

Title IX Volunteers

2025-2026
Summer 2025



WRIGHT STATE
UNIVERSITY

Aspirational Agenda

- Title IX Refresh & Updates
- WSU Stats
- Grievance Process
- Definitions and WSU Policy
- Serving Impartially
- Relevancy
- Technology



Title IX

“No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of or be subject to discrimination under any educational program or activity receiving federal financial assistance.”

-Title IX of the Education Amendments of 1972

- Signed in 1972
- Part of United States Code (U.S.C.) and the Code of Federal Regulations (C.F.R.)
 - 20 U.S.C. §1681
 - 34 C.F.R. §160
- Wright State policy 1270
 - Sex/Gender-Based Discrimination, Harassment, and Sexual Misconduct

Federal Title IX Oversight

- **Historically:** Office of Civil Rights (OCR) within the Department of Education (ED)
- **Currently:** OCR of Department of Justice (DOJ) and/or Health and Human Services (HHS)
 - Recent cases in Maine and Minnesota have been determined by HHS and resulted in consistent oversight of the school systems

Impacting our Policy

Title IX of 1972

34 CFR §106

Title IX defines sexual harassment and outlines the grievance process for complaints

Clery Act of 1990

34 CFR §668

Clery defines sexual assault including rape, fondling, statutory rape, incest

VAWA of 1994

34 CFR §668.46

VAWA defines dating violence, domestic violence, and sex-based stalking

Changes Over Time



THE CLERY ACT & TITLE IX

1972

Title IX, a federal civil rights law prohibiting sex discrimination in educational programs, is signed into law.

1986

Jeanne Clery was raped and murdered in her college residence and the Clery family begins to advocate for transparency and accountability related to campus crimes.

1990

The Crime Awareness and Campus Security Act, later renamed the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, was signed into law, requiring colleges and universities to record campus crime statistics and safety policies.

1992

Amendments are made to the Clery Act to implement policies and procedures to protect the rights of sexual assault survivors.

2011

The Office of Civil rights issues a "Dear Colleague Letter" with guidance on what measures institutions should take to address sexual harassment.

2013

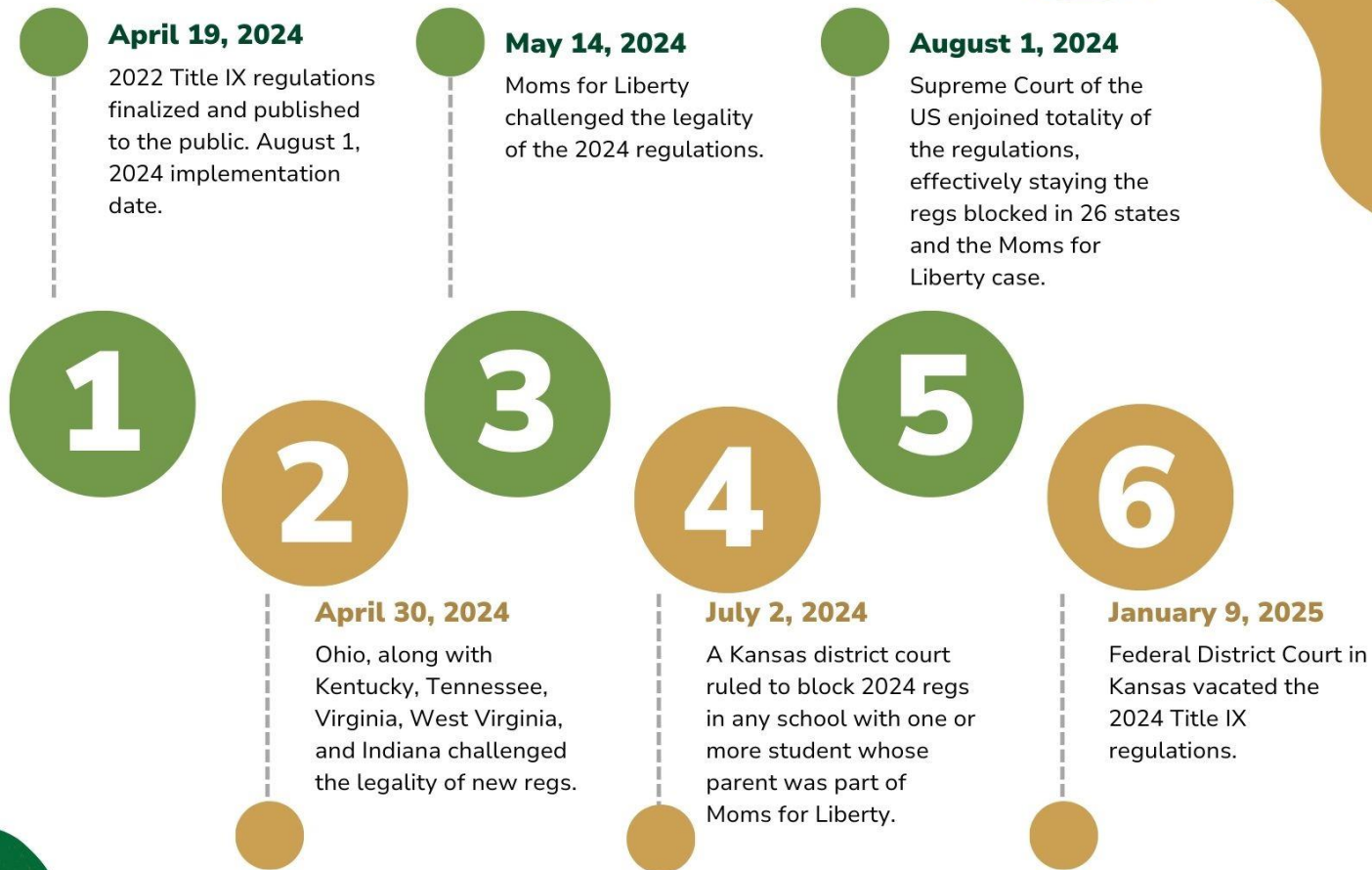
The Clery Act was expanded to include all incidents of sexual violence, sexual assault, domestic violence, dating violence and stalking.

2020

Updated Title IX regulations came into effect, resulting in significant changes to how institutions must define and respond to sexual harassment.

2022

Celebrating the 50th anniversary of Title IX!



Executive Orders

- **Definition:** written directive, signed by the president, that orders the government to take specific actions to ensure 'the laws be faithfully executed'.
 - **Can:** direct offices and officials to enact practices that align with EO
 - **Cannot:** override federal laws or statutes

Current orders: <https://www.federalregister.gov/presidential-documents/executive-orders>

Changes and Updates

- “Defending Women from Gender Ideology Extremism and Restoring Biological Truth to the Federal Government”(14168):
 - defines “women”, “men”, “female”, “male”, “gender ideology”, and “sex”. Requires that the Attorney General submit guidance on determining the impact of *Bostock v. Clayton County* (2020) which protected gender-identity in employment, should determine that gender-identity is not protected in any spaces.
- “Keeping Men out of Women’s Sports” (14201):
 - prohibits biological men from participating in sports designated for women, and designates Title IX enforcement actions to focus on institutions that deny female students an “equal” opportunity to participate in sports by requiring them to compete with or against or appear unclothed before males (no mention of male students to participate in sports to compete with or against or appear unclothed in front of females).

Ohio- SB104

- Enacted February 24, 2025
 - No “gender inclusive” restrooms or locker rooms
 - Locker rooms needed for same-gender teams must be labeled appropriately
 - I.e: visiting men’s team may use women’s locker room, but women need to be alerted that they cannot use the room, the room must be labeled for men only, and women must be given a temp location

Ohio-SB1

- Enacted June 27, 2025
 - Prohibits “diversity, equity, and inclusion” training or orientation for students and employees
 - Requires commitment statement published anywhere the University’s mission statement is published
 - Wright State is in compliance with this bill

Covered Within WSU Policy

- Sex/Gender-Based Harassment, Discrimination, and Sexual Misconduct policy (WSU 1270)
 - Program equity (ie sports)
 - Pregnant & parenting related conditions
 - Transgender inequality
 - Sexual harassment:
 - Conduct on the basis of sex that is unwelcome and determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the recipient's education program or activity. (1270.4(6))

Scope of Title IX at Wright State

What?

- Rape
- Sodomy
- Sexual Assault with an Object
- Fondling
- Incest
- Statutory Rape
- Dating Violence
- Domestic Violence
- Sex-based Stalking
- Quid Pro Quo Sexual Harassment
- Unwelcome Sexual Conduct

Who?

- Members of the university community
- Faculty
- Staff
- Registered students
- Student organizations
- Vendors
- Volunteers
- Visitors on and off campus
- *Covers behavior on and off campus

Title IX at Wright State

- Sex/Gender-Based Harassment, Discrimination, and Sexual Misconduct policy (WSU 1270)
- Prohibited Behaviors:
 - Sexual Assault: rape, statutory rape, incest, assault with an object, fondling, sodomy
 - Dating Violence
 - Domestic Violence: felony or misdemeanor crime of violence
 - Sex-Based Stalking
 - Quid Pro Quo Sexual Harassment
 - Unwelcome Conduct Sexual Harassment
 - Sexual Misconduct

Definitions: Sexual Assault

- **Rape-** carnal knowledge
- **Sodomy-** oral or anal sexual intercourse
- **Sexual Assault with an Object-** unlawful penetration
- **Fondling-** touching for the purpose of sexual gratification
- **Incest-** sexual intercourse between relation
- **Statutory Rape-** sexual intercourse with anyone under 16 years old

Definitions: Dating Violence

- Conduct on the basis of sex that consists of violence committed by a person who is or has been in a romantic or intimate relationship with the complainant.
 - Intimate/romantic relationship =
 - length of relationship
 - Type of relationship
 - Frequency of interactions between individuals

Definitions: Domestic Violence

- Conduct on the basis of sex that consists of a felony or misdemeanor crime of violence by
 - Current/former spouse or intimate partner
 - Person with whom the victim shares a common child
 - Person cohabitating (or former) of the victim as a spouse or intimate partner
 - Person similarly situated to spouse of victim y domestic/family violence laws of the jurisdiction
 - Any other person against an adult or youth victim who is protected from that person's acts under domestic/family violence laws

Definitions: Sex-Based Stalking

- Conduct on the basis of sex that consists of engaging in a course of conduct directed at a specific person to cause reasonable: (A) fear for safety; (B) suffer emotional distress
 - Two or more acts: direct or indirect action, method, device, or means to follow, monitor, observe, surveil, threaten, or communicate to or about, or interferes with a person's property

Sex-Based Stalking (Continued)

- Reasonable Person: reasonable under similar circumstances with identities similar to the victim
- Substantial Emotional Distress: significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling



Definitions: Quid Pro Quo Sexual Harassment

- Conduct on the basis of sex when a university employee, vendor, or volunteer conditions the provision, aid, benefit, or service of the University on an individual's participation in unwelcome sexual conduct. Includes but not limited to:
 - Unwelcome sexual advances
 - Requests for sexual favors
 - Other verbal/physical conduct of a sexual nature by a person with authority over others

Definitions: Retaliation

- None, including the university, may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with rights or privileges secured by Title IX or this policy because of a report or complaint
- Reports of retaliation will be addressed in accordance with policies regarding retaliation.

Scope (1 of 2)

- Operations of the University
- Locations, events, or circumstances over which the University substantial control over both the respondent and the prohibited behaviors
- Buildings that are owned or controlled by recognized student organizations

Scope (2 of 2)

Conduct must have occurred:

- Against a person in the United States
- Within WSU's education program or activity
- Complainant must be participating in, or attempting to participate in, education program or activity at the time the formal complaint is filed

WSU Grievance Process

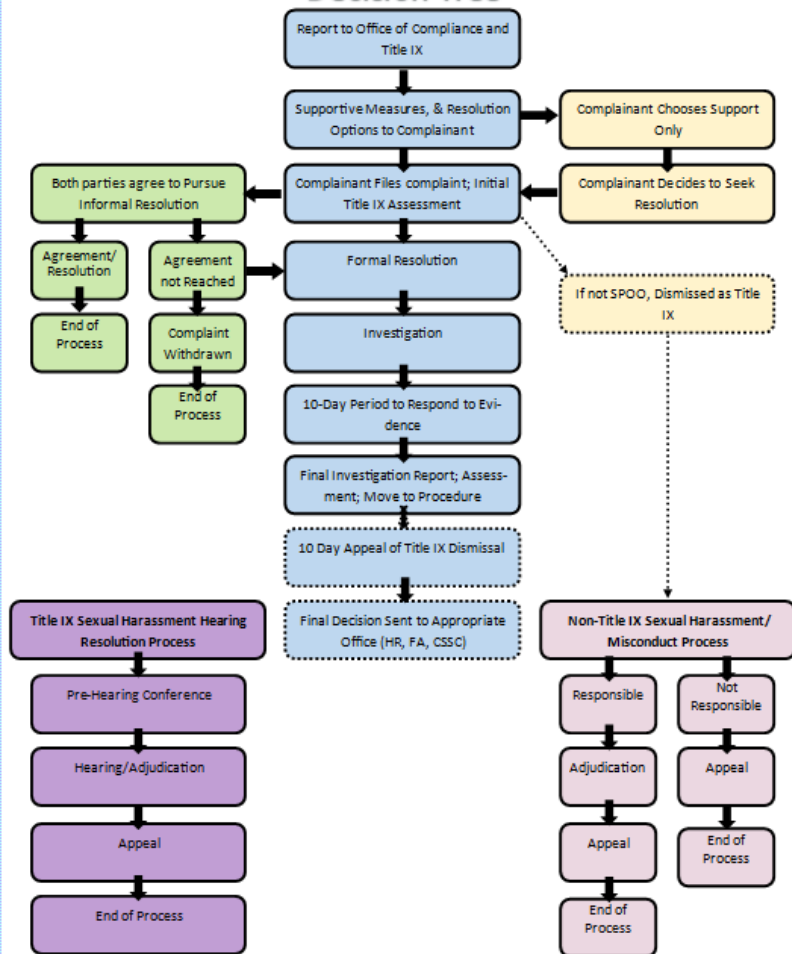
Harmed Party- Complainant

Alleged Perpetrator- Respondent

Complainant has the opportunity to meet with the Title IX Coordinator, discusses

- **Supportive/Modifying Measures**- no further action requested or available from University
- **Informal Resolution**- does not require an investigation, may not be part of educational record
- **Formal Resolution**- requires an investigation, likely to be part of educational record

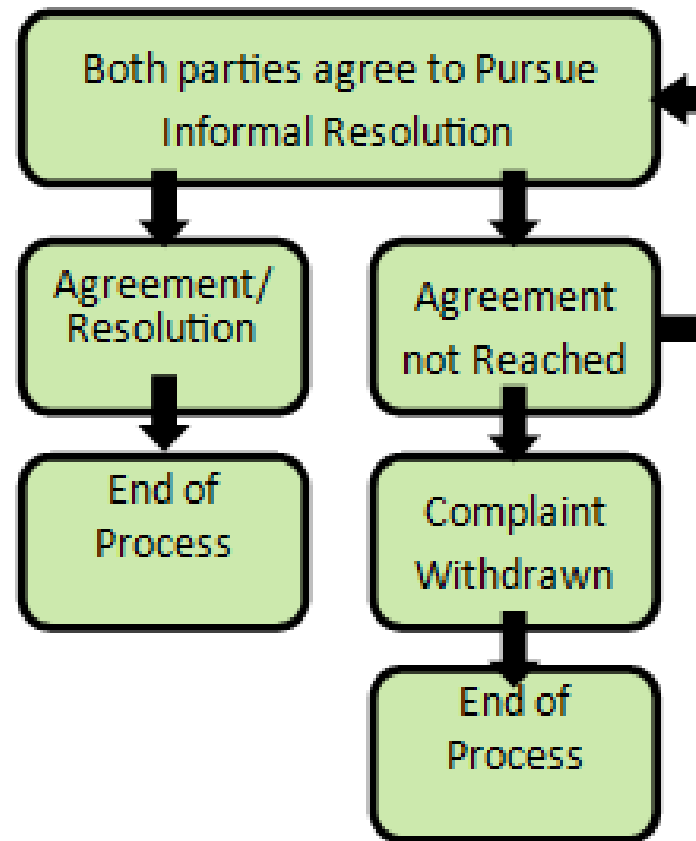
Wright State University Title IX and Sexual Misconduct Decision Tree



Informal Resolution

Informal Resolution may resolve a dispute alleging a Title IX Violation if:

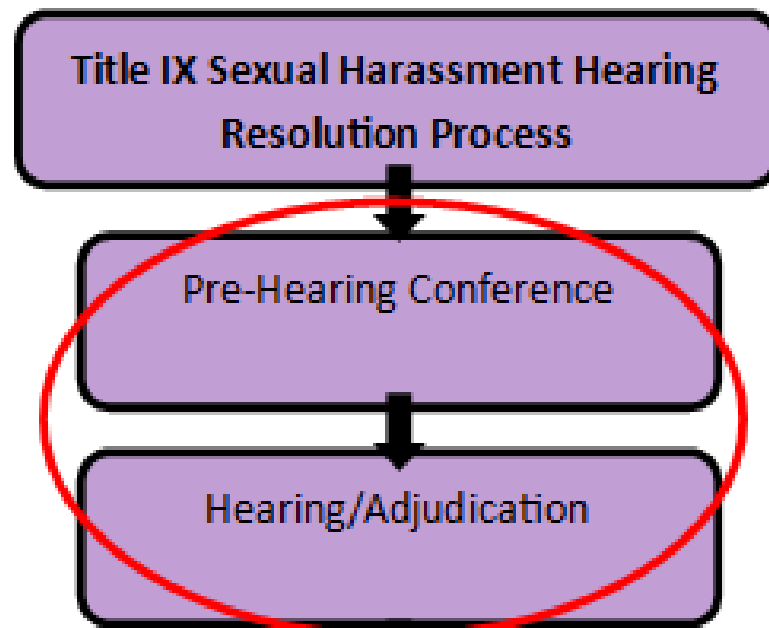
- Allegation includes same level
- Not pursuant to violent sexual assault
- Agreed to by both parties



Advisors

Only role which may be biased toward advisee.

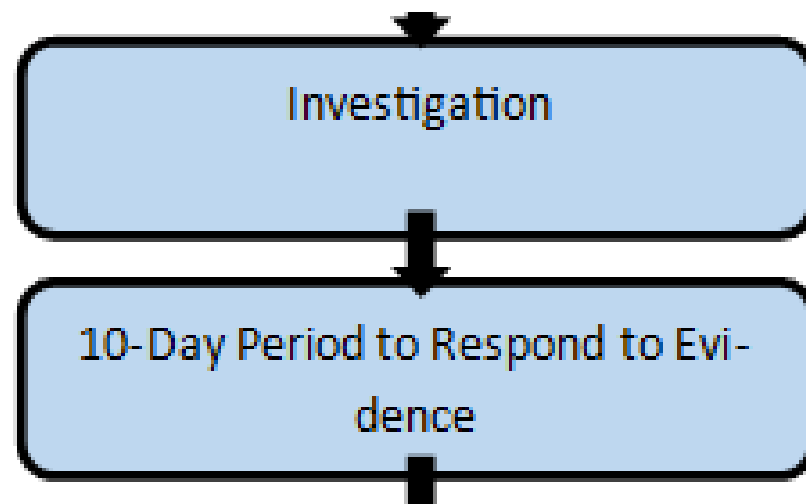
- Represents party during a formal hearing, or provides silent assistance during informal procedure
- Not required to assist with appeal



Investigators

Includes interviewing parties and witnesses, collecting evidence, and writing investigative report.

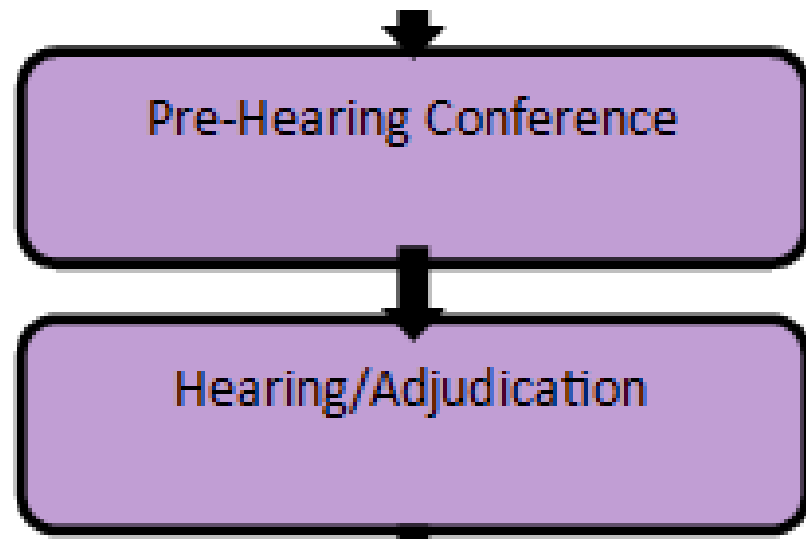
- Process aims to conclude within 60 days
- May be asked to attend a formal hearing



Decision Makers

Cannot be biased.

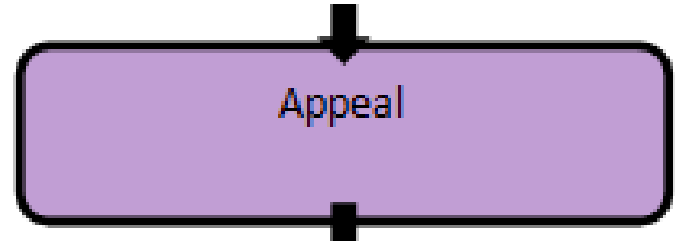
- Read investigation report thoroughly
- Pre-hearing meeting
- Manage formal hearing
- Issue decision notice to parties and advisors



Appellate Officers

Does not meet with parties.

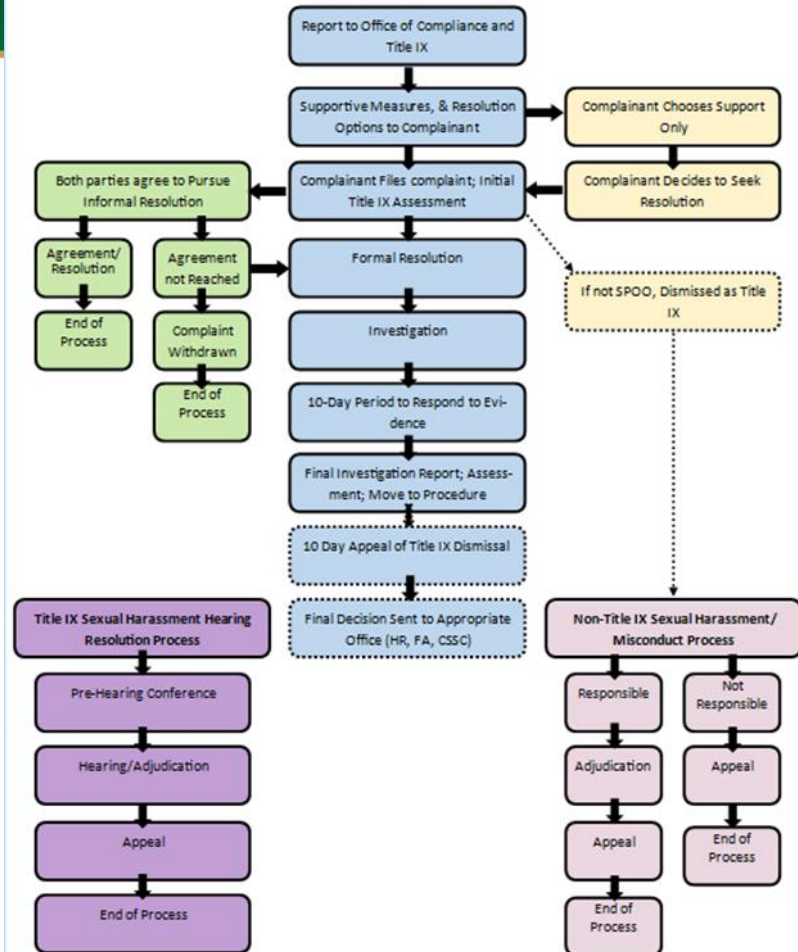
- Thoroughly reads appeal documents
- May require review of hearing documents and recording
- Writes appeal decision notice



Throughout Title IX Processes

- Resources are available to volunteers throughout process
 - Title IX Coordinator
 - General Counsel
 - Consultants if needed

Wright State University Title IX and Sexual Misconduct Decision Tree





Being Impartial and Avoiding Bias, Conflict of Interest, and Prejudgment of Facts

Impartiality

- Bias
- Avoiding prejudgment of fact
- Using information free from reliance on sex stereotypes
- Conflicts of interest
- Fair and Impartial
- Keep an open mind

Bias: Concerns Raised in preamble

- Are all paid staff members biased in favor of the institution that employs them?
- Was an institutional history of covering up issues enough for bias?
- Were past tweets or public comments that appear to support complainants or respondents sufficient to show bias?
- Is identifying as a feminist enough to show bias?
- Should bias extend to “perceived bias” or did it require actual bias?

Bas: Response of Department of Ed.

- Department declined to determine whether bias has to be actual or if perceived is sufficient to create an issue.
- Each specific bias issue requires fact finding analysis

(30252)

Bias: How WSU Minimizes Bias

No single-investigator model

- Decision-makers cannot be the same person who served as Title IX Coordinator or Investigator (330367)
- Prevents the decision-maker from improperly gleaning information from the investigation that isn't relevant that an investigator might be aware of from gathering evidence (30370)
- The institution may consider external or internal investigator or decision-maker (30370)

Bias: Objective Rules and Discretion

- WSU has objective rules for determining when an adjudicator (or Title IX Coordinator, Investigator, or Informal Resolution Facilitator) is biased, and the Department of Education allows university's to maintain discretion. (30250)
- WSU has the discretion to have a process to raise bias during the investigation.
- Bias is a basis for appeal of decision-maker's determination (34 C.F.R. 106.45(b)(8)(i)(C))

Being Impartial

A party should not be “unfairly judged due to inability to recount each specific detail of an incident *in sequence*, whether such inability is due to

- trauma,
- the effects of alcohol or drugs,
- or simple fallibility of human memory.” (30323)

Avoiding Prejudgment of Facts

- Examine evidence and your part in the Title IX process
- Take notes
- Focus on the policy and alleged violations
- Respondent is **presumed not responsible until such time as the respondent is found responsible** (WSU 1270.1)

Free of Sex Stereotypes

Avoid stereotypes based on sex:

- “such that even if a cross-examination question impermissibly relies on **bias or sex stereotypes** while attempting to challenge a party’s plausibility, credibility, reliability, or consistency,
- **It is the trained decision-maker**, not the party’s advisor asking a question **who determines whether the question is relevant**, then evaluates the question and any resulting testimony in order to reach a determination on responsibility” (30325)

Examples of Sex-Stereotypes

Decision-makers *must* not rely on sex stereotypes such as:

- Women have regret sex and lie about sexual assaults
- Men are sexually aggressive or likely to perpetrate sexual assault
- Consideration of marginalized groups: people with disabilities, people of color, people who identify in the “LGBTQ” community (30259-30260)

All volunteers should be aware to avoid sex stereotypes when serving in the Title IX process.

AvoidRape Myths

“Beliefs about rape that serve to deny, downplay or justify sexually aggressive behavior that men commit against women” which “can be descriptive, reflecting how people believe instances of sexual assault should react” (30325)

- Myths about dress, consumption of alcohol, or previous relationships
- Belief that women make false accusations of rape
- Belief that “genuine assault” would be reported to authorities immediately
- Belief that a victim would “fight back”

Confidentiality

- 106.71 requires that our process and volunteers keep party and witness identities confidential except as permitted by law or FERPA, and as needed to conduct an investigation or hearing (30316)
- Prevents anyone in addition to the advisor to attend the hearing with the party, unless otherwise required by law (30339)

Conflict of Interest: Concerns from Preamble

- Similar to Bias:
 - Does a decision-maker's financial ties to the institution create conflict?
 - Would the Title IX Coordinator directly supervise the decision-maker?
 - Does past advocacy for a survivor's or respondent's rights group create conflict?
 - Are perceived conflicts sufficient or do the conflicts have to be actual?

Preamble Discussion: Conflict of Interest

(1 of 2)

- No *per se* prohibited conflicts of interest from using employees and administrative staff, including supervisory hierarchies (30352)
 - However, we will not permit the Title IX Coordinator to directly supervise a decision-maker
- No *per se* conflict of interest or bias for professional experiences of affiliations of decision-makers and other roles in the grievance process (30353)

Preamble Discussion: Conflict of Interest

(2 of 2)

The preamble discussion:

- Provides as an example that it is not a *per se* bias or conflict of interest to hire professionals with histories of working in the field of sexual violence (30252)
- Cautions against using generalizations to identify bias and conflict of interest and instead recommends using a reasonable-person test to determine whether bias exists

Discussion Regarding Training's Role

“[T]he very training required by 106.45(b)(1)(iii) [**that you are sitting in right now**] is intended to

- Provide Title IX personnel with the tools needed to serve impartially and without bias
- Such that the prior professional experience of a person whom [WSU] would like to have in a Title IX role
- Need not disqualify the person from obtaining the requisite training to serve impartially (30252)

Examples in Discussion for Unreasonable Conclusion that Bias Exists: Review of Outcomes

- Department also cautioned parties and institutions from concluding bias or possible bias “based solely on the outcomes of grievance processes decided under the final regulations” (30252)
- Explained this means the “mere fact that a certain number of outcomes result in determinations of responsibility, or non-responsibility, does not necessarily indicate bias” (30252)

Reminders (1 of 3)

- Individual cases are not about statistics
- Decision in every case must be based on **preponderance of evidence**
- Cannot fill in evidentiary gaps with statistics, personal beliefs, or information about trauma
- Process must be fair and impartial to each party
- Institution may proceed without active involvement of one or both parties; base conclusions are impartial view of evidence presented

Reminders (2 of 3)

- Withhold pre-judgement: the parties may not act as you expect them to
- Be aware of your own biases as well as those of the complainant, respondent, and witnesses
- Let the available facts and standard of proof guide your role in overseeing the live cross-examination hearing not unfair victim-blaming, or societal/personal bias

Reminders (3 of 3)

- Burden of gathering the evidence is on the institution, not the parties (30333)
- Should be an issue with investigation, but might be something you see as the decision-maker

Questions?

