TITLE IX COMPLIANCE GUIDE

UNDERSTANDING TITLE IX

What is Title IX?

Title IX of the Education Amendments Act of 1972 is a federal law that states: "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."

In other words, this federal law prohibits discrimination on the basis of sex in education programs or activities operated by recipients of federal financial assistance.

Title IX applies to all participants of such programs, including students, parents and faculty/staff members.

A variety of activities are covered under Title IX, including athletic programs, recruitment, admissions, financial aid, and participation in extracurricular programs and activities. For example, Title IX addresses discrimination situations such as unequal treatment of pregnant and parenting students or unequal pay based on gender.

Why is Title IX important?

Title IX helps to foster safe and respectful University environments that better protect students, faculty and staff from incidents of sex-based discrimination, including sexual harassment, sexual violence, retaliation, and hostile environment.

What are the requirements of Title IX?

The University is obligated to provide a prompt, thorough and equitable investigation of any report of sex-based discrimination. This obligation remains even in the absence of a formal complaint.

Title IX ensures that both parties in a reported event have equal opportunity to be heard and participate in a grievance process.
What is Allen University’s Commitment to Title IX?

Allen University does not discriminate on the basis of sex in admission to or employment in its education programs and activities. Allen University is committed to having a campus environment which recognizes the worth and dignity of all individuals. This environment must be free of sexual discrimination, sexual harassment, sexual violence, retaliation, and hostility.

Who is Allen University’s Title IX Coordinator?

Nancy G. Rhoads: Allen University, 1530 Harden Street, Gibbs Hall, Office 3, Columbia, SC 29204; 803-376-5818; titleixcoordinator@allenuniversity.edu.

Where should questions concerning the application of Title IX and its implementing regulations be referred to?

Title IX Coordinator, Nancy G. Rhoads: Allen University, 1530 Harden Street, Gibbs Hall, Office 3, Columbia, SC 29204; 803-376-5818; titleixcoordinator@allenuniversity.edu.

Or, Office for Civil Rights of the United States Department of Education (OCR): 400 Maryland Avenue, S.W., Washington, DC 20202; 202-453-6020.

KNOW YOUR RESPONSIBILITIES UNDER TITLE IX

Who has responsibilities under Title IX?

As members of the Allen University family, you have a responsibility to help create and care for a safer community. As University employees, you are required by federal law to be “Mandatory Reporters” and assist victims by reporting any instances of sexual discrimination, sexual harassment, sexual violence, retaliation, or hostile environment.

The only exception is for those employees who are “Confidential Resources,” and who are specifically the following:

- medical staff
- counseling staff
- members of the clergy
**What is the purpose of having mandatory reporters?**

Mandatory reporters play an important role in:

- Protecting students, faculty and staff from incidents of sexual discrimination, sexual harassment, sexual violence, retaliation, and hostile environment
- Helping the University maintain a safe environment by striving to eliminate, prevent, and address discrimination on the basis of sex

**What are your primary responsibilities as a mandatory reporter?**

The main responsibility of mandatory reporters is to report all Title IX violations of sex-based discrimination, including sexual harassment, sexual violence, retaliation, and hostile environment. You are required to report incidents you personally observe as well as incidents reported to you. You must report these offenses as soon as possible to the Title IX Coordinator, Nancy G. Rhoads, at titleixcoordinator@allenuniversity.edu.

By fulfilling these responsibilities, you assist the University in complying with legal requirements and help the University maintain its commitment to fostering a secure, equitable and inclusive community.

**DEFINITIONS**

**What is Sexual Discrimination?**

A University must operate its education program or activity in a nondiscriminatory manner, or in a way which does not treat people differently on the basis of sex. Some key issue areas in which recipients have Title IX obligations are: recruitment, admissions, and counseling; financial assistance; athletics; sex discrimination which includes discrimination based on sexual orientation and gender identity; sex-based harassment, which encompasses sexual assault and other forms of sexual violence; treatment of pregnant and parenting students; discipline; single-sex education; and employment.
What is Sexual Harassment?

Sexual harassment consists of unwelcome and unsolicited sexual advances, requests for sexual favors, sexually motivated physical conduct, or other verbal or physical conduct or communication of a sexual nature when:
1. a University employee causes a person to believe that he or she must submit to unwelcome sexual conduct in order to participate in a program or activity, or when an employee or third agent causes a person to believe that the employee or agent will make an educational decision based on whether or not the person submits to unwelcome sexual conduct; or,
2. the unwelcome sexual conduct is so severe, persistent or pervasive that it affects a student’s ability to participate in or benefit from an educational program or activity, or creates an intimidating, threatening or abusive educational environment.

What is Sexual Violence?

Sexual violence is a form of sexual harassment. Sexual violence refers to physical sexual acts perpetrated against a person’s will or where a person is incapable of giving consent (e.g., due to the student’s age or use of drugs or alcohol, or because an intellectual or other disability prevents the student from having the capacity to give consent). A number of different acts fall into the category of sexual violence, including rape, sexual assault, sexual battery, sexual abuse, and sexual coercion.

What is Retaliation?

The University or an individual associated with the University must not intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX or its implementing regulations, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in a proceeding under Title IX.

What is a Hostile Environment?

Under Title IX, sexually harassing conduct by an employee that is sufficiently severe, persistent, or pervasive to limit a student’s ability to participate in or benefit from an education program or activity is considered to create a “hostile environment” and is prohibited.
HOW TO MAKE A TITLE IX CLAIM

What are the two possible ways to make a Title IX claim?

There are two ways for you to make a claim and for each process, you may make a claim using your name or make a claim anonymously.

(1) You may make a claim online with the University here:

Nancy G. Rhoads, at titleixcoordinator@allenuniversity.edu.

(2) Or you may make a claim online with the federal agency of The Office of Civil Rights (OCR):

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

INVESTIGATION PROCESS

What happens after I make a claim?

After you make a claim online with the University, the Title IX Coordinator will review the information to determine if there is any need for immediate actions to support the safety and well-being of individuals and the campus community. Typically, the Title IX Coordinator or other staff member will contact the complainant and invite the complainant to meet and explore resolution options and review accommodations and/or support services.

After you make a claim with the OCR, that federal agency deals with it according to their policies. More information may be obtained through their website where the complaint is filed:

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

ALLEN UNIVERSITY SUPPORTS A THOROUGH, IMPARTIAL, AND FAIR INVESTIGATION

What is involved in an investigation?

Both the complainant and the respondent:
• Will receive written notice that an investigation has been initiated.
• Will be asked to participate in an initial interview and may be asked to participate in a follow-up interview(s) as needed. The investigative team will interview the complainant and respondent separately.
• Will have the opportunity to present their own information, evidence and perspectives.
• Will have access to reasonably available counseling or other student services.
• May have the support of an advisor of their choice throughout the process.
• May name and present relevant witnesses.
• Have the opportunity to review the information that will be used in reaching a determination of whether the policy has been violated.
• May request that any member of the review panel/reviewer be removed from the process based on demonstrated bias.
• Will receive simultaneous notification, in writing, of the outcome and sanction of any disciplinary review result, including any appeal decisions.
• May request an appeal in accordance with the standards for appeal.

The investigation process is designed to be thorough, impartial, and fair, and to assure that all individuals are treated with the appropriate sensitivity and respect. The investigation process is also designed to result in a fair and equitable resolution.

Is the process private?

Allen University protects the privacy of complainants and other necessary parties. All reports of sexual discrimination, sexual harassment, sexual violence, retaliation, and hostile environment will be handled as privately as possible.

Any person may submit an anonymous report through our online reporting form. If you wish to remain anonymous, do not include your name or contact information on the form.

How is the investigation resolved?

The investigation may result in disciplinary action against a respondent.
The investigation may alternatively end in a voluntary resolution, which means that no disciplinary action is taken against a respondent. Participation in a voluntary resolution is purely voluntary, and can include an educational program and counsel.

**Can the resolution be appealed?**

The University allows both parties to appeal the resolution. Both parties have five business days to submit a written explanation of their appeal to the Title IX Coordinator. When an appeal is received, the Title IX Coordinator notifies the parties that an appeal has been received and provides notice of the appeal procedure: the appeal will be heard within five business days by a decision maker who was not involved in the investigation and who was not involved in any hearing. The decision maker will provide a written decision to the parties, explaining the result of the appeal and the rationale for the result.

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**ALLEN UNIVERSITY OFFERS SUPPORT SERVICES**

**What support services are available?**

**Emergency**

Call Campus Police at 803-223-4544, or Columbia Police Department at 803-749-5836.

**Medical Treatment**

(1) Health Services  
803-376-5733: 10:00 am – 3:00 pm

(2) Emergency Services  
911

**Counseling**
(1) Dr. Flavia Eldemire
Associate Vice President for Counseling and Placement
803-255-4742
feldemire@allenuniversity.edu

(2) Dr. Joseph Ray
Counselor
803-376-5738
jray@allenuniversity.edu

(3) Rev. Edwin Robert Thomas
Chaplain
803-255-4779
ethomas@allenuniversity.edu