

Information for Faculty About Academic Supportive Measures Issued by the Marshall University Title IX Office (TIXO)

What does the Marshall University Title IX Office do?

- Administers, enforces, and provides training on Marshall University's *Policy No. GA-1 Discrimination, Harassment, Sexual Harassment, Sexual & Domestic Misconduct, Stalking, and Retaliation Policy – Including Title IX*.
- Oversees compliance with federal and state laws that prohibit discrimination and/or harassment based on race, sex, pregnancy, religion, color, age, national origin, veteran/military status, disability, sexual orientation, gender identity/expression, and marital or parental status, among others.
- Investigates and resolves complaints of discrimination, harassment, sexual violence, and retaliation.
- Issues academic and other supportive measures to students to remedy the effects of discrimination, harassment, and sexual violence.
- The TIXO provides referral of resources (counseling, medical, advocacy, and safety planning) to students.

Why does the TIXO issue supportive measures?

- Title IX is a federal law that prohibits gender discrimination in education.
- Under Title IX, schools must ensure that all students have equal access to education, regardless of gender, sexual orientation, transgender status, or gender identity or expression.
- Sexual harassment (based on gender, sexual orientation, transgender status, or gender identity or expression) and sexual violence (including assault, relationship violence, and stalking) create barriers to students' academic success. Title IX requires Marshall to eliminate those barriers. Marshall does that by issuing supportive measures.

Explain how academic supportive measures tie in with Title IX's mandates.

- Imagine a student who is sexually assaulted on Saturday night. On Sunday, the student goes to the hospital for a "rape kit," a process that takes up to 6 hours. Then the student reports the incident to the police. This takes 4 hours. The student's family comes and takes the student home for two weeks. Now, the student is far behind in classes.
- To eliminate the effects of gender violence, Title IX requires Marshall to restore the student to the same position as the student's peers who did not experience sexual assault.
- The TIXO does this by ensuring that the student's absences are excused, deadlines for papers and assignments are extended, and the student can make up missed tests and quizzes.

Describe other situations in which the TIXO issues academic supportive measures.

- A Marshall student who was raped in high school sees the rapist on campus. Or the rapist's brother. The student has a panic attack, which prevents the student from leaving the student's dorm. The student doesn't attend class for a week, missing deadlines and an exam.
- A transgender student experienced tremendous discrimination in the student's small town, including being barred from the family's church, sodomized with a broom by a neighbor, and bullied in school. The student suffers from depression and anxiety as a result of these experiences.
- Title IX looks at the current impact on students of gender violence and requires Marshall to eliminate that negative impact so that student survivors of gender discrimination have as much opportunity to succeed academically as their peers.
- The TIXO provides academic and other support to students here at Marshall who continue to deal with the impact of past gender violence.

What kinds of supportive measures does the TIXO issue?

Title IX supportive measures seek to place students experiencing gender discrimination, harassment, or sexual violence in the same position as students not dealing with these things. Below are examples of supportive measures and how they work:

- “No contact” directives bar contact with another student so a student can focus on academics.
- Change in class schedules so a stalker can’t find the victim, who can then safely return to class.
- Extended deadlines so a student who couldn’t focus or show up to class can compete with the student’s peers who weren’t prevented from attending class by prior gender violence.
- Excused absences (a student who returns home for a week after a sexual assault can return on the same basis as a student who did not need to return home).
- Late drop or withdrawal without negatively impacting academic standing, alternate living arrangements, safety planning, protective measures, and resource connections.
- “Incomplete” grade, with faculty involvement in planning for student’s work completion.

Are there differences between the TIXO supportive measures and disability accommodations?

- Legal decisions, regulations, and the language of the Americans with Disabilities Act define disability accommodations. The TIXO supportive measures come from Title IX.
- Disability accommodations are not retroactive. The TIXO supportive measures may be retroactive.
- Disability accommodations require supporting medical documentation. The TIXO supportive measures need the TIXO to investigate the student’s situation.
- Faculty are typically advised of disability accommodations at the start of the semester. The TIXO supportive measures may be issued anytime, although faculty will receive advance notice if possible.

Are there similarities between the TIXO supportive measures and disability accommodations?

- Supportive measures may require faculty to make exceptions to class policies (including syllabus provisions, such as rules for make-up exams) that otherwise apply to all students.
- Supportive measures may give the accommodated student an advantage over others in class. This may be necessary to put the student with a disability or who is impacted by gender violence/harassment/discrimination in the same position as the student’s peers.
- Supportive measures may not interfere with academic freedom, require faculty to grade a student who hasn’t done the course work, or issue a particular grade to a student.
- Supportive measures may not require modification of any “essential elements” of the course, which are fundamental and necessary for a student to pass the class. Faculty should identify essential course elements in syllabi or elsewhere and distribute them to students.

What if faculty believe that the TIXO supportive measures are not reasonable?

Faculty should contact the TIXO with their concerns to work out supportive measures that address them.

What is the TIXO’s contact information?

Marshall Title IX Office

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