Catholic University Title IX Program Review

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I. The School’s Title IX Policy and Background Information

I expected to have a hard time finding Catholic’s Title IX regulations and figured it would result in having to do a deep dive. I think I had this assumption in part because it’s a Division III school. I know that the rules apply the same regardless of what division it is, but being that there are no scholarships involved I thought they might not put as much time and effort into making their policies accessible. I was very very wrong – overall I think Catholic has actually done a really great job in creating accessible Title IX policies online that are easy to navigate through. Throughout this paper I’ll explain the breakdown of what I found, along with some suggestions.

When you first google Catholic University Title IX policies and follow the link, this is the page you are brought to. Contact information for the Title IX coordinator and director of compliance are easily noticeable in a chart at the top of the page (see left photo). The first section, which is the introduction section provides background on what Title IX covers/protects. It also includes a link to what I assume is information on the Title IX statute itself, but when you click on it, it says page not found. Good idea and intention, poor execution. The first section of the policy page is a list of definitions relevant to the Title IX policy. Some of the definitions include, sexual harassment and sexual assault and all the different types of conduct that are considered sexual harassment/assault, stalking, dating violence, consent, incapacitation, supportive measures, etc.
etc… there are 11 definitions on this page with some words having subsections. Section three is all about the scope of Title IX and what it covers. Section four is notice to the institution and the action the University will take on corrective measures when they receive actual notice. This section includes a list of individuals who have the authority to take corrective action, which includes the University’s president, vice-presidents, deans of schools, the dean of students, and deputy Title IX coordinators.

There’s a part of this section that I didn’t know about and found really interesting about Title IX. Other employees who are responsible for reporting sexual assault or harassment of a student that are not on the previous list do not qualify as an individual with authority to institute corrective measures on behalf of the University. Therefore, knowledge of any sexual harassment of assault of those employees doesn’t constitute actual notice to the school for purposes of Title IX reporting. This made me think of coaches specifically. I think assistant coaches are especially important in collegiate athletics because in my experience and what I have heard from other athletes, these are the people students tend to confide in most often because they are not at the top of the hierarchy chain and usually are easier to talk to and act as a liaison between athletes and head coaches. When I was a freshman in college one of my teammates was dealing with an instance of sexual assault, but she had not reported it. We were very close with our graduate assistant coach and we eventually convinced her to go to our assistant coach with what happened. At the time we did not know that she was legally obligated to report it. Our coach went to the Title IX coordinator to report it, and the coordinator said that the student herself needed to come forward to the school and see the Dean of Students. Now knowing about the actual notice to the school, I find that really interesting about a coach having the training and obligation to tell the school, but it not being actual notice because there is no authority to initiate corrective measures on behalf of the school.
The next section on this page is all about reporting Title IX violations. This section includes a paragraph on who students may report violations to. Following this list is the names and contact information of all these people, including their phone numbers, emails, and office locations. There are eight people on this list to whom you can report violations. I looked at a few other schools when deciding if I wanted to research Catholic or not, and something I found on their website that I did not see on any others is Amnesty policies for student reporting. (see photo on left). This section explains that students will not be held responsible or punished for lesser violations when reporting sexual offenses. For instance, if you were drinking underage and were sexually assaulted, the school doesn’t want the alcohol consumption to keep students from disclosing sexual offenses. I think this section is really great to include because as an underage college student I would definitely consider that aspect and what might happen if I were deciding whether or not to report a violation. Right underneath the reporting procedures is a section on the supportive measures that are available. It describes the process of talking to the Title IX coordinator and filing a formal complaint, as well as the availability of supportive measures available, regardless of whether or not the complainant decides whether or not to file a formal complaint. They provide examples of supportive measures such as counseling, extensions on assignments, modifications to schedules or work, and restricting contact between parties whether that is housing location changes, increased security, or leaves of absence.
The last subsection under filing a complaint is the right of the Title IX coordinator to file a complaint. When Katie came to speak to the class one question I had that she answered was whether the Title IX coordinator is bound by any confidentiality. I like that the school fully discloses that under some circumstances if the complainant does not file a formal complaint, the Title IX coordinator may be required to initiate an investigation of sexual harassment to protect the rest of the community. There is also a section on privacy and confidentiality under sexual misconduct procedures.

The sixth section of information is on retaliation and it includes a link to the University’s own Non-Retaliation policy, as well as information on Title IX’s prohibition of retaliation. It describes prohibited conduct against someone for reporting a Title IX violation. Section seven describes the record keeping practices for Title IX violations. The University will maintain records for seven years. It lists all the things it maintains record of, including investigations, audio recordings and transcripts, supportive measures taken, materials used to train Title IX facilitators, etc… The last section on this page is training. This section describes the types of mandatory training employees of the school go through. It also includes a list of the things these employees are trained on and explains that these training materials are available to the public on the school’s website.

I though this general page was organized incredibly well. All the contact information is readily available, as well as the processes students will go through when reporting. I am someone that wants all the information before making a decision, so I think that it would be comforting to a student to have all of this information accessible to get an idea of what will happen when reporting.

II. Current Investigations
Catholic is not currently under investigation for any complaints, but my (Sophomore? Freshman?) year there was a BIG Title IX scandal. I might have told you about this before but a softball player in my grade filed a Title IX complaint for sexual assault against three male lacrosse players. The complaint was filed after a sex tape was sent around the school that included her having sex with all of the guys while looking near-passed out drunk. I was working in the athletic office at the time because one of my assistant basketball coaches was also the assistant athletic director for finance, so I would hang out in the office and do budget sheets for the department when I had some free time. One of the athletic trainers came up to the offices looking for the athletic director because she saw athletes watching it on their phones in the training room. Because pretty much the entire school was aware of what had happened, I don’t think this girl even had the opportunity to report it. The people in the video were all easily identifiable and were contacted immediately to come to the athletic department where they had meetings with their coaches within an hour of the trainer bringing it to everyone’s attention before any involvement with the Deans to my knowledge. Eventually, all of the lacrosse players were kicked out of school. The girl stayed at school the rest of the year and then eventually transferred.

III. Athletics

To find the athletics policy for Title IX I had to specifically google it. When I tried to find it from the main page it was a little difficult because it is under the equal opportunity and on-discrimination tab and not accessible through the Title IX general information page. The general Title IX page was mostly focused on sexual assault. Once I found it after quickly altering my search it was laid out pretty nicely. You can find both the Title IX coordinator and the athletic director’s contact information and location under process for complaints and petitions. The Title IX coordinator is also the director of compliance. Within this section it lays out very nicely when
you might want to file a complaint and who to contact. Additionally, just like on the page for sexual assault, they include a paragraph on retaliation and explain that seeking advice, asking questions, or reporting a suspected violation are protected by the school’s policy against retaliation. They even include a link to the Non-Retaliation Policy. The best part of this section on reporting is the ability to report anonymously. There is a link to report online anonymously through the Compliance and Ethics Helpline, as well as a phone number to call to report anonymously.

A. EADA Report

This page was very interesting to me because I actually used to do all the team operation and budget sheets for the athletic department. At the time I didn’t really know what I was looking at or else I would have paid more attention to the receipts. Let’s talk imbalances in operations first. Basketball, for starters, has 18 participants for the men and 23 participants for the women.\(^1\) The men have less players, but their team game operation expenses are $69,990 and the women’s team game-day operation expenses are $63,071. Why do the men have $7,000 more in game-day expenses when they have less listed participants? Anyways, the total game-day operating expenses of all teams for the men is $683,297 and for the women it is $518,673. The total expenses for men’s and women’s team was not that much of a differential, which was nice to see. The women’s total expenses were $1,743,940 and the men’s expenses were $2,060,177.

\(^1\) I’m not completely sure where this number came from because I have never known a basketball team to have more than 18 roster spots. So, I checked the roster and there are 20 players not 23. Therefore, I am not sure what this discrepancy is about, but I will now be checking all the women’s sports teams with their rosters. Stay tuned.
As a Division III school revenue is not that high. I wasn’t even going to talk about revenue, but then I saw something and had to make note. The men’s basketball team had a revenue of $278,688. The women’s revenue was… $305,408!! A whole $27,000 difference in revenue – LET’S GO!! Also, without including football and basketball, the women’s sports brought in $200,000 more than the men’s teams. This probably has a lot to do with the fact that our lacrosse team is very good and typically goes very far into NCAA tournament.

The amount of money paid to coaches is pretty close as well. The total salary for coaches of men’s teams is $605,470, while the total salaries of women’s coaches is $641,938. There’s a pretty big discrepancy in the amount of money paid to assistant coaches for men’s and women’s teams, but I know that is mostly in part due to football because they have so many assistant coaches.

I wanted to circle back to participants quickly. Catholic is a relatively small school, so the total number of athletes is not very high. The total number of male athletes is 465, while the total number of female athletes is 356. The non-duplication number is 385 for male athletes and 293 for female athletes. That number seems drastically different to me for some reason, but percentage-wise, 56.7% of athletes are male. We talked in class about rowing, and Nicastro brought it up as well, that often schools will throw rowing in to meet Title IX requirements. Rowing was added when I was a freshmen, so I thought that would be a flag. However, there are two more male rowers than female rowers. I remember when they started the crew team because they actually started recruiting athletes from within to start the team before trying to recruit high school kids. Two girls on my team tried crew for a week and quit. The total number of undergraduate students

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2 Women’s lacrosse roster online for 2021 is 35 players and 2022 is 34 players, but the EADA report says 40.
at Catholic in 2021-2022 was 2,929.\(^3\) Of that 3,000, 1,637 were women and 1,292 students were men. Of the total undergraduate enrollment in 2021-2022, 44.1% of students were men. Therefore, there was a 12% difference when compared to the total enrollment if 56.7% of athletes were male, but only 44% of the student body was male.

There were no investigations into Catholic’s athletic programs that I could find. There were rumors that the men’s basketball coach that was there my first three years was fudging numbers in the budget and pocketing a lot of money. However, that was never confirmed, but he was fired that year.

IV. Sexual Misconduct

I gave a lot of the information on the policies about sexual misconduct up above under general information, but I’ll add some more specifics here. In addition to the sexual misconduct policy, there is also another tab where I found a lot of information about investigations and procedures under student policies. The tab for Title IX Grievance Procedures contains a lot of this same information as Sexual Assault Grievance Procedures. There is also a separate tab for Sexual Offense Procedures for Employees and Third Parties. I previously mentioned the information for the Title IX coordinator, and there is not a separate Title IX coordinator specifically for sexual assault. All the information on lodging concerns and filing complaints is in the information above as well. The sexual misconduct information seems to be used in all the

\(^3\) [https://www.univstats.com/colleges/the-catholic-university-of-america/student-population/](https://www.univstats.com/colleges/the-catholic-university-of-america/student-population/)
general information and has the most detail, while athletics is completely separate. The policy includes pages of definitions relevant to sexual misconduct, such as consent, situations where consent does not exist, like incapacitation, stalking, violence, etc…

**A. Investigations**

This page honestly gets an A+ from me. It is very long so I’m going to tell you all the sections and subsections and then I’ll go back and add a little bit about them. The first section we have is “Actions Preceding and Investigation” and its subsections: Emergency removal, consolidation, written notice, informal resolution, dismissal of complaint, procedure under code of conduct, role of the parents, and estimated timelines for formal process. This section is great because it talks about how parents are involved if it’s a minor versus a legal adult and gives some background on FERPA. There is a lot of information about asking to withdraw a complaint here and how it can be resolved through mediation or arbitration informally if that is what the complainant wants. I also liked the emergency removal information as well, which discusses removing the respondent after undertaking a safety and risk analysis and determining if this person is a threat to any student, and when the campus police need to be notified.

The second section we have is the actual investigation information. The subsections are privileged records, advisors, notice of interview, witnesses and evidence, review of investigative report, and the final report. Some of the fact-finding information includes who the investigations will be conducted by – “qualified professionals who have received training on the issues listed in section VIII of the Title IX policy. The University may delay temporarily the fact-finding portion of an investigation in cases that are actively under investigation by off-campus law enforcement”. These fact-finders referred to in section VIII of the policy includes the University’s president, vice-presidents, deans of schools, the dean of students, and deputy Title IX coordinators. I am assuming
this is the board? The next section is the hearing process, which refers to the board consistently, but never actually states who the members of the board are. I am not sure if the above listed Deans and coordinators make up the board. That needs to have some more detail.

B. Hearings

The hearing process is laid out in an abundance of detail, including information about evidence that can be presented and the witnesses that each party can call. The guidelines do say that the parties’ sexual history will not be considered except when there was a prior sexual relationship between the parties and the evidence is relevant to the issue of consent.

The guidelines state that proceeding outcomes must be supported by a preponderance of evidence. It states what preponderance of evidence standard means, explaining that the evidence makes it more likely than not that the matter in question is true. All of the details and guidelines about how the hearing process will go is followed by a list of sanctions that could result if the board finds that the sexual offense occurred. The sanctions are at the discretion of the dean, and includes things that will be considered in determining the level of punishment such as mitigating factors, consequences, or post violation conduct. This section lists all of the types of sanctions that may occur, including what the sanction means, and the level of severity to receive that punishment. This includes punishments like restitution, denial of access to specific areas, eviction of residence, suspension, etc… Following the lengthy details of the hearing process, the guidelines discuss the appeals process, including how to appeal and what that timeline and procedure looks like. There are sections and links to the non-retaliation policies on every link and page.

V. Clery Act Information

The number of incidents filed that were included in the data for criminal offenses on the campus were low compared to what I was expecting. In 2019 there were two rapes, two cases of
“fondling”, and three incidents of aggravated assault. In 2020, unsurprisingly, there were no incidents of any sexual misconduct. In 2021, there were three reported rapes, one reported fondling, and no aggravated assaults. I compared this with Villanova, who has a higher enrollment number, and in 2019 there were 10 rapes, 5 instances of fondling, and no aggravated assaults. In 2021, there were 13 instances of rape, 7 cases of fondling, and one case of aggravated assault.

VI. Pregnancy

Okay this is where I will say work needs to be done. I just shared how much information there was on sexual misconduct policies and reports, as well as for athletics. PAGES. Which is great. However, on the complete opposite end of the spectrum, this is the entire pregnancy policy. I am going to add a screenshot for emphasis on how little there is.

That’s it.

I’m going to play the other side of this and say that I understand that this is a Catholic institution and that they have to follow the church’s guidelines. There is literally no other information unless requested from the University. I have no idea what accommodations they offer.

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4 In the definition section of the sexual misconduct policy, the school defines fondling as, “the touching of the private body parts for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical ability”.

5 https://ope.ed.gov/campussafety/#/institution/details
to pregnant students for time off, or other necessary accommodations. There’s a tab that is labeled “Reasonable Accommodations for Students with Disabilities Policy”, so I checked that out to see if there is anything about providing accommodations to pregnant students in the same way they provide accommodations to students with disabilities and I did not find anything. There have not been any cases brought by students against the institution for its pregnancy policies that I could find. Just because it is not mentioned, doesn’t mean that if you inquire into it, there are no accommodations available. I don’t want to make assumptions that they don’t provide accommodations for pregnant students because I just find that too crazy, but there is no public information. I say I find that too crazy, but then I remember an RA would write-up a student if they saw birth control on their desk.

VII. LGBTQ Policies

This is a Catholic university, so I was not necessarily anticipating finding any guidelines on anti-discrimination policies for LGBTQ members. However, I did find an article on the school’s website titled, “Supreme Court Ruling on LGBTQ discrimination points to faith leaders’ divide over gay rights”. It goes on to mention that Catholic, along with other Christian universities submitted an amicus brief arguing that expanding civil rights protections to include discrimination based on sexual orientation or gender identity would have a negative impact on faith-based institutions in 2020.

There is an anti-discrimination link on their website, but it isn’t specific at all to gay rights. Instead it is pretty basic about not being denied educational opportunity based on race, color, religion, sex, national origin, age, marital status, personal appearance, family responsibilities, physical or mental disability, political affiliation, veteran status, or other basis protected by the law or school policy. It then goes on to say that nothing in this policy requires the school to act contrary
to the beliefs and teachings of the church. They basically just go on to explain some of the religious exception. This information is all included in the anti-harassment and anti-discrimination policy. I found it interesting that for as many definitions and break downs the website and policies include for other areas of importance, there are no definitions to explain that “sex” also means sexual orientation when considering discrimination. So, not surprising, but disappointing.

VIII. Recommendations

I don’t have a ton of recommendations. I thought overall the school was incredibly thorough and forthcoming about the procedures, counseling opportunities and support, how to report, etc… I think the one suggestion I would have is to make it a bit more organized. The Title IX general policy and grievance process was almost a duplicate of the sexual misconduct policy and sexual misconduct grievance process. I think these two things were so similar because the process of hearings and investigations and reporting is the same. I also thought the athletic information was a little difficult to find. I say difficult, but it just required me googling “athletic title ix policy”. It was just not with all the policies and procedures (shown on page 8). I also think it would be a great idea to include some athletic information on the webpage itself, such as the number of total athletes, including the number of male and female participants. I now know that information is easy to look up, but a lot of people probably don’t. They could provide a link to the EADA report.

I think all this information is lost on students unless the violation has already occurred and they are actively participating in the procedures. We were required to take training and listen to videos, but I remember not paying much attention. I was not alone. A lot of people skipped those videos. We did have mandatory orientation sessions freshman year, but I don’t remember that being a topic of discussion. When Katie came to talk she explained how she wanted to be proactive
in her job and address the issue before there were problems. I think all the information they have available is great, but I think if there were a greater focus on relaying some of this information to the students in a manner that is not in a 60 minute video they have to watch over the summer, this information would be more affective.

As for the pregnancy and LGBTQ information, there isn’t really a lot I can say about that. Because it is a religious institution, it falls under some exceptions that don’t require them to put forth these statements of support and equal protection for members of the LGBTQ community and pregnant students. I wish the information that you can get about pregnant students was public information and not only disclosed upon request. I would love to see what kind of support they are given. But hey, at least the pregnancy policy says they can keep their housing right?