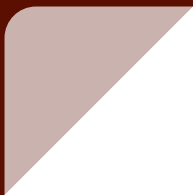


Title IX Training

August 14, 2020



Title IX Training

Key Topics

1. Training Requirements
2. New Title IX Regulations
3. Definitions
4. Serving Impartially
5. Title IX Process
6. Record Keeping
7. Investigations
8. Zoom Tutorials

Training Requirements

Training Requirements

- Training Regulations were announce on May 6, 2020
- Training Regulations are effective August 14, 2020
- The regulations are not retroactive

U.S. Department of Education Title IX Training Requirements

Training Materials for Title IX Personnel: § 106.45(b)(1)(iii) & § 106.45(b)(10)(i)(D)

- The Title IX Rule requires schools' Title IX personnel to be unbiased and free from conflicts of interest.
- Title IX personnel include the Title IX Coordinator, any investigator, any decision-maker, and any person who facilitates an informal resolution (such as mediation).

U.S. Department of Education Title IX Training Requirements

§ 106.45(b)(1)(iii) & § 106.45(b)(10)(i)(D) Cont.

- **Schools must ensure that Title IX personnel receive training as follows:**
 - **On Title IX's definition of "sexual harassment"**
 - **On the scope of the school's education program or activity**
 - **On how to conduct an investigation and grievance process**
 - **On how to serve impartially, including by avoiding prejudgment of the facts at issue**
 - **On how to avoid conflicts of interest and bias**
 - **Decision-makers must receive training on any technology to be used at a live hearing, and on issues of relevance of questions and evidence, including when questions and evidence about a complainant's sexual predisposition or prior sexual behavior are not relevant**
 - **Investigators must receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence**

U.S. Department of Education Title IX Training Requirements

§ 106.45(b)(1)(iii) & § 106.45(b)(10)(i)(D) Cont.

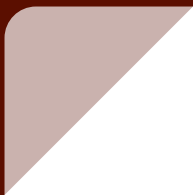
- **All materials used to train Title IX personnel:**
 - **Must not rely on sex stereotypes,**
 - **Must promote impartial investigations and adjudications of formal complaints of sexual harassment,**
 - **Must be maintained by the school for at least 7 years,**
 - **Must be publicly available on the school's website; if the school does not maintain a website the school must make the training materials available upon request for inspection by members of the public.**

Title IX of the Education Amendments of 1972

20 U.S.C. § 1681(a)

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.....

New Title IX Regulations



New Title IX Regulations

Notice to the School, College, University ("Schools") : Actual Knowledge

- Allows the institution to choose whether to have mandatory reporting for all employees, or to designate some employees to be confidential resources for college students to discuss sexual harassment without automatically triggering a report to the Title IX office.
- Notice to a Title IX Coordinator, or to an official with authority to institute corrective measures on the recipient's behalf, charges a school with actual knowledge and triggers the school's response obligations.

New Title IX Regulations

Definition of Sexual Harassment for Title IX Purposes

- Any instance of quid pro quo harassment by a school's employee; any unwelcome conduct that a reasonable person would find so severe, pervasive, and objectively offensive that it denies a person equal educational access; any instance of sexual assault (as defined in the Clery Act), dating violence, domestic violence, or stalking as defined in the Violence Against Women Act (VAWA).
- Quid pro quo harassment and Clery Act and VAWA offenses are not evaluated for severity, pervasiveness, offensiveness, or denial of equal educational access, because such misconduct is sufficiently serious to deprive a person of equal access.

New Title IX Regulations

Definition of Sexual Harassment for Title IX Purposes Cont.

- The Final Rule uses the Supreme Court's Davis definition (severe and pervasive and objectively offensive conduct, effectively denying a person equal educational access) as one of the three categories of sexual harassment, so that where unwelcome sex -based conduct consists of speech or expressive conduct, schools balance Title IX enforcement with respect for free speech and academic freedom.
- First Amendment concerns differ in educational environments and workplace environments, and the Title IX definition provides First Amendment protections appropriate for educational institutions where students are learning, and employees are teaching. Students, teachers, faculty, and others should enjoy free speech and academic freedom protections, even when speech or expression is offensive.

New Title IX Regulations

Sexual Harassment Occurring in a School's "Education Program or Activity" and "in the United States"

- The Title IX statute applies to persons in the United States with respect to education programs or activities that receive Federal financial assistance. Schools must respond when sexual harassment occurs in the school's education program or activity, against a person in the United States.
- Title IX applies to all of a school's education programs or activities, whether such programs or activities occur on -campus or off -campus. A school may address sexual harassment affecting its students or employees that falls outside Title IX's jurisdiction in any manner the school chooses, including providing supportive measures or pursuing discipline.

New Title IX Regulations

Sexual Harassment Occurring in a School's "Education Program or Activity" and "in the United States" Cont.

- Education program or activity includes locations, events, or circumstances over which the school exercised substantial control over both the respondent and the context in which the sexual harassment occurred, and also includes any building owned or controlled by a student organization that is officially recognized by a postsecondary institution (such as a fraternity or sorority house).

New Title IX Regulations

Accessible Reporting to Title IX Coordinator

- The employee designated by a recipient to coordinate its efforts to comply with Title IX responsibilities must be referred to as the “Title IX Coordinator.”
- Instead of notifying only students and employees of the Title IX Coordinator’s contact information, the school must also notify applicants for admission and employment, parents or legal guardians of elementary and secondary school students, and all unions, of the name or title, office address, e -mail address, and telephone number of the Title IX Coordinator.

New Title IX Regulations

Accessible Reporting to Title IX Coordinator

- Schools must prominently display on their websites the required contact information for the Title IX Coordinator.
- Any person may report sex discrimination, including sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment), in person, by mail, by telephone, or by e-mail, using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report.
- Such a report may be made at any time, including during non-business hours, by using the telephone number or email address, or by mail to the office address, listed for the Title IX Coordinator.

New Title IX Regulations

School's Mandatory Response Obligations: The Deliberate Indifference Standard

- Schools must respond promptly to Title IX sexual harassment in a manner that is not deliberately indifferent,
- Deliberate Indifference: a response that is not clearly unreasonable in light of the known circumstances. Schools have the following mandatory response obligations:
- Schools must offer supportive measures to the person alleged to be the victim (referred to as the “complainant”).

New Title IX Regulations

School's Mandatory Response Obligations: The Deliberate Indifference Standard Cont.

- The Title IX Coordinator must promptly contact the complainant confidentially to discuss the availability of supportive measures, consider the complainant's wishes with respect to supportive measures, inform the complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the complainant the process for filing a formal complaint.
- Schools must follow a grievance process that complies with the Final Rule before the imposition of any disciplinary sanctions or other actions that are not supportive measures, against a respondent.
- Schools must not restrict rights protected under the U.S. Constitution, including the First Amendment, Fifth Amendment, and Fourteenth Amendment, when complying with Title IX.

New Title IX Regulations

School's Mandatory Response Obligations: The Deliberate Indifference Standard Cont.

- Requires a school to investigate sexual harassment allegations in any formal complaint, which can be filed by a complainant, or signed by a Title IX Coordinator.
- Affirms that a complainant's wishes with respect to whether the school investigates should be respected unless the Title IX Coordinator determines that signing a formal complaint to initiate an investigation over the wishes of the complainant is not clearly unreasonable in light of the known circumstances.
- If the allegations in a formal complaint do not meet the definition of sexual harassment, or did not occur in the school's education program or activity against a person in the United States, the Final Rule clarifies that the school must dismiss such allegations for purposes of Title IX but may still address the allegations in any manner the school deems appropriate under the school's own code of conduct.

New Title IX Regulations

School's Mandatory Response Obligations: Defining "Complainant," "Respondent," "Formal Complaint," "Supportive Measure"

- When responding to sexual harassment, the Final Rule provides clear definitions of complainant, respondent, formal complaint, and supportive measures so that recipients, students, and employees clearly understand how a school must respond to sexual harassment incidents in a way that supports the alleged victim and treats both parties fairly.
- Complainant: an individual who is alleged to be the victim of conduct that could constitute sexual harassment.

New Title IX Regulations

School's Mandatory Response Obligations: Defining "Complainant," "Respondent," "Formal Complaint," "Supportive Measure" Cont.

- Any third party as well as the complainant may report sexual harassment.
- While parents and guardians do not become complainants (or respondents), the Final Rule expressly recognizes the legal rights of parents and guardians to act on behalf of parties (including by filing formal complaints) in Title IX matters.
- Respondent: an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

New Title IX Regulations

School's Mandatory Response Obligations: Defining "Complainant," "Respondent," "Formal Complaint," "Supportive Measure" Cont.

- Formal complaint: a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the school investigate the allegation of sexual harassment and states:
- At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the education program or activity of the school with which the formal complaint is filed.

New Title IX Regulations

School's Mandatory Response Obligations: Defining "Complainant," "Respondent," "Formal Complaint," "Supportive Measure" Cont.

- A formal complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information required to be listed for the Title IX Coordinator and by any additional method designated by the school.
- The phrase document filed by a complainant means a document or electronic submission (such as by e-mail or through an online portal provided for this purpose by the school) that contains the complainant's physical or digital signature, or otherwise indicates that the complainant is the person filing the formal complaint.

New Title IX Regulations

School's Mandatory Response Obligations: Defining "Complainant," "Respondent," "Formal Complaint," "Supportive Measure" Cont.

- Where the Title IX Coordinator signs a formal complaint, the Title IX Coordinator is not a complainant or a party during a grievance process, and must comply with requirements for Title IX personnel to be free from conflicts and bias.
- Supportive measures: Individualized services reasonably available that are nonpunitive, non-disciplinary, and not unreasonably burdensome to the other party while designed to ensure equal educational access, protect safety, or deter sexual harassment.

New Title IX Regulations

School's Mandatory Response Obligations: Defining "Complainant," "Respondent," "Formal Complaint," "Supportive Measure" Cont.

- The Final Rule evaluates a school's selection of supportive measures and remedies based on what is not clearly unreasonable in light of the known circumstances, and does not second guess a school's disciplinary decisions, but requires the school to offer supportive measures, and provide remedies to a complainant whenever a respondent is found responsible.

New Title IX Regulations

Grievance Process, General Requirements

- A consistent, transparent grievance process for resolving formal complaints of sexual harassment. Aside from hearings, the grievance process prescribed by the Final Rule applies to all schools equally.

New Title IX Regulations

Grievance Process, General Requirements

The Final Rule states that a school's grievance process must:

- Treat complainants equitably by providing remedies any time a respondent is found responsible, and treat respondents equitably by not imposing disciplinary sanctions without following the grievance process.
- Remedies, which are required to be provided to a complainant when a respondent is found responsible, must be designed to maintain the complainant's equal access to education and may include the same individualized services; however, remedies need not be non-disciplinary or non-punitive and need not avoid burdening the respondent.

New Title IX Regulations

Grievance Process, General Requirements Cont.

- Require objective evaluation of all relevant evidence, inculpatory and exculpatory, and avoid credibility determinations based on a person's status as a complainant, respondent, or witness.
- Include a presumption that the respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.

New Title IX Regulations

Grievance Process, General Requirements Cont.

- Require Title IX personnel (Title IX Coordinators, investigators, decision -makers, people who facilitate any informal resolution process) to be free from conflicts of interest or bias for or against complainants or respondents.
- Recipients must post materials used to train Title IX personnel on their websites, if any, or make materials available for members of the public to inspect. Include reasonably prompt time frames for conclusion of the grievance process, including appeals and informal resolutions, with allowance for short-term, good cause delays or extensions of the time frames.

New Title IX Regulations

Grievance Process, General Requirements Cont.

- Describe the range, or list, the possible remedies a school may provide a complainant and disciplinary sanctions a school might impose on a respondent, following determinations of responsibility.
- State whether the school has chosen to use the preponderance of the evidence standard, or the clear and convincing evidence standard, for all formal complaints of sexual harassment (including where employees and faculty are respondents). Describe the school's appeal procedures, and the range of supportive measures available to complainants and respondents.
- A school's grievance process must not use, rely on, or seek disclosure of information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.
- Any provisions, rules, or practices that a school adopts as part of its grievance process for handling formal complaints of sexual harassment, must apply equally to both parties.

New Title IX Regulations

Investigations

The Final Rule states that the school must investigate the allegations in any formal complaint and send written notice to both parties (complainants and respondents) of the allegations upon receipt of a formal complaint.

During the grievance process and when investigating:

- The burden of gathering evidence and burden of proof must remain on schools, not on the parties.
- Schools must provide equal opportunity for the parties to present fact and expert witnesses and other inculpatory and exculpatory evidence.
- Schools must not restrict the ability of the parties to discuss the allegations or gather evidence (e.g., no “gag orders”).

New Title IX Regulations

Investigations Cont.

- Parties must have the same opportunity to select an advisor of the party's choice who may be, but need not be, an attorney.
- Schools must send written notice of any investigative interviews, meetings, or hearings.
- Schools must send the parties, and their advisors, evidence directly related to the allegations, in electronic format or hard copy, with at least 10 days for the parties to inspect, review, and respond to the evidence.
- Schools must send the parties, and their advisors, an investigative report that fairly summarizes relevant evidence, in electronic format or hard copy, with at least 10 days for the parties to respond.

New Title IX Regulations

Investigations Cont.

- Schools must dismiss allegations of conduct that do not meet the Final Rule's definition of sexual harassment or did not occur in a school's education program or activity against a person in the U.S. Such dismissal is only for Title IX purposes and does not preclude the school from addressing the conduct in any manner the school deems appropriate.
- Schools may, in their discretion, dismiss a formal complaint or allegations therein if the complainant informs the Title IX Coordinator in writing that the complainant desires to withdraw the formal complaint or allegations therein, if the respondent is no longer enrolled or employed by the school, or if specific circumstances prevent the school from gathering sufficient evidence to reach a determination.

New Title IX Regulations

Investigations Cont.

- Schools must give the parties written notice of a dismissal (mandatory or discretionary) and the reasons for the dismissal.
- Schools may, in their discretion, consolidate formal complaints where the allegations arise out of the same facts.
- Protect the privacy of a party's medical, psychological, and similar treatment records by stating that schools cannot access or use such records unless the school obtains the party's voluntary, written consent to do so.

New Title IX Regulations

Live Hearings & Cross-Examination (for Postsecondary Institutions)

(a) The school's grievance process must provide for a live hearing:

- At the live hearing, the decision-maker(s) must permit each party's advisor to ask the other party and any witnesses all relevant questions and follow-up questions, including those challenging credibility.
- Such cross-examination at the live hearing must be conducted directly, orally, and in real time by the party's advisor of choice and never by a party personally.
- At the request of either party, the recipient must provide for the entire live hearing (including cross-examination) to occur with the parties located in separate rooms with technology enabling the parties to see and hear each other.

New Title IX Regulations

Live Hearings & Cross-Examination (for Postsecondary Institutions) Cont.

- Only relevant cross-examination and other questions may be asked of a party or witness. Before a complainant, respondent, or witness answers a cross-examination or other question, the decision-maker must first determine whether the question is relevant and explain to the party's advisor asking cross-examination questions any decision to exclude a question as not relevant.
- If a party does not have an advisor present at the live hearing, the school must provide, without fee or charge to that party, an advisor of the school's choice who may be, but is not required to be, an attorney to conduct cross examination on behalf of that party.

New Title IX Regulations

Live Hearings & Cross-Examination (for Postsecondary Institutions) Cont.

- If a party or witness does not submit to cross-examination at the live hearing, the decision-maker(s) must not rely on any statement of that party or witness in reaching a determination regarding responsibility; provided, however, that the decision-maker(s) cannot draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer cross-examination or other questions.
- Live hearings may be conducted with all parties physically present in the same geographic location or, at the school's discretion, any or all parties, witnesses, and other participants may appear at the live hearing virtually.
- Schools must create an audio or audiovisual recording, or transcript, of any live hearing.

New Title IX Regulations

Live Hearings & Cross-Examination (for Postsecondary Institutions) Cont.

(c) Rape Shield Protections for Complainants

- (c) Deeming irrelevant questions and evidence about a complainant's prior sexual behavior unless offered to prove that someone other than the respondent committed the alleged misconduct or offered to prove consent.

New Title IX Regulations

Standard of Evidence and Written Documentation

- School's grievance process to state whether the standard of evidence to determine responsibility is the preponderance of the evidence standard or the clear and convincing evidence standard. The Final Rule makes each school's grievance process consistent by requiring each school to apply the same standard of evidence for all formal complaints of sexual harassment whether the respondent is a student or an employee (including faculty member).
- The decision-maker (who cannot be the same person as the Title IX Coordinator or the investigator) must issue a written determination regarding responsibility with findings of fact, conclusions about whether the alleged conduct occurred, rationale for the result as to each allegation, any disciplinary sanctions imposed on the respondent, and whether remedies will be provided to the complainant.
- The written determination must be sent simultaneously to the parties along with information about how to file an appeal.

New Title IX Regulations

Appeals

- School must offer both parties an appeal from a determination regarding responsibility, and from a school's dismissal of a formal complaint or any allegations therein, on the following bases: procedural irregularity that affected the outcome of the matter, newly discovered evidence that could affect the outcome of the matter, and/or Title IX personnel had a conflict of interest or bias, that affected the outcome of the matter.
- A school may offer an appeal equally to both parties on additional bases.

New Title IX Regulations

Informal Resolution

- Allows a school, in its discretion, to choose to offer and facilitate informal resolution options, such as mediation or restorative justice, so long as both parties give voluntary, informed, written consent to attempt informal resolution. Any person who facilitates an informal resolution must be well trained.
- A school may not require as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, waiver of the right to a formal investigation and adjudication of formal complaints of sexual harassment. Similarly, a school may not require the parties to participate in an informal resolution process and may not offer an informal resolution process unless a formal complaint is filed.
- At any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint. - Schools must not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student.

New Title IX Regulations

Retaliation Prohibited

The Final Rule expressly prohibits retaliation.

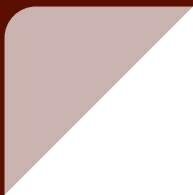
- Charging an individual with code of conduct violations that do not involve sexual harassment, but arise out of the same facts or circumstances as a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX constitutes retaliation.
- The school must keep confidential the identity of complainants, respondents, and witnesses, except as may be permitted by FERPA, as required by law, or as necessary to carry out a Title IX proceeding.

New Title IX Regulations

Retaliation Prohibited Cont.

- Complaints alleging retaliation may be filed according to a school's prompt and equitable grievance procedures.
- The exercise of rights protected under the First Amendment does not constitute retaliation.
- Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a Title IX grievance proceeding does not constitute retaliation; however, a determination regarding responsibility, alone is not sufficient to conclude that any party made a bad faith materially false statement.

Definitions



Definitions

Complainant: A complainant is an individual who is alleged to be the victim of conduct that could constitute sexual harassment.

Respondent: A respondent is an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

Definitions

Formal Complaint: A formal complaint is a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the school investigate the allegation of sexual harassment and states:

At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the education program or activity of the college with which the formal complaint is filed.

A formal complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information required to be listed for the Title IX Coordinator under the Final Rule, and by any additional method designated by the school.

Where the Title IX Coordinator signs a formal complaint, the Title IX Coordinator is not a complainant or a party during a grievance process, and must comply with requirements for Title IX personnel to be free from conflicts and bias.

Definitions

Supportive Measures:

Supportive measures are defined as individualized services reasonably available that are non-punitive, non-disciplinary, and not unreasonably burdensome to the other party while designed to ensure equal educational access, protect safety, or deter sexual harassment.

The college's selection of supportive measures and remedies are based on what is not clearly unreasonable in light of the known circumstances. The college is required to offer supportive measures, and provide remedies to a complainant whenever a respondent is found responsible.

The college will treat complainants equitably by providing remedies any time a respondent is found responsible, and treat respondents equitably by not imposing disciplinary sanctions without following the procedure outlined in this policy.

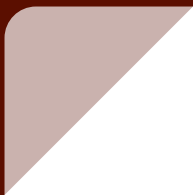
Definitions

Remedies:

Are required to be provided to a complainant when a respondent is found responsible, must be designed to maintain the complainant's equal access to education and may include the same individualized services described in this policy; however, remedies need not be non -disciplinary or non -punitive and need not avoid burdening the respondent.

Remedies require objective evaluation of all relevant evidence, inculpatory and exculpatory, and avoid credibility determinations based on a person's status as a complainant, respondent, or witness.

Serving Impartially



Serving Impartially

Who's involved?

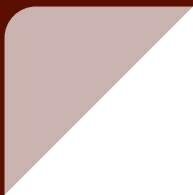
- Complainant
- Respondent
- Title IX Coordinator
- Investigator
- Decision Makers
- Appeals--- Decision Makers
- Advisors

Serving Impartially

- **Facts must apply to the appropriate policy**
- **Assess bias or conflict of interest for either party, in general or either party individually.**
- **No prejudgment of facts at issue based on gender stereotypes, rumors, experiences from others etc.**

***See Anti Bias and Anti Oppression Training**

The Title IX Process



The Title IX Process

Assessment

- Is the alleged misconduct within the scope of Title IX?
- How will misconduct be addressed if outside of Title IX?
- Offer supportive measures

The Title IX Process

Supportive Measures

- Non-punitive and Non-disciplinary
- What are the wishes of the complainant?
- Provided to both parties
- Documentation of Supportive measures
- Burden of Supportive Measures

The Title IX Process

Formal Complaint

- Can be filed by Title IX Coordinator
- Complainant who is participating or attempting to participate in educational or employment activity
- Is the respondent enrolled or employed?

The Title IX Process

Dismissals

- Is not sexual harassment, even if proven.
- Did not occur in the schools education program or activity or against a person in the United States.
- Complainant would like to withdraw formal complaint.
- Respondent no longer enrolled or employed
- Circumstances prevent the gathering of evidence sufficient to reach a determination.

The Title IX Process

Grievance

- Equitable treatment of both parties
- Objective evaluation
- No conflict of interest or bias
- No prejudgement of responsibility
- Timeliness
- Standard of Evidence
- Sanctions and Remedies
- Appeals
- Equitable supportive measures

The Title IX Process

Investigation

- Written notices to parties (initial and continuing): meetings, interviews etc.
- School is responsible for burden of proof and gathering evidence
- Equitable witness opportunities
- No “gag orders”
- Advisor of choice
- Equitable and timely opportunity to review reports and evidence

The Title IX Process

Hearings

- Hearings will be live
- Required to have cross examination opportunity
- Decision makers must be free of conflicts of interests (ie. not the Title IX Coordinator or Investigator)
- Provide access to evidence
- Held in same geographic location or virtually
- Location will be determined by the school
- Technology must allow both parties to see and hear each other

The Title IX Process

Hearings Cont.

- Advisors allowed to cross examine parties and witnesses
- Cross Examination will be conducted directly, orally and in real time
- If party does not have an advisor the school will provide one free of charge
- Not participating in cross examination does not imply guilt

*See Zoom Tutorials

The Title IX Process

Written Determination

- Will provide each party an outcome letter
- Inform respondent of the sanctions and date must be satisfied
- Consequences of failure to satisfy the requirements
- Inform complainant of any consequences that directly relate to the complainant
- Officers will provide each party an outcome letter containing appeal options

The Title IX Process

Appeals

- Either party may appeal within 72 hours
- Must be in writing and basis of appeal
- President will appoint an Appeal Panel comprise of 3 trained members with no conflict of interest

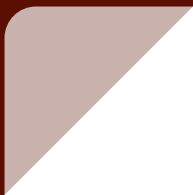
The Title IX Process

Appeals Cont.

Panel may grant or reject a request based on:

1. Newly discovered evidence
2. Procedural irregularity
3. Extraordinary circumstances
4. Title IX personnel had a conflict of interest or bias

Record Keeping

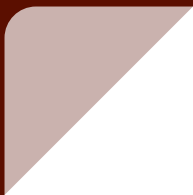


Record Keeping

Records must be maintained for 7 years:

- Investigation
- Supportive Measures
- Determination
- Recordings
- Disciplinary Sanctions
- Appeals
- Informal Resolutions
- Training Materials

Investigation



Preparing

- **Initial Strategy? After conferring with Title IX Coordinator**
- **Preliminary timeline of the investigation**
- **Who, When, Where to interview involved parties.**
- **Documentation of interviews (how and where)**
- **ID and Coordinate policies and procedures that may apply**
- **Communicate preliminary timeline to appropriate parties**

Files and Documentation

- Create file with preliminary timeline
- Create documentation format for dates, emails, interviews, parties etc.
- Create documentation for delays, procedural communication
- Include relevant policies and procedures

Interviewing

- Interviewing strategy: Who to interview and in what order?
- Written questions
- Trauma informed interview
- No prejudgement of credibility or responsibility
- Rapport

Interviewing

- What contact has happened between parties?
- Sequesters?
- Relationships between parties involved
- Privacy: Educate parties about sharing information regarding the investigation
- Retaliation: Educate parties about retaliation and protections
- Are parties available for the hearing?

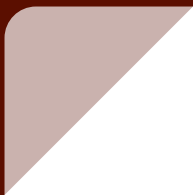
Reports

- **Introductory information: Names and bio information of parties, date reported, type of allegations, names of investigators**
- **Specific allegations**
- **Summary of findings**
- **Presentation of evidence**

Reports

- Reasons for conclusions
- Conclusions (document policy violated, if any)
- Other documents: pictures, screenshots, physical evidence, diagrams, floor plans (not an exhaustive list)
- Timeline for parties to review report
- Who receives a copy?
- Where is report stored?

Zoom Video Tutorials



The Zoom logo is displayed in a bold, blue, lowercase sans-serif font. It is centered within a white rectangular area that is framed by black bars at the top and bottom.

Sign up & Download Meeting Client





Scheduling a Meeting
(Chrome Extension)

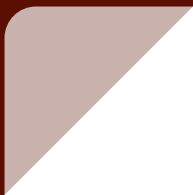




Recording a Meeting



Questions



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