



Naropa
UNIVERSITY

CREATING A COMPLIANT CAMPUS TITLE IX, CIVIL RIGHTS & ACCESSIBILITY

Who are we?



Sarah Scarchilli

*Civil Rights Compliance & Title IX
Coordinator*



Emma Vogel

*Director of Student Accountability & Advocacy
(Deputy Title IX Coordinator)*



Anna Shaw

Director of Accessibility Resources

Content Warning & Disclosure

Today's training will be exploring sexual misconduct.

I am a mandated reporting employee, so I am required to report knowledge of sexual misconduct, including what's shared in this training space

What will be cover

- Title IX and sexual misconduct
- Protected class discrimination and harassment
- Understanding the Americans with Disabilities Act (ADA) and the Accommodation Process

Why is intuitional compliance important?

Nobody has responded yet.

Hang tight! Responses are coming in.

What federal laws does Naropa have to comply with?

- Title IX
 - Sex-Based Discrimination and Sexual Misconduct in education
- Title VI
 - Discrimination on the basis of race, color, and national origin in education
- Title VII
 - Discrimination on the basis of race, color, religion, sex or national origin in employment
- Americans with Disabilities Act (ADA) and Section 504
 - Discrimination on the basis of disability in education / federally funded programs
- Clery Act (including Stop Campus Hazing Act)
 - Reporting of crime data, and prevention of hazing
- FERPA
 - Privacy of student records



Just to name a few!

**TITLE IX &
SEXUAL
MISCONDUCT**

TITLE IX

CONSENT

HARASSMENT

#METOO

AWARENESS
RESPECT
SUPPORT
JUSTICE

LITIGATION

NO
MORE
SILENCE



What is Title IX?

- A federal educational law
- Introduced in 1972
- Required for institutions to comply with in order to receive federal funds
- Ensures the protection against sex discrimination and sexual misconduct in schools

“no person in the United States shall, on- the-basis- of sex, be excluded from participation in, be denied the benefits of, be subjected to discrimination under any education program or activity that receives federal financial assistance.”

Some Brief Title IX Updates...

- Title IX has shifted quite dramatically the past year
- On August 1st, 2024, the Biden Administration issued new Title IX regulations to be implemented
- On January 9th, 2025, a Kentucky court decision ordered the immediate vacation of those regulations, and for us to return to the previous Title IX regulations
- We cannot predict what changes may come
- Our team is staying abreast of changes in federal regulations, and receives insight from ATIXA (Association of Title IX Administrators) and other organizations
- We appreciate and value the grace and patience of Naropa employees as we navigate the ever-changing landscape

What is considered “sexual misconduct”

1) SEXUAL HARASSMENT (Hostile Environment Harassment OR Quid Pro Quo)

Examples:

- Unwelcome, sexual conduct that is physical, verbal, or non-verbal such as sexual comments or jokes
- Transactional sexual requests from an employee

2) SEXUAL ASSAULT

Examples:

- Non-consensual sexual acts that may use force, coercion, or incapacitation

What is considered “sexual misconduct”

3) RELATIONSHIP VIOLENCE

Examples:

- Physical violence, coercion and threats, intimidation
- Occurs within the space of a romantic or intimate relationship

4) STALKING

Examples:

- Course of conduct that is direct or indirect
- Following physically, contacting workplaces, tracking and monitoring, persistent contact

5) SEXUAL EXPLOITATION

Examples:

- Voyeurism, “deep fakes”, sharing intimate images of someone without their consent

Which of these behaviors would not be considered sexual misconduct

A student alleges that their ex-partner's posted their nude images on Instagram as revenge for when they cheated on them

0%

A student alleges that they engaged in sexual activity with another student after they threatened them

0%

A student alleges that a faculty said they will give them an incomplete if they kiss them, though they did not do this

0%

A student alleges that a staff member is gaslighting them

0%

Employee Reporting Obligations

All employees at Naropa are considered Mandated Reporters under Federal law

If someone reports what we have discussed today, you are required to report:

- All and any knowledge you have related to the incident (you are not required to seek this information, only report on what you know)
- Even if someone does not wish you report to the Title IX Coordinator
- Even if you are uncertain whether it would fall under Title IX

Violations of Non-Reporting

If someone does not report sexual misconduct when they are required to, it puts Naropa at institutional risk of violating federal educational law. Non-reporting can result in employment sanctions from a verbal warning to termination

Reporting

Sarah Scarchilli

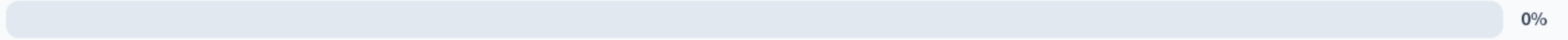
Civil Rights Compliance & Title IX Coordinator

titleix@naropa.edu or sarah.scarchilli@naropa.edu

Naropa University's Reporting form on
Naropa.edu and MyNaropa (*select
appropriate option on drop-down menu*)

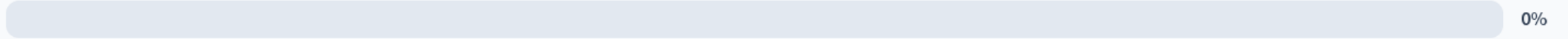
Who knows where to find the Naropa Reporting form?

Yes



0%

No



0%



Office of Civil Rights and Title IX

- Student Support
- Telehealth Counseling
- Student Right to Know
- Office of Accessibility Resources
- Student Handbook
- Privacy Policy

[> FILE A REPORT](#)



I'm here to help! Say "Hi" to start.

Information icon

Close icon

Chat icon

The Office of Civil Rights and Title IX offers fair and compliant approaches to reports of protected class discrimination and sexual harassment, as

My Resources



Naropa's Shop



My Calendar



My Courses & Grades



Make an Appointment



File a Report



Reserve a Room at Naropa



25-26 Academic Calendar



Housing & Residence Life



Resources for Online Students

Naropa University is committed to fostering an culture of care and compassion for student's and their wellbeing. Any behavior that subverts the mission of the university and can threaten the careers, educational experience, and well-being of all members of the community is welcomed to be shared with the university.

Concerns submitted through this reporting form will be reviewed by the appropriate unit or office depending on the report type. Please refer below as to which reports get routed to which office:

- Academic Success Concerns - **Academic Advising team**
- Wellbeing Concerns - **CARE Team**
- Student Conduct - **DOS Office; Student Accountability**
- Residential Conduct - **DOS Office; Residence Life**
- Gender Equity/Relationship Violence/Sexual Misconduct and Discrimination/Harrassment reports - **Title IX Coordinator**
- All other reports - **Dean of Students**

Notice: If there is a more appropriate routing for your report submission, it may be referred to another office.

Please note that these reports are not monitored in real time. They are checked during the work week between 9-5 pm MST. If you have a concern that should be

What's
the
difference
??

PRIVACY

information related to a report of misconduct will only be shared with employees who "need to know" in order to assist in the active review, investigation, or resolution of the report. While not bound by confidentiality, these individuals will be discreet and respect the privacy of all individuals involved in the process.

CONFIDENTIALITY

information about sexual assault or harassment shared by a student cannot be revealed to any other individual without express permission of the reporting student, except where there is immediate and serious concern about the student's safety or that of others in the community.

Exceptions to Mandated Reporting

The following are federally accepted exceptions to the Mandated Reporting Requirement:

- If the employee learns information while serving in a “privileged capacity”
- If the information is learned at a public awareness event (i.e. Sexual Assault Awareness Month)
- If the employee learns information when undertaking research
- In the context of academic assignments and classroom discussions (please exercise discretion)

If the sexual misconduct is pre-program (i.e. before joining Naropa), it is somewhat speculative and more in the realm of best practices than obligations, if there may be a need for supportive measures or remedies. A mandated reporter should pass along a specific request or need for support but not obligated to pass along a dated disclosure of pre-program behavior if no current in-program implications that are disclosed.

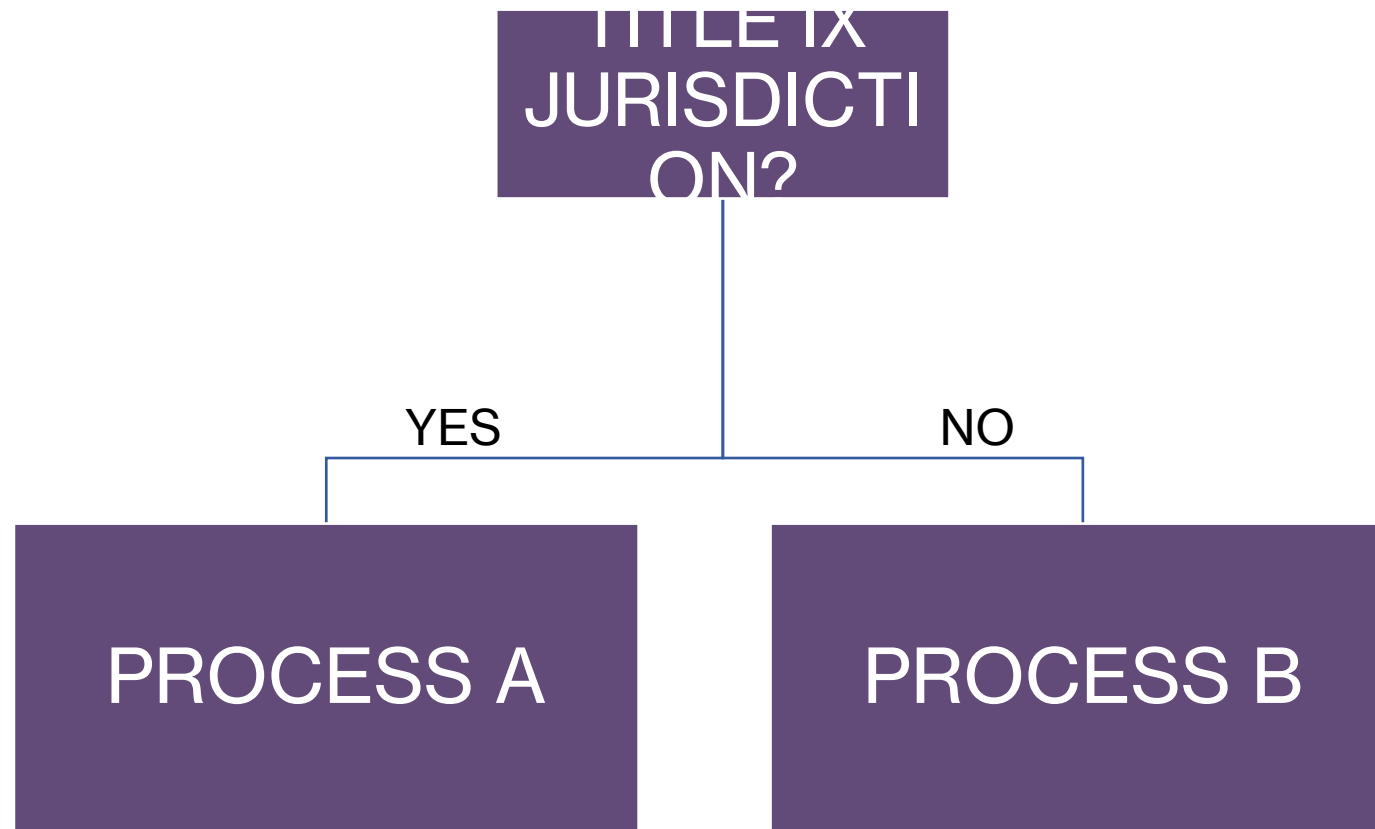
Potential Routes from a Formal Compliant

The Complainant may choose the following options after filing a Formal Complaint:

- No Further Action
- Supportive Measures only
- Informal Resolution
- Formal Grievance

Their selection of what option they want for addressing their Formal Complaint, does not guarantee that response. It is also dependent on the Civil Rights Compliance & Title IX Coordinator's initial assessment

SEXUAL MISCONDUCT PROCEDURES



SEXUAL MISCONDUCT PROCEDURES

Process A – “Title IX-Compliant Procedures”

- Is compliant with federal Title IX jurisdiction (i.e. the behavior occurs within the “educational program or activity”)
- Requires a Live Hearing as per Title IX requirements
- Average 6-9 months from intake to a closed case (depending on Appeals process)

Process B – “Non-Title IX Sexual Misconduct Procedures”

- Uses the same policy language for sexual misconduct as the Title IX Procedures
- Enables an off-campus response to sexual misconduct if certain conditions are met
- Does not require a Live Hearing
- Slightly shorter process due to no Live Hearing

Supportive Measures

Academic

- Excused class absences
- Extensions on assignments
- Withdrawals
- Class schedule modifications

Referrals

- Naropa-specific (e.g. TimelyCare, or Office of Accessibility Resources)
- External (e.g. non-profits that assist with sexual misconduct)

Safety

- No Contact Order
- Safety planning
- No Trespass Orders

Supportive Measures are non-disciplinary, non-punitive accommodations and services offered as appropriate, and reasonably available to preserve access to education program or activity.

Supportive Measures can be provided to Respondents (alleged perpetrators) during a Formal Grievance process

* This is not an exhaustive list of Supportive Measures but some common examples

Some Naropa Data!

Between August 1, 2024, and May 7, 2025, the Office of Civil Rights & Title IX received:

	Incident Reports	Total new Cases
Sexual Misconduct	32	38
Discrimination/Harassment	6	6

Additional Resources

Moving to End Sexual Assault (MESA)

Confidential support for survivors of sexual violence
movingtoendsexualassault.org
303.44.7300
Lafayette, CO

Safehouse Progressive Alliance for Nonviolence (SPAN)

Services such as emergency shelter, counseling, and advocacy for domestic violence survivors
safehousealliance.org
303.444.2424
Boulder, CO

Boulder Community Health

Sexual Assault Nurse Examiner (SANE) program for forensic evidence
bch.org
303.415.7000
Boulder, CO

Safe Shelter of St. Vrain

Emergency bilingual counseling, advocacy and shelter for survivors of domestic violence
safeshelterofstvrain.org
303.772.4422
Longmont, CO

Longmont Ending Violence Initiative (LEVI)

Non-emergency domestic violence information, education, and referrals
longmontcolorado.gov
303.774.4534
Longmont, CO

Colorado Coalition Against Sexual Assault (CCASA)

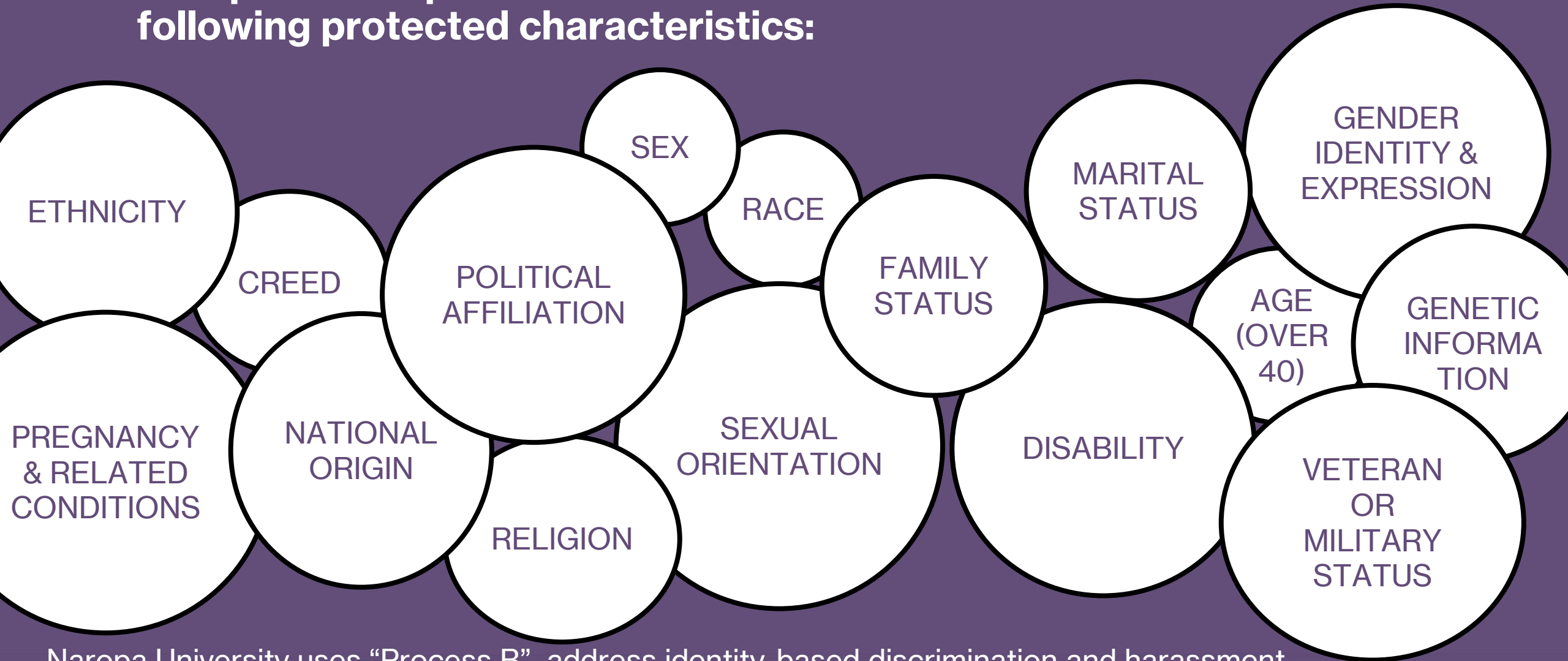
Statewide organization providing advocacy, support, and resources for sexual assault
ccasa.org
303.839.9999
Colorado

Domestic Violence Resource Center

Provides assistance and information about domestic violence resources in Boulder County
303.449.8623
Boulder County, CO

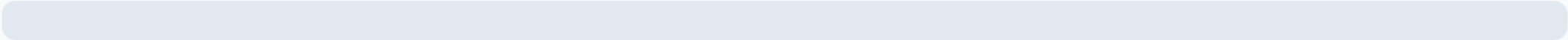


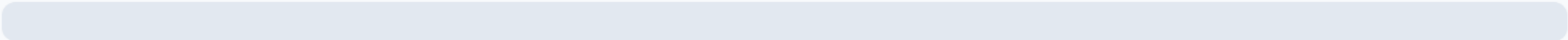
Naropa can respond to discrimination or harassment for the following protected characteristics:




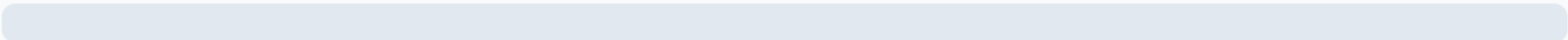
Naropa University uses “Process B” address identity-based discrimination and harassment

Which of these is currently not a protected class under Colorado or federal law?

Race  0%

Gender Identity  0%

Weight  0%

Martial status  0%

Religious Accommodations

Naropa University is committed to providing reasonable accommodations that allow every community member to observe their religious practices without compromising their academic or work progress.

- **Adheres to Federal laws**
- **Adheres to Naropa's Equal Opportunity, Harassment, and nondiscrimination policy for Faculty, Students, Employees and third Parties**
- **Students are encouraged to work with their faculty member(s)**
- **Faculty and Staff are encouraged to work with their supervisor(s)**

Add:

Syllabi

Intensives

Communication with students

- Add:

Differences between Title IX and civil rights; two boxes

Not mandatory, but best practice

—

ACCESSIBILITY IN HIGHER EDUCATION: UNDERSTANDING THE ADA



AMERICANS WITH DISABILITIES ACT AND SECTION 504

ADA

“...no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any such entity.”

Americans With Disabilities Act of 1990, 42 U.S.C. § 12101 et seq. (1990).

SECTION 504

"No otherwise qualified individual with a disability in the United States . . . shall, solely by reason of her or his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance"

Section 504 of the Rehabilitation Act of 1973 (29 U.S.C." Code of Federal Regulations, title 28 (2002):516-544

Why are we required to accommodate students with disabilities?

- We are required to accommodate students with disabilities because it is a matter of federal law and educational equity.
- Under Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act (ADA) of 1990, institutions of higher education must ensure that qualified students with disabilities have equal access to academic programs, services, and activities.
- Providing reasonable accommodations is not about giving unfair advantages – it's about removing barriers so that all students have the opportunity to succeed and fully participate in their education.

Creating Access

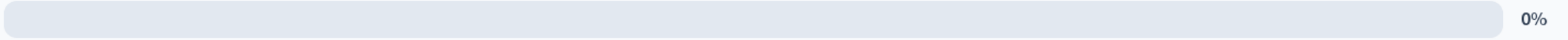
- According to the Department of Education data, approximately 20% of undergraduate students report having a disability, meaning around one in five college students identify as having a disability.
- The accommodation process exists to ensure equal educational opportunities for all students by promoting access and eliminating barriers.
- Supporting these efforts is part of fostering a compassionate and inclusive community, as reflected in Naropa's mission.

ABOUT THE OFFICE OF ACCESSIBILITY RESOURCES (1)

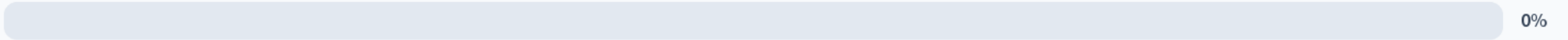
- The Director of the Office of Accessibility Resources is the **designated institutional authority** responsible for reviewing and approving accommodation requests at Naropa.
- This role is governed by **two federal laws**, including **Section 504 of the Rehabilitation Act** and the **Americans with Disabilities Act (ADA)**.
- Eligibility for accommodations is determined based on **current and appropriate medical documentation**.

Who is responsible for determining eligibility for accommodations at Naropa University?

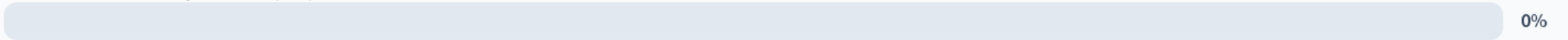
The student's therapist



Individual faculty members



The Office of Accessibility Resources (OAR)



ABOUT THE OFFICE OF ACCESSIBILITY RESOURCES (2)

Documentation must:

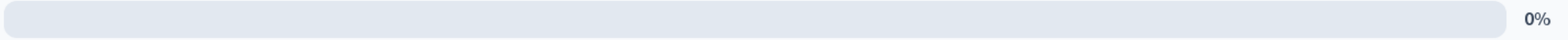
- Come from a **qualified provider**
- Include a **diagnosed condition**
- Describe **functional limitations**
- Explain how those limitations **support the specific accommodation requested**

ABOUT THE OFFICE OF ACCESSIBILITY RESOURCES (3)

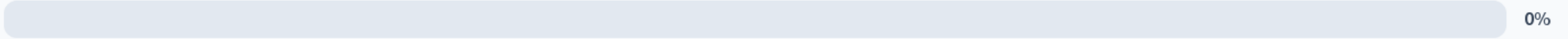
- The process is **compliance-driven**, designed to:
 - Ensure **equitable access**
 - Maintain **academic standards**
 - Uphold **legal obligations**
- The Director engages in an **interactive process** with students and makes **formal recommendations to faculty** based on documentation and legal standards.

The design and implementation of disability-related accommodations is:

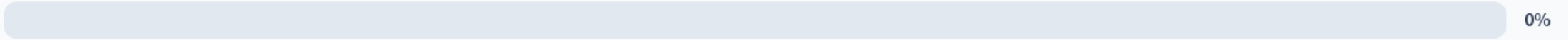
A one-time decision made solely by the student



Determined entirely by the faculty member



An interactive process involving the student, OAR, and Naropa faculty.



Student Responsibilities in the Accommodation Process (1)

- **Self-Identify**
Initiate the process by disclosing your disability to the Office of Accessibility Resources (OAR).
- **Provide Documentation**
Submit current, appropriate documentation from a qualified professional.
- **Request Accommodations**
Submit your accommodation requests through the proper channels each semester.
- **Communicate with OAR**
Inform OAR of any changes in your condition, needs, or concerns.

Student Responsibilities in the Accommodation Process (2)

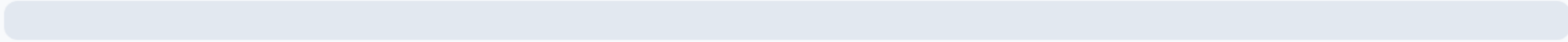
- **Follow the Student Code of Conduct**
All students must uphold Naropa's behavioral expectations.
- **Use Services Responsibly**
Engage with accommodations ethically and as intended.
- **Respect Policies & Procedures**
Understand and adhere to OAR's guidelines to maintain access.

OFFICE OF ACCESSIBILITY RESOURCES (OAR) ACCOMMODATION PROCESS

- **Letters Are Auto-Renewed via Accommodate**
Students do not need to re-request accommodations each term – letters are automatically issued if the student remains enrolled and eligible.
- **Students Are Encouraged to Connect Proactively**
Even though letters are auto-sent, students are expected to communicate with instructors early to discuss how accommodations will be implemented.
- **Accommodations Are Not Retroactive**
Faculty are **not required** to adjust coursework or attendance prior to the official accommodation notification.

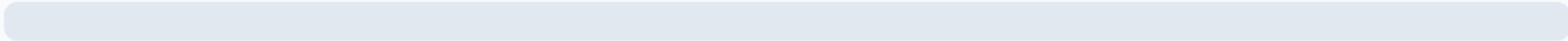
Which of the following is a required student responsibility in the accommodation process?

Waiting for faculty to guess their needs



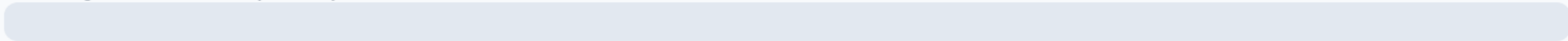
0%

Requesting accommodations and providing appropriate documentation



0%

Submitting medical records directly to faculty



0%

FACULTY & STAFF RESPONSIBILITIES

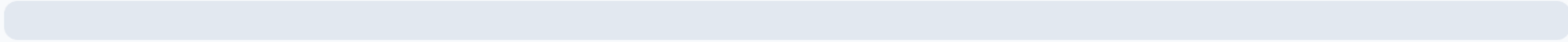
- Refer students to the Office of Accessibility Resources (OAR).
- Provide reasonable accommodations as outlined in the OAR letter.
- Demonstrate confidence in students' abilities.
- Keep all disability-related information confidential.
- Discuss accommodation implementation with the student and consult with OAR to ensure proper alignment with documented needs and institutional policy.

WHAT NOT TO DO (Without OAR Involvement)

- Do **not** ask for or accept medical documentation from students.
- Do **not** ask for or discuss a student's diagnosis.
- Do **not** leave OAR out of the interactive process.
- Do **not** implement accommodations without consultation with OAR.
- Do **not** modify, deny, or expand accommodations without OAR involvement.

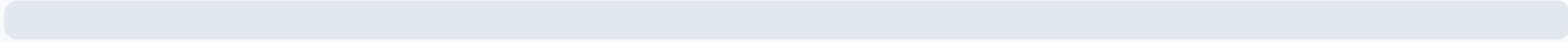
Which of the following is a responsibility of faculty and staff when working with students with accommodations?

Ask the student for their diagnosis so you can better understand



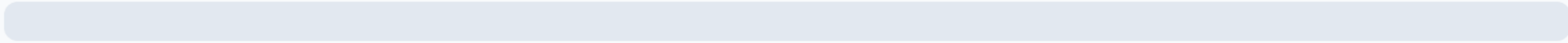
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Decide which accommodations are appropriate based on your course content



0%

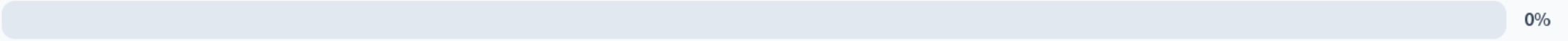
Provide reasonable accommodations and keep disability-related information confidential



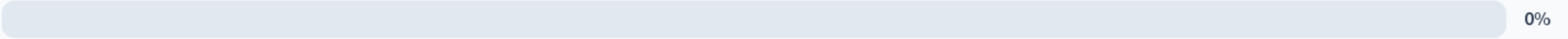
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Which of these actions should not be taken without consulting the Office of Accessibility Resources?

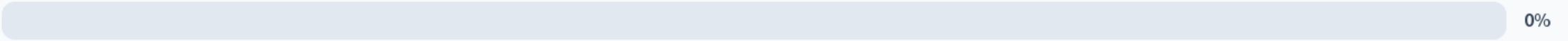
Referring a student to OAR for accommodations



Making informal adjustments to a student's assignments based on medical information they shared privately



Asking the student to email OAR to start the accommodation process



ADA/504 AND PREGNANCY

Pregnancy, alone, is not a disability...



EXCEPT UNDER...



SECTION 504: It may be considered a temporary disability in certain circumstances.



ADA: It may be considered a disability when one or more impairments related to pregnancy are present OR when a condition arising from pregnancy becomes long-lasting (i.e.: post-partum depression or gestational diabetes that becomes Type II)

TEMPORARY DISABILITY

- Disability Services providers must treat **pregnancy and related conditions** with the **same policies, procedures, and standards** as any **temporary disability or physical condition**.

CONSISTENT PROCESS

- Disability and conditions related to pregnancy should be placed in the student access and accommodation lane. That is, the student **must** disclose and be able to provide documentation sufficient to support their accommodation request.

INTERIM ACCOMMODATION END POINT

- Accommodations provided for a condition that results from pregnancy is often time limited – or interim.
- Case review post-delivery is vital to ensure either a closure of the request OR to document continuation of the resulting condition OR to substantiate a new condition.

THE RARE SITUATIONS

- There will be times when pregnancy does result in a rarer situation that becomes a qualifying disability. The practitioner must be able to engage in an interactive process case-by-case and situation by situation.
- For example... A student breaks her pelvis during delivery and subsequently has an extreme, newly acquired mobility disability.

ADJUSTMENTS V ACCOMMODATIONS DISTINCTIONS

DISTINCTIONS

- Disability-related
- Requires paperwork
- Recordkeeping

SIMILARITIES

- Fact-specific and individualized
- Needs may change over time
- Fundamental alteration analysis

WHAT'S THE DIFFERENCE?

- **Title IX** affords adjustments and/or support measures while **ADA/504** affords access and accommodations; each ensure equitable access to educational programs or activities.



Adjustments are time-limited for the period of the documented "medical necessity"



Supportive measures have no medical requirements ; they require only a request as related to a Title IX matter



Accommodations require the presence of a "qualified" disability and/or condition

JUST TO REVIEW: ADJUSTMENTS UNDER TITLE IX



Furniture size,
shape, position



Remote
learning/hybrid
learning



Breaks, access to
food or hydration



Ability to
reschedule tests



Excused absences
specific to
treatment and care



Late submission of
expected work



Alternative make
up work of similar
or like nature

“Medically necessary” based on assessment for immediate implementation.

ACCOMMODATIONS UNDER ADA/504



Furniture size,
shape, position



Remote
learning/hybrid
learning



Breaks, access to
food or hydration



Ability to
reschedule tests



Excused absences
specific to
treatment and care




Late submission of
expected work



Alternative make
up work of similar
or like nature

Supported by documentation that is sufficient to make an accommodation determination.

SOUND SIMILAR? That's Because It Overlaps

- Adjustments for pregnancy may also qualify as reasonable accommodations. But the key difference lies in the entry point and disclosure process.
- **ADA/Section 504** → Starts with medical documentation and a request through the Office of Accessibility Resources
- **Title IX** → Initiated by disclosing pregnancy or related condition as a civil rights issue
-  Shared purpose?
To coordinate, support, and ensure **ACCESS** – just through different procedural lenses.

Practice Case Study Time!

- In groups, you will all receive one case study to review
- In your groups, please discuss:
 - What came up for you with this scenario?
 - What would you communicate to the student?
 - What other additional actions would you take following?

Practice Case Study Time!

Group Discussion:

What was your case study?

What did you discuss?

Summary

- Compliance with federal laws is important for us to continue to receive federal funds
- Naropa employees are **Mandatory Reporters** under Title IX specifically, and strongly encouraged to report other concerns
- When it comes to sexual misconduct, discrimination, or disability, ensure you come to the appropriate office before making any decisions
- Please keep student information private to ensure FERPA compliance

Please submit your feedback!

