault or reporting incidents that may violate Title IX. Some may believe that campus policies requiring faculty to report sexual violence incidents will compromise an instructor's ability to freely communicate with their students. However, this may be a small price to pay, especially when alerting campus officials that danger is lurking may protect a student from sexual violence or assault (Flaherty, 2015).

The U.S. Department of Education, Office of Civil Rights has issued policy guidance materials that point out that under Title IX individuals who are responsible employees of the school are obligated to report incidents of sexual violence to the Title IX Coordinator or appropriate personnel. Accordingly, a "responsible employee" has the authority to take action to prevent sexual violence, or is one who has been given the duty of reporting incidents of sexual violence or an employee who a student

*(continued on page 4)*

## EMERGING LEADERS' PERSPECTIVES

While many think of Title IX compliance as primarily of concern to four-year colleges with resident housing and robust athletic programs, in reality its regulations apply to any school receiving federal money. Title IX regulations today are broad enough to relate to a wide range of issues and damage liability can result from failure to comply, resulting in unique challenges and obstacles for community colleges. We posed the following question to emerging and national leaders. Their answers appear below.

### Sherri Morrow, MSED

Professor - Counseling  
Joliet Junior College, Flossmoor, Illinois

Community colleges serve almost half of the undergraduate students in the United States, which included more than 12.8 million students during the 2012 academic year. Approximately 39% of these students are not credit-seeking students, and 60% are part-time students (American Association of Community Colleges, 2015). Recent research reveals that sexual assault, stalking, and domestic and dating violence are serious problems on today's college campuses.

- ▲ One in five women is sexually assaulted while in college.
- ▲ Most often, it happens her freshman or sophomore year (Krebs, Lindquist, Warner, Fisher, & Martin, 2007).

Title IX promotes equal opportunity in that no person may be subjected to discrimination based on sex under any educational program or activity receiving federal financial assistance. A school must respond promptly and effectively to sexual harassment, including sexual violence. The Jeanne Clery Act promotes campus safety by ensuring that students, employees, parents, and the broader community are well-informed about important public safety and crime prevention matters. The Clery act is an effort to promote transparency, ongoing communication, and empowerment for victims and their parents, and requires disclosure of campus safety policies and procedures.

The Violence Against Women Act (VAWA), signed into law in 1994, addresses sexual assault, domestic violence, and stalking and includes protective laws and the establishment of programs to reduce such crimes and to address the needs of women who are victims. The 2013 reauthorization of the 1994 Act amended the Clery Act to include disclosure of statistics regarding incidents of dating violence, domestic violence, and stalking. It also offers law enforcement better resources to investigate cases of rape and provide more tools to educate students about dating violence.

Currently, the Department of Education is working to clarify how key federal laws intersect. In addition to Title IX and the Clery Act, the Family Educational Rights and Privacy Act (FERPA), which protects the privacy of student education records, can also come into play in campus sexual violence investigations. Recommendations for community colleges to address these issues include:

- ▲ Create a coordinated community response to violence against victims.
- ▲ Train all campus law enforcement personnel to respond effectively to cases of sexual assault, violence, and stalking.
- ▲ Train all members of campus disciplinary boards to respond effectively to charges of sexual assault, violence, and stalking.
- ▲ Establish a mandatory prevention and education program for all incoming students concerning sexual assault, violence, stalking, and bystander intervention.

#### Websites for additional information include:

Not Alone: <https://www.justice.gov/ovw/protecting-students-sexual-assault>  
Center for Changing Our Campus Culture: <http://www.changingourcampus.org>

#### QUESTION OF THE MONTH:

**What do community college leaders need to know about Title IX and how to comply with federal guidelines?**

### Stacey Stover, MEd

Dean of Enrollment Services  
Schoolcraft College  
Livonia, Michigan

Title IX of the Education Amendments of 1972 protects individuals from discrimination in education or federally-funded programs. Under Title IX, sexual harassment and sexual assault are considered forms of discrimination, and colleges are directed to prevent, respond to, and report these behaviors. Federal

regulations affecting colleges focus specifically on stalking, hazing, bullying, domestic violence, dating violence, sexual exploitation, sexual assault, and sexual harassment. Reports of Title IX cases on college campuses are on the rise and increasing numbers of institutions are being investigated by the federal government for possible violations. Given the impact of Title IX on community colleges, the following actions should be considered:

#### 1. Community colleges are required to have a Title IX Coordinator.

The Coordinator's primary role is to ensure that the college meets Title IX requirements. The coordinator should be knowledgeable about current legislation and ensure that sexual misconduct investigations are completed on a timely basis, as federal guidelines call for resolution within 60 days.

#### 2. Colleges should provide annual training.

Training related to Title IX and sexual misconduct is recommended on an annual basis and should encompass both Title IX and the Violence Against Women Act (VAWA). Training should include investigators, panel hearing officers, and advocates for both the victims and the alleged transgressors. The National Council for Higher Education Risk Management ([www.nchern.org](http://www.nchern.org)) provides important training resources. Since all reported cases must be investigated thoroughly via a formal student conduct process, training is vital.

#### 3. Off-campus conduct matters.

Off-campus Title IX violations must be treated in the same manner as those that occur on campus. Violations off-campus, at any college-sponsored activity, or by a student who reports being a victim of sexual misconduct, must be investigated. The Office of Civil Rights (OCR) also states that students who report being a victim must be supported, even if the alleged transgressor is not a student.

#### 4. Campuses should conduct annual campus climate surveys.

Campus climate surveys assess the students' and campus community's impressions of campus safety. Currently, annual surveys are recommended with results shared publicly, but there is a strong possibility that these will become mandatory in the near future.

#### 5. Institutions that are not in compliance may be impacted.

Compliance is enforced by the OCR within the Department of Education and can involve penalties. Sanctions can include fines to the community college, possible investigations of other cases, and the potential threat of removal of Federal Financial Aid.

It is important to stay current on issues related to Title IX. Institutions that prioritize these areas will benefit by putting safeguards in place to better protect their students and the institution.

**Sherri Morrow** is Professor of Counseling at Joliet Junior College with over 20 years' experience working with survivors of sexual assault and domestic violence. While working with the Chicago Police Department and other agencies, she co-authored the Detective Division Protocol for Sex Crimes Investigation, designed to provide sexual assault/domestic violence sensitivity training for Chicago Police Academy cadets. She earned her MSED at Chicago State University and is currently enrolled in the DCCL program.



**Stacey Stover, MEd**, is the Dean of Enrollment Services at Schoolcraft College in Livonia, Michigan. With over 20 years of higher education administrative experience, she is responsible for Admissions, the Registration Center, Registrar's Office, Testing, and Student Activities. She earned her MEd in Higher Education Administration from the University of South Carolina in Columbia, SC, and is currently enrolled as a doctoral candidate in the Ferris State University DCCL program.



## NATIONAL LEADER PERSPECTIVE

While many think of Title IX compliance as primarily of concern to four-year colleges with resident housing and robust athletic programs, in reality its regulations apply to any school receiving federal money. Title IX regulations today are broad enough to relate to a wide range of issues and damage liability can result from failure to comply, resulting in unique challenges and obstacles for community colleges. We posed the following question to emerging and national leaders. Their answers appear below.

### Community Colleges and Title IX: Misconceptions and Reality

**Ryan Kane, MA**

Title IX Coordinator/EO Officer  
Valencia College  
Orlando, Florida

As community college leaders, we do not have the luxury to simply watch from the sidelines while our four-year college and university colleagues grapple with the endless challenges associated with Title IX. Issues related to sexual harassment and sexual violence are present on our campuses, although they may manifest in different ways. For those of us who believe that we are immune not only from federal guidelines, but also from our responsibilities, or from these issues, the time for avoidance is over. We all have work to do supporting our communities and creating environments free from harassment and discrimination. To frame our work, it is important to tackle some misconceptions about who we are:

**Misconception 1: Title IX doesn't apply to us.** As recipients of federal financial aid, we are expected to adhere to Title IX. That means that each college is expected to designate a Title IX Coordinator, establish equitable grievance procedures and create and distribute a notice of non-discrimination. These expectations are clearly outlined in the Dear Colleague Letter of April 4, 2011.

**Misconception 2: We don't need a Title IX Coordinator.** The most recent federal guidance from the Department of Education supports not only designating a Title IX Coordinator, but also widely publicizing their name and contact information. This individual should be responsible for all aspects of compliance including education, outreach, response, support, and analysis. Ideally this will be someone who has knowledge and experience in this area and is not simply an ancillary position assigned to a current staff member. This individual's contact information would ideally be less than "2 clicks" away in navigating from any college website homepage. Bottom line – students, employees, and external partners should know who this person is.

*For those of us who believe that we are immune not only from federal guidelines, but also from our responsibilities, or from these issues, the time for avoidance is over.*

**Misconception 3: We don't have these problems because we don't have residence halls.** Although most community colleges do not have on-campus housing, we still share a collective responsibility to support and assist victims who may have experienced sexual harassment or sexual violence on or off-campus. This goes beyond the traditional geographical borders of our campuses if the incident could negatively impact the student's educational pursuits. The fact that our students may not live in on-campus housing does not mean that they are immune from exposure to these situations. Often off-campus issues have a significant impact on a student's academic experience. We have an obligation to provide a safe environment for all of our students that is free from discrimination.

#### QUESTION OF THE MONTH:

**What do community college leaders need to know about Title IX and how to comply with federal guidelines?**

**Misconception 4: Our campuses are just too different - we can't meet these requirements.**

Although I would agree that the language of the guidance from the Department of Education is aimed at not only K-12, but also four-year colleges and universities, we still should be addressing these issues. We should do so not with a compliance hat, but with an inclusion perspective, focusing on establishing inclusive communities that do not tolerate any form of harassment.

This means that community colleges must be up to the challenge of supporting our communities in more creative ways than our four-year counterparts. As our students are more transient, we may have to identify unique ways to provide primary prevention education instead of a one-time orientation. This calls on integration and collaboration to the highest degree with partners in admissions, registration, orientation, financial aid, human resources, and safety and security, among others – often done with a limited budget. Identifying a Title IX Coordinator does not absolve the rest of the community from its collective responsibility, but it is up to that individual to gather the resources and help steer the ship towards the desired outcome.

*Although compliance with a set of ever-changing guidance and regulations can be difficult, it is not something that can be pushed aside, but rather something that we should embrace in the best interest of our institutions.*

**Misconception 5: Title IX only deals with sexual assault.** Since Title IX prohibits sex discrimination, this also includes discrimination based on pregnancy. This is an area on which some of our community college colleagues should focus some additional attention. Female students who are pregnant cannot be discriminated against because of that status. They cannot be the subject of unilateral action such as withdrawal from their courses, failing grades for absences related to the pregnancy, or denial of services. As our student population often widely varies with regards to personal life experiences, this is an area of effort for all of us to support our pregnant students as they work to complete their academic pursuits.

Although compliance with a set of ever-changing guidance and regulations can be difficult, it is not something that can be pushed aside, but rather something that we should embrace in the best interest of our institutions. We have an obligation to support all students who are part of our communities and should do so not because we "have to," but because we "should." It should be as simple as that.

**Ryan Kane** serves as the Title IX Coordinator and Equal Opportunity Officer for Valencia College in Orlando, Florida, a college with 7 campuses and over 65,000 students, where he is responsible for the overall college response to allegations of sexual misconduct, interpersonal violence, and stalking. He coordinates faculty, staff, and student trainings, outreach and education, and leads a staff of two Assistant Directors as well as the College's Title IX Team consisting of approximately 20 Deputy Title IX Coordinators from various divisions and departments. Previously Ryan served as Director of Student Conduct and as Deputy Title IX Coordinator at Towson University in Baltimore, MD. He earned his MA in Counseling Psychology at Towson University.



**QUICK TAKES**  
**Highlights**  
**from the Field**

**Community Colleges and Sexual Misconduct: Unique Challenges and Opportunities**

by the Association of Student Conduct Administration (ASCA)

Although community colleges have not yet been at the center of the national dialogue on sexual misconduct, it is important to understand how two-year colleges are affected and the unique challenges they face in preventing and addressing it. As community colleges struggle to comply with legislation and mandates designed for traditional four-year colleges and universities, this publication reviews a variety of factors which create unique challenges for sexual misconduct prevention and response.

Access this work here: <http://bit.ly/2fSN9OS>

**The Challenges of Title IX on Community College Campuses**

by Marta Segal Block

This article reviews the impact of Title IX on community colleges, noting that two-year colleges have not played an integral role in the national conversations. The author notes that the main challenges for those responsible for Title IX enforcement at community colleges may not be the lack of resources, but rather those factors that many consider colleges' greatest strengths – the diversity of their student body and staff, and their dedication to ease of access.

Access this work here: <http://bit.ly/2fNVyID>



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**Title IX and the Compliance Challenge for Community Colleges** (continued from page 1)

reasonably believes to have such authority or duty (34 C.F.R. § 106.8, 2012). In addition, it should be noted that under the Clery Act which requires college campuses to report criminal activity, "campus security authorities" also are required to report sexual assault and other crimes. These authorities include campus police and safety officers. The establishment of campus policies that categorize faculty as responsible employees is an important step forward in the quest to prevent sexual assault on campuses across the country.

**Because faculty often occupy a position of trust with the student, professors and instructors typically can contribute to the community college's campus safety efforts by reporting information that may indicate a campus safety threat.**

However, faculty and instructors cannot be put on an island and simply given a directive that the college has "zero tolerance" for sexual assault. To do so would simply give faculty members a burden to bear. Faculty must receive training regarding their obligation to report sexual violence and how best to respond to students confronted with any form of sex discrimination that interferes with their educational opportunity. For faculty who have reservations about their obligation to report and disclose information shared by students in confidence, they must understand that failing to report incidents of sexual violence puts others at risk and is simply unacceptable. Faculty, student affairs personnel, campus police officers, and others who may be designated as responsible employees must vigilantly work to remove sexual discrimination and violence from the community college campus. Moreover, through collaborative efforts, faculty must be encouraged to report incidents of sexual violence and invited to participate in the development of prevention strategies that comport with the college's approach to Title IX compliance.

While ensuring that responsible employees are properly designated and trained regarding their obligations under Title IX, the scope of the law should also be understood by community college administrators. Title IX does not only protect female students, but employees such as faculty and staff can bring sex discrimination claims under Title IX against the institution. Given the reality that claimants can be members of the institution's workforce, it should be expected that sexual harassment claims under Title VII of the Civil Rights Act could also accompany Title IX allegations. Therefore, it is important that institutions of higher education not become obsessed with Title IX as an independent federal mandate, but with the harm the law seeks to address – harassment, violence, and discrimination based on sex. Community colleges should focus on remaining aware of their campus climate and the viability of any sexual violence threat confronting their institution's mission, as well as the steps taken by the institution to minimize sex discrimination on campus.

Compared to the current attention given to sexual assault on college campuses, perhaps the most dominant campus safety concern arose from the tragic mass shooting at Virginia Tech in 2007. The lessons learned

from that awful incident may serve community colleges well as they respond to the threat of sexual assault and violence on campus. In the aftermath of the Virginia Tech shooting, law enforcement officials appear to agree that campus safety requires the attention of the entire university community.

*Faculty, staff and students should be trained on how to respond to various emergencies and about the notification systems that will be used. This training should be delivered through a number of delivery options, such as in-person presentations (i.e., residential life programming; orientation sessions for students and employees); Internet-based delivery; and documents (IACLEA, 2008).*

Hence, the challenge for community colleges, their faculty, legal advisors, and senior level decision-makers lies not only with understanding the intricacies of the law and public policy, but in developing strategies and tactics that promote gender equity and tolerance across campus and that create an environment for students and employees to come forward with confidence that a commitment to equity and fairness is not an isolated and reactionary, but supported pervasively throughout the institution.

**Community colleges should focus on remaining aware of their campus climate and the viability of any sexual violence threat confronting their institution's mission, as well as the steps taken by the institution to minimize sex discrimination on campus.**

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