

2012

Title IX Audit

Central Washington University





CENTRAL WASHINGTON UNIVERSITY

MEMORANDUM

TO: Sherer Holter, Chief of Staff

FROM: Title IX Task Force, including
Kandee Cleary, Chair of Sociology and Inclusiveness Coordinator
Ed Day, Director, Organizational Effectiveness
Richard DeShields, Assistant Dean, Student Success
Gary Hyatt, Assistant Athletic Director
Mike Luvera, Director, Public Safety and Police Services
Staci Sleigh-Layman, Director, Equal Opportunity (Chair)
Tracy Terrell, Registrar

DATE: February 21, 2012

RE: Final Report on Title IX Audit

The Title IX Task Force has completed its comprehensive review of institutional policy and practices regarding Title IX. Three broad areas were included: Policy Review, Athletics, and Data Collection. The task force made recommendations in each broad area. When possible, the task force recommendations utilize current organizational structure and positions for responsibilities associated with this audit.

The task force acknowledges that additional data needs to be collected and analyzed over time. When data is collected the task force recommends that three categories be included: male, female, and transgender. In light of the fact that the university's equal opportunity statement includes protections for sexual orientation, gender identify and gender expression, it is important for the university to acknowledge the presence of sexual minorities in its data collection.

Members of the committee would be happy to meet to discuss its findings and recommendations. We thank you for the opportunity to participate in this important review.

Attachments:

Final Report

A: Proposed Policy: 2-35-015 Title IX Policy

B: Proposed policy changes

C: Proposed content – Title IX website

D: Title IX Compliance Report – Athletics (Helen Grant Consulting)

Title IX Task Force

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EEO/AA/TITLE IX INSTITUTION

Final Report
Title IX Task Force
Central Washington University
February 21, 2012

Policy Review

A sub-committee met several times during fall quarter 2011 to review and discuss policies and procedures in comparison to guidance about Title IX provided by U.S. Department of Education's Office for Civil Rights (OCR). Committee members included Richard DeShields, Gail Farmer, Barbara Hodges, Susan Lonborg, Mike Luvera, Rhonda McKinney, and Staci Sleight-Layman.

It was found, to be compliant, the university must:

- Identify a Title IX coordinator by name, address and telephone number;
- Distribute a nondiscrimination statement to all students and employees; and
- Adopt and publish grievance procedures and policies that ensure that *prompt and equitable* resolution of any complaints related to sexual harassment or violence.

The CWU Director of Equal Opportunity (Staci Sleight-Layman) currently has responsibility as Title IX Coordinator. The committee recommends that this position be identified as the *primary coordinator*. Four other positions should be identified as *supporting coordinators*. These positions include:

- Associate Dean of Students (Richard DeShields)
- Director of Police Services (Mike Luvera)
- Assistant Athletic Director for Academics and Compliance (Gary Hyatt)
- Athletics, Senior Woman Administrator (Kari Gage)

Supporting coordinators will have responsibility for informing the primary coordinator of issues related to Title IX. Procedures will be established, by the primary coordinator, to ensure that the communication and collaboration between those with Title IX responsibility, as well as education about Title IX developments, occurs in structured ways.

A specific policy addressing Title IX has been drafted (attachment A). Although the general CWU nondiscrimination policy covers compliance with Title IX, recent compliance reviews at other higher education institutions have resulted in the creation of specific Title IX policies. The university's nondiscrimination statement and this new Title IX policy will be distributed to students and employees on a regular basis. The statement will be made available in the following ways:

- An e-mail will be sent annually to the entire university community in September of each year.
- The entry screen of SAFARI (for faculty, staff, and students) will include notice of the Title IX policy once each year, at a different time than the annual e-mail.
- A Title IX website will be developed including information on Title IX, CWU policy, how to report sexual misconduct, questions and answers, suggestions for reducing risk both as a victim and as a person accused of sexual misconduct, and helpful links. See attachment C.

Staci Sleight-Layman, Director, Equal Opportunity and Title IX Coordinator, is responsible for ensuring that these recommendations are in place no later than April 1, 2012.

The task force reviewed university policies and procedures with an eye toward Title IX compliance. A new Title IX policy has been drafted (Proposed CWUP 2-35-015 Title IX Policy: Discrimination on the Basis of Sex and Sexual Misconduct - attachment A). The task force also found that several policies need minor revisions in order to be compliant with Title IX. Revisions of the following policies are included in this report as attachment B:

CWUP 2-35-070 Discrimination Complaint and Resolution Policy

CWUR 1-30-050 Discrimination Complaint and Resolution Procedure – Employees

CWUR 4-20-004 Student Discrimination Grievance Procedures (proposed CWUP number.)

Has been a student related procedure for years but hasn't been formalized in the policy and procedure system

CWUR 4-20-005.3 Student Consultation Team

Chapter 106-210 WAC – Student Conduct Code

Others may be forthcoming and will be managed through the usual policy and procedure approval process.

In addition, policy and procedures regarding background checks and sex offenders will be reviewed to ensure that communication lines are solidly established and protocols clear.

Athletics Department Review

Review of the CWU Athletics Department was conducted in October 2011 by Helen Grant Consulting. The report (attachment D) was generally very good. The following recommendations were made:

Recommendations by Helen Grant Consulting:

1. Institute a roster management program that results in compliance with the first test of ways to effectively accommodate interests and abilities of students. This would reduce the disparity between female participation rates and female enrollment rates to 1% which is approximately nine participants and perceived to be acceptable by OCR.
2. Analyze systemically and annually the number of grants awarded to male and female athletes in comparison to the maximum allowed by NCAA Division II. Ensure that this percentage is equitable.
3. Ensure women's basketball team members receive the same equipment and supplies as the men's basketball team members.
4. Review travel budget for soccer so that the maximum number of contests can be scheduled and played during the non-traditional season.
5. Review and adjust as necessary the travel budgets for women's sports to allow at least two women's teams to assign two participants per hotel room.
6. Review National Athletic Trainer's Association data concerning student-athlete/athletic trainer ratios. This should be adjusted in order to avoid problems in the future.
7. Review national data concerning strength and conditioning coach/student-athlete ratio. This should be adjusted in order to avoid problems in the future.
8. Review cell phone and budget allotments for cell phones in order to ensure equity for male and female coaches.

The CWU Title IX Task Force underscores and supports these recommendations. Jack Bishop is responsible for managing the implementation of these recommendations. He will report on progress to the Chief of Staff no later than June 1, 2012. In addition, it recommends that the Athletic Department develop a plan for evaluation of the same areas using the similar methods as the current audit. Production of this report should be done as part of an annual program review. Ideally it would be produced annually by December 31 and analyze data from the previous academic year, beginning fall quarter. This would provide athletic department and university leadership with longitudinal data to assist in strategic planning and budget management. Gary Hyatt, Assistant Athletic Director, in conjunction with Athletic Director Jack Bishop, will develop this reporting plan no later than June 1, 2012. The first report will be produced by December 31, 2012.

Data Review

A sub-committee met several times during fall quarter 2011 to review and discuss the type of data available that could be used to evaluate equality for males and females in various programs and activities at Central Washington University. Tracy Terrell provided leadership to the data review sub-committee that included Ed Day, Coleen Gelatt and Lisa Plesha.

Data collected by sex (male, female, transgender) includes:

Academic and Student Life data

- Financial Aid
- Admissions Funnel Statistics
- Census by Residence Hall and Class Standing
- Grades Earned
 - By Individual Grade by Year
 - By Individual Grade by Quarter
- Complete Withdrawals
- Discontinued Students
- Students Dropped for Lack of Pre-Requisites
- Degrees Awarded
- Top Fifteen Degrees
 - Undergraduate Degrees
 - Graduate Degrees
 - Type of Graduate Degree
- Students Dropped for Non-Attendance during Add/Drop Period or Reported as No Show
- Top 15 Courses Where Grades of D, F, +W, or HW were earned

The task force recommends that the office of organizational effectiveness/institutional research provide a report that contains these elements presented in a consistent format by December 31 of each year to the primary Title IX coordinator.

Recommendations from the sub-committee include:

1. Data collection must be standardized. Especially, those with responsibility for out-of-class programming and activities do not have standard data collection methods and have not identified the type of data to be collected. Conversations must begin and solutions must be found and implemented. Baseline data must be reported. Ed Day, Interim Director, Institutional Effectiveness, will lead this effort. He will produce a report on progress to Sherer Holter, Chief of Staff, and Staci Sleigh-Layman, Director, Equal Opportunity and Title IX Coordinator, no later than July 1, 2012.
2. Academic departments should report consistent academic data based on sex (male, female, transgender) in strategic planning documents and program review. Baseline data must be collected and reported. Goals should be established to ensure equity and access. Staci Sleigh-Layman, Director of Equal Opportunity and Title IX Coordinator, will work with Provost Marilyn Levine, to ensure this recommendation is implemented. A status report will be produced no later than May 1, 2012.
3. The strategic planning process must include the number of students and participants as indicators of program success. Various collection strategies must be explored to ensure a consistent method of collecting data. Data collected may include the number of participants,

paid “secret shoppers” to evaluate the quality of out-of-class experiences, etc. Best practices should be identified and implemented in the area of data collection. Ethan Bergman, Interim Dean of Students, will provide a status report on this recommendation no later than July 1, 2012.

4. Technical analysis of data over time is needed. Responsibility for this technical analysis must be assigned. Ed Day, Interim Director of Institutional Effectiveness, is responsible for this technical analysis. He will provide a status update no later than September 1, 2012.

In closing, the Title IX Task Force also recommends that the institution discuss mandatory reporting and widely distribute information about expectations. Currently, according to Mike Luvera, Director of Public Safety and Police Services, the Clery Act requires that the university identify *mandatory reports*, which the Act calls “Campus Security Authorities” or CSAs. CSAs are identified annually by University Police because they have “significant responsibility for student and campus activities.” Typically CSAs include coaches, club advisors, certain supervisors and other staff. By Clery’s definition it does not include faculty in their normal teaching role. In 2011, University Police hand identified about 200 CSAs and delivered letters to them explaining their obligation under the law. Luvera and his staff are currently designing a presentation to further provide guidance to CSAs.

The Title IX Task Force recommends examination of institutional expectations for mandatory reporting of suspected sexual harassment and/or sexual misconduct. A memo or other correspondence should be widely distributed that articulates institutional expectations clarifying the nature of instances where mandatory reporting is necessary and the process to be used for this reporting. In light of recent allegations at Penn State, it seems that it would be in the best interest of the university to give guidance on the definition of abuse (including sexual harassment, sexual assault, and sexual misconduct) and who and when reporting of these behaviors is mandatory. Staci Sleigh-Layman, Director, Equal Opportunity and Title IX Coordinator, is responsible for working with Sherer Holter, Chief of Staff, to respond to this recommendation. A memo will be distributed no later than October 1, 2012.