

Institute of American Indian Arts
President's Cabinet Meeting
LKN Welcome Center – Boardroom 202
Wednesday, August 28, 2019 | 11:00 AM

Present: Dr. Robert Martin, Angie Brown, Dr. Bill Sayre, Laurie Logan Brayshaw, Patsy Phillips, Eric Davis, Nena Martinez Anaya, Larry Mirabal, Eric Davis, Danyelle Means, Paul Moore, Lara Evans

Absent: Carmen Henan, Charlene Teters

1. Opening,

Larry Mirabal provided the opening.

2. Opening on a Positive Note

The MoCNA events and presentations during Indian Market went well. The two that stood out were the Museum exhibits opening with 700 in attendance and over 400 attendees at the Joy Harjo reading and reception.

3. Approval of Minutes

Dr. Martin introduced for consideration the approval of the Cabinet Meeting Minutes of August 7, 2019. Dr. Sayre made, and Eric Davis seconded the motion, to approve the minutes. Lara Evans abstained. Motion carried.

4. Board of Trustee Actions

The Board of trustees approved the following resolutions:

- 2019-010 FY 2020 Operating Budget for \$14,473.073
- 2019-011 FY 2019 3rd Quarter Gift Acceptance of \$216.044
- 2019-012 Amended Investment Policy proposed by First Citizens Wealth Management to expand the fixed income range by 5% and lower equity for the allocations in the management strategy.

During the Board Retreat Amelia Sparks and Jazmin Novak provided presentations on their experiences and work at Marist College-LdM Venice Biennale: Art History and Studio Art Program.

ATD Coaches, Ed Hughes, and Mark Figueroa presented the accomplishments of student success and the next steps moving forward. Title IX issues were also part of the discussion. Overall the Board and coaches were pleased with the presentation and discussion. The next board meeting has moved to November 15-16. Open house will take place on October 23.

5. Santa Fe Community College Collaborations

Dr. Martin met with Becky Rawley, President of Santa Fe Community College (SFCC). President Rawley is interested in increasing communication and collaboration between the two institutions. SFCC's sustainability programs are advanced and may provide opportunities for collaboration with IAIA's Land Grant programs in serving the needs of New Mexico tribes. Dr. Martin requested that Cabinet members consider potential areas of collaboration areas with SFCC.

6. Adhoc Safety/Life Committee Recommendations

Dr. Sayre commended those who participated in the talking circles for healing and shared there were approximately 70 attendees.

The Ad hoc life-safety subcommittee has recommended the creation of a permanent Safety Committee or assign it to an existing committee such as the Emergency Management Committee or the Environmental Health Safety Committee.

The Environmental Health Safety Committees focus is on the delivery of academic programs and safety in the Studio Arts department. Dr. Sayre recommended that this committee remain focused on OSHA since it is regulatory-driven.

Emergency Management's focus is on FEMA and emergency preparedness, which is different from the purpose of the proposed Safety Committee. Dr. Sayre suggested that each of the existing committees should remain as designed. There is a broad enough spectrum of issues to create a permanent Safety Committee.

Eric Davis agreed on creating the new committee in order not to take focus away from the other two existing committees.

Dr. Sayre will work on a document similar the other standing committee documents and identify who should participate and draft a committee charge and bring back to the cabinet for approval. He will recommend formal representation from the Faculty Council, Staff Council, and ASG who will report back to their organizations. Dr. Martin reminded the group that all standing committees will need two student representatives.

7. Plan'22

The Board approved the revised Plan'22 to include adding "Ensure a safe community" as a mission objective. Dr. Martin requested that each Cabinet member review their workplans to ensure they establish projects to address the added mission objective.

Dr. Sayre has modified the workplan form to develop projects for Plan'22 to include safety. Institutional Research is working on developing dashboards for each of the priorities, which will also include a dashboard to ensure a safe community. Each member is encouraged to think about their projects and metrics that would measure how the work contributes to student success

Institutional Research will develop and conduct a campus climate survey focusing on the community, Title IX, and campus safety.

8. Admissions Report Update

The projected FTE is 510. Currently there are 75 new freshmen and 13 transfer students. In comparison to last year, new freshmen, transfers student, and commuting students have increased. There was a slight increase in graduate students and the projected count for dual credit is 70 FTE.

Dr. Sayre shared that the Spring to Fall persistence is at 79% which is close to previous semesters. Fall 2018 show freshmen retention is up 1% from Fall 2017. The counts indicate that Fall 19 enrollment for returning students in higher in comparison to Fall 18 enrollments for said students.

9. Gala Proceeds

This year's Gala net total is \$290,117 in comparison to last year at \$310,058, resulting in a \$20,000 difference.

10. Clip Report | Website | Facebook Statistics

Eric Davis shared various clips and articles featuring IAIA events, students, alumni artists, faculty, and staff during Indian Market. There were not any August web or Facebook statistics to present.

11. Announcements

- Lara Evans mentioned that the Academic division is off to a good start. The offices are very hot because the conversion from evaporative coolers to air-conditioners is incomplete.
- Larry Mirabal requested the group refer to the August 14 email from Aimee Balthazar for the end of the year budget deadlines.
- There will be an appreciation lunch on Wednesday September 4, for those who volunteered at the Gala

Adjournment

Dr. Martin adjourned the meeting at approximately 12:05 PM

12. Title IX Training

Title IX Training presented by Laurie Brayshaw. Please refer to Ms. Brayshaw's attached PowerPoint presentation.



Title IX and IAIA

Please be aware that the
presentation contains
language that may be
distressing to some.

Laurie Brayshaw

Director, Sponsored Programs

Interim Title IX Coordinator




What is Title IX?

- Signed into law on June 23, 1972, Title IX is more than equality in athletics.
- Title IX prohibits any federally funded education program or activity from engaging in sex discrimination. That includes all IAIA programs and activities.

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.

What Does Title IX Cover?

- 
- | | |
|----------------------------------|---------------------------------|
| – Admissions and recruitment | Athletics |
| – Career Education | Pregnant and Parenting Students |
| – Sexual Harassment | Sexual Violence |
| – Sex Discrimination | Gender Discrimination |
| – Gender Identity Discrimination | Intimate Partner Violence |
| – Sex/Gender-Based Stalking | Sex/Gender-Based Bullying |
| – Sex/Gender-Based Hazing | Academic Program Equity |
| – Disparate Treatment | Study Abroad |
| – Externships and Internships | |
| – ...and More | |
-



Who does this law apply to at IAIA?


All

- Students
- Employees
- Contractors
- Vendors
- Visitors
- Guests



Where does Title IX apply at IAIA?

- On-campus
 - and
- Off-campus
 - Class-related trips
 - Study abroad programs
 - Off-campus research projects




As an institution of Higher Education that accepts Federal funds, IAIA must comply with Title IX.

Non-compliance could lead to:

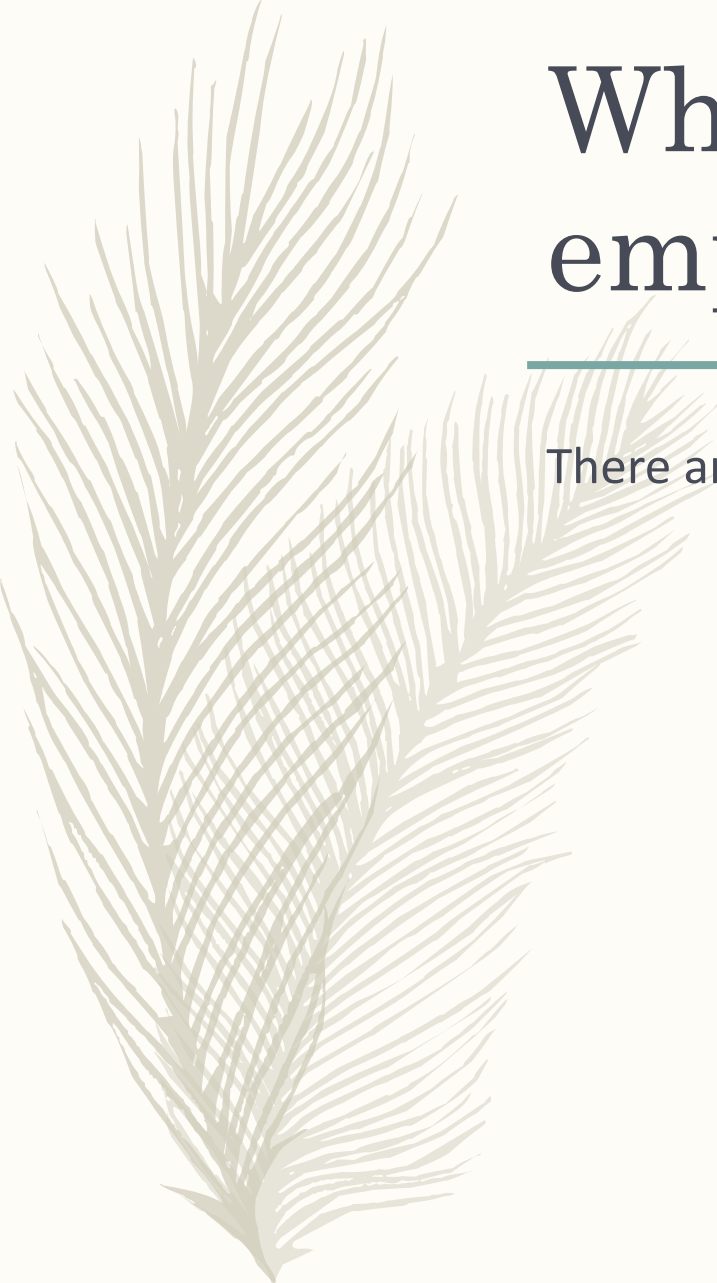
Lawsuits

Losing our federal funding



Title IX imposes certain obligations on schools that center on the prevention of, and response to, incidents of sex or gender discrimination, which includes sexual harassment and sexual violence.

As a part of this obligation, each institution must have a Title IX Coordinator.



What is the role of IAIA employees?

There are two categories of IAIA employees...

- 1) Mandatory Reporter
- 2) Confidential Employee



Mandatory Reporter

All IAIA employees have a duty to report misconduct to the Title IX Coordinator, as they are all considered mandatory reporters. This includes:

Staff

Faculty

Adjunct Faculty

Student Workers

Residence Assistants



Mandatory reporters have the duty to:

- Promptly report harassment or other types of misconduct to the Title IX Coordinator
- Inform reporting parties of their right to file a Title IX complaint with the school, and report a crime to campus or local law enforcement

Mandatory Reporters must share all relevant details, including names, with the Title IX Coordinator.



Mandatory reporters should protect the privacy of the parties involved.

They should not interfere with the investigation, and there is no need to ask any additional questions, or attempt to gather information.



The only employees who are exempt from reporting are...



Confidential Employees

A confidential employee is employed by IAIA, but is not required to report to the Title IX Coordinator. This includes:

- Campus Mental Health Coordinators

- Pastoral Counselors

- Any employee that holds a professional license requiring confidentiality



Pursuing a Complaint

Reports regarding a potential Title IX violation can be made to the Title IX Coordinator by:

Phone

- The IAIA Title IX Message Line [505-424-5790](tel:505-424-5790)

E-mail

- The anonymous report on the IAIA Title IX webpage
<https://iaia.edu/student-life/title-ix-campus-safety/>
llogan@iaia.edu

In-person

- [2nd floor of the Lloyd Kiva New Welcome Center in the President's Suite Room 201B](#)



What is the standard of evidence used in a Title IX Investigation?


A “Preponderance of the Evidence” is the required standard of proof in a school’s grievance procedures for Title IX cases.

It is referred to as “more likely than not, and is equivalent to 50.1% or 50% plus a feather.

A school will find an individual responsible for violating a Title IX policy when the evidence supports the finding based on a preponderance of the evidence. If the evidence is 50/50, the tie goes to the responding party. This is mandated by the US Department of Education’s Office for Civil Rights “Dear Colleague Letter: Sexual Violence, April 4, 2011”

Application of Title IX to Various Issues





Recruitment, Admissions, and Counseling

IAIA cannot discriminate on the basis of sex in recruitment and admissions.

IAIA is also prohibited from discriminating on the basis of sex in counseling or guiding students or applicants for admission



Financial Assistance

IAIA may not provide different amounts or types of financial assistance, limit eligibility for such assistance, apply different criteria. Or otherwise discriminate on the basis of sex in administering such assistance.



Discipline

IAIA is prohibited from subjecting any person to separate or different rules of behavior, sanctions, or other treatments, such as discriminatory discipline, based on sex.

Students cannot be disciplined based on their gender identity, or for failing to conform to stereotypical notions of masculinity or femininity in their behavior or appearance.



Pregnant and Parenting Students

The Department of Education's regulations specifically prohibit discrimination based on:

- Pregnancy
- Childbirth
- False pregnancy
- Termination of pregnancy, or
- Recovery from any of these conditions



Sexual Misconduct Offenses

Sexual conduct that is prohibited by IAIA policy. This includes but is not limited to:

- Sexual harassment
- Non-consensual sexual contact
- Non-consensual sexual intercourse
- Sexual exploitation
- Sex/Gender-Based Bullying
- Intimate Partner Violence
- Sex/Gender-Based Stalking



Sexual Harassment

Sexual Harassment is:

- Unwelcome
- Sexual, sex-based and/or gender-based verbal, written, online and/or physical conduct



Sexual Harassment, continued

A hostile environment is created when sexual harassment is:

- Sufficiently severe, or
- Persistent or pervasive, and
- Objectively offensive that it :

unreasonably interferes with, denies or limits someone's ability to participate in or benefit from IAIA's educational (and/or employment), social and/or residential program.



Sexual Harassment, continued

You may also have Quid Pro Quo Harassment. This consists of :

- Unwelcome sexual advances, requests for sexual favors, and or other verbal or physical conduct of a sexual nature
- By a person having power or authority over another when
- Submission to such sexual conduct is made either explicitly or implicitly a term or condition of rating or evaluating an individual's educational or employment progress.



Non-consensual sexual contact

Non-consensual contact is:


- Any intentional sexual touching,
- However slight,
- With any object,
- By a person upon another person,
- That is without consent and/or by force



Non-consensual sexual contact, continued

Sexual contact includes:


- Intentional contact with the breasts, buttock, groin or genitals, or touching another with any of these body parts, or making another touch you or themselves with or on any of these body parts; or
- Any other intentional bodily contact in a sexual manner.



Non-consensual sexual intercourse

Non-Consensual Sexual Intercourse is:

- Any sexual intercourse
- However slight,
- With any object,
- By a person upon another person,
- That is without consent and/or by force



Non-consensual sexual intercourse, continued

Intercourse includes:

Vaginal or anal penetration by a penis, object, tongue or finger, and oral copulation (mouth to genital contact), no matter how slight the penetration or contact.



Sexual exploitation

Sexual exploitation occurs when one person takes non-consensual or abusive sexual advantage of another for their own advantage or benefit.

Sexual exploitation, continued

Examples of sexual exploitation include but are not limited to:

- Invasion of sexual privacy
- Prostituting another person
- Non-consensual digital, video, or audio recording of nudity or sexual activity, and/or the unauthorized sharing or distribution of the material
- Engaging in voyeurism
- Going beyond the boundaries of consent
- Intentionally or recklessly exposing one's genitals in non-consensual circumstances; inducing another to expose their genitals



Sex/Gender-Based Bullying

Bullying is defined as:

- Repeated and/or severe
- Aggressive behavior
- Likely to intimidate or intentionally hurt, control, or diminish another person, physically or mentally



Intimate Partner Violence

Intimate Partner Violence is defined as actual or threatened violence or abuse between those in an intimate relationship to each other that would cause a reasonable person to fear harm to self or others.

This includes but is not limited to:

- Dating violence
- Domestic violence



Sex/Gender-Based Stalking

Stalking is repeated or obsessive unwanted attention directed toward an individual or group that is likely to cause alarm, fear, or substantial emotional distress.



Stalking, continued

Examples include, but are not limited to, two or more instances of:

- Following a person,
- Appearing at a person's home, class, or work
- Continuing to contact a person after receiving requests not to
- Leaving written messages, objects, or unwanted gifts
- Vandalizing a person's property
- Photographing a person
- Non-consensual telephone calls, voice messages, emails, texts

Additional Details To Remember





Consent

Consent is:

- Clear
- Knowing
- Voluntary
- Words or Actions
- That give permission for specific sexual activity



Consent, continued

- Consent is active, not passive
- Silence is not consent
- Coercing someone into sexual activity is a violation of the policy
- Consent can be given by words or actions, as long as those words or actions are mutually understandable
- Consent to any one form of sexual activity cannot automatically imply consent to any other forms of sexual activity

Consent, continued

- Previous relationships or prior consent do not imply consent to future sexual acts
- Consent can be withdrawn once given
- One must be of legal age to give consent
- Sexual activity with someone you know to be or should know to be incapacitated is a violation of the policy
 - Incapacitation can occur mentally or physically from developmental disability, unconsciousness, by drug or alcohol use, or blackout.
 - Incapacitation is a state where someone cannot make rational reasonable decisions (e.g. to understand the “who”, what”, “when”, “where”, “why”, or “how” of their sexual interaction.



Employee/Student Relationships and Consent

Please see the IAIA Employee Handbook: XI. EMPLOYEE CONDUCT POLICIES, section M. Relations-with-Students Policy for Faculty/Staff

In order to promote the efficient and fair operation of IAIA and to avoid misunderstandings, complaints of favoritism, supervision problems, security concerns, morale issues, questions regarding academic achievement, and possible claims of sexual harassment, **faculty and staff are strictly prohibited from consensual relations with students including, but not limited to, dating, pursuing to date, or pursuing or having romantic or sexual relationships with students.** For these reasons, dating, romantic, or sexual relationships between students and faculty/staff members, including relationships that occur when IAIA is not in session or students are on leave, are prohibited.

This policy is not applicable to instances where the relationship between a student and employee was pre-existing. However, a student who falls into this circumstance may not be enrolled in a class conducted by the employee or work under the supervision of the employee as the case may be.

Faculty and staff who violate this policy will be subject to discipline, up to and including termination of employment.




Time limits to make a Title IX report

Under Title IX, there are no reporting time limits



Confidentiality

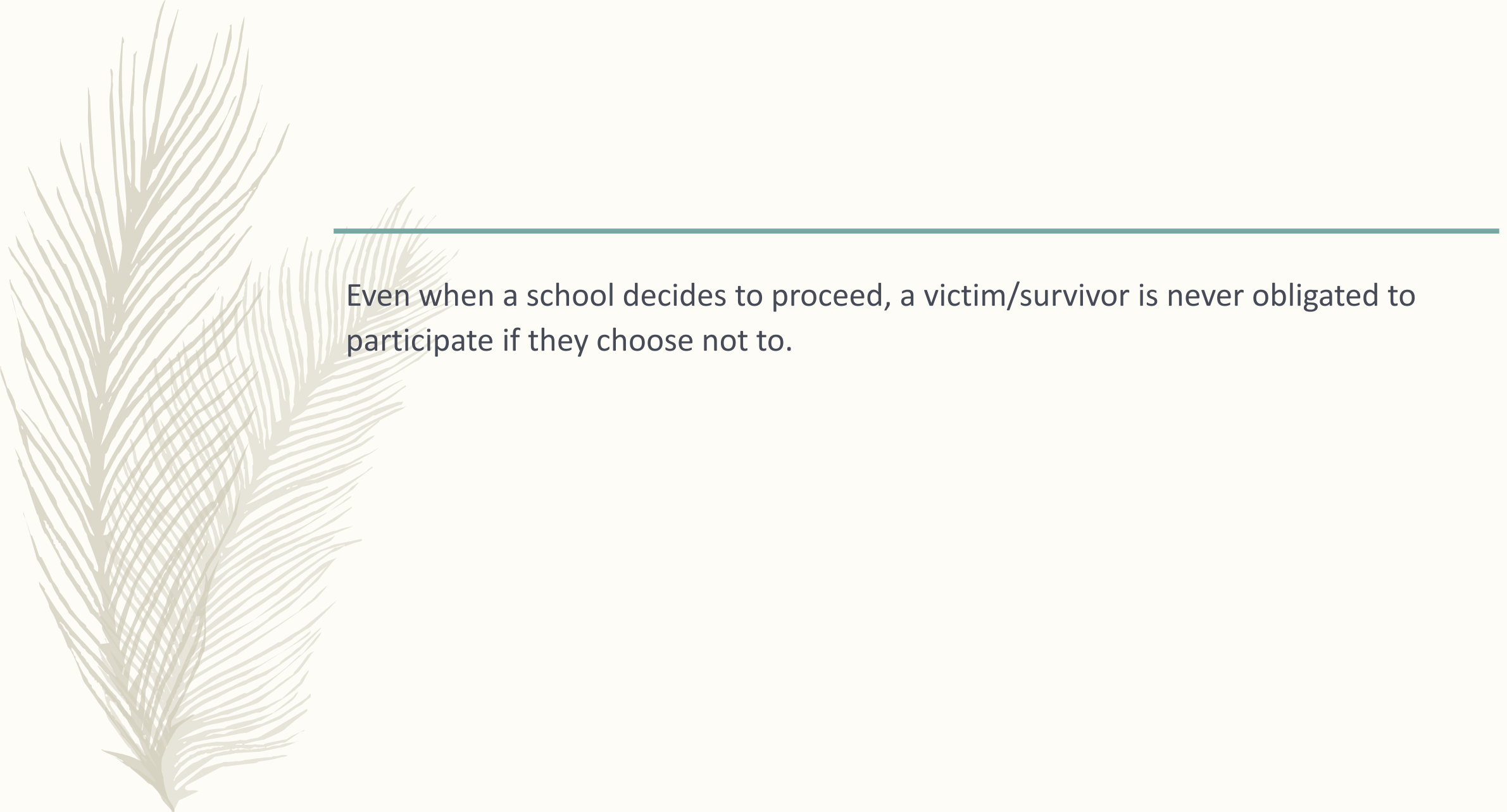
If the Victim/Survivor wishes for IAIA to investigate an incident of sex or gender discrimination, including sexual violence, the victim/survivor will not be able to remain confidential. In most cases, the responding party will have a right to be informed of who has made the report.



In some cases, a victim/survivor discloses to an IAIA mandatory reporter, but then requests that IAIA not take any action.

In some instances, IAIA is required to proceed with an investigation even if that is contrary to the reporting party's wishes. Some examples are when:

- The report involves the use of a weapon
- When there are multiple perpetrators
- When the respondent threatens further sexual violence or other violence



Even when a school decides to proceed, a victim/survivor is never obligated to participate if they choose not to.



Retaliation

A recipient cannot retaliate against an individual, for the purpose of interfering with any right or privilege secured by Title IX.

This includes retaliation due to an individual:

- Filing a complaint alleging a violation of Title IX
- Participating in a Title IX investigation, hearing, or proceeding
- Advocating for others' Title IX rights

Individuals may not be intimidated, threatened, coerced, or discriminated against for engaging in such activity



Any
Questions??
