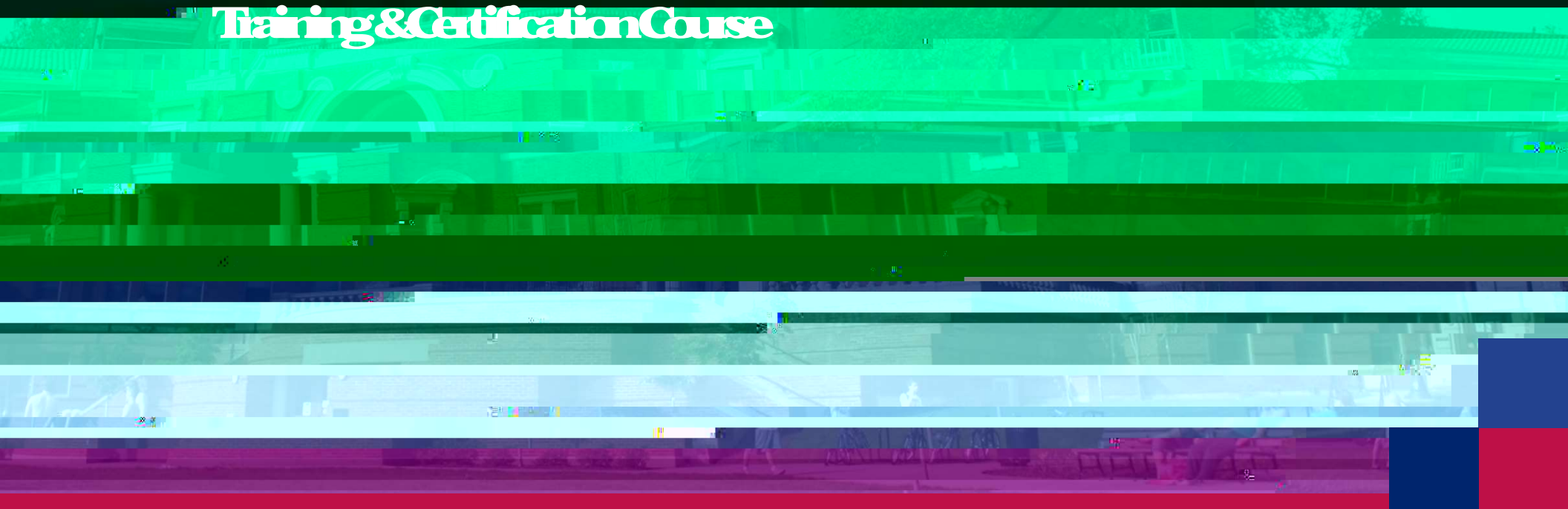
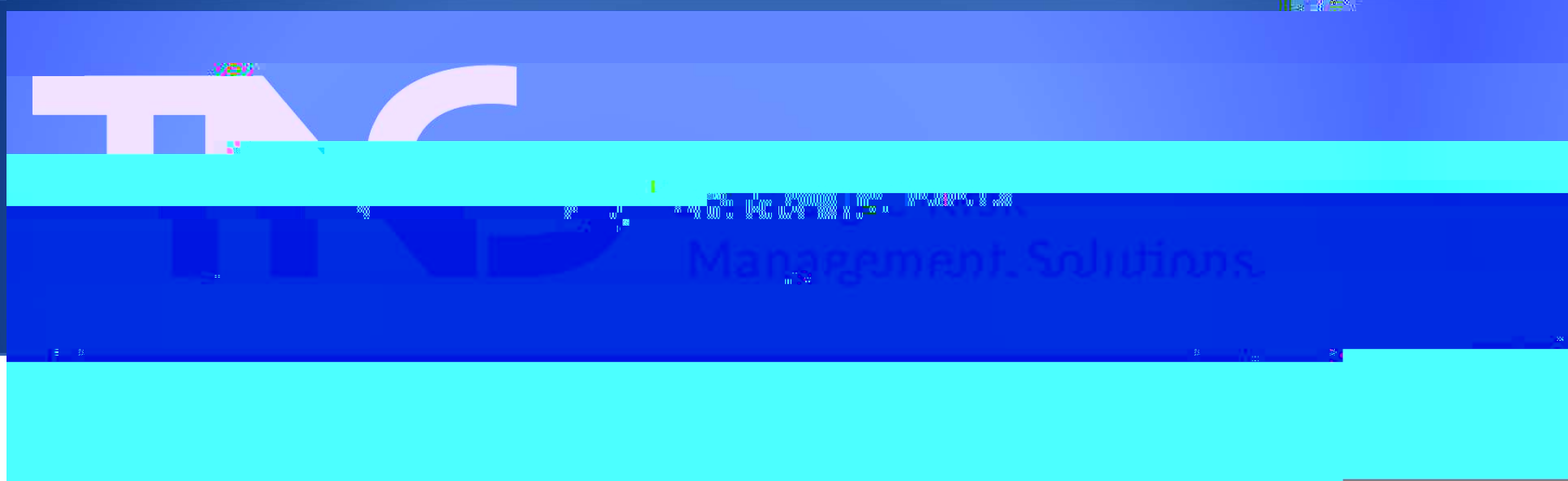


Title IX Coordinator Five: Bias & Cultural Competencies

Training & Certification Course





Any advice or opinion provided during this training either privately or to the entire group, is never to be construed as legal advice. Always consult with your legal counsel to ensure you are receiving advice that considers existing case law, any applicable state or local laws, and evolving federal guidance.

(610) 993-0229 | inquiry@tngconsulting.com | www.tngconsulting.com

CONTENT ADVISORY

The content and discussion in this course will necessarily engage with sex and gender-based harassment, discrimination, violence, and associated sensitive topics that can evoke strong emotional responses

All AIA faculty members may offer examples that emulate the language and vocabulary Title IX practitioners encounter in their roles including slang, profanity, and other graphic or offensive language

TRAINING OUTLINE

1 Cultural Competence

2 Intersectionality

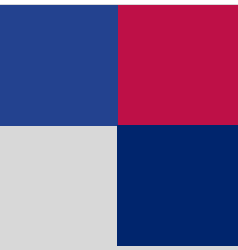
3 Understanding Bias

4 Efforts to Mitigate Bias

5 Opportunities to Address Bias

6 Microaggressions





TITLE IX REGULATIONS

- **Congress passed Title IX of the Education Amendments in 1972**
- **Since 1980 the Department of Education's Office for Civil Rights (OCR) has had primary responsibility for enforcing Title IX**
- **November 2018 OCR proposed the most detailed and comprehensive Title IX regulations to date¹**
- **August 2020 Significantly amended, due process oriented Regulations took effect (proposed in Nov 2018)**
- **June 2022 OCR published the Notice of Proposed Rule Making (NPRM) outlining proposed changes to the Title IX regulations**
- **On July 12, 2022, the NPRM was published in the Federal Register and the 60 day comment period began**

¹US Office of the Federal Register; *Non-Discrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance*
<https://www.federalregister.gov/documents/2018/11/29/2018-2534/non-discrimination-on-the-basis-of-sex-in-education-programs-or-activities-receiving-federal>

NPRM PROCESS TIMELINE

- **Official publication in the Federal Register July 12, 2022**
- **Review and comment period**
 - **60 day comment period ends September 12, 2022**
 - **Submit comments to the Department of Education's Office for Civil Rights (OCR)**
- **Final Rule expected to be issued in Spring 2023**
- **Effective Date approximately Summer/Fall 2023**
- **Watch for ATIXA webinars and other opportunities 😊**
- **There will be a separate NPRM for Athletics**

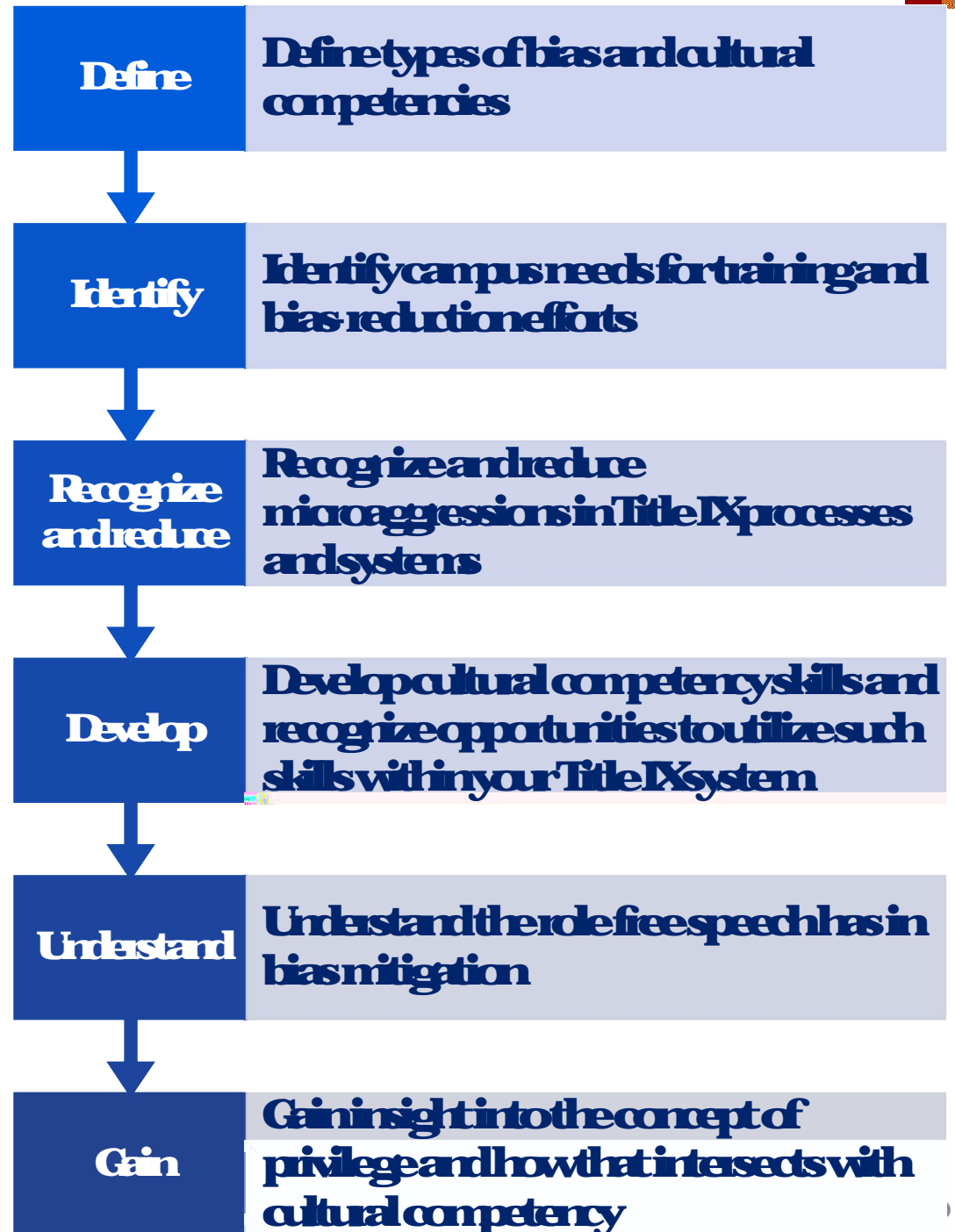
PREPARING FOR IMPLEMENTATION

- **Must continue to fulfill obligations under the current regulations for the 2022-2023 academic year:**
- **Anticipate OCR will expect schools to implement the new Title IX regulations before the start of the 2023-2024 academic year:**

Steps to Take Now

- **Prepare to educate your community on the changes**
- **Identify stakeholders that will need to be involved in making policy decisions (e.g, whether to have hearings)**
- **Determine how you will manage policy changes**
- **Plan for the training needs for your community**
- **Consider state laws, court decisions, and other regulations that may affect your institutional approach**

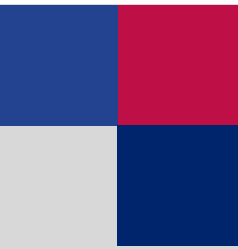
LEARNING OUTCOMES





WHY THIS WORK MATTERS

- **Central to AITX's mission is the need to ensure that our trainings and programs include a focus on inclusive practices. This should also be central to the mission of your individual institutions.**
- **Self-assessment and development are necessary for individuals responsible for creating institutional training programs, policies, and procedures in order to achieve the central mission of inclusive practices.**
- **Title IX programs are stronger when we broaden our outlook and develop greater awareness of how our systems can better address the diverse needs of our students, faculty, and staff.**
- **This is an important topic to mitigate potential risk and legal liability in our institutions and schools.**



ACTIVITY 1: PART 1

Trusted Ten

TRUSTED TENACTIVITY

Think of the first names or initials of people you trust (not your family members) and write them down

- **Most trusted advisors**
- **Friends**
- **Acquaintances**



CULTURAL COMPETENCE

- **What is Culture?**
- **Definition of Cultural Competence**
- **Cultural Competency Continuum**
- **Six Stages**



CULTURE

**“A set of . . . rules for being in
the world . . . shared
cognitive approaches to
reality that distinguish a**



CULTURAL COMPETENCY STAGES

The process of achieving cultural competency occurs along a continuum

- ① Cultural Destructiveness**
- ② Cultural Incapacity**
- ③ Cultural Blindness**
- ④ Cultural Pre-competence**
- ⑤ Cultural Competence**
- ⑥ Cultural Proficiency**

Source: Good, TD (2009). *Cultural competence continuum*. National Center for Cultural Competence

CULTURAL COMPETENCY CONTINUUM

The Cultural Proficiency Continuum

Cultural Incompetence

Cultural Prejudice

Cultural Immersion

STAGE ONE

CULTURAL DESTRUCTIVENESS

- Using one's power to eliminate the culture of a **group**

STAGE TWO

CULTURAL INCAPACITY

Lack of systemic and organizational capacity to respond effectively and efficiently to the needs, interests, and preferences of culturally and linguistically diverse groups

- **Includes institutional and/or systemic bias**
- **Can incorporate practices that may result in discrimination**
- **Encompasses disproportionate allocation of resources that may benefit one cultural group over another**
- **Involves subtle messages that some cultural groups are neither valued or welcomed**
- **Manifests into lower expectations for some cultural, ethnic, or racial groups**



STAGE FOUR

CULTURAL PRE-COMPEIENCE

A level of awareness within institutions or organizations of their strengths and weaknesses in order to respond effectively to culturally and linguistically diverse populations

- **Institutions or organizations expressly value the delivery of high quality services and support mechanisms for culturally and linguistically diverse populations**
- **A commitment to human and civil rights**
- **Hiring and recruitment practices reflect diverse representation and a commitment towards maintaining diverse representation**
- **The capacity to conduct a needs assessment within diverse communities**

STAGE FIVE

CULTURAL COMPETENCY

Ademonstrationof acceptanceand respect for cultural differences

- **Establishment of a mission statement that articulates principles and values that include cultural and linguistic competence in all aspects of the institution**
- **Policies and procedures that integrate cultural and linguistic competence into each function of the institution**
- **Provide fiscal support, professional development, and incentives for the improvement of cultural competence at the board, program, faculty, student, and staff levels**
- **Practice principles of community engagement that result in the reciprocal transfer of knowledge and skills between all campus and community members**





ELEMENTS OF CULTURAL COMPETENCE

- **OpenAttitude**
- **Selfawareness**
- **AwarenessofOthers**
- **CulturalKnowledge**
- **CulturalSkills**

OPEN ATTITUDE

- **Requires a full understanding of one's knowledge gaps**
- **Seeks to close those gaps through education, training and experiences**
- **Open to exposure of diverse ideas and alternative viewpoints**
- **Seeks out divergent views**
- **Considers differing viewpoints as part of decision making process**
- **Intentionality in engaging with others who have differing cultural identities**

SELF-AWARENESS

- **A clear understanding of your personal background and culture**
- **Awareness of your assumptions, biases, and judgments**
- **Full awareness of how others might perceive you and your role**
- **Knowledge of your strengths and limitations**
- **Ability to recognize your cultural incompetence, or exclusive behaviors towards certain groups**
- **Full capacity to self reflect**

AWARENESS OF OTHERS

- **Recognition that all individuals are unique with respect to their background, worldview, beliefs, and values**
- **An understanding that all individual differences are equally valuable**
- **Requires the use of active listening skills**
- **Recognizes when one's words or actions have a negative impact on others**
- **Notion that in order to walk a mile in someone else's shoes, you first must take your own shoes off**
- **Extremely important when interviewing and decision making within the Title IX process**



CULTURAL SKILLS

- **With practice, cultural knowledge can turn into cultural skills**
- **Ability to adapt your communication style to different individuals, groups, and cultures**
- **Requires extremely effective active listening skills**
- **Establishes relationships based on mutual trust**
- **Ability to identify any areas of concern within and have full recognition of their impact**
- **Understand how to make clear, respectful requests of others**
-

SELF-EVALUATION ACTIVITY

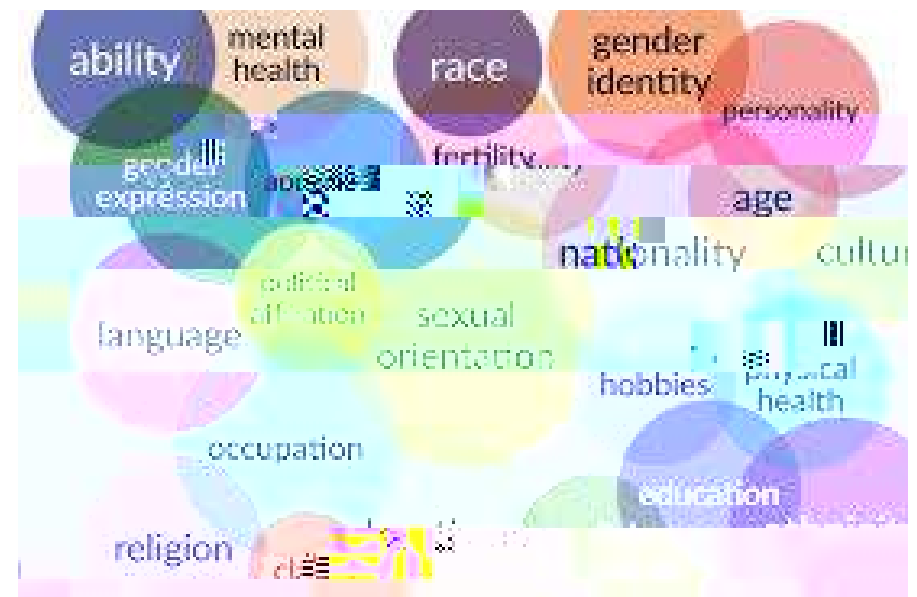
- **What are your strengths with each element?**
- **Which areas have you been challenged with?**

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WHAT IS INTERSECTIONALITY?

- **An analytical framework for understanding how aspects of a person's identities combine to create various types of discrimination and privilege**
- **Recognizes that identity markers (eg, woman and Latina) don't exist independently of each other and that each informs the other**
- **Often creates a complex convergence of oppression**



INTERSECTIONALITY AND RACE

Critical Race Theory

- **Research suggests that race itself is a socially constructed concept that is used by white people to further their economic and political interests and power at the expense of people from other racial identities**
- **One's race might become the dominant identity when navigating or attempting to navigate a system**
 - **Out of the individual's control**
 - **Involves existing systemic cultures**
 - **Requires strong commitments, actions, and changes to policies, procedures, and laws to change such systems**

INTERSECTIONALITY AND GENDER/GENDER IDENTITY/EXPRESSION

- **Intersectionality as a construct focused primarily on feminism and how gender as a group experiences bias in society**
- **Historically, women are more likely to experience sex based violence**
- **Gender identity becomes more salient for individuals who identify along the gender spectrum when societal lack of knowledge and understanding is demonstrated**
 - **Increases the risk of discrimination and bias towards identities and expressions society doesn't see as *conforming***

INTERSECTIONALITY AND GENDER/GENDER IDENTITY/EXPRESSION (CONT.)

- **Prominently seen as a non-protective, unequal personality trait**
 - **Example: Assertive women in the workforce are labeled as “bossy” where assertive men are labeled as “great leaders”**
 - **Example: Female Respondent *raping* male Complainant**

INTERSECTIONALITY AND ABILITY

- **People with disabilities often experienced challenges when seeking inclusion**
- **Visible disabilities receive more recognition than invisible disabilities**
- **Invisible disabilities are often viewed as inconsequential or as a privilege in comparison to visible disabilities**
- **Ability status in connection with other identities, such as race, can be diminished**
- **Some identities create barriers to accessing disability services**
 - **Example: Undocumented immigrants with disabilities may not be eligible for certain services**



INTERSECTIONALITY AND ETHNICITY

- **Recognizes people mostly based on language and shared culture**
- **Distinctively different than race although frequently intertwined with race**
- **Draws on different aspects of one's ascribed racial identity, culture, ancestry, and religion**

THE IMPORTANCE OF INTERSECTIONALITY WITH TITLE IX WORK

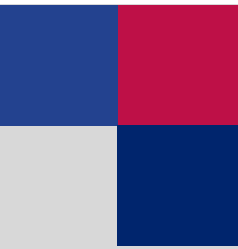
- **Everyone has their own unique experiences of discrimination and oppression**
 - **Complainants and Respondents**
 - **Title IX team members**
 - **Other involved parties**
- **Without an intersectional lens, efforts to address inequalities and injustices towards marginalized groups are likely to end with maintaining systems of inequalities**
- **Establishing effective prevention programs require addressing how interpersonal violence differs between groups**

THE IMPORTANCE OF THE EFFECT!

INTERSECTIONALITY IN PRACTICE

- **Recognize differences**
 - **Steer away from labeling individuals**
 - **Ask rather than assume**
 - **Acknowledge that individuals have unique experiences**
- **Avoid oversimplified language**
 - **Move away from language that seeks to define people by a singular identity**
- **Analyze the space you occupy**
 - **Recognize when differences are not represented**
 - **Seek other points of view**
- **Value and include other points of view**
- **Be present**

Genshaw, K (2017, March 29). *What is intersectionality, and what does it have to do with me?*
<https://www.ywboston.org/2017/03/what-is-intersectionality-and-what-does-it-have-to-do-with-me/>



INTRODUCCION T OBIAS

WHAT IS BIAS?

- A preference or tendency to like or dislike
- A cognitive process
-

WHAT IS BAS (CONT)?

- **Forned from st**

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BIAS ORIGINATION

Past Experiences

Family

Societal &
Institutional
Norms

Stereotypes

Politics, Religion

Self Identity
Affinity Groups

COMMON BASIS FOR POTENTIAL BIAS

- **Ability**
- **Age**
- **Citizenship status**
- **Ethnicity**
- **Gender**
- **Gender Identity/Expression**
- **Health status**
- **Mental status**
- **Mental health status**
- **National origin**
- **Parental status**
- **Physical attributes**
- **Race**
- **Religion**
- **Sexual orientation**
- **Socioeconomic status (can include finances, education, housing etc.)**

BIAS AND NEUROBIOLOGY (CONT)

- ***In Strangers to Ourselves: Discovering the Adaptive Unconscious***, researcher Timothy Wilson, describes the neuroscience behind unconscious bias
 - **Our senses gather approximately 11 million bits of information every moment**
 - **We consciously process 40-50 bits per second**
 - **99.999998% of our information processing is unconscious**

- **Developed by Chris Argyis**





TYPES OF BIAS

- **Implicit and Explicit**
- **Common Forms of Implicit Bias**



COMMON FORMS OF IMPLICIT BIAS

- **Confirmation Bias**
- **Attribution Bias**
- **Beauty Bias**
- **Conformity**
- **Affinity Bias**
- **Halo Effect**
- **Horn Effect**
- **Contrast Effect**
- **Gender Bias**
- **Racial Bias**





ATTRIBUTION BIAS

- **When individuals make attributions to their or others' behavior**
- **Often does not reflect reality**
- **When we do something well, we tend to attribute that to our own merits and personality traits**
- **When we do something wrong or poorly, we tend to attribute that to external factors such as "flukes" or "situations"**

BEAUTY BIAS

- **We unconsciously always notice people's appearances and often connect that with their personality**
- **We make decisions based upon how we have unconsciously determined whether a person is attractive or not**
 - **Example: Decision makers make credibility determinations based upon the physical appearances of the parties involved. The more attractive or put together the person, the more credible they are**
- **Most common form of bias involved in hiring decisions**

CONFORMITY

- **Defined as the force behind our desire to fit in with the dominant group**
- **Also known as groupthink**
- **The tendency to take cues from others when making decisions on how to act or what to say**
- **Most common in panel deliberations**

Everyone has a voice and their own interpretations of the facts

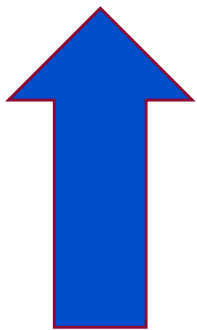
AFFINITY BIAS

- The unconscious tendency to get along with others who are like us
- Our unconscious tendency to gravitate towards those who have similar identities as us
- Book *Why Are All the Black Kids Sitting Together In the Cafeteria?* By Beverly Daniel Tatum 3

HALO AND HORN EFFECT

Halo Effect

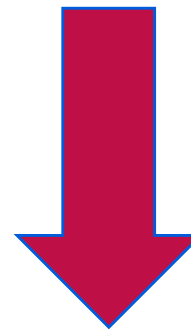
- Form of stereotyping and labelling
- Our overall impressions of a person influence how we feel and think about their character



- Positive impression
- High equity
- More trust & Better value

Horn Effect

- Form of stereotyping and labelling
- One's perception of another to be unduly influenced by a single negative trait



- Negative impressions
- Low equity
- Less value & Low trust



GENDER BIAS (CONT.)

- **Can manifest in sexual harassment cases**
 - **Example: Males are found responsible for policy violations in higher proportions than females**
 - **Example: Males are more severely sanctioned for policy violations than females**

RACIAL BIAS (CONT.)

- **Social disadvantages of minority males historically can translate to harsher sanctions for minority male Respondents contextually**
 - ***Do v Anhest Coll*, 238F.Supp3d 195(2017)**
 - ***Brown v Univ of Finlay*, 2016WL164436 (unreported)**
 - ***Hque v Swathmore Coll*, 2017WL3218073 (unreported)**



CORRESPONDENCE BIAS

- **Tendency to make inferences about a person's disposition from behaviors that can be explained by the situation and context in which they occur**
 - **Example: witnessing someone kicking a vending machine and assuming they are "an angry person"**
- **Sources of this bias**
 - **Lack of awareness**
 - **Unrealistic expectations**
 - **Inflated categorization**
 - **Incomplete corrections**

EXPERIENCIAS



AVAILABILITY BIAS/REGENCY BIAS

- **Defined as a mental shortcut that relies on immediate examples that come to a given person's mind when evaluating a specific topic, concept, method, or decision**
- **Tendency to weigh the latest information more heavily than older data**
 - **Example: General statistics support that Complainants are more likely to be females; therefore, data that our institution has a higher rate of male Complainants than female Complainants invalidates general statistics**

BIAS BLINDSPOT

- **A failure to recognize our own cognitive biases**
- **Our ability to recognize the existence and effects of cognitive biases in others' thinking is easier than our ability to recognize this within ourselves**

▪

STEREOTYPE THREAT

- A situational predicament in which people are or feel themselves to be at risk of conforming to stereotypes about their social groups
- A contributing factor to long-standing racial and gender gaps in academic performance
- **Claude Steele, *Whistling Vivaldi: How Stereotypes Affect Us and What We Can Do***
 - Discusses the role stereotypes play in human behavior
 - Humans judge one another according to their identities
 - The mere threat of a stereotype is so powerful it can change human behavior





ACTIVITY

UNDERSTANDING HOW WE THINK (CONT.)

You will need paper and a pen

1 What race is the person?

2 What gender is the person?

3 What are they wearing?

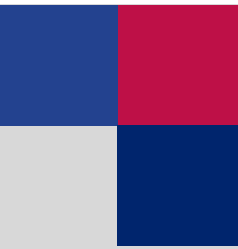
4 Three words to describe the person

5 Two words to describe how they make you feel

IMPACTS OF FOIA IN TITLE IX SYSTEMS

- **Feeling disempowered**
- **Power/position of the parties**
- **Belief that nothing will come of it**
- **Concerns with confidentiality/privacy**
- **Not knowing with whom to disclose**
- **Not knowing how to disclose**
- **Nature of institutional policies and prohibitions**
- **Fear of getting in trouble**
 - **Eg, concerns if alcohol/drugs were used concurrent with incident(s)**





PRIVILEGE



RACE AND PRIVILEGE

- **Unearned benefits given to members of one social group as a result of the systemic targeting or marginalization of another social group**
- **Sensitive topic**
- **Not fully understood**
- **Contextually is about groups not individuals**
 - **Majority groups: large representation, historically held advantage in terms of power and resources**
 - **Minority group: fewer representation, limited to no power or resources historically**
 - **Example: Pay inequities**
 - **Others?**

PRIVILEGE IN EDUCATION

In education, privilege means that Anglo Christian employees and students generally:

- **Will most likely never be the “only one” represented in a class or department**
- **Will not have to consider their race or cultural background (including accent) as a reason for not getting a job, promotion, or opportunity**
- **Will not suffer from absence of role models, sponsors, or mentors**
- **Will not suffer from potential adverse impact of racism in higher education or K12**

PRIVILEGE IN EDUCATION (CONT.)

- **Will see texts and examples within the curriculum that largely reflect and affirm their own cultural background and experiences, and as an extension, can accrue the benefits of a culturally biased curriculum**
- **Are not expected to advocate for their race nor have their behavior judged as representative of their entire race**
- **Are less likely to be excluded from social activities**
- **Are more likely to share the same identities as those in position of authority at your school (i.e., President, Principal, Board, Superintendent)**
- **Others?**

EXERCISE

ISSUESPOTTING

- **You have been assigned to investigate a case of sexual assault, which includes issues of incapacitation due to**



LEADING EFFORTS TO MITIGATE BIAS IN OUR SYSTEMS

Title IX Coordinator/Administrators as Leaders in Bias Mitigation Work

IMPACT OF BIAS IN TITLE IX SYSTEMS

Why does bias create problems for Title IX Administrators and in Title IX systems?

- Impacts the ability to build rapport, connect, and create safe/neutral spaces for all parties to seek assistance and/or participate in the processes
- Creates opportunities for valuable, relevant evidence to be missed or ignored
- Presents moments for assumptions not based on evidence to be made during the process
- Impacts the memory of parties involved
- Impacts how witnesses, parties, and narratives are evaluated and weighted
- Creates *blinders* in our decision making



IDENTIFY SPECIFIC TRAINING NEEDS BY ROLES

- **Title IX Team Members**
 - **Deputy Coordinators**
 - **Investigators**
 - **Decisionmakers**
 - **Appeal Decisionmakers**
 - **Advisors**
 - **Informal Resolution Facilitators**
- **Employee**
 - **Administrators**
 - **Faculty/Teachers**
 - **Staff**
 - **Officials with Authority**
 - **Mandatory Reporters**
- **Recipient**
 - **Police/Security/School Resource Officers**

IDENTIFY SPECIFIC TRAINING NEEDS BY ROLES (CONT.)

- **Students**
 - **New student training and prevention programming**
 - **Returning student training and prevention programming**
 - **Students subgroups**
 - Fraternity and sorority life/student organizations**
 - Athletic teams**
 - Student leadership groups**
 - Graduate students**
 - Student government**
- **Parents/Families/Guardians**
- **External Resources (e.g, rape crisis center staff)**

NECESSARY CAMPUS & COMMUNITY PARTNERS

- **President/senior leadership/superintendent/board**
- **EEO office leadership**
- **Human Resources**
- **Chief Diversity Officer/Diversity & inclusion staff**
- **Student affairs staff/Dean of Students**
- **Principals/Vice or Asst. Principals**
- **Provost/Academic Affairs**
- **Institutional Research**
- **Legal Counsel**
- **Community partners**





MITIGATING BASIN INVESTIGATIONS



MITIGATING BIAS IN DECISIONS

Challenge biases in
decision making

Ensure decisions are
made based on
relevant evidence

A party's personal
identities are never
considered relevant
evidence

Written materials
should be objective
and bias free

Spontaneous
judgments are more
likely to yield to
stereotypes or bias

Regard each party as
an individual, not as
part of a group

Ensure sufficient
time and sufficient
focus

MITIGATING BIAS INVESTIGATIONS AND DECISION MAKING

Gross-cultural considerations

- **Hw culture impacts bias and blind spots**
- **Hw culture impacts interviews, decision making and questioning**
 - **Gender/Gender Identity/Expression**
 - **Race**
 - **National Origin**
- **Language barriers with understanding questions**
- **Pre existing conditions that may alter perceptions**
 - **Hw sickness**
 - **Culture shock**
 - **Negative past experiences**



SUGGESTIONS FOR INVESTIGATORS AND DECISION MAKERS (CONT.)

Demonstrate care and cultural competency with all parties



Use inclusive language, regardless of with whom you may be communicating



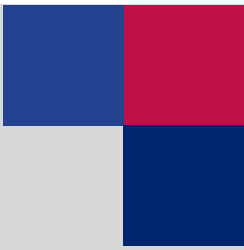
Don't be afraid to ask someone's pronouns



Pronounce individual's name correctly especially after being told



If unsure how to pronounce someone's name, ask



ACIMY1- PART2

Trusted Ten



OPPORTUNITIES IN THE TITLE IX PROCESS

- **Understand reputation/perceptions of the Title IX office by institutional community**
- **Address barriers that exist that relate to the trust of and access to the Title IX office**
- **Strive to incorporate diverse representation within the Title IX Team and related resources**
- **Avoid**
 - **Taking control any more than you must**
 - **Escalating the situation**
 -

OPPORTUNITIES IN THE TITLE IX PROCESS (CONT.)

**Offer culturally inclusive
supportive measures to
both Complainants and
Respondents**

**Provide printed
materials for both
Complainants and
Respondents that has
diverse representation**

IMPACT OF CULTURAL DIMENSIONS ON WILLINGNESS TO REPORT

- **Complainants of color (especially women) may have cultural forces impacting their willingness or ability to report**
- **Examples**
 - **Taboos in discussing sexual matters**
 - **Submissiveness in response to machismo and male authority**
 - **Concerns about community response and attitudes**
 - **Impulses to deny harassment when the Respondent is a member of the same community of color**
 - **Cultural norms for sexual harassment may be different in home/family belief systems**



IMPACT OF CULTURAL DIMENSIONS ON WILLINGNESS TO REPORT

International Complainants

- Possible language barriers
- Cultural variance and differences
 - Possible religious considerations
 - Relationships between men and women
 - LGBIQAA+ barriers
 - Use of alcohol and drugs
- Pride, shaming and disowning
- Unfamiliarity with or trust in counseling and medical services and support
- Immigration/USA concerns



MICROAGGRESSIONS

- **Categories**
- **Forms**
- **Microaggression Prevention**

WHAT ARE MICROAGGRESSIONS?

- **Brief, everyday exchanges that send denigrating messages to certain individuals because of their group memberships**
- **Often unintentional**
- **Not always direct**
- **Can be described in three categories**
 - **Microassaults**
 - **Microinsults**
 - **Microinvalidations**

MICROASSAULTS

- **An explicit derogation of an individual or groups of individuals primarily by verbal or nonverbal attacks meant to hurt the intended victim(s)**
 - **Verbal example: name calling and the use of epithets**
 - **Nonverbal example: crossing the street or clutching a handbag in the presence of certain individuals**
- **Most likely to be conscious and deliberate, although they are generally expressed in limited *private* situations (micro) that allow the perpetrator some degree of anonymity**
- **Can also include a person intentionally behaving in a discriminatory way while not intending to be offensive**
 -

MICROCONSULTS

MICROINSULTS (CONT.)

- **Touching a colleague's hair without permission**
- **Implying that a person got their job based on a diversity quota or action**
- **Not attempting to pronounce someone's name correctly because it's unfamiliar**

MICRONVALIDATIONS

- **Communications that subtly exclude, negate, or nullify the thoughts, feelings, or realities of a person**
- **Common examples**
 - **Invalidating someone's feelings by saying the one(s) who caused the offense "didn't mean it like that"**
 - **Inappropriately telling someone that you have friends like them**
 - **Mistaking people of the same race for each other**
 - **Staying silent when something should be addressed or corrected**



IMPACTS MICROAGGRESSIONS HAVE ON TITLE IX SYSTEMS

- **Loss of trust in the process**
- **Impacts on reporting**
 - **Underreporting or no reporting due to fear of not being believed or of being blamed**
 - **Fear of retaliation by:**
 - Friends/peers**
 - Institution/administration**
 - Teachers/faculty**
 - Family**
 - Alumni/fanbase**

IMPACTS MICROAGGRESSIONS HAVE ON TITLE IX SYSTEMS (CONT.)

- **Increased likelihood of developing an unhealthy or unsafe campus environment**
 - **OCR complaint/investigation**
 - **Litigation**





TIPS FOR AVOIDING MICROAGGRESSION OFFENSES (CONT)

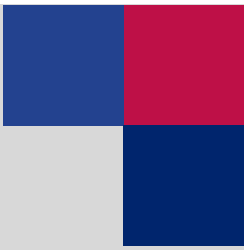
- **Pronounce names correctly especially after being told; do not give nicknames without permission**
- **Don't assume someone's identities**
- **Use correct pronouns**
- **Avoid scheduling interviews or hearings on religious or cultural holidays if possible**
- **Avoid solely using heterosexual examples in Title IX training and education efforts, especially in describing 'word against word' cases**



CASE STUDY

- **The Title IX Coordinator has charged the institution's Sexual Misconduct Task Force (a group of five individuals across campus) with creating a one-hour consent event on the quad that includes food**
- **As the group is discussing the logistics of the event, the lone member of color on the task force reminds the group that it is important that the event is inclusive and takes into consideration the multitude of cultures that represent the institution's student body, which has a high percentage of black students**
- **Another member says, "Well consent is consent regardless of your culture, but we can serve fried chicken, watermelon, and red Kool-Aid," then laughs as do several other members of the group**





FREESPEECHIENSIONS



INTERSECTION WITH FREE SPEECH ISSUES (CONT.)

Limitations

-

CASE STUDY

- **Frank, a gay student, comes to you to complain that Professor Jones, his (tenured) English professor, has made comments in class that make Frank feel unsafe**
- **Specifically, he alleges that Prof. Jones made the following comments**
 - **When federal transgender guidance was repealed by the Trump administration, Prof. Jones brought it up in class and said, “Finally, some common sense from Washington— you are either a man or a woman. Period.”**
 - **When a student wore a gay pride shirt to class, Prof. Jones said, “I get not being ashamed of who you are having sex with, but is ‘proud’ really the word you should use?”**
 - **He assigned all students in the class to write their persuasive essays on “trying to convince [him] that people should be able to use whatever bathroom they want to”**

CASE STUDY (CONT.)

- **There are approximately 26 students in the class, and Frank brought Georgina, Haley, Isaiah, Jeremy, and Ken with him. He tells you that all the students will back him up and that he has heard that Prof. Jones is not liked in the department as well.**
- **Frank also tells you that he knows a student who is a transgender woman. He says she is not comfortable even going to the English department offices because she also feels “unsafe.”**

CASE STUDY DISCUSSION

- **Do Prof Jones's statements and actions constitute a policy violation? Why or why not?**
- **Focusing on the allegation(s), can Frank remain anonymous?**
- **What interim/supportive measures might be appropriate?**
- **Would the interim measures be different if Jones was tenure track or adjunct?**
- **Frank requests that you assist him in withdrawing from Jones's class, as do the other five students**
 - **What considerations come into play here?**



DISCRIMINATORY POLICIES AND PRACTICES

AVOIDING DISCRIMINATORY POLICIES

- **Language usage is important and often overlooked**
- **Often unintentionally impacts certain groups in more positive ways**
- **Intentionality with equitable and equal provisions within the policy is important**
- **Try to include linguistically appropriate options in accordance with your institution culture**
 - **Can the policy be translated to other languages?**
 - **Is there an option for the visually impaired?**

PHILOSOPHY/VALUES SIGNALLED IN POLICY STATEMENTS

- **Institutional policies and mission statements are driven by institutional values and philosophies**
- **Examine whether inclusion is part of the institution's/district's values**
- **If so, align policies and statements as appropriate to demonstrate this value**
 - **University Mission Statement**
 - **Title IX Office Mission Statement**
 - **Written policies**

EXAMPLE OF VALUES-BASED POLICY STATEMENT



AVOIDING DISCRIMINATORY PROCEDURES

- **Procedures must align with federal and state laws**
-



BIAS-FREE WRITING

- **Words communicate ideas, but also reflect power, status, and privilege**
- **Language can reflect social capital**
- **Conscious and purposeful use of language can promote equity, justice, and inclusion**
- **The use of bias-free language ensures your content does not exclude, demean, or offend groups**
- **Bias-free communication attempts to include all identities of people in a way that doesn't make assumptions about the receiver of the communication**
- **Bias-free writing does not discriminate**

TIPS FOR BIAS-FREE WRITING

- **Know your own biases**
 - **Have your writing proofread by others**
 - **Read your own work to recognize language that is part of your everyday speech**
- **Focus on what's relevant**
 - **Only include information on identities when applicable**
- **Recognize and acknowledge differences**
 - **Not supposed to imply differences don't exist**

TIPS FOR BAS-FREE WRITING (CONT.)

- **Think small**
 - **Be as specific as possible**
 - **Specificity is preferred over generalization**
Example: Avoid using “students of color” generally when you are really referring to a specific racial group
- **Avoid Labels**
 - **Describe identities and group connections as the individuals have described them**
- **When in doubt, ask**
 - **Do your research**
 - **Get a second opinion**
- **Use nouns, objectives, and adjectives properly**
 - **Avoid using language that refers to people in objectifying ways**

BIAS AND BIAS-FREE LANGUAGE EXAMPLES

Biased Language	Bias-Free Language
Chairman	Chairperson
Ray is mentally disabled	Ray has Attention Deficit Disorder
The elderly are our biggest customers	Adults aged 65 and older are our most frequent customers
The new black kid on the team is the captain	James is the captain
Poor kids qualify for those scholarships	Students with a household income below \$20,000 qualify for those scholarships



ADDITIONAL TIPS FOR AN INCLUSIVE TITLE IX OFFICE

- **Representation within your Title IX team is important**
- **Connect with colleagues and students from different backgrounds**
- **Show through action the importance of this work as part of your office and team values**
- **Speak up when witnessing biases, microaggressions, or discriminatory behavior**
- **Understand respect and courtesy and how they differ by culture**
- **Check in with your team members to see how they are doing**



TRAINING AND TOOLS

- **Client Requirements**
- **Group Activities**
- **Other Training Tools**

BUILDING AN EFFECTIVE TRAINING PROGRAM

- **Current legal training requirements for Title IX**
 - **Definition of sexual harassment**
 - **Scope of the Recipient's education program or activity**
 - **How to conduct an investigation and grievance process**
 - **How to serve impartially, including avoiding prejudgment of the facts, conflicts of interest, and bias**
- **Sample training activities to use with your Title IX Team**
 - **Harvard Implicit Bias Test**

BUILDING AN EFFECTIVE TRAINING PROGRAM (CONT.)

- **Identify the specific training needs for your institution**
 - **Who to train?**
 - **What are the most necessary training elements needed right now?**
 - **How can you dovetail with other implicit bias trainings at your institution?**

BARRIERS/RESISTANCE TO EFFECTIVE TRAINING

- **Common to resist assessing/critiquing oneself**
- **Implicit bias is everywhere and commonplace**
 - **Unintended message of “normalizing” rather than addressing**
 - **Can seem overwhelming to mitigate**
- **Questioning one’s effectiveness based upon participation is common**
- **Common belief that cultural competence and bias programming is designed to change people**
- **The majority might feel that something is being taken away from them in order to give to someone in the minority**

GROUP ACTIVITY ATTITUDE SURVEY

BEHAVIOR SURVEY



COGNITIVE DISSONANCE

- **Conflicting thoughts**
- **Causes anxiety and discomfort**
- **Natural reaction is to move out of dissonance**
- **Coping**
 - **Rationalization, Denial, Minimization**
- **Recognize and challenge the anxiety and discomfort**

GROUP DISCUSSION

- **Did you experience cognitive dissonance? Why or why not?**
- **What thoughts were going through your head as you completed the second survey and answered incongruent with the first?**
- **What was your emotional reaction to experiencing dissonance?**
- **What strategies did you use to try and lessen your experience of dissonance?**
- **Can you imagine using this activity (or some version of it) in training constituencies at your institution? How?**

IMPLICIT ASSOCIATION TEST

- **Harvard University's *Project Implicit***



IMPLICIT ASSOCIATION TEST



Association activity



Often reveals automatic preferences



Compares participant to community at large

BIAS & CULTURAL COMPETENCY TRAINING BY SUBJECT

- **Relationship/Rapport Building/Microaggressions**
 - **Deputy Coordinators**
 - **Intake staff**
 - **Support/first responders**
 - **Advisors**
 - **Investigators**
 - **Decision makers**
 - **Informal Resolution Facilitators**
- **Questioning**
 - **Investigators**
 - **Decision makers**

BIAS & CULTURAL COMPETENCY TRAINING BY SUBJECT (CONT)

- **Conflicts of Interest**
 - **Investigators**
 - **Decision makers (policy and appeal)**
- **Bias reduction in decision making**
 - **Investigators**
 - **Decision makers (policy and appeal)**
- **Bias reduction in writing**
 - **Investigators**
 - **Decision makers (policy and appeal)**





GROUP DISCUSSION

interest?



Does your institution currently integrate bias awareness training into its Title IX training efforts?



What have you tried that has been successful?



How "

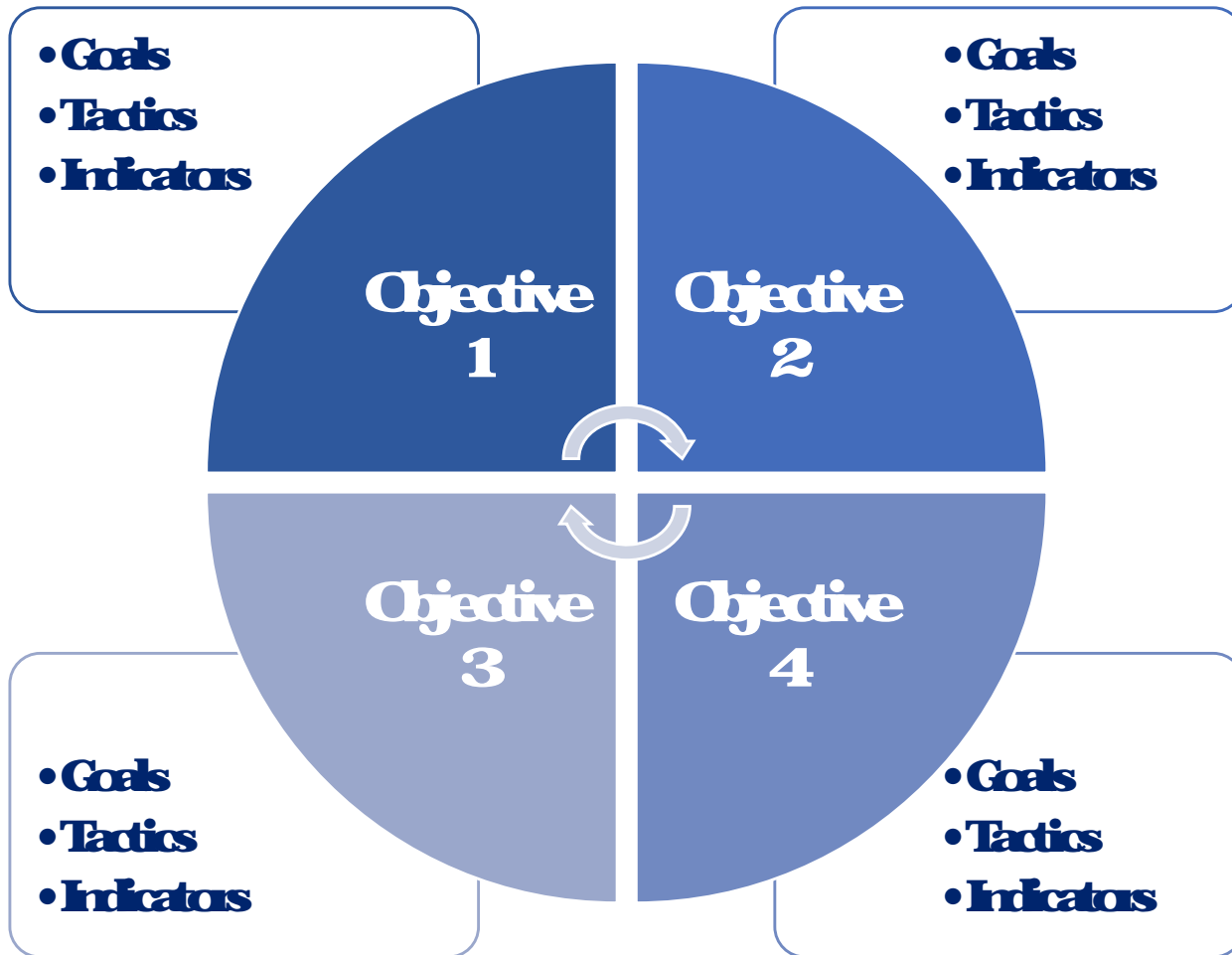


MEASURING BIAS AND CULTURAL COMPETENCE TRAINING FOR EFFECTIVENESS

MEASURING TRAINING FOR EFFECTIVENESS

- **High level goals can be directly related to institutional strategic priorities**
 - **Accountability through performance evaluations**
 - **Measuring how supervisors are allocating opportunities**
 - **Tracking hiring and retention through metrics**
 - **Collect sentiment data for harder to measure dynamics such as behavioral changes**
 - **Percentage change in leadership demographics**
 - **Use of scorecards**
- **Low level goals can be quantified by participation**
- **Collect and analyze feedback from programs, initiatives, etc**

EXAMPLE OF A SCORECARD



Source: Williams, DA (2013). *Strategic Diversity Leadership* Stylus Publishing

Questions?

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ATTN:



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