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:

Notice \rightarrow Formal Complaint \rightarrow Jurisdiction

Post Investigation \leftarrow Investigation \leftarrow Formal v. Informal

DECISION MAKER:

Title IX Coordinator \rightarrow Receive Complaints \rightarrow Triage Complaints

Investigator \rightarrow Interviews \rightarrow Report

Decision Maker \rightarrow Review Report \rightarrow Finding

NOTES:
“Actual 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.”

Title IX Co. “official with authority” → Process Counsel Complainant → Report Made
FORMAL COMPLAINT REQUIREMENTS:

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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
- INCIDENT
- ACTUAL KNOWLEDGE
- CONDUCT
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:

- Person in U.S.
- Education program or activity
- Title IX Coordinator (or)
- Official with authority
- Formal complaint
- Sexual harassment
- Sexual assault, dating violence, domestic violence, stalking

INFORMAL VS 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: