USF Title IX Committee Annual Report to the President, 2015-2016

Submitted: May 2016

The Title IX Committee is formally charged with “advising the President of the University on matters relating to the University’s compliance with the Title IX Educational Amendments of 1972. Title IX deals with nondiscrimination on the basis of sex in education programs and activities receiving or benefiting from federal financial assistance.” Specifically, the Committee is charged with monitoring, evaluating, and determining if gender equity exists in the areas of Financial Aid, Student Housing, Admissions, Intercollegiate Athletics, and Compensation.

Title IX states, “No person in the United States shall, on the basis of sex, be excluded from participation in, be denied benefits of, or be subjected to discrimination under any education program or activity receiving federal financial aid.”

Although Title IX legislation was intended to protect students, Title IX case law contains precedent for covering employees of educational institutions. Thus, employees of educational institutions may be protected under both Title VII of the Civil Rights Act and Title IX.

Regarding federal policy, the “3 prongs” suggest Title IX compliance may be achieved in three ways:
(1) Participation opportunities for women and men are provided in numbers substantially proportionate to their respective enrollments. (2) An institution can show a continuing history of improvement and expansion in meeting the interests of the historically underrepresented sex. (3) Where neither of the first two conditions is met, the institution can demonstrate that it has fully accommodated the interests of the underrepresented sex.

In Athletics, review for Title IX compliance covers and accounts for 13 areas:
1. Scholarships
2. Participation opportunities
3. Equipment & supplies
4. Scheduling of games & practice times
5. Travel & per diem
6. Tutoring
7. Coaching
8. Locker rooms & practice/competition facilities
9. Medical & training facilities & services
10. Housing & dining facilities
11. Publicity
12. Support services & office space
13. Recruitment of student athletes

I. Recommendations

During the 2015 – 2016 academic year, the Title IX Committee met regularly to assess progress on key goals, plan events, address new issues as needed and formulate a list of recommendations for the upcoming academic year as outlined below:

1. Review gender differences in salaries by rank and discipline, appropriately address gender equity concerns, and identify diverse recruitment practices.
2. Provide funding for the stand alone Symplicity Title IX Module, continue to provide and promote a system for faculty and staff training on Title IX issues, continue efforts to broaden programming and educational awareness activities of the System office for Title IX under DIEO, build a historical database specific to all forms of gender-based discrimination, and support findings of the data with actual campus climate survey data.
3. Take explicit steps toward implementing and upholding a Gender Equity Plan for the Athletics Department and address areas of concern.
4. Provide a widely publicized and utilized “Break Time for Nursing Mothers” policy beyond the minimum required by Federal Law.
5. Begin work with the Physical Plant Division and key representatives from selected buildings previously identified by the Title IX Committee to create additional lactation spaces.
6. Reduce the disparate parental leave policy by providing 12 weeks of 100% paid parental leave to all benefits-eligible staff who have been employed for at least 6 months.
7. Work with USF partners to meet and exceed expectations for assessment, training, and awareness of campus sexual violence.
8. Invite members of Housing and Residential Education and Office of the General Counsel to explore equity in housing assignments for trans-identified students.
9. Review and discuss the Title IX Strategic Plan in collaboration with system stakeholders to place the university into best practices in Title IX.
10. Intensify efforts to recruit a staff member from USF Human Resources as an ex-officio member of the Committee and converse about where faculty recruitment can be improved and diversified.
II. Areas of Institutional Progress & Potential

1. The Title IX Committee’s continuing efforts to educate students about the role of Title IX in preventing and responding to campus sexual violence. Our Committee continues to provide and support educational opportunities for students about the role of Title IX in the response to campus sexual violence. Individually and collectively we looked for opportunities to share relevant information across campus. The Committee attended the first USF campus-wide Title IX Conference in September and looks forward to more active participation in the second annual conference this coming September. The Committee also encouraged and supported the addition of a “train the trainers” model to fulfill the federally mandated campus-wide Title IX education requirements. Several Committee members joined the first cohort of individuals to receive this training. Those who have already been trained will begin providing the training this coming fall and the plans are for additional members of the Committee to participate in the training of the second cohort.

2. Title IX Staffing. Following the committee’s successful advocacy for the creation and hiring of a new Senior Deputy Title IX Coordinator, this position has been fully integrated within the Title IX Committee functioning as well as within the USF System as a whole.

In an effort to bring the University into a “best practice” model, the Committee noted that the University’s Title IX efforts continue to be impacted by understaffing and underfunding, directly affecting timely service provision, compliance mandates, data management, and USF System programming and training functions. The Committee has concerns that the bifurcated process for reporting incidents, as well as the initial intake process, complicate Title IX programs being offered and compromise the clarity of the process for those seeking to report or to obtain services.

To address issues related to structure and staffing immediately, a full time administrative level position of Deputy Coordinator/Senior Title IX Investigator/Case Manager (reporting directly to the Senior Deputy) was recommended, approved, funded, and was filled in April 2016. Also, the structure of Deputy Coordinators was formalized across the System, with a set of job duties (20%) added to existing duties. However, the Committee continues to identify gaps in structure and personnel and, as a result, recommends the addition in 2016-2017 of a full time Program Coordinator/Educator and Administrative Support Specialist to the Title IX team.

Given this recommended growth in full time Title IX staff, the Committee recognizes that there may come a need to identify and obtain specific facilities to house professional staff and Title IX services for students and employees, outside DIEO and within a Title IX Office. This best practices model structure would align USF with other benchmark universities, especially those currently under the Office for Civil Rights Resolution directives. The Title IX Committee will continue to pay close attention to the effectiveness of new staffing in terms of results seen in communication and information dissemination and Title IX reporting and services.

3. Department of Athletics Leadership. New leadership in USF Athletics over the last two years has meant renewed opportunities for collaboration and communication, and strong leadership on gender equity goals and challenges. The Committee looks forward to seeing the results of this process with Athletics’ inclusion of a Gender Equity Plan.

4. Title IX and Transgender Students. As of August 2015 the Committee is delighted to report progress of trans inclusion within the virtual online system at USF. Student, and faculty may change their first name in Canvas and on the USF Directory to reflect that of their chosen name. This effort helps to reduce the fear of being outed in the classroom based on name assignment at birth. Students and faculty can email IDM-help@usf.edu from their official USF email address to make the name change request. The Committee will monitor the results of this system change as well as other policies that have an impact on Title IX protections for transgender students.

5. Committee Membership and Participation. In order to maximize communication and coordination on Title IX issues and concerns, the Committee continues to make conscientious efforts to diversify and expand our Committee membership. This year we recruited several new members, including undergraduate and graduate students with a specific interest in the Committee’s mission. As a result, we were successful in attracting more consistent participation by these student representatives and we were equally successful in drawing consistent involvement of ex officio members from the Office of General Counsel, Athletics, and Multicultural Affairs. Leadership of the Committee has been consistent for the last two years and participation has been active and dependable which has contributed to dynamic discussions, exceptional collaboration, and well-researched and thoughtful recommendations regarding Title IX issues and concerns. We continued to make efforts to recruit a staff member from USF Human Resources to serve on the Committee, but were not successful in our recruitment efforts despite reaching out to multiple individuals in the department. We intend to bring more diversity in the demographics of our Committee in the coming year as well.
II. Ongoing Concerns Related to Title IX

*Note: Each concern includes a recommendation, in italics.

1. Title IX Self-Study Review – Salary Analysis

The Committee reviewed the American Association of University Professors (AAUP) salary data provided by USF and identified four points of concern: (1) gender differences at the ranks of Professor and Instructor across the majority of colleges; (2) average gender-based faculty salary differences overall, with women’s salaries at 85% of men’s salaries; (3) no salary ranges are provided in the report obtained; and (4) there are more paid women student assistants, yet on average, women student assistant salaries are at 94% of men student assistant salaries. The first concern directly relates to the issue of disproportionate location of women faculty at the lowest salary rank (e.g., Instructor), driving down the average salaries for women overall comparative to men. In every college, except the College of Education, women are overly represented at the instructor rank and underrepresented at the professor and associate professor rank. Our Committee is concerned by these patterns, particularly as they are not addressed by hiring faculty at equitable salaries, they may not be responsive to the current merit-based system of salary increases, and instructors may lack access to resources provided to tenure-track faculty. The second concern has improved over the last year, but may also be a skewed statistic. For example, there are 37 men professors in business, and 4 women business professors, yet on average, women’s salary is higher. Our Committee is concerned with the face validity of the statistic, which raises the third concern, to have access to more detailed information regarding the range of salaries. The fourth concern directly relates to issues beginning with disproportionate pay at the student level where little to no experience differences exist by gender, yet pay differentiates by gender. We recommend that USF review gender differences in salaries by rank and discipline, and directly address any gender equity concerns within the guidelines of the faculty and student contract and relevant university regulations. We also suggest identifying diverse recruitment and retention practices. In regard to the HR report, we offer to work with the administration to review strategies toward achieving gender equity in salaries.

2. The relationship between our Committee, the Office of DIEO and other Presidential Advisory Committees

The interests and goals of the Title IX Committee sometimes overlap with the interests and goals of some of the other Presidential Advisory Committees. Coordination among the Committees through DIEO could be improved with more systematic communication from DIEO to the Committee Chairs regarding activities. For the first time this past year, the Title IX Committee met jointly with the Athletics Council to be briefed on and discuss the EADA report which provides statistics that are relevant to the work of both Committees. We intend to continue this practice and hope the DIEO communication can help facilitate these opportunities for collaboration between committees. We recommend that communication between key administrators and the Title IX Committee be strengthened to facilitate more frequent and better communication about Committee goals and important equity issues for the University. This may entail regularly scheduled meetings, the development of a listserv of Committee leadership (to allow bidirectional communication), or other communication processes. Furthermore, we recommend that our Committee be given the opportunity to meet with the President separately from the other advisory committees at the conclusion of each academic year so that adequate time is allowed for discussion of the Committee’s recommendations. Last year’s smaller group meeting with the President was a significant improvement with only three to four committees being represented at the table at one time in comparison to the typical single meeting held for all of the USF advisory committees. Having even smaller groups meet with the President and key staff would allow for an even deeper and more meaningful discussion. These opportunities are warranted given the depth of the reports and the work of each of the committee members.

3. Seeking to understand the prevalence of and responses to Title IX complaints

The Committee is encouraged by the ongoing efforts to educate, train, increase awareness regarding Title IX within the campus community and to identify Title IX concerns/complaints. We continue to be encouraged by the targeted initiatives and sharpened response to campus sexual violence as well as all forms of gender-based discrimination. Our Committee has persistently sought data on the prevalence of Title IX reports from various USF offices, along with clarification of the processes by which students, in particular, access Title IX programs/services in response to sexual misconduct or gender equity concerns. Though the last year has shown a more coordinated response, the lack of a comprehensive USF System Title IX data management/case management system, which would enable easy tracking and compilation of reports and, particularly, outcomes and institutional responses, continues to slow our progress.
While we believe that a resolution to the Committee’s data collection concern has been identified by the Senior Deputy Title IX Coordinator, installation/configuration of the data management system will require a significant number of personnel hours and a strategic effort over Summer 2016 so that implementation may occur prior to the next academic year (2016-2017). In addition, the Committee recognizes that it is imperative that ownership and oversight of that system be completely within DIEO, under the Title IX Coordinator, to provide for integrated, accurate USF System accountability. To address these concerns, we recommend that USF:

(1) provides funding for the stand alone Symplicity Title IX Module immediately so that implementation of the data system can occur for the next academic year, 2016-2017; (2) continue to provide and promote a system of faculty and staff training on Title IX issues so that the database can be populated with the most comprehensive information from all relevant campus sources; (3) continue efforts to broaden programming and educational awareness activities of the System office for Title IX under DIEO; (4) build a historical database specific to all forms of gender-based discrimination; and (5) support findings of the data with actual campus climate survey data, so that improvements might be recommended in response, services, and personnel.

The Committee is committed to working with all relevant USF offices dedicated to building on improvements of USF’s systems of response to Title IX concerns. We plan to collaborate with the Senior Deputy Title IX Coordinator on key initiatives that support the efforts above, and hope that they include surveying the campus community regarding Title IX.

4. Title IX compliance with gender equity goals in Athletics

The Athletic Administration has renewed its efforts to address gender equity compliance, but in doing so participant numbers decreased impacting the departments overall percentage for female participants to 51.4% - a decrease of 5% overall. Although the department recognized a decrease in female participants, the Athletic department is within 3.9% of the institutional female population as women make up 55.3% of USF’s undergraduate student population according to the Equity in Athletics Data Analysis Cutting Tool (EADA, 2015). Figure 1 illustrates the total number of unduplicated male and female athletic participants for the 5 years. The Athletic Administration is still exploring the possibility of adding a female sport while continuing to utilize roster management initiatives. As demonstrated in Figure 2, the number of duplicated female athletes decreased during the 2014-2015 academic year.

Athletics has previously addressed many issues of concern including Financial Aid and Recruiting. Athletics has committed to annual reviews of the Sport Team finances and makes available the necessary resources to effectively run each program. The Committee hopes to see continued improvement going into future reporting years.

The Committee has continued to advocate for the addition of a new female sport. As such, Athletics Administration, in conjunction with the release of their Departmental Strategic Plan, will develop and finalize a Gender Equity Plan. This plan should outline initiatives for the department to improve and maintain compliance with gender equity issues as well as define pro-active measures to review for Title IX Compliance. To this end, we strongly recommend that Athletics take explicit steps toward implementing and upholding a Gender Equity Plan and addressing these issues in the aforementioned areas of concern early in the next academic year.

Figure 1. Male & Female Athletic Population

Male and Female Athletic Participation (Unduplicated)
5. Title IX and pregnant, parenting, and lactating students and employees

The Break Time for Nursing Mothers law requires employers to provide reasonable break time and a place for nursing mothers to express breast milk for one year after the child’s birth. While USF strives to adhere to the law, a recent study conducted at USF found that over 95% of mothers who work at USF planned to provide breastmilk to their infant. However, 43% of them did not provide breastmilk for as long as they wanted, citing lack of time and inconvenience to express milk as the most common reasons for not meeting their breastfeeding goals. In addition, at any given time there are students who are planning a pregnancy, currently pregnant, or have recently given birth. The Title IX Committee recommends the university provide information specific to lactation that clearly 1) promotes breastfeeding as the normal way to feed an infant and 2) outlines the health and economic benefits of breastfeeding for infants, mothers, families, and the university. Information should be provided through student affairs, human resource departments, public service announcements, websites, and DIEO targeted to a variety of life stages, including: training for managers and HR departments; training for expectant parents during pre-conception planning, pregnancy planning, and prenatal care; and for parents during post-partum and return to work. The Title IX Committee further recommends the University promote a clear, publicized, well known policy above and beyond the minimum requirements of the federal Break Time for Nursing Mothers law by 1) issuing a letter to all employees requesting family and medical leave for the birth of a child with a list of rooms available on campus as part of a standard of practice, 2) developing a return-to-work break time plan prior to the birth of a child, and 3) providing a dedicated lactation space no more than a 10 minute walk from any nursing mother’s work area.

6. Policy on paid parental leave

Providing high quality health benefits, campus wellness resources, and opportunities to be healthy are typically used as tools for student, staff, and faculty recruitment and retention. Statistics from California’s Center for Economic and Policy Change show that paid parental leave had a positive effect (or no effect at all) on profitability for businesses. National and global health organizations cite paid parental leave as one of the top factors that reduce health disparities among women, mothers, and infants, including a reduction in infant mortality. In addition, women are likely to be the main or co-breadwinner in most families with children and most women with children under age 3 are employed – these common scenarios require the type of flexibility offered by paid parental leave. Access to paid parental leave increases the likelihood that mothers return to work and advance their career, offering an employer protection against the loss of human capital. Currently, USF offers faculty 19.5 weeks of paid parental leave. The Title IX Committee identified several comparable universities, including the University of Florida, which provide paid parental leave to all benefits-eligible employees, not just faculty. In addition, several states have passed laws granting paid parental leave to state employees, most recently, New York State. USF was one of the first institutions of higher education in Florida to offer domestic partnership benefits years before the national marriage equality movement, thus it seems fitting that the university would be poised to pioneer a paid parental leave program. The Title IX Committee recommends that the university provide a paid parental leave program that offers 12 weeks of 100% paid parental leave to all benefits-eligible staff who have been continuously employed for at least 6 months.

III. Goals for 2016-2017

* Please note: under each Goal we have listed specific action items, in italics.

1. Campus Sexual Violence and Title IX

Continuous efforts by the federal government to ensure that colleges and universities respond adequately to the crisis of campus sexual violence underscore the importance of diverse and widespread education of students, faculty, and administrators about Title IX’s relevance to sexual misconduct. Per our discussion of USF responses to campus sexual violence earlier in this report, our Committee intends to work with our USF partners (including DIEO, Victim Advocacy, and Student Government) to ensure our campus takes vital steps toward meeting and exceeding expectations for assessment, training, and awareness. We further seek to continue and seek partners for events designed explicitly for this purpose.
2. **Transgender Students and Housing Assignments:** The Committee is eager to explore the inclusion of trans students in our housing assignment process. Recent legislation has eliminated the cohabitation ban on facilities and several institutions have created gender neutral housing. *The Committee is interested in inviting members of Housing and Residential Education along with Legal Counsel to explore the equity in housing assignments for trans identified students.*

3. **Title IX Strategic Plan:** Significant progress has been made to increase the Title IX presence at USF by creating programs and services, and maintaining risk management efforts in the area of Title IX (Gender Equity).

In 2015-2016 a significant effort was undertaken by the Committee, working in coordination with the Senior Deputy Title IX Coordinator, to develop a comprehensive Title IX Strategic Plan. Upon completion of a review of risk management issues, compliance gaps, service gaps, staffing needs, redundancies, and physical/monetary needs, key areas for change were identified and a draft plan was created. The committee looks forward to reviewing this plan in the coming year and contributing to its meaningful implementation.

In addition, the Committee agreed that a modification in process was necessary, supporting centralized reporting, certification, case management, and investigative oversight functions that permit timely response, streamlined service provision, and clear, comprehensive data collection. The centralized process would align USF in its mandated compliance actions with current federal Title IX guidance. In spring 2016, a shift toward a centralized reporting, certification, case management, and investigative oversight process occurred, supporting timely receipt of reports, certification of complaints, and management of cases. A case management system was identified (from Committee recommendations 2013-2014 and 2014-2015) that would place all System Title IX data in one location and under the oversight of the Senior Deputy Title IX Coordinator, though lack of funding resources has delayed its purchase. Projected purchase and implementation of the data system is scheduled for fall 2016, pending funding.

Next year we intend to carefully review and discuss the Title IX Strategic Plan and, in collaboration with the Title IX Senior Deputy Coordinator and other system stakeholders, to move the University toward realizing a functional structure and methodologies for an institution the size of USF that will support compliance, reduce risk exposure, and place the University well into Title IX best practices.

4. **Title IX and the Development and Promotion of New Lactation Rooms:**

The university currently has two designated lactation rooms: EDU 348 and MSC 2404 and one room that serves as multi-purpose. Comparable universities were assessed for lactation accommodations and have an average of 22 available lactation rooms for any student, staff, faculty or visitor. During a systematic environmental scan of key areas of the USF campus, the Title IX Committee found many opportunities for dedicated lactation space. Among 10 buildings scanned, 9 buildings had one or more rooms that 1) met the minimum requirements for a designated lactation room and 2) were underutilized or not being used for any other purposes. During the scan, the committee identified key personnel in each building who affirmed their support for the development of a designated lactation room in their building. **We intend to work with physical facilities and each key representative from each building to develop a designated lactation room in each of the buildings identified. We further recommend that all designated lactation rooms be promoted on the USF website on multiple webpages where students, staff, and faculty can access the location and room details at any time the need to express breast milk or breastfeed arises.**

5. **Committee Membership:** We intend to continue to diversify and expand our committee membership and make sure that members who are identified and vetted join the Committee in an expeditious manner. The Committee reached out specifically this year to USF Human Resources and undergraduate and graduate students.

We intend to intensify our efforts to recruit a staff member from USF Human Resources as an ex-officio member of the Committee and to pursue the conversation to identify areas where faculty recruitment can be improved and diversified a further the goal of gender equity.

**2015-16 Committee Activity**

**September 30, 2015:** The Committee reconvened after the summer break, planned goals for 2015-2016, and discussed opportunities Committee involvement.

Also in September, the Committee participated in the second annual campus wide Title IX conference and a Student Government event showcasing university committees for interested students.

**October 28, 2015:** The Committee discussed the scope and status of campus training on Title IX and brainstormed ideas for Committee involvement.

**November 18, 2015:** The Committee was briefed by Athletics Department staff about the Equity in Athletics Disclosure Act (EADA) data.

**November 20, 2015:** The Committee met jointly with the USF Athletics Council and was provided with an overview of the most recent Equity in Athletics Disclosure
Act (EADA) data and discussed ideas about how to improve in the future.

**December 7, 2015:** The Committee joined with the Title IX Stakeholders group for a strategic planning session and facilitated small group breakout sessions on selective topics.

**January 27, 2016:** The Committee discussed ideas for its participation in an upcoming campus speaker on transgender issues and reviewed next steps related to the Title IX Strategic Planning meeting.

**February 10, 2016:** Members of the Committee participated in the first session of the inaugural “Train the Trainers” workshop to learn how to train the USF community about Title IX.

**February 17, 2016:** The Committee was led in a discussion about the Athletics Department Gender Equity Plan being developed this year and established a subcommittee to work on developing a draft to be presented to the committee in the fall.

**February 18, 2016:** Members of the Committee participated in the second session of the inaugural “Train the Trainers” workshop to learn how to train the USF community about Title IX.

**March 14, 2016:** Members of the Committee participated in a third session of the inaugural “Train the Trainers” workshop, this time to observe an actual training being presented to USF personnel.

**March 23, 2016:** The Committee reviewed and discussed the Title IX Self-Evaluation data, which includes information about faculty/staff salaries by gender across campus colleges, departments, and schools.

**April 20, 2016:** The Committee discussed goals for 2016-2017 as information was reviewed for inclusion in the Annual Report to the President.

Respectfully Submitted,
2015-2016 Committee Members

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