Equity and Inclusion
New Faculty Orientation

Marian V. Wilson, PhD
Assistant to the President and
Title IX Coordinator

Lance Alexis, EdD
Director of ADA Compliance and Accessibility

Institutional Equity and Compliance
CAB 116
615-898-2185
Overview

• **Institutional Equity and Compliance**
  (Investigations, Consultations, Training, Resource)

• **Compliance**
  o ADA, Title II and Accessibility
  o Nondiscrimination (AA/EO)
  o Title VI/LEP
  o Title IX

• **Questions**
ADA Compliance and Accessibility

• **Americans with Disabilities Act (1990) as amended:**
  Prohibits employers (MTSU) from discriminating against qualified individuals with disabilities

• **Intent of the ADA is:** to provide a clear mandate for the elimination of discrimination against individuals with disabilities by providing consistent, enforceable standards addressing discrimination against individuals with disabilities

• **An individual with a disability is a person who:**
  o Has a physical or mental impairment that substantially limits one or more major life activities
  o Has a record of such an impairment; or
  o Is regarded as having such an impairment
ADA Compliance and Accessibility

• **Title I applies to:** qualified employees or applicants with a disability who are individuals who, with or without reasonable accommodation can perform the essential functions of the job in question

• **Reasonable accommodation may include, but is not limited to:**
  
  o Making existing facilities used by employees readily accessible to and usable by persons with disabilities
  
  o Job restructuring, modifying work schedules, reassignment to a vacant position
  
  o Acquiring or modifying equipment or devices, adjusting or modifying examinations, training materials, or policies, and providing qualified readers or interpreters
Title II applies to state and local government entities (MTSU) and protects qualified individuals with disabilities from discrimination on the basis of disability in services, programs and activities provided by state and local government entities.

Put simply, our offerings need to be as accessible as possible.

Proactive Accessibility Measures
- Possibilities are Ever Increasing

Reactive Accommodation
- Individual Accommodation will always be an option
- Working to create an environment where those requests are not as frequent
Disclosing a Medical Diagnosis

- No downside to disclosure
- Disclose whether or not an accommodation is needed
- **Easy to do:**
  - Complete and submit an online application
  - Upload documentation to the application before submitting or afterward
Accessibility

• **Policy 28: Accessibility**
  
  o MTSU recognizes accessibility as creating an environment in which individuals with disabilities are able to independently acquire the same information, engage in the same interactions, and enjoy the same services within the same timeframe as individuals without disabilities, with substantially equivalent ease of use. In this regard, MTSU will work to ensure compliance by advancing accessibility through the adoption, when feasible, of related principles of universal design.
Electronic Information Access

• Enhancing Our Efforts
  o Electronic Transmissions of Information
    ✓ Proactive
    ✓ Same as Physical Access
  o Legal Compliance
  o Reach More People
  o Going Forward Not Backward
Areas of Concern Related to Access and Electronic Information

• Word Documents (Headings)
• PDFs (Scans)
• Pictures (Alternate Text)
• Purchasing (Product Accessibility)
• Videos (Captioning and Audio Description)
Accessibility Resources

• Director of ADA Compliance (faculty and staff) and University Accessibility: Dr. Lance Alexis
• Center for Educational Media: Dr. Laura Clark
• Procurement: Mr. Shirman Thomas
• Director of the Disability & Access Center (students): Mr. Kevin States
MTSU Nondiscrimination/EO/AA

• MTSU Policy 21: University Nondiscrimination Statement
  o Middle Tennessee State University does not discriminate on the basis of race, color, religion, creed, ethnic or national origin, sex (including pregnancy), sexual orientation, gender identity/expression, disability, age (as applicable), status as a covered veteran, or genetic information in its programs and activities involving students, employees or other participants

• MTSU Policy 25: Equal Opportunity and Affirmative Action
  o MTSU is an equal opportunity, affirmative action employer that values diversity in all forms. All qualified applicants will receive consideration for employment without regard to race, color, religion, creed, ethnic or national origin, sex, sexual orientation, gender identity and expression, disability, age, status as a protected veteran and genetic information
Title VI

- Title VI of the Civil Rights Act of 1964:
  No person in the United States shall on the basis of race, color or national origin, be excluded from participation in, be denied benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance (includes grants/contracts)

- Intent of Title VI is:
  To ensure that eligible persons previously or traditionally deprived of equal opportunity are adequately encouraged to participate fully in all MTSU programs and services
Title VI Continued…

- **Limited English Proficiency:**
  - **MTSU Policy 305: Limited English Proficiency**
    - Title VI's prohibition on the basis of national origin also prohibits discrimination based on limited English proficiency
    - Under Title VI MTSU is required to provide LEP individuals with meaningful access to our programs and services
    - Providing meaningful access generally involves services for oral interpretation and written translation of vital documents
  - **Avaza:** MTSU provides oral interpretation and written translation services (24/7) through AVAZA at: 615-810-8506 (Code 37970)
    - IEC will pay for the service for our students, faculty and staff
    - Avaza language identification posters are available in each department
Title VI

- Title VI is covered under: **MTSU Policy 26: Discrimination and Harassment Based on Protected Categories Other Than Sex**
  - It includes: race, color, religion, ethnic or national origin, disability, age (as applicable), status as a protected veteran, genetic information, and/or any other legally protected class

- **Title VI Complaints:** are reported to IEC: Marian V. Wilson

- **Title VI Online Training** (ordinarily taken within the first 30 days of new hire)
  - Title VI training is required **annually** in the state of Tennessee
  - You should have received a link from our new vendor (Safe Colleges) today
  - You will continue to receive your link bi-weekly until you complete the training or by **December 16th**
Title IX

• **Title IX of the Education Amendments**
  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. **It prohibits:**
  o Discrimination on the basis of sex
  o Sexual Harassment
  o Sexual Assault and Sexual Violence (Sexual Misconduct)

• **Governed by the Department of Education and enforced through its Office for Civil Rights (OCR)**
Sexual Harassment

- **Sexual Harassment** *(student-on-student)*: where both the accused and the accuser are students, sexual harassment is defined as unwelcome conduct directed toward a person on the basis of sex that is so **severe, pervasive, and objectively offensive** that it effectively **bars the accuser’s access to an educational opportunity or benefit**.

- **Sexual Harassment** *(in all other instances)* is defined to include unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature, including sexual assault, where a **tangible employment or educational action is conditioned upon submission to or rejection of unwelcome sexual advances, or where conduct is so severe, pervasive, or objectively offensive that the individual is effectively denied equal access to the University’s resources and opportunities**. Sexual harassment, including sexual assault, can involve persons of the same or opposite sex.
Sexual Harassment does not have to include intent to harm, be directed at a specific person or group of people, or involve repeated incidents. Sex-based harassment includes sexual harassment and non-sexual harassment based on stereotypical notions of what is female/feminine versus male/masculine or a failure to conform to those gender stereotypes.

Sexual Harassment/Misconduct is a form of sex discrimination; it is treating individuals less favorably because of their sex (including pregnancy or sexual orientation/gender identity/expression) or having a policy or practice that has a disproportionately adverse impact on protected class members.
Sexual Violence (VAWA)

• Sexual Misconduct is also a form of sex discrimination and a violation of Title IX
  o It includes the offenses: dating violence, domestic violence, stalking and sexual assault
• Dating Violence is: against a person when the accuser and accused are dating or who have dated, or who have or had a sexual relationship. “Dating” and “dated” do not include fraternization between two individuals solely in a business or non-romantic social context. (not roommates)
• Domestic Violence is: against a person when the accuser and accused are current or former spouses, who live or have lived together as a spouse or intimate partner (not roommates), are related by blood or adoption, are related or were formally related by marriage, are adult or minor children of a person in a relationship described above.
Sexual Violence (VAWA) Continued…

- **Stalking is:** a willful course of conduct involving **repeated or continuing harassment of another individual** that would cause a **reasonable person** to feel terrorized, frightened, intimidated, threatened, harassed or molested (includes **cyber-stalking**)

- **Sexual Assault is:** **nonconsensual** sexual contact where the accused knows, or has reason to know, that the victim **did not, or could not consent:** nonconsensual sexual contact includes, but is not limited to:
  - Rape, sexual battery, sexual coercion, engaging in sexual contact after the victim has said “No”
  - Intentional touching of intimate parts; or
  - Intentional touching of the clothing covering the immediate area of intimate parts, if that intentional touching can be reasonably construed as being for the purpose of sexual arousal or gratification
  - Sexual intercourse or sexual contact when the person has a disability or is a minor

*(Note: Includes any of the above between people of the opposite sex or same sex)*
Consent

- **Consent is an informed decision, **freely given, **made through mutually understandable words or actions that indicate a willingness to participate in mutually agreed upon sexual activity**
  - Past consent does not imply future consent
  - Silence or an absence of resistance does not imply consent
  - Consent can be withdrawn at any time

- **Consent cannot be given by an individual:**
  - Who is asleep or unconscious
  - Mentally or physically incapacitated
  - Is under duress, being coerced or forced
  - Who is a minor
Reporting Unacceptable Behaviors

- **Responsible Employee:** an MTSU faculty or staff member who has the authority and the duty to report incidents of sexual misconduct, or whom a student/employee could reasonably believe has this authority or duty:
  - Police, VP’s, AVP’s, Deans, Associate Deans, Assistant Deans, Directors, Associate Directors, Assistant Directors, Department Chairs, Graduate Teaching Assistants, Academic Advisors, Advisors for student clubs/organizations, Resident Assistants, Athletic Department staff, including all coaches and academic tutors, Campus Security Authorities etc.
  - **You (all faculty)** are responsible employees and must report sexual misconduct
Responsible Employee Continued…

• Responsible Employees must:
  
  o **Report** any incident of sexual misconduct (sexual harassment or sexual violence) once you become aware of it to a Title IX Coordinator /Investigator (615-898-2185)

  o Provide all details and facts of the incident, names of those involved, date, time, location, etc.

  o **Do Not** wait to determine whether the alleged sexual misconduct actually occurred, or that a hostile environment was created before reporting an incident
Confidential Reporting

However, before a student/colleague reveals information about unacceptable behavior, you must inform them that:

• You have an obligation to report any details shared
• They always have the option to report to law enforcement
• Students have the option to report confidentially to the Counseling Center, the Health Center, MTSU’s Victim’s Advocate, Murfreesboro’s Domestic Violence and Sexual Assault Prevention Center
• In some instances, the Title IX Coordinator may not do a formal investigation (it will depend on the circumstances)
  
  o If an individual requests that MTSU maintain his/her confidentiality, the Title IX Coordinator will consider a number of factors (i.e., weapon involved, multiple perpetrators, prior history here or another university, threats to victim or others, victim is a minor/disabled, etc.)
Complaint Procedures

• Title IX is covered under: **MTSU Policy 27, Misconduct, Discrimination, and Harassment Based on Sex**

• The process for resolution is:
  - Interim Measures/SAFETY FIRST
  - Investigation (determination of policy violation/no policy violation occurred)
  - University decision-maker accepts/does not accept investigators determination
  - Investigator notifies Complainant and Respondent of findings
  - Appeal to President if disagreement with findings or sanction (By either party)
  - Hearing Option
  - Sanction Imposed (If recommended)
  - Remedial Measures (Individually, Departmentally or Institutionally)
Sample Title IX Statements for Syllabi (Please Choose One)

- Students who believe they have been harassed, discriminated against or been the victim of sexual assault, dating violence, domestic violence or stalking should contact MTSU’s Title IX Coordinator at 615-898-2185 for assistance or review MTSU’s Title IX website for resources. [http://www.mtsu.edu/titleix/](http://www.mtsu.edu/titleix/)

- MTSU faculty are concerned about the well-being and development of our students and are legally obligated to share reports of sexual assault, dating violence, domestic violence and stalking with the University’s Title IX coordinator to help ensure student’s safety and welfare. Please refer to MTSU’s Title IX site for contact information and details. [http://www.mtsu.edu/titleix/](http://www.mtsu.edu/titleix/)

- MTSU seeks to provide an environment that is free of bias, discrimination, and harassment. If you have been the victim of harassment, discrimination or sexual misconduct, I encourage you to report this information. However, you should be aware that if you report it to me, I am required to bring it to the attention of the institution’s Title IX Coordinator (Dr. Marian V Wilson). If you would like to talk to the Title IX Coordinator directly, she can be reached in Cope Administration Building116 or 615-898-2185. For more information, please refer to MTSU’s Title IX site for contact information and details. [http://www.mtsu.edu/titleix/](http://www.mtsu.edu/titleix/)
Retaliation

• Conduct which is taken against a complainant (reporting party) because they have filed a complaint or conduct taken against an individual who has cooperated with the investigation of a complaint
• Against MTSU policy
• Against the law
Title IX Coordinators

Marian V. Wilson, PhD
Assistant to the President, and Title VI and IX Coordinator
Institutional Equity and Compliance
CAB 116
615-898-2185

Laura Sosh Lightsy (Students)
Assistant Dean and Deputy Title IX Coordinator
Office of Student Conduct
KUC 208
815-898-2750

Christy C. Sigler, JD (All)
Deputy Title IX Coordinator/Investigator
Institutional Equity and Compliance
CAB 116
615-898-2185

Diane Turnham (Athletes)
Senior Associate Athletic Director/SWA and Deputy Title IX Coordinator
Athletic Department
Murphy Center 151
615-898-2938
Institutional Equity and Compliance Team

Marian V. Wilson, PhD
Assistant to the President,
and Title VI and IX Coordinator
Office of Institutional Equity and Compliance
Cope Administration Building, Room116
615-898-2185

Christy C. Sigler, JD
Deputy Title IX Coordinator/Investigator
Office of Institutional Equity and Compliance
CAB 116
615-904-8054

Lance Alexis, EdD
Director of ADA Compliance and Accessibility
Office of Institutional Equity and Compliance
CAB 116
615-904-8447

Jeanna Scholz
Executive Aide
Office of Institutional Equity and Compliance
Cope Administration Building, Room116
615-898-2185
Questions