



THE OHIO STATE UNIVERSITY

Where ADA Meets Title IX

Courtney McCrary: Student Life Disability Services
Holly Davis: Student Life Student Advocacy Center



Learning Outcomes

- Understand the intersection of ADA and Title IX
- Utilize concepts to build a referral relationship between Disability Service and Sexual Violence Support Offices on your campus
- Identify best practices for facilitating reasonable accommodations for victims/survivors of sexual violence



Title IX Overview

- Educational Amendments of 1972
- Meant to fill gap in protecting against sex-based discrimination left by the Civil Rights Act of 1964
- Specifically protects against sex-based discrimination in federally funded programs that receive financial assistance
- Obama-era guidance: focused on victim/survivor





September 2017 Guidance



Question 3

What are interim measures and is a school required to provide interim measures?

Answer

Interim measures are individualized services offered as appropriate to either both the reporting or responding parties involved in an alleged incident of sexual misconduct, prior to an investigation or while an investigation is pending⁹. Interim measures include counseling, extensions of time or other course-related adjustments, modifications of work or class schedules, campus escort services, restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of campus, and other similar accommodations.

It may be appropriate for a school to take interim measures during the investigation of a complaint¹⁰. In fairly assessing the need for a party to receive interim measures, a school may not rely on fixed rules or operating assumptions that favor one party over another, nor may a school make such measures available only to one party. Interim measures should be individualized and appropriate based on the information gathered by the Title IX Coordinator, making every effort to avoid depriving any student of her or his education. The measures needed by each student may change over time, and the Title IX Coordinator should communicate with each student throughout the investigation to ensure that any interim measures are necessary and effective based on the students' evolving needs.



Interim Measures

- Instructor Notifications (supplemental attachment and handout)
- Academic Assistance – excused absences, re-takes, incompletes, remote work, scheduling adjustments, retroactive withdrawals, etc.
- Housing or class adjustments (Title IX handles restrictive measures)
- Counseling
- Community Advocate
- Legal
- **Disability Services**





Connection to Disability Services

- 7 trauma-related disclosures during intake meetings in fall 2015
- Common barriers:
 - Attendance
 - Lack of focus in and outside of classroom
 - Anxiety related to being in large groups
 - Triggers around course content, classroom/exam location, etc.
 - Difficulty meeting deadlines
- Met with Student Advocacy Center in summer 2016 to increase support for victims/survivors
- Students meet with advocate in the Student Advocacy Center
- Referral is sent to Disability Services if student experiences academic barriers related to trauma (referral form is a supplemental attachment and handout)



- ✓ Over-referrals – cannot be prescriptive and overwhelm resources
- ✓ Identifying possible misuse of resources and boundary concerns
- ✓ Provisional vs. permanent registration
- ✓ High number of already registered students



Questions?

