TITLE IX COMMITTEE MEETING MINUTES

DATE: February 14, 2019  TIME: 9:00-10:00 AM
LOCATION: Milton Hall Room 85 and via Zoom
MEETING CALL BY: Laura Castille  TYPE OF MEETING: Monthly Meeting
FACILITATOR: Office of Institutional Equity  NOTE TAKER: Christina Gomez

MEMBER PRESENT IN PERSON:
Agustin Diaz, April Mason, Fermin Rubio, Nate Flores, Laura Castille, Renay Scott, Will Waller, Jeff Ferguson, Ophelia Watkins, Louis Huber, Amanda Bowen, Annamarie DeLovato, Angela Velasco, Lisa Warren, Adriana Walker

MEMBER PRESENT ONLINE:
Ann Ricksecker, Ike Ledesma, Juanita Garcia, Christina Gomez

ALTERNATES PRESENT IN PERSON:
Avery Sanford, ASNMSU

AGENDA ITEM: NMSU It's On Us Program events and planning
PRESENTER: Avery Sanford, ASNMSU, Chief Justice

DISCUSSION:
ASNMSU, Judicial Branch will be putting together the It’s On Us Campaign along with OIE and any other organizations and clubs, that can help out. It’s On Us is a national campaign started by formal President Obama to bring awareness of sexual assault to all students; they have a website where students can take the pledge and get information. NMSU has held this campaign for the past three years. Planning on holding events all week long starting beginning on April 2-5, 2019. Tentative events are self-defense classes with the Police Dept.; Candlelight Vigil with WAVE; maybe a rally; tabling and handing out information. April is sexual assault awareness month.

Tentatively scheduled for the first week of April 2-5, 2019

Monday, April 1, 2019: No Events because of April fool’s day.
Tuesday-Thursday, April 2-4, 2019: Tabling in front of Corbett and Frenger:
• OIE will assisting in scheduling individuals for tabling and will be reaching out to all and other various student organizations, clubs, and Athletics to assist in tabling.

Thursday, April 4, 2019: Candlelight vigil will be held in the evening.
Friday, April 5, 2019, Mid-day: Walk a mile in her shoes.
• This event is supposed to get guys to walk a mile in heels. Avery is thinking of having everyone walk, maybe not in heels and at the end of the walk handing out t-shirts.
• Would like to start mid-day, to get students as they get out of classes and have the faculty and staff participate as well.
• ASNMSU and OIE would like to change it to walking a mile in their shoes to make it more all-inclusive.
• It’s going to be more of a symbolic walk, not a full mile, start walking from Corbett to Hadley and then hand out t-shirts.

Would like the outside campuses to participate with us or hold their scheduled events on the first week of April. OIE can help coordinate. Maybe have ANMSU, and the branch campuses student governments coordinate and collaborate on events that will be most impactful on their campuses. Anna Ricksecker and Ike Ledesma will forward their Student Government contacts info to Avery to coordinate events. DACC student government assisted with tabling and handling T-shirts last year at It's on Us NMSU events, but could do either.

Avery was thinking of not ordering too many t-shirts to make it more exclusive. Get to the walk early and get your t-shirt. But if we have DACC participate would need to order additional t-shirts.

Avery Sanford contact info: asnmsu_court@nmsu.edu
AGENDA ITEM: Proposed Title IX Syllabus Statement
PRESENTER: Mr. Ike Ledesma, DACC Vice President of Student Services
DISCUSSION:

Background:
Dr. Castille: This is a reference to the mandatory syllabus statement which includes the reporting obligation and non-discrimination statement. Some professors asked for a statement that explained their obligation to report to campus authorities any information learned about events of sexual harassment, domestic violence or sexual assault. Because some students are getting upset with them for sharing their information. Therefore, the optional syllabus statement was written to clarify professor's obligation to report. Dr. Mason approved at the beginning of the semester, and some professors have started using it along with the mandatory syllabus statement.

Proposed Title IX syllabus statement:
Mr. Ledesma explained that because DACC had some issues with faculty not reporting sexual misconduct issues to the appropriate entities OIE, police, security, etc. The proposed title IX syllabus statement was created to be more directive and without a lot of the legal language that at times students aren't able to comprehend. As well for faculty to better understand their obligation to report. Mr. Ledesma forwarded the proposed Title IX syllabus statement to OIE and explained he would like to present this statement to the DACC Executive Council.

Dr. Castille forward Mr. Ledesma the optional syllabus statement which is similar to Mr. Ledesma proposed statement to review. Mr. Ledesma reviewed and will present to the DACC Executive Council.

Dr. Castille added that if the council would like to make any changes to the optional syllabus statement, she is willing to look at them and forward to Dr. Mason for approval. Dr. Castille preferred that we have one optional statement that everyone uses. She doesn't want different statements floating around.

Dr. Mason is willing to revise and refine the statement, but ultimately we need to decide on a final statement and put in the website.

Mr. Ledesma will present at DACC Executive Council, and we will discuss the statement on April's meeting.

AGENDA ITEM: Pregnancy accommodation requests
PRESENTER: Angela Velasco
DISCUSSION:
OIE has had several questions about pregnancy accommodations and as you known pregnancy fall under Title IX. Therefore wanted to make sure everyone is clear on the process when a pregnancy accommodation is requested. A lot of department are not aware that OIE handles student pregnancy accommodations and Student Accessibility Services offices handle student's disability accommodations.

Employee pregnancy accommodation will go through Human Resources unless there is a disability that was in result of the pregnancy this accommodation will go to OIE to handle the employee disability accommodation but not the pregnancy.

Student pregnancy accommodation forms are on OIE’s website, fillable form and paper form. Student's pregnancy accommodations are handled as temporarily accommodation. OIE will work with the student, and faculty member to come up with reasonable accommodation to avoid the student from drop out of school. Examples of pregnancy accommodation are potential homework extensions, able to submit homework online;

Students are strongly emphasized to communication with their faculty members to be able to reach reasonable timeframes to turn in their assignment and to take their exams.
Nursing Rooms or Lactation Room
Main Campus has two assigned rooms for nursing; we are trying to locate additional locations.

1. Zuhl Library you would need to request the keys from the front desk.
2. Business Complex you would need to request the keys for that as well. Where?

We are trying to make sure the students and employees understand that they don’t need to nurse in the restrooms. That is not the place to go; you won’t eat in the restroom, so we don’t want them to pump or nurse in the restrooms. State Law states that they cannot be forced to nurse in the restrooms. We must provide an additional location. We had two additional locations one on Regent Hall, but the building was closed down. The other one was in Gerald Thomas, but that room is being utilized by a faculty member now. OIE will try to work with the departments to find a private, clean and near location with a sink and possible with a fridge. We don’t have to supply this thing, but we would like for them to have access to them. A lot of individuals don’t realize that this is part of state law to provide this type of accommodations.

Another question we get is that they want to know if they can bring their child or baby to the class? Under policy 16.77; APR 16.77 child in the workplace, it briefly discusses that “on a rare occasion with the approval of the instructor they are allowed to bring their child, but if the child becomes distractive, the parent and child are going to be asked to leave.” We ask the instructors to please first check with our office before they approve.

Another issue is with the students that are doing their clinical or internships; this is an extension of their school requirement, and we need to provide accommodation for these students. Something to think about is including the accommodation process in the contracts of the outside entities

Dr. Mason asked that we contact Dr. Luis Cifuentes, Dean of Graduate School because GA’s or TA’s they are both students and employees this issue might relate to them as well and is something he might need to be aware.

Dr. Castille: OIE has had three pregnancy-related complaints since she been here. Maybe this is an area for training.

Dr. Mason: Thinks there is a need for awareness rising with many faculty and administers.

Ms. Velasco: OIE is working on a training module for compliance training.

Mr. Ledesma commented: We need to start the process of looking into pregnant accommodation in how it might affect students, financial aid. If the student has to get a medical withdrawal this will affect their ability to maintain their financial aid status, and therefore their completion will be set off and their degree time frame will be an issue. Need to look at the financial aid freeze options for these type of issues.

Dr. Castille: Being that pregnant is under Title IX, and must assure student continue their education or this could be a violation of Title IX.

Mr. Waller: Explains that students need to complete 70% for their classes. Federal law states that we must have a percentage and that is the set percentage for NMSU. Typically a medical withdrawal is not an issue, but if they do get around 70%, they will receive a financial aid warning. The warning will not affect the current semester but will need to have it up to within one semester. If they are already on warning and this occurred students can appeal for their financial aid. Here is where we can training financial aid appeal officers to understand that pregnancy accommodation is under title IX.

Mr. Ledesma: We don’t have a formal leave of absence policy this would allow us to freeze students financial aid for a moment in time. Financial aid regulations do allow leave of absences policies. Schools have the choice to have it or not. NMSU doesn’t have a formal leave of absence policy currently.
AGENDA ITEM: Green Dot
PRESENTER: Dr. Renay Scott

DISCUSSION:

Background:
The university about 2 or 3 years ago introduces Green Dot; It's a national program; it's very structured. The committee would like to move to a more institutional type of program or curriculum because it would be less restricted. It will provide them with more flexibility to allow them to do more offerings and have different types of offerings. Don’t know if they will continue using the color green. Committee individuals are Housing, Conduct, Dean of Students and a component of the Wellness office. For UTEP game they came out with a less restricted piece called Stand Up Speak Out campaign.

Mr. Waller: The original training was about a year ago January. Green Dot is a very structured there were serval committees such as faculty committee, student committee, and evaluation and assessment committee. Dr. Jasek brought the group together to go through the process. The process requires anyone that presents Green Dot is required to be approved to be a presenter. At the end of Dean Jasek’s term, the committee had some challenges and found it wasn’t working successfully. Therefore, the committee decided to do a review and come up with an NMSU Green Dot version.

Mr. Huber: Ms. Velasco and I were in the assessment committee we contacted other universities and found out that they also were moving away from Green Dot due to the restrictions they had.

Green Dot Website: https://alteristic.org/services/green-dot/green-dot-colleges/

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AGENDA ITEM: Policy Review. Do we need an extra layer of due process? What are other Universities doing?
PRESENTER: Annamarie DeLovato

DISCUSSION:

Dr. Castille: We are anticipating some changes to the Title IX regulations that are going to require an extra layer of due process and possibly a change in policy. For instance, if someone files a complaint whether it is a Title IX or Title 7 or any other type of discriminatory conduct alleged the process is the same for all. If any portion of the new regulations due process does get adopted, we will need to separate our Title IX cases and possible Cleary cases from the way we hand the rest of our discriminatory complaints.

One of the proposals is that when if there is a complaint received, and there's an investigation either party has the right to a hearing. The hearing will be long before a decision is made, like a mini-trial. We currently don't have the infrastructure for any of that to happen. In preparing for that our office is thinking of an extra, extra layer of due process that we can put in now into our procedures and start getting ready to figure out how to address the due process needs that we are going to have to meet when these new regulations come out. I had Annamarie look into other university and see what they are doing. She had the comparisons sheet.

Annamarie DeLovato: I did a basic google search with in regards to other offices dealing with Office of Institutional Equity or Title IX on how they process their cases. There is a different track in most universities on how they separate their cases. The regulations mainly focus on students. Our understanding in the past OIE will submit to the Provost office our report, the Provost office will make the ultimate then it come back to OIE, and then it’s sent to the Dean of Students for discipline. Then my understanding is that at the Dean of Student office they want to challenge the underlining finding that OIE has recommended and Provost has determined and so what can we do to prevent that because really by the time it gets to ELR or the Dean of Students should only be how we are going to discipline.

Laura Castille: Right now they can challenge the discipline but can’t appeal the underlying facts. Believe we will have a problem with that because they didn’t have an opportunity at another level to challenge the underlying facts.
Jeff Ferguson: When it comes to our office, whatever decision is made as to discipline, there is an appeal process so they can appeal the discipline based on the determination.

Annamarie: Found that most universities investigation agency develops the report, do the findings of facts, does the ultimate conclusion and various parts of that with a response deadline, here’s what we are finding, please respond within X amount of days, challenge if you want, provide additional documentation or evidence to review.

Dr. Castille: If the proposed regulations pass this process will work for the hearing.

Dr. Mason: Received a letter from OCR and will send copy to OIE.

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OTHER INFORMATION

RESOURCES:

- Agenda
- Proposed Syllabus Statement
- Maternity and Pregnancy
- ASCA comments on Title IX Regulations
- Submitted comments for Title IX Proposed Rulemaking
- University Comparisons

SPECIAL NOTES:

- No meeting scheduled for March due to spring break.
- OIE is updating their website, please go to Title IX & Sexual Misconduct tab and drop down on Title IX Committee all Title IX members contact information, meeting agenda, meeting minutes will be upload and any upcoming events.
- Ike Ledesma will follow up on the Proposed Title IX Syllabus Statement
- Angel Velasco will contact Dr. Luis Cifuentes, Dean of Graduate School regarding GA’s and TA’s pregnancy accommodations.
- Dr. Scott’s unit came out with a task force called Campus Safe and Sexual Awareness that is more of an advisory committee for her unit. Dr. Castille and Dr. Scott will meet.