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Title IX Policy

Revised April 13, 2021

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Policy**

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Preamble

Title IX of the Education Amendments of 1972 protects individuals from sex discrimination in educational programs and activities at institutions that receive federal financial assistance.

This Title IX Policy is separate and distinct from the college's Discriminatory Harassment and Sexual Harassment Policy and Title IX local minima. Discriminatory Harassment Policy and Title IX local minima please note that each policy may use its own specific definitions and describes its own unique response procedures.

This Title IX Policy details and explicitly prohibits discrimination on the basis of sex.

procedures outlined in Title IX.

I. Introduction

Reed College is committed to maintaining a free and diverse campus community in which students, faculty, and staff can live, learn, work and express themselves honorably. Membership in the Reed community, as governed by the Honor Principle, imposes obligations on students, faculty, and staff to respect the dignity and autonomy of others and to treat one another civilly and without regard to factors irrelevant to participation in the life of the college.

The prohibitions within this policy should not be read to create a restriction on academic freedom and individual freedom of expression. Those forms of freedom are central to the college's values, and occasionally, discomfort may be an inevitable result of the exercise of those freedoms and the pursuit of the mission of the college. The Reed College Mission Statement and the Constitution and Bylaws of the Faculty express the college's deep commitment to academic freedom and to the free exchange of ideas.

Except as otherwise specified herein, this policy applies to faculty, staff, students, and agents of the college while in their representative roles.

Reed College acknowledges and complies with its legal responsibilities in all its programs and activities. This policy is required by, and is, as a whole, intended to be consistent with Title IX of the Education Amendments of 1972, and any other applicable federal law or regulation that prohibits discrimination on the basis of sex

prohibits discrimination on the basis of sex,
including the reporting responsibilities of the
Clery Act, 34 CFR 668.46. If any provisions of this
policy are contrary to or interfere with any
applicable law, that law will supersede the

Harassment.

Consent: Consent is defined here as conscious, relevantly informed, and fully voluntary agreement to, or permission for, an act.

Education Program or Activity: Locations, events, or circumstances over which the college exercised substantial control over both the Respondent and the context in which Sexual Harassment occurs; includes any building owned or controlled by a student organization that is officially recognized by the college.

Formal Complaint: A document filed by a Complainant or signed by the Title IX Coordinator alleging Sexual Harassment against a Respondent, requesting that the school investigate the allegation of Sexual Harassment.

Officials with Authority: Certain representatives of the college who are able to institute corrective measures in response to a report of Sexual Harassment. The college has designated the following as Officials with Authority:

- President and Vice Presidents
- Deans (not inclusive of Associate or Assistant Deans)
- Director of Community Safety
- Title IX Coordinator and Deputy Title IX Coordinators

Reasonable Person: A hypothetical person in a similar position as the Complainant, such that the ages, abilities, identities, and relative positions of authority of the individuals involved in an incident will be taken into account.

Sexual Assault: An offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Fo

under the domestic or family violence laws of Oregon receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of Oregon (ORS §135.230).

Stalking: Engaging in a course of conduct directed at a specific person that would cause a Reasonable Person to:

(A) fear for their safety or the safety of others; or

(B) suffer substantial emotional distress.

IV. Internal reporting

The college has designated certain officials of the college as Officials with Authority. Officials with Authority must report observed or disclosed incidents of Sexual Harassment to the Title IX Coordinator within 24 hours of the observation or disclosure, absent extraordinary circumkⁱ

Health & Counseling Center, a SHARE advocate,
or the Program Director f f

immediatel

necessarily preclude the college from taking action under the Discriminatory Harassment and Sexual Misconduct Policy, another policy, process, or procedure, or preclude consideration of additional information that becomes available after dismissal.

Mandatory dismissal: Dismissal of a Formal Complaint is mandatory where the allegations, if true, would not meet the Title IX jurisdictional conditions (meet the definition of Sexual Harassment, against a person in the United States, in the college's education program or activity).

An investigation may be required to determine whether an allegation falls under Title IX jurisdiction.

Discretionary dismissal: The college may dismiss Formal Complaints in three circumstances:

1. Where a Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the Formal Complaint or any allegations therein;
2. Where the Respondent is no longer enrolled or employed by the college;

grounds for appeal are:

1. Procedural irregularity that affected the outcome of the matter;
2. Newly discovered evidence that could affect the outcome of the matter, and/or;
3. Title IX personnel had a conflict of interest or bias that affected the outcome of the matter.

Instructions regarding the appeal of such a dismissal decision will be provided at the time of the dismissal.

VIII. Resolution of Formal Complaint Procedures

A. Informal resolution

The college may not offer informal resolution unless a Formal Complaint is filed. The initial written notice of allegations sent to both the Complainant and Respondent will include information about any informal resolution processes the college has available. Those informal resolution processes will include reasonably prompt time frames and be facilitated by persons who have been trained to serve impartially and who are free from conflicts of interest.

Complainants and Respondents are not required to participate in an informal resolution process such as restorative justice. And either a Complainant or Respondent has the right to withdraw from informal resolution and resume a grievance process at any time before agreeing to a resolution.

The informal resolution process will not be used

The informal resolution process will not be used to resolve a Formal Complaint that a Reed employee sexually harassed a student.

B. Grievance process

After a Formal Complaint has been received by the college, the status of the Respondent will determine the appropriate grievance process:

- Faculty Respondent: See the grievance process outlined in sections M, N, O of the Rules of Procedure of the Faculty;
- Staff Respondent: See the grievance process outlined in the Human Resources Formal Complaint Procedures for Staff;
- Student Respondent: See the grievance process outlined in the Title IX Grievance Procedure for Students.

If a Respondent is found responsible for Sexual Harassment through the appropriate grievance process, after an investigation and hearing, the college may impose disciplinary sanctions against Respondent and/or implement remedies for Complainant to restore Complainant's equal educational access.

IX. Confidentiality

Except as may be permitted or required by FERPA or other state or federal law, or as necessary to conduct the grievance process, for the purposes of this Title IX policy, the college will keep confidential the identities of:

- any individual who has made a report or complaint of sex discrimination,
- any individual who has made a report or filed a Formal Complaint of Sexual

med a formal complaint of Sexual
Harassment

- any Complainant,
 - any individual who has been reported to be the perpetrator of sex discrimination,
-

whether amnesty applies in any given circumstance.

XI. Standard of Evidence

The standard of evidence used to determine responsibility for Title IX violations is the preponderance of the evidence standard (more likely than not).

XII. Retaliation

Retaliation is prohibited by Title IX, state law and by this policy. No one at the college may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in a Title IX investigation, proceeding, or hearing.

Complaints alleging retaliation may be filed according to the grievance procedures outlined in this Title IX policy.

XIII. Records

As required under Title IX regulations, the College maintains records of all reports, complaints, supportive measures, investigations, evidence, informal resolutions, hearings, hearing records, hearing outcomes, sanctions, remedies, and appeals governed by this policy. Such records will be maintained by the Title IX Coordinator for a period of at least 7 years after

the last Complainant or Respondent graduates, leaves employment of the College, or otherwise is no longer engaged in a College program or activity. Records are accessible only to the extent permissible under applicable records confidentiality and disclosure laws, including FERPA and the Clery Act.

The College also maintains all materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process for a period of at least seven years. These materials are available on the College's website, as required under Title IX regulations.

XIV. External remedies

This Title IX Policy and its grievance processes supplement, and do not replace, other remedies that may be available for acts which constitute violations of this policy. Students, faculty and staff have the option at all times to file a criminal complaint with law enforcement or to seek a civil remedy, in addition to or in place of using college's procedures.

Individuals also have the right to file a complaint related to Title IX with the United States Department of Education:

U.S. Department of Education

Office for Civil Rights

Lyndon Baines Johnson Department of Education
Bldg

400 Maryland Avenue, SW

Washington, DC 20202-1100

Telephone: 800-421-3481

FAX: 202-453-6012; TDD: 800-877-8339

Email: OCR@ed.gov

Website: www.ed.gov/ocr

Or

Seattle Office

Office for Civil Rights

U.S. Department of Education

915 Second Avenue Room 3310

Seattle, WA 98174-1099

Telephone: 206-607-1600

FAX: 206-607-1601; TDD: 800-877-8339

Email: OCR.Seattle@ed.gov

**Contact Reed
College**

3203 Southeast
Woodstock Boulevard
Portland, Oregon
97202-8199

Phone: 503-771-1112

Fax: 503-777-7769

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