

**Title IX Maturity Self-Assessment  
Consulting Report No. 22-23-0002**



**October 17, 2022**

## BACKGROUND

The FAMU Division of Audit (DoA) facilitated a maturity self-assessment of the Office of Equal Opportunity Programs/Title IX's selected business processes, risk management activities, and control procedures based on management and staff-generated analyses. This analysis was intended to provide management with timely information to enable them to make strategic, performance, and operational enhancements to the Title IX function in alignment with laws, regulations, policies, and best practices.

### **Title IX**

Title IX of the Higher Education Amendments of 1972 was enacted to ensure that "No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance."<sup>1</sup> Accordingly, Title IX applies to schools, local and state educational agencies, and other institutions that receive federal financial assistance from the US Department of Education (US DOE). According to the US DOE Office of Civil Rights, a recipient institution that receives federal funds must operate its education program or activity in a nondiscriminatory manner free of discrimination based on sex, including sexual orientation and gender identity.<sup>2</sup>

In August 2020<sup>3</sup>, the Trump administration effectuated substantial changes to the Title IX regulation including, but not limited to, 1) narrowing the definition of sexual harassment to "severe, pervasive, and objectively offensive" actions; 2) expanding the types of actions considered sexual harassment to include stalking, domestic violence, and dating violence; 3) requiring colleges to train all personnel involved in the Title IX process and publish training materials on their website; 4) prohibiting the "single investigator model" and requiring the Title IX coordinator, investigator, and decision maker to be separate persons; and 5) permitting the Title IX process to be performed virtually.

### **FAMU Office of Equal Opportunity Programs and Labor Relations/Title IX**

The FAMU Office of Equal Opportunity Programs and Labor Relations (EOP)/Title IX is positioned within the Division of Legal Affairs and authorized by the University to ensure the campus community operates within a system of equity for all its constituents as it relates to federal and state laws. Specifically, FAMU EOP/Title IX is responsible for ensuring that employment at the University, as prohibited by state and federal statutes, continues to be on the basis of qualification without regard to race, religion, color, age, sexual harassment, sex, disability, national origin, and veteran status.<sup>4</sup> The University's president, through University Regulation 10.103, has delegated to EOP/Title IX the authority and responsibility to receive and investigate complaints of discrimination and/or harassment and to make recommendations concerning the disposition of complaints.

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<sup>1</sup> ACUA Kick Starter, ASSOCIATION OF COLLEGE & UNIVERSITY AUDITORS, Monica Davis, University of Alabama System, Bradley Fondren, University of Alabama System – January 2022

<sup>2</sup> [https://www2.ed.gov/about/offices/list/ocr/docs/tix\\_dis.html](https://www2.ed.gov/about/offices/list/ocr/docs/tix_dis.html)

<sup>3</sup> In June 2022, the US Department of Education under the Biden administration proposed a set of changes to the Title IX Regulation. Some of the proposed changes may reverse decisions made under the Trump administration.

<sup>4</sup> <https://www.famu.edu/about-famu/leadership/division-of-legal-affairs/equal-opportunity-programs-and-labor-relations/index.php>

At the initiation of this review in March 2022, DoA noted that all current FAMU Title IX staff had been with the program for less than one year. EOP/Title IX Director Dr. Letrecha Scott started in November 2021. Before Dr. Scott's leadership, the Title IX office was headed by Courtney McHenry from May 03, 2021, to August 20, 2021. Prior to McHenry, Carrie Gavin served as the Director of Equal Opportunity Programs and was with the University for 35 years.

The significant revisions to the Title IX regulation under the Trump administration paired with the staffing changes and internal restructuring of the FAMU Office of EOP/Title IX served as DoA's bases for adding this review to the 2021-2022 workplan.

### SELF-ASSESSMENT AND MATURITY MODEL

The Institute of Internal Auditors (IIA) provides a risk management maturity model for measuring an organization's risk management maturity. That model consists of the following maturity levels, presented in order of maturity: (a) initial/ad hoc, (b) repeatable, (c) defined, (d) managed, and (e) optimized. The definition of each maturity rating is provided below.

IIA Risk Management Maturity Model	
Maturity Rating	Description
<b>Initial / Ad Hoc</b>	No formal procedures and controls exist.
<b>Repeatable</b>	Some procedures and controls are in place but they are not extensive, and/or highly manual. There is an active need for development and expansion.
<b>Defined</b>	Procedures and controls are well documented, but not fully current to reflect changing regulatory requirements and address growing business needs.
<b>Managed</b>	Procedures and controls are well documented and kept current.
<b>Optimized</b>	Procedures and controls are continuously reviewed and improved.

### ASSESSMENT OUTCOMES






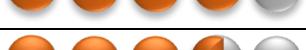
On March 31, 2022, DoA issued feedback surveys to Title IX management and staff regarding select Title IX operations based on the January 2022 Title IX Grievance Process Kick Starter produced by the Association of College and University Auditors (ACUA). The survey requested Title IX staff use the IIA maturity model ratings to assess various risk, control, and operational elements of the following six areas, based on the areas highlighted in the ACUA Title IX kick starter:

1. Policies and Procedures;
2. Training and Awareness Programs;
3. Formal Complaints and Dismissals Processes;
4. Notice of Allegations Procedures;
5. Investigation and Hearing Practices; and
6. Determination Regarding Responsibility and Appeals Procedures.

On May 02, 2022, DoA received four survey responses constituting a 100% completion rate as the FAMU Office of Equal Employment Programs/Title IX is comprised of four members: Director, Assistant Director, Title IX Coordinator, and Title IX Investigator.

On July 15, 2022, and July 20, 2022, DoA met with Title IX staff to discuss the survey responses and maturity levels of each area in more detail. The self-reported maturing rating for each area is provided below.

### Title IX Staff Self-Reported Maturity Ratings

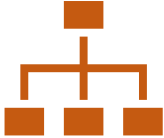


Area of Assessment	Self-Assessment	Maturity
<b>1. Policies and Procedures</b>	Defined to Managed	
<b>2. Training and Awareness Programs</b>	Managed	
<b>3. Formal Complaints and Dismissals Processes</b>	Repeatable to Defined	
<b>4. Notice of Allegations Procedures</b>	Repeatable*	
<b>5. Investigation and Hearing Practices</b>	Managed	
<b>6. Determination Regarding Responsibility and Appeals Procedures</b>	Defined to Managed	

\*NOTE: Responses ranged from "Initial" to "Defined" with the average being "Repeatable."

DoA held an exit conference with the Office of Equal Opportunity Programs/Title IX on October 13, 2022, to convey the results of our review. Title IX has the responsibility to continue to improve operations, work toward achieving its stated goals, and make adjustments as deemed necessary.

### Title IX 2021-2022 ACHIEVEMENTS

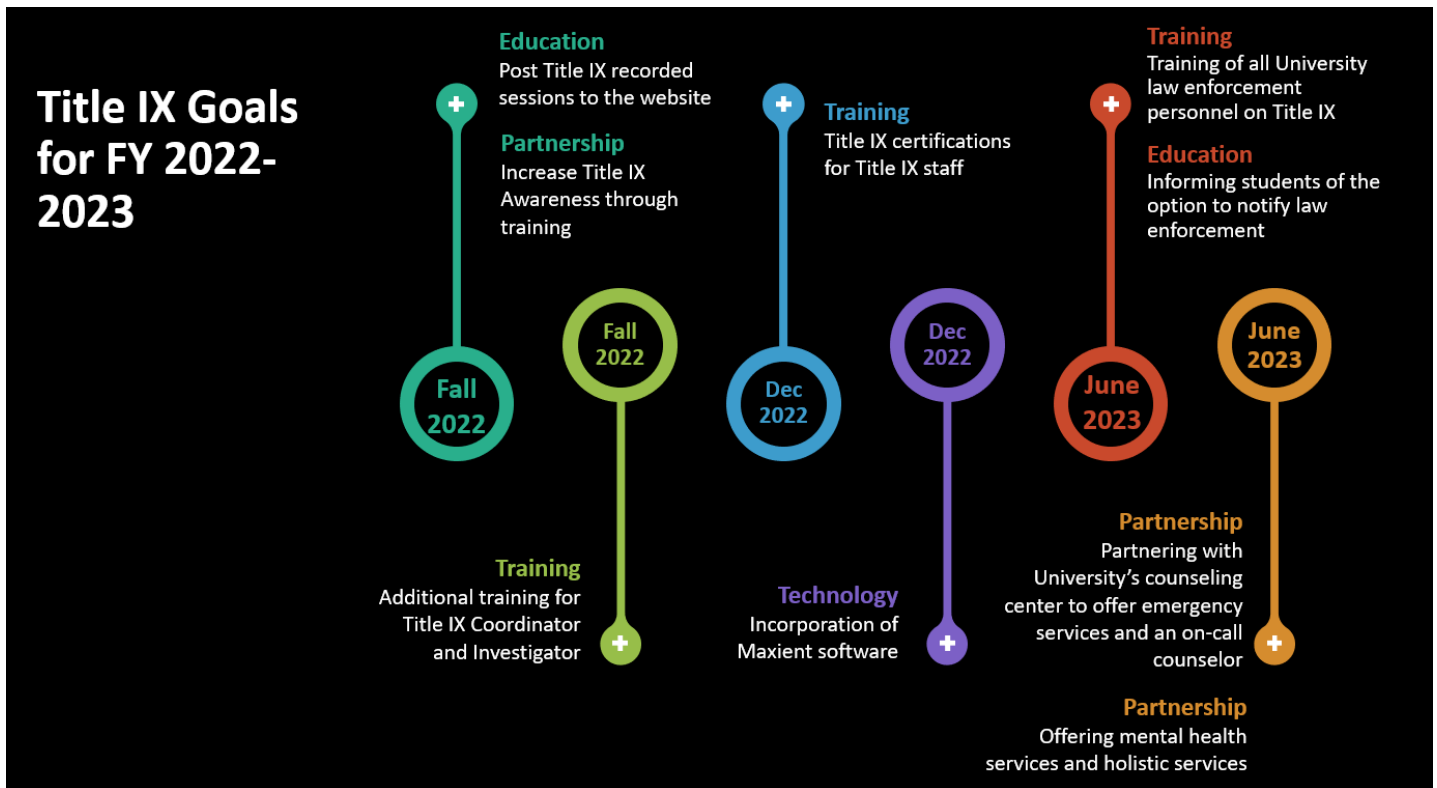
During the self-assessment, Title IX staff identified the following accomplishments as achieved over the past year:

<p><b>Hired Vital Staff</b></p> 	<ol style="list-style-type: none"> <li>1. Assistant Director hired September 17, 2021</li> <li>2. Americans with Disabilities Act (ADA) Coordinator hired October 29, 2021</li> <li>3. Office Manager hired November 12, 2021</li> <li>4. Director hired November 29, 2021</li> <li>5. Title IX Coordinator hired February 4, 2022</li> <li>6. Title IX Investigator hired February 4, 2022</li> </ol>
<p><b>Completed Training</b></p> 	<ol style="list-style-type: none"> <li>1. Participated in Title IX webinars</li> <li>2. National Association of College and University Attorneys (NACUA) Title IX coordinator training completed by EOP Director and all Title IX staff</li> <li>3. NACUA ADA training completed by the ADA Coordinator, EOP/Title IX Assistant Director, and Title IX Investigator</li> <li>4. EOP Director and all Title IX staff participated in the U.S. Department of Education's notice of proposed rulemaking on Title IX and sexual misconduct (2022) webinar</li> </ol>
<p><b>Cultivated Partnerships</b></p> 	<ol style="list-style-type: none"> <li>1. Partnered with the FAMU Office of Communications to create EOP communication plan, QR code, resource guide, social media, billboards, flyers, and newsletters to increase campus visibility</li> <li>2. Collaborated with the offices of Campus Safety and Security, Housing and Residence Life, Dean of Students, and Student Activities to host a campus-wide sexual misconduct informational session as students prepared for spring break 2022</li> <li>3. Partnered with the victim advocate and student activities for Sexual Assault Awareness Month in April</li> <li>4. Hosted a Title IX 50th anniversary event with invited campus partners who offer supportive measures for individuals involved in sexual harassment incidents</li> <li>5. Hosted listening sessions with campus department representatives (freshmen studies, ITS, ombudsmen, dean of students, Human Resources) with the following outcomes:             <ol style="list-style-type: none"> <li>a. Title IX training for Student Life Skills (SLS) students and peer mentors</li> <li>b. Title IX training for summer parent orientation session</li> <li>c. Partnering with the dean of students for Title IX training for select student groups</li> <li>d. Secured funding for the Maxient software system through Title III department</li> </ol> </li> </ol>

	<ul style="list-style-type: none"> <li>e. Title IX, EOP, and ADA training at the FAMU College of Law in coordination with the HR Department</li> <li>6. Hosted listening sessions with external Title IX offices, which included discussions on best practices, challenges, and processes</li> <li>7. Partnered with new student orientation to provide Title IX training for incoming First Time in College (FTIC), transfer students, and their families</li> </ul>
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**LOOKING FORWARD: UPCOMING GOALS**

EOP/Title IX identified the following goals which the office looks forward to achieving within the next year:



**FINAL REPORT AND ACKNOWLEDGMENTS**

This report serves as the final communication to the Board of Trustees that DoA conducted this consulting engagement. The FAMU Division of Audit would like to thank the Office of Equal Opportunity Programs/Title IX staff for their cooperation and participation in the maturity self-assessment process.

**DISTRIBUTION**

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**Title IX Senior Leadership**

- Dr. Denise Wallace, Vice President, and General Counsel
- Dr. Latrecha Scott, Director, Equal Opportunity Programs and Labor Relations/Title IX
- Kimberly Ceaser, Assistant Director, Equal Opportunity Programs and Labor Relations/Title IX

**Responsible Party:**

- Larry Robinson, Ph.D., President

**Internal Distribution:**

- Kelvin Lawson, Chair, FAMU Board of Trustees
- Craig Reed, Audit and Compliance Committee Chair, FAMU Board of Trustees
- Dr. Maurice Edington, Vice President for Academic Affairs/Provost

**PROJECT TEAM**

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**Review conducted by:**

Arriet Foster, MBA, CIA, CFE, CIGA, CIGI  
Lead Senior Auditor and Investigator

**Review supervised by:**

Deidre Melton, MBA, CFE, CIA, CISA, CISM, CDPSE, CRISC, CRMA, CIGI, CIG  
Associate Vice President for Audit/Chief Risk Officer

**Review approved and distributed by:**

Joseph K. Maleszewski, MBA, CIA, CGAP, CISA, CIG, CIGA, CIGI, CCEP, CCA  
Vice President for Audit/Chief Audit Executive

**Signature Block for Use by the VP for Audit Only**