



TIX Education Specialists

"Bridging compliance and best practice."

Title IX Hearing Officer Training Online



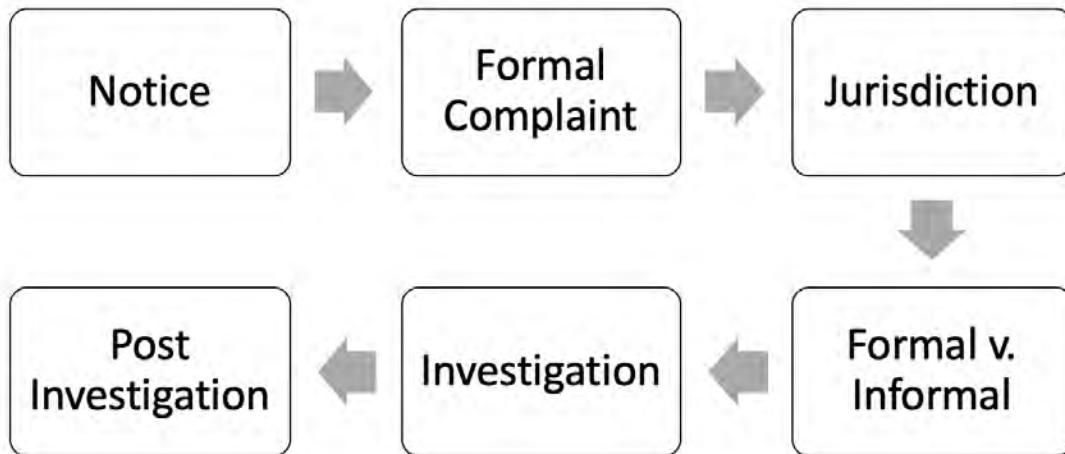
TITLE IX RESPONSE

Look at response starting with notice to finding, what is required in a Title IX investigation and what are the different models and practices for accomplishing them.

Learning Objectives:

- understand what stages of Title IX investigation and adjudication are from disclosure to finding and sanctions
- identify rights of parties and requirements under Title IX
- look at role of investigator, Title IX Coordinator and other actors within an investigation and adjudication

STAGES OF AN INVESTIGATION:

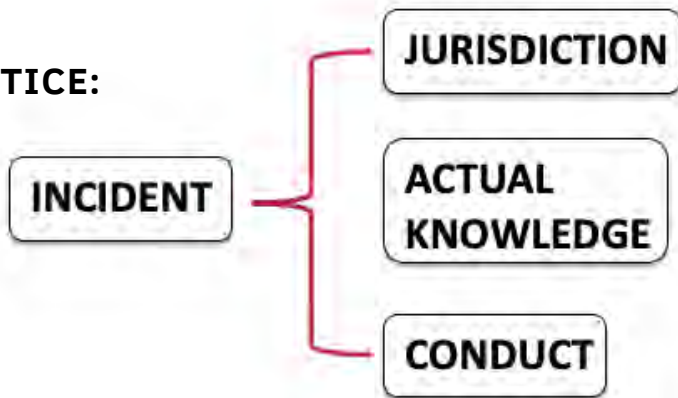


DECISION MAKER:



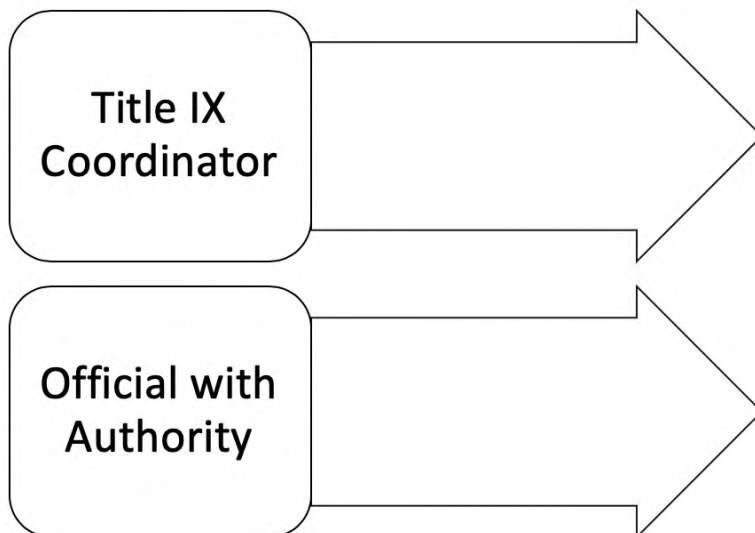
NOTES:

NOTICE:



ACTUAL NOTICE:

“[A]ctual knowledge means notice of sexual harassment or allegations of sexual harassment to a recipient’s Title IX coordinator or any official of the recipient who has authority to institute corrective measures on behalf of the recipient”



PROCESS COUNSELING:

SUPPORT MEASURES:

“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.”

SUPPORT MEASURES:

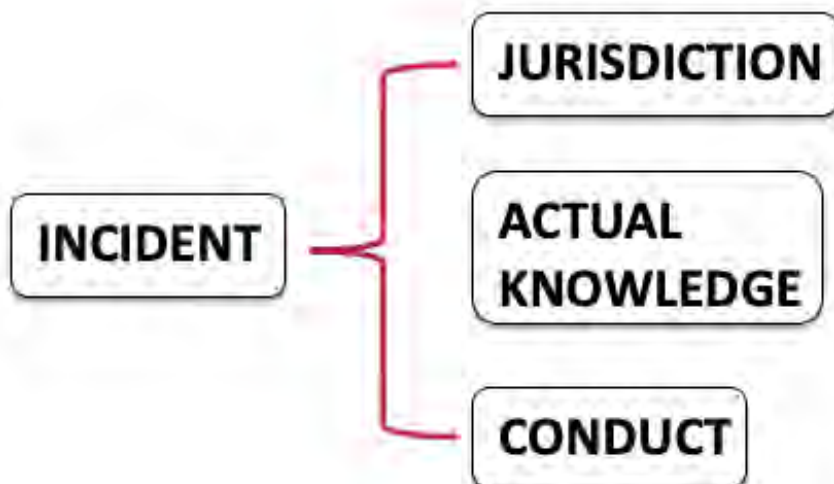


FORMAL COMPLAINT REQUIREMENTS:

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-
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-
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“[D]ocument 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.”

FORMAL COMPLAINT:



JURISDICTION:

- type of conduct
- educational program or activity
- person in the United States



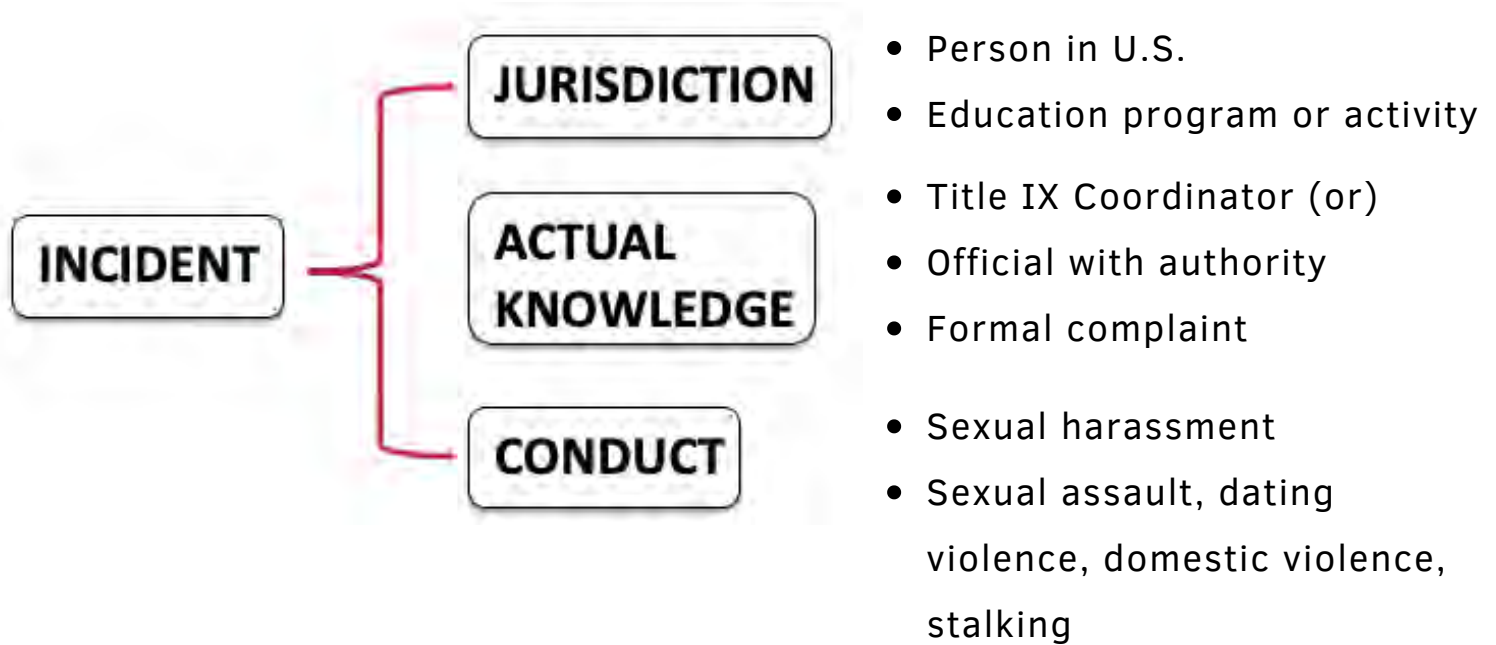
“Clery Act/VAWA offenses are NOT evaluated for severity, pervasiveness, offensiveness or denial of equal educational access ... because such conduct is sufficiently severe...”

SEXUAL HARASSMENT:

“Unwelcome conduct that a reasonable person would determine is so severe, pervasive and objectively offensive that it effectively denies person’s equal access to education.”

EDUCATION PROGRAM OR ACTIVITY:

PERSON IN THE UNITED STATES:



INFORMAL V FORMAL COMPLAINT:

INFORMAL PROCESS:

INVESTIGATION:

DISMISSAL OF COMPLAINT:

- If conduct definition or jurisdiction not met
- If complainant no longer accessing educational program or activity

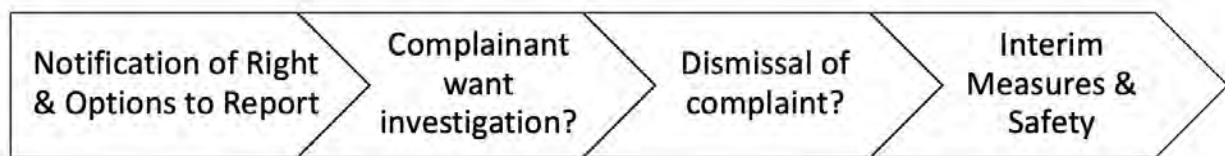
MAY DISMISS WHEN:

- If complainant desires to withdraw complaint
- If respondent no longer enrolled or employed
- If school can't gather sufficient evidence to reach determination

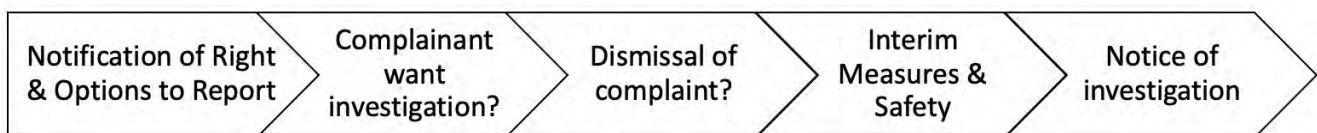
CONSOLIDATE COMPLAINTS:

APPEALS:

- procedural irregularity
- newly discovered evidence
- conflict of interest or bias
- other*



INTERIM MEASURES:



WRITTEN NOTICE:

ongoing notice requirement - additional allegations

ADVISOR OF CHOICE:

OPT-OUT APPROACH:

Respondent
receives written
notice of allegations



Advisor is assigned
to Respondent and
information is listed
in notice



Respondent
contacts advisor for
support or opts out
of assigned advisor

Complainant
receives written
notice of
investigation



Advisor is assigned
to Complainant and
information is listed
in notice

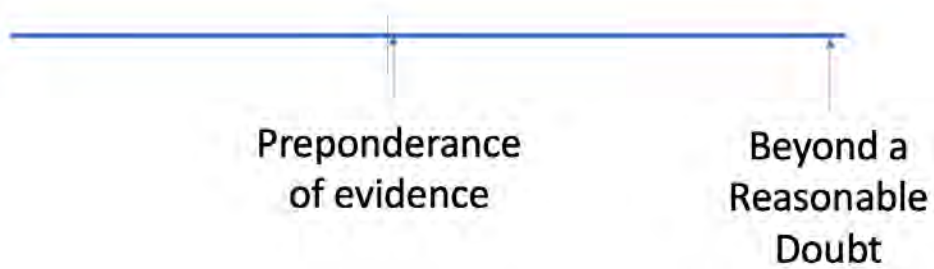


Complainant
contacts advisor for
support or opts out
of assigned advisor

INTERVIEWS:

EVIDENCE:

Preponderance of evidence
Clear and convincing



REPORT:

HEARINGS:

REMEDY:

“[Title IX] evaluates a school’s selection of supportive measures and remedies based on what is not clearly unreasonable.... And does NOT second guess a school’s disciplinary decisions...”

FINAL REPORT:

CLOSING A CASE: