Cabrini University Title IX Program Review

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Cabrini University
Title IX Program Review

APRIL 2024

Authored by: Julia Smith
General Information:

Accessibility and Information Provided
Title IX information for Cabrini University is easily accessible as it relates to sexual harassment and misconduct. Title IX information regarding athletics, pregnancy, and LGBTQIA+ issues, however, is severely limited.

A Google search of “Title IX Cabrini University” yields four relevant search results, most of which are directed towards sexual harassment and misconduct. The first and third results link to Cabrini University’s “Policies” page, which hosts information about Title IX.¹ This page does not provide the text of Title IX, the historical background, nor a general overview of the amendment. Additionally, the page indicates that students, faculty, and staff can file complaints or make anonymous reports, however, it does not provide an explanation of the reporting process. Instead, it provides links to four, minute-long informational videos on sexual misconduct, as well as a link to Cabrini’s “Sexual and Gender-Based Harassment and Misconduct Policy.” The Misconduct Policy includes the substantive law and offers more in-depth information on how to report, the form of conduct that is considered sexual misconduct, the formal grievance process, sanctions and remedies, the appeals process, statements of rights for both the complainant and the respondent, and more. Further, the page lists the contact information for the Title IX Coordinator Nikki Gillum-Clemons, as well as on-campus and off-campus resources for survivors. Notably, the contact information for the Title IX Deputy Coordinators and the Title IX Investigator are not listed on this page. The second Google search result links to the University’s “Campus Security Authority Training”, which provides training resources for Campus Security Authorities (CSAs) and a general overview of the Clery Act.² Additionally, the page provides a link to the training and testing that CSAs are required to complete on an annual basis, as well as the reporting process and a link to the “Campus Security Authority Incident Report.” Interestingly, this page includes the text of Title IX, however, it is not accompanied with a link to the University’s Misconduct Policy. The final Google search result leads to a student-generated website called, “Title IX: Re-Defined.”³ This result was the most comprehensive and includes the text of Title IX, as well as the amendment’s legislative history. Moreover, the page provides detailed information on how Title IX is applied to athletics, gender expression, and sexual violence. This appears to be the only Cabrini source that provides resources and information on Title IX issues that directly impact the LGBTQIA+ community.

The “Title IX Cabrini University” search used above does not immediately provide any results relating to athletics, pregnancy, or LGBTQIA+ issues. When searching “Cabrini University Title IX Athletics” on Google, there is only one relevant search result that differs from the above sources. The result links to the Cabrini Athletics website, which is separate from the general University page, and provides the contact information for the Title IX Deputy Coordinator for Athletics, Jackie Neary.⁴ Despite providing the Deputy’s contact information, the website does not give information on how Title IX applies to
athletics, nor does it give a description of the Deputy’s role in the Title IX process. As previously stated, the student-created Title IX: Re-Defined website provides the most substantive information on Title IX and athletics, however, it does not include administration contact information nor procedural details. Particularly, the website highlights experiences of women athletes and offers statistics on the inequalities that women face in collegiate athletic spaces. Curiously, this section of the website does not discuss the impact of Title IX on transgender women in athletics and is only geared towards cisgender women.

The most interesting aspect of searching for general information is Cabrini’s overall lack of Title IX resources related to pregnancy and LGBTQIA+ issues. Searching “Cabrini University Title IX pregnancy” does not yield any relevant results, while searching “Cabrini University Title IX LGBTQIA+” only links to the Title IX: Redefined website. The latter provides an overview of the battles over the proposed revisions to Title IX and gender expression in K-12 classrooms, however, these sections are purely for awareness purposes and the website does not provide any substantive resources for LGBTQIA+ issues.

Organization
Cabrini University’s Title IX information and resources are exceedingly arbitrary and lack a great deal of substance. The limited resources that are provided by the University primarily focus on sexual misconduct and harassment, however, most of that information is contained within the Misconduct Policy. While the Misconduct Policy provides substantial information on how Title IX is applied to sexual harassment and misconduct, it confusingly lists “Athletics” and the Deputy Title IX Coordinator Jackie Neary as a resource, despite there being no information about Title IX’s applicability to athletics. Additionally, Cabrini’s Athletics’ Title IX page simply lists the contact information for the Deputy Coordinator and provides no material information on Title IX’s relation to athletics nor does it offer information on the reporting process for athletes who wish to file a report of discrimination. While Title IX is briefly mentioned in the “Student Athlete Manual”, this document is separate from

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the Athletic Department’s Title IX page and simply restates the information provided in the Misconduct Policy.\(^7\)

The overall absence of meaningful information about pregnant and LGBTQIA+ students’ Title IX rights emphasizes the disorganization of the institution’s Title IX Resources. It also raises the more troubling concern that reports of Title IX violations on these bases may be lacking or non-existent, therefore, potentially masking the prevalence of discrimination against pregnant or LGBTQIA+ students on campus. Moreover, it is confusing that the Misconduct Policy continuously makes the distinction between sex and gender discrimination without even mentioning the impact of Title IX on the LGBTQIA+ community. Likewise, the fact that the only somewhat comprehensive resource available to the Cabrini community regarding athletics and LGBTQIA+ students is a student-lead website is disturbing. While student advocacy and awareness regarding Title IX is imperative, this website should be in addition to comprehensive resources provided by University administration.

As a student who has studied Title IX at length, both while attending Cabrini and law school, I have a holistic understanding that Title IX, not only relates to sexual harassment and misconduct, but also to athletics, pregnancy, and LGBTQIA+ issues. My background places me in a unique position to effectively conduct Title IX and anti-discrimination inquiries as they relate to University policies. Undergraduate and graduate students who do not possess such an education would most likely not know to conduct the same or similar searches as I did. This has the potential to leave many students confused and without direction on how to report or obtain resources after experiencing instances of discrimination under Title IX. Therefore, it is imperative that the University provide a more comprehensive, “one-stop-shop” Title IX website and/or webpages.

**Training**

Cabrini University has a dearth of publicly available Title IX training materials for students and faculty. The information that is available is limited to vague mentions of “training” and “education programs” in the Misconduct Policy. Specifically, under the “Title IX Coordinator” section, the Misconduct Policy claims, “The University educates its community about sexual and gender-based misconduct, harassment, and discrimination through diverse educational opportunities and trainings for faculty, professional staff, and students.”\(^8\) The Misconduct Policy further explains that such opportunities include, “...online employee training, educational programs for freshman and transfer-student orientation each fall, in-person programs for residential living, and programs offered to and/or required of all athletic teams, coaches, and other personnel.”\(^9\) Additionally, the Misconduct Policy


\(^8\) *Sexual and Gender-Based Harassment and Misconduct Policy*, supra note 1.

\(^9\) Id.
states that Title IX Investigators receive an annual training on the definition of sexual harassment, the scope of the University’s educational programs, and how to investigate. Moreover, under “Appendix F: Prevention and Education Efforts”, the Misconduct Policy provides more details on the student-specific training and prevention programs. During New Student Orientation, incoming first-year students attend programs conducted by the Dean of Students, Public Safety, and the Office of Residence Life that cover the topic of sexual violence. The Misconduct Policy stresses that educational programs review strategies for prevention are used to inform faculty, staff, and students of options and resources available should misconduct or harassment occur. It is important to note that, in 2020, such student programs were found to be ineffective in providing short-term and long-term impact on sexual violence prevention.10

The only Title IX training that is somewhat publicly available is found on the University’s website under “Campus Security Authority Training.”11 University officials who are considered CSA’s include Public Safety Officers, Resident Assistants and the Director of Residence Life, Director and Assistant Director of Human Resources, Admissions Counselors, the Deans of Students and Staff, Coaches and Trainers, the Director of Athletics and Recreation, Faculty Advisors, and the Title IX Compliance Officer. The training materials on this page consist of a link to “The Jeanne Clery Act: Working Together to Create Safer Campuses”12 and the “Campus Security Authority Training Test.”13 Additionally, the website lists certain crimes that are considered “Clery Act crimes”, as well as provides steps on how to report a Clery crime and a link to the “Campus Security Authority Incident Report.”14

10 Julia Smith, Sexual Assault Prevention Education Effectiveness, 12 Cabrini U. J. Undergraduate Rsch. 258 (2020).
11 Campus Security Authority Training, supra note 2.
Ongoing Investigations
Cabrini University is not currently under investigation for any Title IX complaints.

Athletics
Coordinator for Athletics
Jackie Neary serves as Cabrini University’s Deputy Title IX Coordinator for Athletics. She is also the Field Hockey and Women’s Lacrosse Head Coach.

Filing a Complaint/Lodging a Concern
The University does not provide clear information on how to file a Title IX complaint for sex discrimination in athletics. Instead, the University groups athletics in with the reporting procedure for sexual harassment and misconduct complaints under the Misconduct Policy. While there is a separate Student Athlete Manual, this document does not include information on how to file a Title IX complaint as it relates to sex discrimination in athletics. It does, however, include a statement that the University recognizes the importance of compliance with Title IX and that the Athletic Department “…operates in an equitable manner in relation to the sports offerings and allocation of resources…” 15 It then provides a summary of the offerings and resources that are included under Title IX as it relates to athletic participation, team accommodations, publicity, and recruitment practices. Further, the Student Athlete Manual advises that if an incident of sexual misconduct occurs, the University “…has both reporting procedures and support resources in place so that an individual does not need to face the effects of such an incident alone.” 16 It does not provide any additional information or links to such reporting procedures or support resources.

Without applying it directly to athletics, the Misconduct Policy explains that students who believe they have experienced an incident of sexual and/or gender-based harassment and/or misconduct may make a report of an alleged violation in person, by mail, by telephone, or by e-mail to a “campus resource.” 17 The campus resources that are listed include: the Title IX Coordinator, the Deputy Title IX Coordinators, faculty members, and professional staff in Student Life, Athletics, Human Resources, or Public Safety. Despite claiming that complaints can be filed via email, the email address of Nikki Gillum-Clemons is not listed on the Misconduct Policy nor on the University’s Policy page, however, her phone number and office locations are. Moreover, Jackie Neary’s email is only listed on the Cabrini Athletic Department’s website. The Misconduct Policy further advises that a complaint can be filed through EthicsPoint, the University’s anonymous online reporting tool. 18 Interestingly, the tool separates sexual and gender-based harassment and misconduct from athletics. The complaints that can be filed under the “Athletics” category include: “fraudulent activities”, “improper giving of gifts”,

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“inappropriate activities”, and “recruiting misconduct.” These conducts are not defined in the Misconduct Policy nor in the Student Athlete Manual.

The University makes clear that, when an incident is reported, the individual who does so is protected by Cabrini University’s non-retaliation policy, which is included in Section 6 of the Misconduct Policy, the “Bystander Intervention” section of the Student Athlete Manual, and at the bottom of the EthicsPoint page. However, none of these pages, nor any other on Cabrini’s Athletics website, explains in detail the process of filing a complaint, what information students will be expected to provide to the Title IX Office, or the projected timeline for conducting an investigation.

EADA Information
A review of the information listed on Cabrini’s EADA report reveals that there are a few imbalances regarding the proportionality of men’s and women’s participation in athletics, as well as the University’s teams and in the amount of money spent on men’s and women’s teams.

Cabrini has a total undergraduate population of 1,102. 666 of which are women and 436 of which are men. Thus, women make up approximately 60.4% of the student body, while men make up the other 39.6%. Despite this, the unduplicated count of participants on men’s teams totals 180 and those on women’s teams totals 138, meaning that men participate in athletics at a rate of 56.6% and women participate in athletics at a rate of 43.4%. Therefore, there is roughly a 13% imbalance in proportionality when compared to the University’s enrollment. This imbalance is outside of the generally accepted “safe harbor” of proportionality, which is typically less than 5%.

There are also imbalances in the varsity teams offered by the University. As reflected in the EADA chart (included below), a couple varsity teams exist for only one gender. For instance, only women have a rowing team and a volleyball team. Even when both women and men have varsity teams for a particular sport, participation differs. While most variations are minimal (e.g., 16 male basketball players and 15 female basketball players), the common pattern is that there are fewer participants on women’s teams as compared to those on the men’s teams. The most glaring example exists between the of female and male lacrosse participants (23 and 61 respectively). It does not appear that new teams have been added or old teams have been removed.

15 Cabrini Student-Athlete Manual, supra note 7.
16 Id.
17 Sexual and Gender-Based Harassment and Misconduct Policy, supra note 1.
In addition to participation, there are also some disparities in the amount of money spent on men’s and women’s teams, however, these are not as substantial. For example, men’s teams receive $3,851 in recruiting expenses, while women’s teams receive $2,825, a $1,206 difference. Moreover, the operating expenses per team average $220,082 for men’s teams and $219,420 for women’s teams, representing a slight imbalance of $662. Interestingly, the largest portion of expenses for men’s teams goes towards the baseball team at $70,302, while the largest portion of expenses for women’s teams goes towards the rowing team at $38,287.

Complaints and Investigations of Cabrini University
There have been no recorded complaints or investigations of Cabrini University in the area of athletics.

Transgender Athlete Policy
Cabrini University does not appear to have a policy, nor has it made any statements concerning transgender athletes.

NIL Policy
Cabrini University’s NIL Policy is easily accessible and located on the Cabrini Athletics page. It does not, however, mention anything regarding Title IX.

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Sexual Misconduct

Coordinator for Sexual Misconduct
There is no dedicated Title IX Coordinator for this area, however, along with the Title IX Coordinator Nikki Gillum-Clemons, the Misconduct Policy lists Anne Filippone as the Deputy Title IX Coordinator to assist with Title IX compliance for student cases involving sexual and gender-based harassment and misconduct. Anne Filippone is also the Dean of Student Engagement and Leadership.

Filing a Complaint/Lodging a Concern
As previously noted in the “Athletics” portion of this review, the Cabrini University Misconduct Policy is the only resource that provides substantive information about filing a complaint or lodging a concern for incidents of sexual misconduct under Title IX. Section 8 of the Misconduct Policy, entitled “How to Report and Incident of Sexual and Gender-Based Harassment and Misconduct”, provides a general overview of the reporting process. It includes confidential and formal reporting options, a summary of what to expect after making a report, a list of supportive measures, how to make a confidentiality request, and the University’ amnesty policy regarding drug and alcohol use. Concerningly, this section does not include the contact information for the Title IX Coordinator nor the Deputy Title IX Coordinator.

Section 8 is exceedingly vague in terms of how to report and what to expect after making a report, however, the Misconduct Policy is split into different Appendices to address such topics in more depth. For instance, Appendix A provides more information on on-campus and off-campus resources for sexual violence and sexual harassment, while Appendix B lists supportive measures to protect the safety and well-being of complainants, and Appendix C lists the contact information for the Title IX Coordinator and the Deputy Title IX Coordinator. Despite this, the Misconduct Policy does not provide a clear outline of the reporting process and, instead, scatters information throughout the different Appendices, which makes the document difficult to navigate.

The Investigative Process
The “Section 9: Overview of Grievance Process” and “Section 10: Formal Resolution” portions of the Misconduct Policy provide an outline of Cabrini University’s grievance process for Title IX sexual misconduct cases.

According to Section 9, upon receipt of an alleged violation, the Title IX Coordinator “…will promptly contact the Complainant to discuss the availability of supportive measures and explain both the formal and informal grievance procedures.” In all complaints of alleged violations, the Title IX
Coordinator will implement supportive measures pending the investigation. The Misconduct Policy defines “supportive measures” as, “individualized services reasonably available that are non-punitive, non-disciplinary, and not reasonably burdensome to the other part while designed to ensure equal educational access, protect safety, and/or deter sexual harassment.” The University makes sure to emphasize that supportive measures are available to both Complainants and Respondents, as well as witnesses or others impacted by alleged violations.

After the filing of a formal complaint, the investigation commences. Complaints that are filed by undergraduate or graduate students are forwarded to the Public Safety Investigator(s) designated by the Title IX Coordinator. Written notice is then sent to both parties of the allegations upon receipt of a formal complaint. The University claims that the entire investigative process will be completed within a “reasonably prompt time frame”, however, it does not define “reasonably prompt”, nor does it provide any specific timelines. Despite this, the Misconduct Policy does state that if there is a need for the investigation to extend beyond “what is reasonable”, the reasons for the extension will be formally documented and communicated to both parties.

During the investigation, the Investigator(s), as neutral factfinders, will prepare a draft investigative report and provide an opportunity for review and comment by both the Complainant and Respondent. Each party is provided the opportunity to submit written, relevant questions that a party wants asked of any party or witness, provide each party with the answers, and allow for additional follow-up questions from each party. The Complainant and the Respondent are given ten (10) business days to comment on the draft investigative report and respond in writing to the Investigator. As a result of the response and comments received, the Investigator may conduct a further investigation and/or amend the draft report. Finally, the Investigator will prepare a final investigative report to incorporate any changes they believe are appropriate and then share it with the Complainant and the Respondent. Either party may then submit formal objections or comments on the final report. If a determination has been made that there is a policy violation, or that a reasonable person could conclude that a policy violation has occurred, the Title IX Coordinator will direct the manner of resolution, acceptance of responsibility, or hold a live hearing.

It is important to note the distinction between the informal resolution and the formal resolution. If a Complainant does not wish to move forward with a formal investigation, the option for informal resolution, such as mediation or restorative justice, can be explored. Some issues can be resolved through facilitation as long as both parties give voluntary, informed written consent to attempt formal

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20 Sexual and Gender-Based Harassment and Misconduct Policy, supra note 1.
21 Id.
resolution. However, the Misconduct Policy states that facilitation and other forms of informal resolution are not appropriate for any form of sexual assault, domestic violence, dating violence, or talking. In these circumstances, the University will never facilitate an informal resolution.

The formal resolution process is different and occurs through either an acceptance of responsibility or by a Hearing. If an Acceptance of Responsibility is carried out, the Complainant will be notified in writing and both parties will have the opportunity to submit written information for consideration by the Adjudicator. On the other hand, if the Respondent cannot or does not accept responsibility, a Hearing is conducted to determine whether the Respondent is responsible for the alleged violation. This Hearing is composed of the Hearing Adjudicator, the Advisor of the Complainant, the Advisor of the Respondent, and the Adjudicator of Appeals. The parties’ Advisors can be an attorney but does not have to be. At the end of a Hearing, the Adjudicator will determine the Respondent’s responsibility by a preponderance of the evidence. The Adjudicator will then impose the appropriate sanction(s) and both parties will be notified of the sanction(s), as well as the rationale for the sanction in writing. An appeal may then be initiated by either the Complainant or the Respondent for a new hearing on specified grounds (i.e., procedural irregularity, new evidence, or conflict of interest or bias by the Title IX personnel). If there is no appeal by either party, the imposed sanction is final.

Overall, the investigative procedures are extensive and seem to provide effective procedures for resolving issues of sexual misconduct, however, there are a couple of notable shortcomings. First, the “reasonably prompt” language throughout the Misconduct Policy is ambiguous and, although each complaint is different, there is no apparent limitation on how long an investigation could take. Although the Complainant and Respondent are provided with status updates throughout the process, the lack of timeline is concerning because it has the potential of leaving both parties in limbo for an extensive period. For a Complainant, this could cause re-traumatization and increase the chances of a withdrawal. Conversely, for a Respondent, specifically those who have been temporarily removed, this could lead to considerable time away from campus. Cabrini University should follow surrounding universities and implement a ninety (90) business day limitation from the day of filing unless the complexity of the allegations requires a longer investigation.

Additionally, in the case of a formal resolution, the University should develop a more detailed outline of how Adjudicators are appointed or how they can be removed. As it stands, in the case of formal resolution, the Adjudicator is the only decision-making body and is typically comprised of either a faculty or staff member. Although the University indicates that all Title IX personnel, including decision makers, must be without a conflict of interest or bias, there is no information on the process of screening and/or removing an Adjudicator if a conflict of interest or bias arises. Moreover, the Adjudicator has sole discretion to determine if the University’s Rules of Decorum are violated and to remove the offending person if necessary. However, there is no such procedure indicated on the Misconduct Policy for reporting an Adjudicator who exhibits offensive behaviors.
Retaliation Policy
Cabrini University’s “Retaliation Policy” is included under “Prohibited Conduct” in Section 6 of the Misconduct Policy. It states:

“Retaliating directly or indirectly against a person who has in good faith filed, supported, or participated in an investigation of a complaint of sexual misconduct as defined above is prohibited. Retaliation includes but is not limited to ostracizing the person, pressuring the person to drop or not support the complaint, providing false or misleading information, or engaging in conduct that may reasonably be perceived to affect adversely that person’s educational, living, or work environment. Except as required by law, or as necessary to carry out the Grievance Process, the University will keep confidential the identities of the Complainant, Respondent, and any witnesses. The University will take immediate responsive action to instances of retaliation when made aware of such instances. Individuals who, in bad faith, provide false or misleading information may be charged with code of conduct violations.”

Clery Act Statistics
Clery Act statistics on sexual misconduct offenses at Cabrini University are found under the “Criminal Offense” and “VAWA Offenses” tabs of the Depart of Education’s school search website.

According to the Department of Education’s data, the “Criminal Offenses” that occurred on Villanova from 2020 through 2022 have been categorized as occurring “on-campus”, “on-campus student housing facilities”, and “public property.” Offenses “on-campus” include rape (0 in 2020, 1 in 2021, 1 in 2022) and fondling (1 in 2020, 0 in 2021, 1 in 2022). Additionally, offenses “on-campus student housing facilities” include rape (0 in 2020, 1 in 2021, and 1 in 2022) and fondling (1 in 2020, 0 in 2021, and 1 in 2022). Finally, offenses on “public property” include rape (2 in 2020, 1 in 2021, and 0 in 2022) and fondling (1 in 2020, 0 in 2021, and 0 in 2022).

Likewise, the only “VAWA Offenses” occurring at Cabrini from 2020 through 2022 were categorized as occurring “on-campus”, in “on-campus student housing facilities”, and “public property.” Offenses “on-campus” include domestic violence (0 in 2020, 0 in 2021, and 0 in 2022), dating violence (0 in 2020, 1 in 2021, and 1 in 2022), and stalking (0 in 2020, 0 in 2021, and 0 in 2022). Additionally, offenses in “on-campus student housing facilities” include domestic violence (0 in 2020, 0 in 2021, and 0 in 2022), dating violence (0 in 2020, 1 in 2021, and 1 in 2022), and stalking (0 in 2020, 0 in 2021, and 0 in 2022). Finally, offenses on “public property” include domestic violence (0 in 2020, 0 in 2021, and 0 in 2022), dating violence (0 in 2020, 1 in 2021, and 0 in 2022), and stalking (0 in 2020, 0 in 2021, and 0 in 2022).

23 Sexual and Gender-Based Harassment and Misconduct Policy, supra note 1.
Pregnancy

Resources
There does not appear to be any Title IX resources for pregnant students on the University’s website nor on its related webpages. The only information that the University provides related to pregnancy is in the “Leave of Absence and Voluntary Withdrawal” section of the Graduate Student Catalog, however, it is not applied to Title IX. The Catalog states, “Students requesting a leave of absence for pregnancy, childbirth, or adoption of a child will not be held to the six-year time limit for their graduate degree.” While the Graduate Student Catalog briefly mentions absences, this is not nearly substantial enough, especially considering that the same policy is not included in the Undergraduate Student Catalog nor in the Student Handbook for the 2023-2024 Academic Year. Moreover, the University does not offer pregnant students any guidance on accommodations, adjustments, or special services so that they can continue their education while pregnant.

University Compliance
It is unclear from Cabrini University’s website and related webpages whether the University is meeting its obligations to pregnant students. While the Undergraduate Student Catalog and Student Handbook for the 2023-2024 Academic Year provide the general procedures for requesting a medical leave, they do not mention leaves of absence for pregnant students, nor do they provide any indication of the duties that the University owes to pregnant students who take a leave of absence during the school year. Accordingly, even though the Graduate Student Catalog mentions leaves of absence for the specific case of pregnancy, it does not clarify the University’s obligations to pregnant students. Further, the Equal Opportunity Statement does not mention Title IX and it does not list sex as a protected class, let alone explain that pregnancy discrimination is included within sex discrimination. The Equal Opportunity Statement does include the catch-all phrase “any other occupationally irrelevant criteria”, however, it remains ambiguous as to if and how Cabrini University is meeting its obligations to pregnant students under Title IX.

Cases Against Cabrini University
There have been no recorded cases against Cabrini University dealing with pregnant students.

LGBTQIA+

Protections and Policies Concerning LGBTQIA+ Students
Cabrini University does not have a statement concerning the Title IX protections for LGBTQIA+ students and does not appear to provide any specific information regarding non-discrimination in housing or other facilities. Despite this, faculty members and students have issued statements encouraging support for the LGBTQIA+ community, the Office of Diversity, Equity, Inclusion, and
Belonging (ODEIB) offers several programs for students in the community, the University provides a list of local LGBTQIA+ resources, and the University’s Equal Opportunity Statement includes sexual orientation and gender as a protected class.

As previously mentioned, the only resource that has directly applied Title IX to the LGBTQIA+ community is the student-created Title IX: Redefined website, which includes a section on “Title IX & Gender Expression.”27 Within this section, there are interviews with faculty members and LGBTQIA+ advocates that discuss the inadequacies of the amendment in addressing issues that impact the community. The page further expresses the importance of revising Title IX to create clear and definitive guidance on whether the amendment’s protections apply to expressions of gender identity and sexual orientation.

Additionally, the ODEIB has issued a mission statement on its page regarding non-discrimination. The office states, “We have an open-door policy; we welcome all campus community members and guests with questions, concerns, suggestions, as well as those seeking friendly conversations!” Moreover, the page advises that the ODEIB “engages Cabrini’s BIPOC, First-Generation, and LGBTQIA+ student body through intentional, identity-focused retention and success programs.” Although the ODEIB page does not include a list of LGBTQIA+ resources, it does claim that the office provides training, programs, and other special events to strengthen the “inclusive campus community.”28

Further, the University has a “Diversity, Equity, and Inclusion Advisory Council”, which consists of current students, alumni, and faculty members.29 The DEI Advisory Council page states that the goal of the council is to “reverse a trend in which all students have not felt welcome at Cabrini University, which has been especially true for BIPOC students, LatinX students, LGBTQIA+ students, first generational students, and international students.” Moreover, the page includes a variety of on-campus and off-campus resources for LGBTQIA+ students, which is also included on the “Diversity, Equity, and Inclusivity” section of the Athletic Department’s website.

24 Graduate Student Catalog, Cabrini Univ. Acad. Affairs, https://www.cabrini.edu/globalassets/pdfs-website/graduate/graduate-catalog-2023-24-revised-11.23.pdf (last accessed Apr. 21, 2024).
27 Title IX & Gender Expression, supra note 6.
In sum, despite not having a uniform policy concerning LGBTQIA+ protections or addressing the application of Title IX to LGBTQIA+ issues, the University does offer a range of important resources for students and faculty who are members of the community, however, they are exceedingly difficult to find on the University’s website.

Recommendations

This review of Cabrini University’s Title IX program has revealed several limitations in the accessibility of information about the program and in the substance of the program itself. As discussed above, information about the University’s Title IX program is challenging to find outside of the sexual misconduct context and is not uniform throughout the several websites and web pages that address the same topics, which can be confusing for those seeking information. Regarding the substance of the program, the University has failed to address or provide clarity on its policies about Title IX issues outside of the sexual misconduct context, such as pregnancy and LGBTQIA+ issues. Further, even the Title IX policies and procedures for sexual misconduct investigations are generally vague and require improvement. With these considerations in mind, I propose several solutions that can be categorized as either “accessibility” recommendations or “substance” recommendations:

Accessibility

1. Partner with representatives from the student body to create a “one-stop-shop” University website that is dedicated to addressing all aspects of the Cabrini community that are impacted by Title IX in a well-organized and accessible manner:

The Title IX Department should collaborate with the student body to create a university website that is specifically dedicated to providing information on all of Cabrini University’s Title IX policies in an organized and easily accessible space. Incorporating student input will provide several benefits by bridging the gap between students and administration, encouraging students to engage with and understand Title IX materials, and catering the online space to the community that will be impacted the most by its content. This site should be modeled after the already-existing, student-lead Title IX: Redefined website and should include comprehensive information on athletics, sexual misconduct, pregnancy, and LGBTQIA+ issues.

The website’s homepage should contain the text of Title IX, the historical significance of Title IX as it applies to collegiate spaces, a broad overview of what Title IX law looks like today, and a summary of its various protections for different members of the University. Additionally, under the general Title IX information, this page should clearly identify all the University’s Title IX personnel by name and title, as well as provide some biographical information and all relevant contact information. The page should also possess several subcategories in a toolbar across
the top that are labeled as “Title IX & Athletics”, “Title IX & Sexual Misconduct”, “Title IX & Pregnancy”, and “Title IX & LGBTQIA+”. Users will then be able to click on each subcategory to access all relevant information about how Title IX applies to each of these issues. Each page should provide a quick outline of the intersection between Title IX and the issue, as well as separate tabs that provide users with a more in-depth explanation of the law as it applies to the category. Moreover, these subpages should include tabs that link to the Title IX personnel that handle the specific issue along with their phone number, email address, and office location, as well as an inclusive list of issue-specific on-campus and off-campus resources. Further, each subpage should include a tab to an anonymous reporting link, as well as a clear, detailed explanation of the reporting and investigation procedures for each issue. This could be presented briefly through an infographic or flow chart and then links could be provided so that users can access more detailed explanations. Finally, each subpage should also include a FAQ section to answer or clarify any questions that users may have when accessing information about a particular issue.

2. Ensure that information is updated, inclusive, and uniform across University webpages and policy manuals.

In creating a unified website, the University should not remove information from other webpages or policy manuals. Instead, the information should be updated across all University platforms to ensure that the content that users are receiving is consistent no matter where they may seek out information. For instance, student athletes may feel more inclined to visit the Cabrini Athletics website, thus, this page should be updated to accurately reflect the information that is provided on the unified Title IX website.

Substance

1. Clarify the “reasonably prompt” language for sexual misconduct cases:

As previously discussed, the University should clarify and publicize the “reasonably prompt” language for sexual misconduct cases. Currently, there is no apparent limitation on the amount of time that an investigation could take, primarily due to the unpredictability of such cases. However, many universities already provide a short statement in their policies that indicate investigations are typically completed between sixty (60) and ninety (90) days after the complaint is filed, unless the investigation requires an extension due to its complexity. The University could easily include such a statement in their Misconduct Policy.

2. Develop and publicize a transparent procedure for the appointment and removal of Adjudicators for sexual misconduct cases:
As discussed above, the University should develop and publicize a transparent procedure for the appointment and removal of Adjudicators. It was concerning to observe that the removal processes for other Title IX personnel was apparent, however, the same information could not be found for those determining the outcome of a Hearing. Since Adjudicators are the sole decision makers in formal resolutions of sexual misconduct cases and are tasked with determining Decorum violations, it is imperative that they are held accountable. Doing so could help streamline any complaints that the parties may have about the conduct of the Adjudicator, as well as reduce the potential for conflicts of interest, biases, or offensive behaviors to continue.

3. **Provide clear and comprehensive protections, policies, and resources regarding pregnant students:**

The University should establish a policy concerning protection and accommodations for pregnant students that specifically references Title IX and complies with its non-discrimination mandate. This policy should specifically address accommodations for pregnant and parenting students, including excused absences, assignment extensions or alternatives, make-up exams, designated areas for breastfeeding, etc. Currently, Cabrini University does not have an explicit policy directed towards pregnant students nor does it provide any resources for those experiencing pregnancy. The only mention of pregnancy throughout the University’s websites and policy manuals is a brief statement in the Graduate Student Manual, which effectively ignores the fact that there may be pregnant undergraduate students and does not nearly provide substantial enough resources to inform students about their Title IX rights.

4. **Provide clear and comprehensive protections, policies, and resources regarding LGBTQIA+ students:**

The University should establish a non-discrimination policy that is specifically geared towards members of the University’s LGBTQIA+ community. This policy should also explicitly address how Title IX applies to LGBTQIA+ issues. Given that the Biden Administration’s revisions to Title IX were just released and stipulates further protections for LGBTQIA+ students, this policy statement should be updated to reflect the current state of law to ensure that students are receiving accurate information regarding their Title IX rights. However, the University should incorporate the ODEIB’s mission statement, and tailor it to the LGBTQIA+ community, to continuously reaffirm that the institution supports a non-discrimination policy for LGBTQIA+ Cavaliers.