



# Athena Career Academy

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## Title IX Information

**Distributed: August 13, 2020**

Information regarding Title IX is included in this report:

- What is Title IX
- Title IX Coordinator and Contact Information
- Role of the Title IX Coordinator
- Title IX Policies
- How to File a Report of Violation
- Appendix A: Title IX Training Materials

## **What is Title IX**

Title IX is a federal law that prohibits sex-based discrimination in education programs and activities and protects students, employees and third parties with a relationship to the school, whether on or off campus.

“No individual 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.” – Title IX of the Education Amendments of 1972, and its implementing regulation at 34 C.F.R. Part 106 (Title IX).

Athena Career Academy (ACA) is committed to providing safe a campus that is free from sexual misconduct, sexual harassment, and sexual assault and their harmful effects. ACA will conduct its programs, services and activities in accordance with applicable federal laws, including Title IX of the Education Amendments of 1972, the Violence Against Women Act (VAWA), as well as state and local laws, and ACA policies.

## **Title IX Coordinator**

Any person may report sex discrimination, including sexual harassment to the Schools Title IX Coordinator by mail, phone, email.

### **Title IX Coordinator contact information:**

Michelle Moser, Compliance Manager and Title IX Coordinator  
(419) 472-1150  
[mmoser@athenacareers.edu](mailto:mmoser@athenacareers.edu)

Athena Career Academy  
Attn: Michelle Moser  
5203 Airport Hwy.  
Toledo, OH 43615

## **Role of the Title IX Coordinator**

According to Title IX of the Education Amendments of 1972 and the U.S. Department of Education’s implementing regulations at 34 C.F.R. Part 106, the school’s Title IX coordinator has primary responsibility for coordinating the school’s efforts to comply with and carry out its responsibilities under Title IX, which prohibits sex discrimination in all the operations of this school, as well as retaliation for the purpose of interfering with any right or privilege secured by Title IX.

Sexual misconduct against students, including sexual harassment, sexual assault, rape, and sexual exploitation, can be a form of sex discrimination under Title IX. The Title IX coordinator oversees the school’s response to reports and complaints that involve possible sex

discrimination to monitor outcomes, identify and address any patterns, and assess effects on the campus climate, so the school can address issues that affect the wider school community.

A student should contact the Title IX coordinator to

- Seek information or training about students' rights and courses of action available to resolve reports or complaints that involve potential sex discrimination, including sexual misconduct,
- File a complaint or make a report of sex discrimination, including sexual misconduct,
- Notify the school of an incident or policy or procedure that may raise potential Title IX concerns,
- Get information about available resources (including confidential resources) and support services relating to sex discrimination, including sexual misconduct, and
- Ask questions about the school's policies and procedures related to sex discrimination,

### **Title IX/Sexual Misconduct, sexual Harassment, and Sexual Discrimination Policy**

Athena Career Academy is committed to providing safe and dignified environment for all students, employees, and guests that is free from sexual misconduct, sexual harassment, and sexual assault and its harmful effects. The school prohibits all forms of sexual harassment (including sexual violence) and sex discrimination in all its operations.

Athena Career Academy strictly prohibits and will not tolerate harassment, discrimination, intimidation, or hostile/offensive working or learning environments (which includes educational programs and activities locally, or during school-sponsored events). Any person, regardless of gender, can be a target of sexual misconduct.

All forms of retaliation are not tolerated and strictly prohibited. The Title IX and Sexual Discrimination federal regulations can be accessed at: <https://www2.ed.gov/policy/rights/guid/ocr/sexoverview.htm>

### **Anti-Discrimination and Harassment Policy**

All students, employees, and guests attending, employed, and/or visiting Athena Career Academy have the right to attend class, work, or visit in an environment that is free of sexual harassment, sexual discrimination or any other form of discriminatory harassment on the basis of race, color, religion, national origin, gender, age, physical or mental handicap, sexual orientation, gender identification, gender expression, or veteran or military status, is strictly prohibited and will not be tolerated.

Any student who feels that they are victim of such harassment should immediately report the matter to the Title IX Coordinator. Athena Career Academy treats any allegation seriously and will respond to a in a timely, professional, and confidential manner.

Discrimination and harassment are illegal. This policy and any related procedures are not intended to impair or limit the right of anyone to seek a remedy available under state or federal law. However, this rule will not be enforced to infringe upon rights of the first amendment of the United States Constitution, including academic freedom.

## **Retaliation**

All forms of retaliation are not tolerated and strictly prohibited. Any student or employee who is determined to have engaged in conduct in violation of retaliation will be subject to appropriate disciplinary action, up to and including suspension or dismissal (in the case of a student) or termination (in the case of an employee) in accordance with the Student Code of Conduct or applicable employee policies or handbooks.

## **Title IX Office**

The school has an appropriately trained Title IX Coordinator in these Procedures and Guidelines who is responsible to ensure that any reported violation has a prompt, thorough, reliable, and impartial investigation of reports and allegations of sexual misconduct or discrimination by students and employees. The Title IX Coordinator is free from any conflict of interest and will conduct a fact-finding process and effectuate steps to reasonably end any sexual misconduct act or discrimination act in accordance with the policies stated above.

Ohio law requires all employees with knowledge of a felony to report it to law enforcement. All school personnel shall report conduct prohibited by the schools Anti-Discrimination and Harassment Policy and this Title IX/Sexual Misconduct procedure to the Title IX Coordinator or other Responsible Employee.

**Responsible Employee** All Directors and Managers at Athena Career Academy have been designated as "Responsible Employees". All Responsible Employees are required to report all Title IX violations, allegations, or concerns immediately to the Title IX Coordinator.

## **Reporting a Title IX Complaint**

Any person who believes they have been a victim of sexual misconduct is strongly encouraged to seek relief by reporting the complaint through any of the following reporting or alternative options. Third party witnesses are also strongly encouraged to utilize any of the following options. In response to a report of sexual misconduct, the school will make every effort to protect the privacy of all parties involved. Information relating to the report of sexual misconduct will be shared only as required by law or under school policy.

The school will not delay its investigation pending an outcome of any criminal investigation. Students and employees may initiate a complaint with or without pursuing criminal charges. The reporting party may request that an investigation not be initiated; the school will strive to honor this request unless it is determined that the allegations may pose a possible threat to the safety of the school, students, employees, or guests.

The school reserves the right to investigate circumstances that may involve sexual misconduct in situations where no complaint, formal or informal, is filed.

All proceedings are conducted in accordance with the requirements of Title IX, the Cleary Act, the Violence Against Women act, Family Educational Rights and Privacy Act (FERPA), state and local law, and school policy. No information, including the identity of the parties will be released from such proceedings except as required or permitted by law or school policy.

## **To Initiate a School Complaint**

- A. Complete an Incident Reporting Form <https://forms.gle/L6xw21xLx6fAFdq7> (available 24 hours a day); or
- B. Call or E-mail the Title IX Coordinator (419-472-1150 ext. 7231 or [mmoser@athenacareers.edu](mailto:mmoser@athenacareers.edu))
  - a. Or report to a designated Responsible Employee
    - i. President, Program Directors, and/or Department Managers

Please note that there is no time limitation in which a complaint may be filed.

Once reported, a Title IX investigation may take place, when appropriate. A Title IX investigation will be conducted and will be independent from any criminal investigation. The Title IX Coordinator is responsible for the prompt and impartial investigation of reports and allegations of sexual misconduct. The Title IX investigation will include a fact-finding process and steps to reasonably end any sexual misconduct, discrimination, or violence. Below is a detailed view of Procedures and guidelines to any complaint will be conducted.

If an alleged incident is reported, the school will initiate a process for investigation and adjudication. The complaint will be investigated once an offense is reported and the Complainant has signed the report, or the Title IX Coordinator has signed. Both the Complainant(victim) and the Respondent (alleged perpetrator) will be provided an opportunity to provide written statements or other documentation. Any determination will be based on the preponderance of evidence gathered during the investigation.


In all cases, proceedings will include a prompt, fair and impartial process from the initial investigation to the result. The accuser and the accused will be provided the same opportunities to be accompanied by an advisor of their choice. The choice of an advisor will not be limited however they may establish restrictions regarding the extent of the advisor's role if it applies to both parties. The school will also provide a live hearing with cross-examination as needed. Both parties and their advisor of their choice will be allowed. This live hearing will be held on campus, or virtually as needed.

The school will provide simultaneous written notification to both parties which will include the result regarding responsibility with findings of fact, conclusions about whether the alleged conduct occurred, rationale or the result as to each allegation, any disciplinary sanctions imposed on the respondent, and whether remedies will be provided to the complainant.

An appeal of the decision made to the Title IX Coordinator will be submitted to the Title IX Coordinator for evaluation and determination. All decisions of the appeal will be final.

Retaliation against an individual who reports a crime; brings a complaint; pursues legal action; participates in an investigation; or, is a witness in any proceeding is prohibited and will not be tolerated.


**Please contact the Title IX Coordinator if you have any questions or require clarification on any of the material.**

 **CHAT**

*Before we get started with the Pre-Conference, please familiarize yourself with your technical resources.*

**CONNECTING YOUR MICROPHONE**

To connect your microphone, identify the Microphone Icon at the top of the screen and click on the drop-down menu. Once you connected, the icon should turn green. Please keep your mic muted at all times, unless you are speaking.




**CONNECTING YOUR WEBCAM**

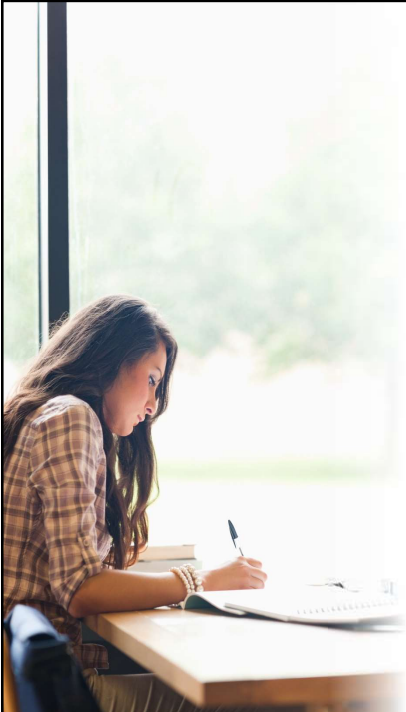
To connect your webcam, identify the Camera Icon at the top of the screen and click on the drop-down menu. Once you connected, the icon should turn green. Please keep your webcam turned off at all times, unless you wish to have it on while speaking.

**RAISING YOUR HAND TO BE CALLED UPON**

To raise your hand, identify the icon at the top of the screen that looks like someone raising their hand. You can click on this same icon to lower your hand. In the same drop-down box, you can “agree,” “disagree,” “step away” anytime during the conference.

 **ACADEMIC IMPRESSIONS**


1



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## Pre-Conference Workshop: Basics for New Title IX Coordinators

VIRTUAL CONFERENCE | Monday, July 27, 2020

 **ACADEMIC IMPRESSIONS**

2

## Pre-Conference Workshop: Basics for New Title IX Coordinators

Jeanine Bias-Nelson, MPA

Director of Institutional Diversity and Inclusion & Title IX Coordinator

Sam Houston State University

Monday, July 27, 2020

11:30 am - 3:00 pm EASTERN



3



## LEARNING OUTCOME

### After participating...

... you will be able to comprehend and apply the essential responsibilities of a Title IX Coordinator in your new role.



4

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## DEFINING YOUR COORDINATOR ROLE



5

### BROAD DEFINITION OF TITLE IX COORDINATOR'S ROLE

The **Title IX Coordinator** is responsible for coordinating the recipient's responses to all complaints involving possible sex discrimination. This responsibility includes monitoring outcomes, identifying and addressing any patterns, and assessing effects on the campus climate.

[April 24, 2015 Dear Colleague Letter issued by the Office for Civil Rights](#)

# TITLE IX



6



## THE MANY “HATS” OF A TITLE IX COORDINATOR

1. Oversight of Title IX compliance and grievance process
2. Campus & Community Liaison
3. Training and Education
4. Policy Development and Implementation
5. Assess Campus Climate



## SPECIFIC APPLICATIONS WITHIN “NEW RULE”

- Promptly respond to all reports of sexual harassment
- Gatekeeping responsibility for formal complaints
- Serve as facilitator through Grievance Process
- Ensure all university personnel with specific duties related to Title IX are appropriately trained, document completion, and publish record of training on designed website (including training materials)

## SPECIFIC APPLICATIONS WITHIN “NEW RULE”

- Notification of Title IX Policy & Procedures to both current and potential members of the campus community
- Responsible for maintaining a record of all complaints, files, evidence, and other documents for a period of seven years

9



## RESOURCE

### Office for Civil Rights

<https://www2.ed.gov/about/offices/list/ocr/newsroom.html>

- [Title IX Regulations Addressing Sexual Harassment](#) (unofficial copy)
- [Title IX Regulations Addressing Sexual Harassment](#) (Federal Register)
- [Title IX: Fact Sheet: Final Title IX Regulations](#)
- [Title IX: U.S. Department of Education Title IX Final Rule Overview](#)
- [Title IX: Summary of Major Provisions of the Department of Education's Title IX Final Rule](#)
- [OCR Blog](#)

10

 QUESTIONS

 11

11

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NAVIGATING YOUR POLICY/PROCEDURES

 12

12

## POLICY FOUNDATION LEGAL REQUIREMENTS

### Title IX

- Regulations
- DCLs

### Clery

- Timely Warning
- Policy Definitions

### VAWA

- Rights
- Procedural Requirements
- Training/ Programming

### Other

- State Law
- FERPA

13

## YOUR INSTITUTIONAL POLICY AND PROCEDURES

- Comprehensive Institutional Policy
- Other related university policies
- Flowcharts
- Checklists
- Document templates




14

**POLICY CONSIDERATIONS**


1. Where can you access the policy?

2. Is the policy reader-friendly for multiple audiences?

3. How often do you review the policy?  
Opportunity for feedback?


ACADEMIC  
IMPRESSIONS 15

15




**RESOURCE**

**Policy Checklist**

ACADEMIC  
IMPRESSIONS 16

16


 **QUESTIONS**

 **ACADEMIC**  
IMPRESSIONS 17

17

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**CASE MANAGEMENT**

 **ACADEMIC**  
IMPRESSIONS 18

18

## ■ WHY IS CASE MANAGEMENT CRITICAL FOR TITLE IX COORDINATORS?



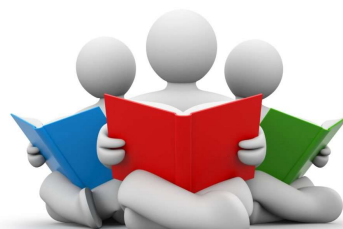
- Compliance
- Institutional Memory
- Clery Reporting
- State Law



19

## ■ AGENDA

- I. Best practices for tracking cases
- II. Model checklist & timeline for case consistency and efficiency
- III. Sample Notice Letters for parties during cases
- IV. Developing your own case management log



20



## POLL

**Do you currently have a strategy for managing cases?**

21



## ACTIVITY



22





## ACTIVITY

From: Smith, Taylor  
Subject: Fw: Makeup Request

Good morning Title IX Coordinator,

I just received this email from a student. I am not sure what to do. Please advise.

Dr. Smith

Forwarded Message -----

From: Johnson, Jayden  
Subject: Makeup Assignment

Hey Dr. Smith,

I apologize for emailing you and not being in class lately, but is it possible to make up the exam from last week? I was assaulted in my dorm room the other day, had to go to emergency room, and then I was at the police station multiple times. I haven't been able to go back to my dorm, so my parents are picking me up today, and I don't know when I will feel comfortable coming back on campus.

Thanks for understanding!  
Jayden



23

## ELEMENTS FOR TRACKING A CASE

- Receipt of Report
- Report Assessment
- Communicating with Parties
- Investigation/Resolution
- Case Oversight
- Case Completion/ Compliance



24



## RESOURCE

# Case Management Log

25

## REPORT ASSESSMENT

### Safety Concerns

- Threat to campus
- Individual safety

### Reporting Obligations

- Clery
- State Law
- University Officials

### Report Review

- Reporter Information
- Pattern

### Additional Information

- Follow Up
- Other reporters?

26



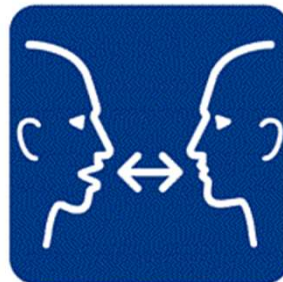
## RESOURCE

# Checklist Template

27

## COMMUNICATING WITH THE PARTIES

- Initial Contact with Complainant
  - Methods of Outreach
- What should the communication include
  - Purpose of communication
  - Rights
  - Resources
  - Policy
  - Request to meet
- Complainant response
  - Positive response
  - Negative response
  - No response



28

## COMMUNICATING WITH THE PARTIES

- Initial Contact with Respondent
  - Methods of Outreach
- What should the communication include
  - Purpose of communication
  - Rights
  - Resources
  - Policy
  - Request to meet
- Respondent response



29



## RESOURCE

### Initial Communication Template

30

## COMMUNICATING WITH THE PARTIES

- Pre-Meeting
  - Location and set up
  - Technology
- Initial Meeting
  - Introduction
  - Rapport Building
  - Address Immediate Needs
    - Safety
    - Support/ Referrals
    - Academics
  - Intake Checklist
  - Gather additional information (if appropriate)
- Post-Meeting



31



## RESOURCE

# Intake Checklist Template

32

## INVESTIGATION/RESOLUTION



- Support Services
- Informal Resolution
- Formal Investigation

33



## RESOURCE

### Sample Notice Letters & Sample Communication Log

34

## CASE OVERSIGHT

- Timeline
- Advisors
- Investigative Report Review
- Process Facilitator
  - Hearing
  - Appellate Process



35

## CASE COMPLETION/COMPLIANCE

- Remedies
- Final Outcomes
- File Preservation



36

## BEST PRACTICES IN CASE MANAGEMENT

- Be organized
- Develop a process
- Seek assistance
- Utilize a case management system



37



## CHAT

**What obstacles do you anticipate in case management as a result of implementing the “New Rule?”**

38




 **QUESTIONS**

 39

39

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**STRATEGIES TO LEAD TRAINING &  
CAMPUS-WIDE PROGRAMMING EFFORTS**

 40

40

## AGENDA



- Compliance requirements
- Training plan
- Program plan
- Ongoing awareness campaign
- Marketing efforts

41

## WHAT DO WE HAVE TO DO?

Each institution must develop and implement a comprehensive prevention and outreach program on sexual misconduct including but not limited, to sexual harassment, sexual assault, dating violence, and stalking. The comprehensive prevention and outreach program must address a range of strategies to prevent sexual misconduct, including sexual harassment, sexual assault, dating violence, and stalking. The program should include a public awareness campaign, primary prevention, bystander intervention, and risk reduction strategies.

-Violence Against Women's Act

42

## WHAT DO WE HAVE TO DO?

- Training for Title IX Coordinators, Deputy Coordinators, Investigators, Decision Makers, and Appellate Authority
- Training for Responsible Employees
- NCAA Compliance Training for Athletics
- Primary Prevention Training
- Ongoing prevention programming
- State Law requirements?
- Other considerations?



43

## TRAINING YOUR TITLE IX TEAM

- Auditing your team's knowledge and skill level
- Identifying training gaps
- Internal training resources
- External training resources
- Cross training your team
- Your role as facilitator
- Self guided resources and training



44

## TRAINING FOR TITLE IX TEAM

- Critical Content
  - Definition
  - Bias
  - Stereotypes
  - Conflicts of Interest
  - Relevance
  - Credibility
  - Technology



45

## TRAINING FOR RESPONSIBLE EMPLOYEES/CAMPUS AUTHORITIES

### Delivery

- Who?
- When?
- How?
- Frequency?

### Content

- Definitions
- Reporting Responsibilities
- Failure to Report
- Policy

46

## NCAA COMPLIANCE

- Partnership with Athletics
- Timeframe
- Content



47

## PRIMARY PREVENTION TRAINING

### Delivery

- Online
- In-person
- Alternatives

### Content

- Length
- Definitions
- Policy
- Resources

### Audience

- Incoming students
- Freshmen
  - Transfer
  - Graduate students

### Completion Requirement

- Deadline
- Penalty

48



## QUESTIONS

49



## CHAT

**Who are your campus  
collaborators when it comes  
to Title IX programming  
efforts?**

50

## ONGOING PREVENTION PROGRAMMING REQUIREMENTS

### VAWA Amendments to Clery

6. **Programs to prevent dating violence, domestic violence, sexual assault, and stalking:** Comprehensive, intentional, and integrated programming, initiatives, strategies, and campaigns intended to end dating violence, domestic violence, sexual assault, and stalking that:
  - Are culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to community needs, and informed by research or assessed for value, effectiveness, or outcome; and
  - Consider environmental risk and protective factors as they occur on the individual, relationship, institutional, community, and societal levels

Programs to prevent dating violence, domestic violence, sexual assault, and stalking include both primary prevention and awareness programs directed at incoming students and new employees and ongoing prevention and awareness campaigns directed at students and employees.
7. **Awareness programs:** Community-wide or audience specific programming, initiatives, and strategies that increase audience knowledge and share information and resources to prevent violence, promote safety, and reduce perpetration.
8. **Bystander intervention:** Safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking;  
Bystander intervention includes:
  - Recognizing situations of potential harm
  - Understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking actions to intervene
9. **Ongoing prevention and awareness campaigns:** Programming, initiatives, and strategies that are sustained over time and focus on increasing understanding of topics relevant to and skills for addressing dating violence, domestic violence, sexual assault, and stalking, using a range of strategies with audiences throughout the institution.
10. **Primary prevention programs:** Programming, initiatives, and strategies informed by research or assessed for value, effectiveness, or outcome that are intended to stop dating violence, domestic violence, sexual assault, and stalking before they occur through the promotion of positive and healthy behaviors that foster healthy, mutually respectful relationships and sexuality, encourage safe bystander intervention, and seek to change behavior and social norms in healthy and safe directions.

51

## ONGOING PREVENTION PROGRAM CONSIDERATIONS

### Delivery

Who?  
When?  
How?  
Frequency?

### Collaborations

Victim Advocacy Centers  
Health Center  
Counseling Center  
Academic Departments

### Special Populations

Greek Life  
Residence Life  
Athletics  
Others?

### Topics

Consent  
Bystander Intervention  
Victim Empowerment  
Risk Reduction Measures  
Others?

52

## PROGRAM PLANNING ACTION PLAN

- 1) Create Comprehensive Program Goals
- 2) Content Development
- 3) Delivery
- 4) Campus-Wide Programming Vs Custom Programming
- 5) Budget



53

## BEST PRACTICES IN ONGOING PREVENTION PROGRAMMING

- Passive Marketing Campaign
- Training Peer Educators
- Calendar of Significant Events
  - Domestic Violence Awareness Month
  - Sexual Assault Awareness Month



54



## ONGOING PREVENTION PROGRAMMING



55

## ONGOING PREVENTION PROGRAMMING

### Annual Calendar of Events:

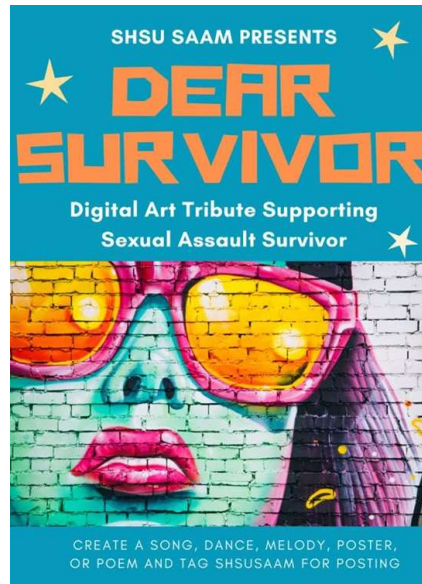
- NOMC Take the Pledge Shirt Give-A-Way - August
- Consent Week - September
- NOMC Interest Meeting 1 - September
- NOMC New Member Orientation - September
- NOMC Interest Meeting 2 - October
- Domestic Violence Awareness Month Essay Contest September 30th - October 20th
- Domestic Violence Awareness Self Defense Training Class - October
- Bystander Intervention Training - November
- Healthy Relationships Workshop January
- Love is Love Week - February
- Alcohol & Spring Break Preparedness Training March
- Sexual Assault Awareness Month Events - (All Month Long in April )



**ai ACADEMIC IMPRESSIONS** 56

56

## ONGOING PREVENTION PROGRAMMING



57



## CHAT

What are your most successful programs to date?

What are your programming challenges or limitations?

58



## QUESTIONS

59



## EVALUATION

# Thank you!

Please remember to complete the event evaluation.  
Your comments will help us continually improve the  
quality of our programs.



60

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## TITLE IX COORDINATORS AS COMPLIANCE OFFICERS



1



CHAT

**What was one area of new regulations  
that you were able to implement with  
ease?**

**What's one area that is/was much  
harder to implement?**



2

## HIGHLIGHTS OF 2020 TITLE IX REGULATIONS - FINAL RULE



Notice Requirements

Impact on Mandated Reporters/Responsible Employees



Covered Prohibited Conduct: Definitions, Scope, and Jurisdiction



Burden of Proof



Move from Single Investigator to Live Hearing Model

Cross Examination Requirement



Impact on Employees

3

**Activity #1: *Select a category and share a best practice you have implemented, or one you are prepared to implement, that fits that category.***



Category 1: Structure and Staffing



Category 2: Reporting and Response



Category 3: Investigations



Category 4: Hearings and Appeals



Category 5: Prevention and Awareness

4

## Applying the Seven Elements of Compliance to Implementation of the New Title IX Regulations



5

### 7 (Really 8) Elements of Compliance



Standards of  
Conduct/Policies  
and Procedure



Compliance  
Officer/Committee  
Oversight



Education and  
Training



Monitoring and  
Auditing



Reporting and  
Investigating



Enforcement,  
Discipline, and  
Incentives



Response and  
Prevention



Risk Assessment



6

## Title IX Compliance Plan

- 1) Standards, Policies, and Procedures
  - Must have published grievance procedures and specific notification and posting requirements
- 2) Governance and Administration
  - Must designate a Title IX Coordinator
  - Supporting staff (Investigators, hearing administrators, etc.)
- 3) Education and Training
  - New training requirements for administrators
- 4) Monitoring and Auditing
- 5) Reporting and Investigation
  - New guidelines about what constitutes a report
  - Specific requirements for investigations and process
- 6) Enforcement, Discipline, and Incentives
  - New requirements for live hearings
  - Restrictions in interim measures and actions taken before final decision
- 7) Response and Prevention
  - VAWA Education and Prevention Requirements Still Apply
- 8) Risk Assessments
  - August 14<sup>th</sup> Compliance Deadline Forces Prioritized Response



7


## STEPS TO COMPLIANCE



8



9



RESOURCE

## Free Resources to Define Scope and Requirements

[DOE Summary of Major Provisions](#)  
[ATIXA Regulation Resource Center](#)  
[SUNY Student Conduct Institute Joint Guidance](#)  
[CUPA HR Sexual Harassment Resources](#)

**GUIDING QUESTIONS:**

- What does our current Title IX Compliance Program look like?
- What, if anything, is contrary to the new regulations?
- What can we maintain?
- What must we change?




10





11

## GUIDING QUESTIONS



- How do the new Title IX Regulations fit or challenge your:
  - Ethical Code of Conduct
  - Student Code of Conduct
  - Employee and Faculty Conduct Policies
  - Mission and Values
  - Strategic Plan
  - Campus Culture
- Who do the new Title IX Regulations:
  - Protect?
  - Harm?
  - Challenge?
  - Support?
  - Impact?


**ai ACADEMIC IMPRESSIONS** 12

12




13

## GUIDING QUESTIONS



- What positions are required for compliance?
  - Title IX Coordinator/Deputy Coordinators
  - Investigators
  - Hearing Staff/Panel Members
  - Appeals Staff
  - Advisors
  - Confidential Offices
- What departments are impacted by compliance?
  - General Counsel
  - Human Resources
  - Student Affairs
  - Athletics
  - Student Conduct
- What overlooked departments or staff could assist with compliance?
  - Athletics?
  - Faculty?
  - Counseling/Health?
  - Campus Safety/Law Enforcement?



14



15



16



## RESOURCE

### Office for Civil Rights

<https://www2.ed.gov/about/offices/list/ocr/newsroom.html>

- [Title IX Regulations Addressing Sexual Harassment](#) (unofficial copy)
- [Title IX Regulations Addressing Sexual Harassment](#) (Federal Register)
- [Title IX: Fact Sheet: Final Title IX Regulations](#)
- [Title IX: U.S. Department of Education Title IX Final Rule Overview](#)
- [Title IX: Summary of Major Provisions of the Department of Education's Title IX Final Rule](#)
- [OCR Blog](#)

17



## QUESTIONS

18

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# TITLE IX COORDINATOR AS THE CAMPUS EXPERT




1

## AGENDA

- I. Becoming your campus subject matter expert
- II. Establishing your presence
- III. Building a coalition
- IV. Collaborations




2

 **CHAT**

**I never thought I could...  
[fill in the blank].**

*Submit your responses in the Chat Box.*

 3

3

 **STEPS TO TAKE TO BECOME AN “EXPERT”**


- Practice
- Trial & Error
- Spoke to others
- Find a Mentor
- Jumped in the deep end
- Questions & Research
- Commitment/ Investment

**ASK AN EXPERT**




 4

4



## POLL

**So, do you think you are  
your campus's Title IX  
expert?**



5

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### **BECOMING A SUBJECT MATTER “EXPERT” - TALK THE TALK**

- Training and Certifications
- Whitepapers
- Department of Education
- Other Title IX Coordinators



6

6

## ESTABLISH A PRESENCE - WALK THE WALK

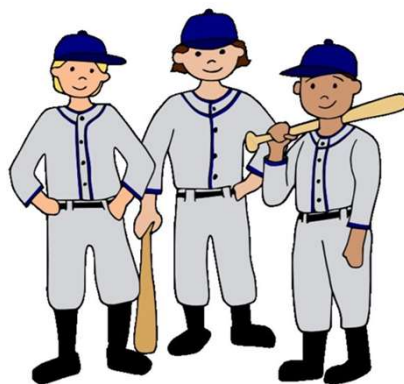
- Seen & Be Seen
- Campus Meeting & Presentations
- Website/ Social Media
- Crisis Manager



7

7

## BUILDING A COALITION - CAMPUS WHO'S WHO



- General managers/owners
- Coaching team
- Game changers/MVPs
- Teammates
- Outfielders
- Spectators



8

8





## ACTIVITY

### A League of Your Own: Building Your Dream Team



ai ACADEMIC  
IMPRESSIONS 9

9

### OTHER CONSIDERATIONS TO MAINTAIN YOUR EXPERTISE

- Campus Climate
- Managing Change
  - Staffing
  - Legal landscape (federal, state, and competing laws)
- Proactive vs. Reactive
- Negative PR
- Your Personality/Demeanor



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IMPRESSIONS 10

10

## COLLABORATIONS

### Programming

- Health Center
- Counseling

### Students

- Student Government
- Greek Life

### Employees

- Faculty Senate
- Staff Council

### Other

- IT
- Public Relations


11

## MAINTAINING AND CULTIVATING RELATIONSHIPS

- Consistency
- Receiving Feedback
- Self-Awareness
- Leadership Development
- Creditability
- Validating Others
- Open to Change
- Humility
- Accessibility
- Life-Long Learner




12

 **CHAT**

## SHARE WITH US!

What have been some of your own strategies to establish yourself as a reliable and visible Title IX campus expert?



13

 **PITFALLS IN BEING THE CAMPUS EXPERT**

- Self-doubt
- Doubt of others
- Loss of credibility
- Getting through the tough times
- Re-establishing confidence





14

 **QUESTIONS**



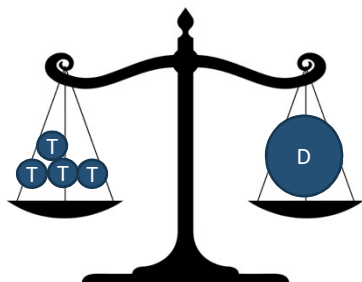


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2

## WHY COMMUNICATION MATTERS



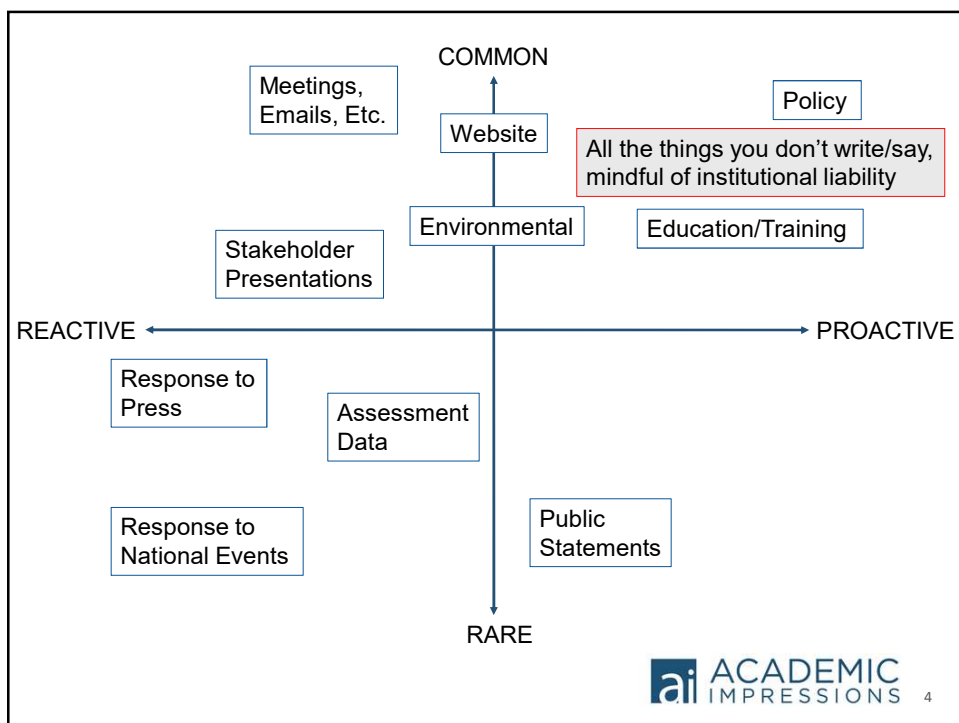
T9C in middle of competing obligations:

- Involved parties
- University community (students, employees, parents, etc.)
- University as an entity

**Trust and Distrust** (Makela and Shelton, 2012)

- Two separate ranges
- Trust = slow, gradual
- Distrust = rapid, persistent (20+yrs)

3



4

## LEGAL REQUIREMENTS

Confusing messaging from related laws:

- FERPA
- Clery Act (Timely Warnings, Emergency Notifications)
- Title IX Guidance (now)
- Title IX Regulation (soon)
- State Laws (vary)




5


## STRUCTURAL LENS: ENTERPRISE RISK MANAGEMENT

- **“Sexual assault/Title IX” ranks 2<sup>nd</sup> in top reputational risks over past three years** (behind “Campus climate”); also 2<sup>nd</sup> in top risks anticipated in the future (United Educators, 2017)
- Communication ideally addressed at an enterprise scale, with clear expectations, division of labor, and protocols understood at all levels of organization (board, top leadership, front line staff, etc.)
  - Identify, assess, and manage risks
  - Build resiliency to overcome (inevitable) risk events

6



CHAT

## What are your major institutional/structural barriers to solid Title IX communications?



7

EFFECTIVE STAKEHOLDER ENGAGEMENT



Provide honest, transparent, & accessible information


Custom delivery tailored to stakeholder needs and culture

Seek to understand what your stakeholders value; be curious, not judgmental

Provide feedback on how you have addressed & resolved their issues


Track and record your engagement over time; refresh before showing up

(SustaiNet, 2019)




8





## CHAT

What are some creative communication touchpoints that you have seen deployed to reach students, employees, parents, or others? (They can be Title IX-related or from other fields or industries.)



9



## FIGHT THE POWER (wait...that's you)

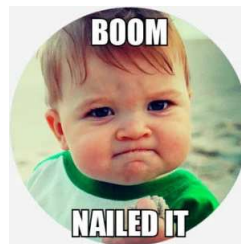
**I AM THE MAN**  
and I'm fighting myself

**BEWARE**  
WHAT YOU SHARE



10

## THE SAVVY TITLE IX COMMUNICATOR...



- Conveys **professionalism** and **competence**
- **Knows their audience** and does their homework
- Appreciates institutional **liability**
- Commits to **accessibility** and **inclusivity**
- Communicates with **INTEGRITY ALWAYS**



11



## ACTIVITY

### CASE STUDY!

In small groups, you'll have the opportunity to offer your expertise by reviewing a case study that has caught your local newspaper's attention. You'll have the opportunity to discuss options for handling this matter and offering strategies to mitigate rumors and negative PR.



12

 **QUESTIONS**

 **ACADEMIC**  
IMPRESSIONS 13

13

## **REFRESH & RESET**

Based on what you learned yesterday, what resonated with you the most and why?



1

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## **CONSIDERATIONS FOR PROCESSING STUDENT VS. FACULTY/STAFF CASES**

2



## CHAT

### SHARE OUT & DISCUSS!

What have been some of your greatest challenges managing faculty/staff cases vs. student cases?

3

### PHILOSOPHICAL QUESTION

“Do you approach faculty cases and student cases the same or differently?”

It's complicated.



4

## SIMILARITIES

- Title IX Applicability
  - Notices
  - Evidentiary Standard
  - Other Regulatory Requirements
- Other Laws
  - Clery/VAWA (constituent group irrelevant)
- Investigatory Approach
- Care, Dignity, Privacy, Respect, Etc.
- Universal Institutional Policies/Procedures (?)

5

## POLL

**Does your institution  
currently maintain the same  
Title IX procedures for  
students and faculty/staff?**

6

## ■ DIFFERENCES

- Title IX Specifics
  - Education Program or Activities v. Employment
  - *Quid Pro Quo* (employees only)
  - Compelled Investigations
  - No Informal Resolution for Sexual Harassment by an Employee
  - Emergency Removal v. Administrative Leave
  - Supportive Measures and Remedies
  - Retaliation

## ■ DIFFERENCES (CONTINUED)

- Other Laws
  - Title VII (employment only; preemption circuit split)
  - FERPA (students only)
  - State and Local Employment Laws (N/A for students)
  - ADA, Section 504 (different parts)
- Contractual Considerations
  - Code of Conduct v. Employee/Faculty Handbooks
  - Collective Bargaining Agreements

## ■ DIFFERENCES (CONTINUED)

- Key Partnerships, Practical Considerations
  - For employees, stakes include livelihood, professional reputation, future employment prospects
  - Student Affairs v. Human Resources v. Faculty Administration
  - Decision-Makers, Appeals
- Training/Education
  - Venues, Approach/Focus, Delivery
  - “Responsible Employees”/Mandatory Reporting

9

## ■ 5 KEY PREPARATORY CONSIDERATIONS AT THE INSTITUTIONAL LEVEL

- 1) Policy/Procedural Framework
- 2) Tailoring Communications
- 3) Mitigating Power Dynamics
- 4) Preparing Investigative Staff
- 5) Preparing Decision-Makers and Appellate Decision-Makers



10





## QUESTIONS

## BEST PRACTICES FOR LEADING SEXUAL HARASSMENT/MISCONDUCT INVESTIGATIONS

1

### CHANGES TO INVESTIGATIONS FROM NEW REGS

- Notice requirements and process for getting to formal investigation
- New Scope, Jurisdictions, and Definitions
- Application to Employees
- Distribution and Review of Evidence and Report
  - 10-Day Review Periods
  - Involvement of Advisors
- Training for Investigators
- Removal of Single Investigator Model
- Relevancy of Evidence and what must be included
- Witnesses including Character and Expert Witnesses



2

## WHAT ARE WE INVESTIGATING?



### Jurisdiction

Location  
Program/Activity  
Control Over Involved Parties



### Definitions of Prohibited Conduct

VAWA Crimes  
Quid Pro Quo  
Severe, Pervasive, and Objectively Offensive



### Title IX vs Title VII and application to Employees



### What does your policy say?

3

## THINGS TO CONSIDER AS PART OF GATEKEEPING FUNCTION

- What is a formal complaint?
- Jurisdiction and scope
- Title IX Coordinator signing complaint
- Decision on type of resolution
- Informal vs. Formal
- Dismissal



4



## POLL

**How is your institution managing complaints that fall outside the Title IX Coordinator's jurisdiction?**







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## OVERVIEW OF AN INVESTIGATION









6

## ROLE OF THE TITLE IX COORDINATOR

-  Gatekeeping Function
-  Supportive Measures
-  Emergency Removal
-  Training Oversight
-  Actual Notice
-  Coordinates Individual Functions of Resolution Process

7

## ROLE OF THE INVESTIGATOR

-  Gather all information regarding an allegation and determine relevancy
-  Interview all parties and witnesses, including character and expert witnesses
-  Fact gathering vs. fact finding
-  Collect and organize evidence and distribute to parties for review and comment
-  Weighing evidence Preponderance of the Evidence or Clear and Convincing
-  Write a detailed investigative report

8

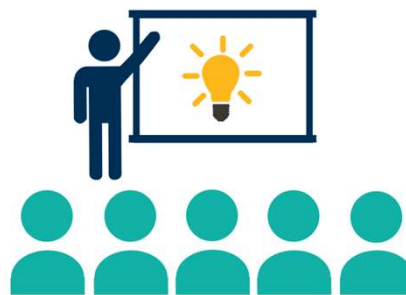
## WHO SHOULD/SHOULD NOT SERVE?

- Attorneys?
- Outside Investigator?
- General Counsel?
- Campus Safety/Security?
- Title IX Coordinator/Deputy Title IX Coordinator?
- Faculty?
- Students?
- Human Resources?
- Other members of Title IX or Conduct Team



## REQUIRED TRAINING

- Definition of Sexual Harassment
- Educational Program or Activity
- Conducting an Investigation and Relevancy of Evidence
- Bias Prevention
- Technology Use



## ■ ADDITIONAL TRAINING CONSIDERATIONS

- Trauma informed investigations in light of new regulations?
- How to conduct remote investigations
- Working with advisors
- Impact of Alcohol and Drugs on Consent
- Allegations involving minors
- Terminology, language
- Social Media



11

## POLL

**Which standard of proof  
does your campus use or  
plan on using for your  
Title IX cases?**

12

## BUILDING YOUR INVESTIGATION TOOLKIT

### Policy and Procedures

### Planning Documents and Templates

- Prohibited Conduct Breakdown and Elements Worksheet
- Communication and Evidence Logs
- Evidence Analysis Chart and Relevancy Buckets
- Pre-investigation Checklist

### Technology Plan

- Consistent plan for use of technology to support intake and investigation
- Method for evidence collection and distribution
- Confidentiality and record security

### Other Considerations

- Model and policy for working with advisors

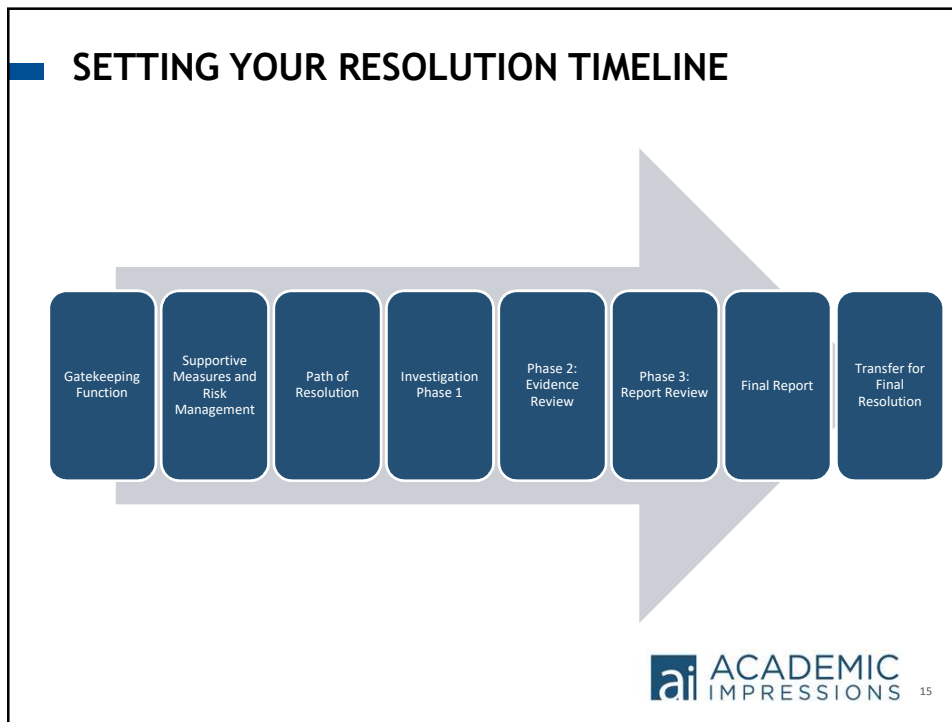
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## CONSIDERATIONS FOR THE TITLE IX COORDINATOR'S INVOLVEMENT DURING AN INVESTIGATION

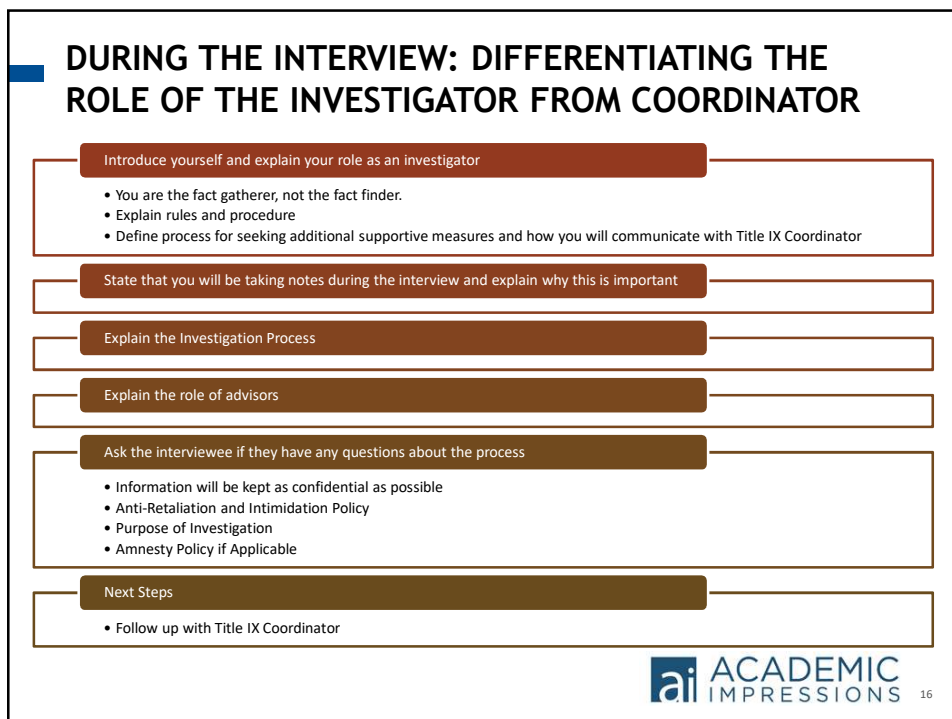
- What role does the Title IX Coordinator play in the review process during investigation and before finalizing the report?
- Coordination amongst Title IX Coordinator and Investigator related to ongoing provision of supportive measures?
- Elevation of safety risk factors that may trigger need for emergency removal considerations?
- Assistance with enforcement of policy deviations or violations?
- Need for amended notification for violations?

14





15



16

## COLLECTING EVIDENCE



How are you storing physical evidence?

Often depends on whether your University has sworn law enforcement



Who is providing the evidence?



Potential Sources of evidence:

Text messages, social media, phone records, etc.  
Diaries, journals, timelines, etc.  
Law Enforcement  
Campus Records  
Medical Evidence

17

## CREDIBILITY ASSESSMENTS, FACT ANALYSIS, AND RECOMMENDATIONS: WHAT GOES IN THE REPORT?



Credibility Observations  
Without Findings of Fact or  
Determination



Using Evidence to Support Fact  
Finding Through Report  
Organization



Recommendations?

18

## ORGANIZING YOUR DIGITAL CASE FILE



UNDERSTANDING OF SYSTEM  
FOR COLLECTION AND  
DISTRIBUTION



SORTING AND DISTRIBUTING  
EVIDENCE AND REPORT  
APPROPRIATELY



FINALIZING THE OFFICIAL  
RECORD OF THE  
INSTITUTION'S RESOLUTION

## QUESTIONS AND KEY CONSIDERATIONS WHEN IMPLEMENTING THE NEW REGS

- Determining Scope and Application of Policies and what you investigating
- Challenges with remote or digital investigations
- Working with Advisors
- Tandem Law Enforcement Investigations
- Application to Employees
  - Faculty Unions and Contract
- Respecting Confidentiality while not prohibiting communication
- Working with Witnesses
- Investigator role in the Hearing Process
- Enhanced record protection when distributing reports including storage, redaction, and FERPA considerations



## CHAT

### SHARE OUT & DISCUSSION!

What have been some of your procedural challenges related to facilitating your investigation process? What have you recently adjusted considering the proposed regs, if any?

21



## QUESTIONS

22

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## COMPLEX CASE STUDIES



1



### ACTIVITY

## Complex Case Studies

We will break you into three evenly distributed groups and ask you to read a case study and answer the questions provided. Please turn on your webcams/mics once in the break room and one of our faculty will accompany you to take notes and report out your discussion in the large group debrief (if time allows).



2



## TAKEAWAYS

**Case Study Large Group  
Share-Out ...(if time allows)**

3



## RESOURCE

**Joint Guidance on Federal  
Title IX Regulations by SUNY  
(The State University of New York)**

<https://system.suny.edu/sci/tix2020/>

4



## QUESTIONS

5



## EVALUATION

# Thank you!

Please remember to complete the event evaluation.  
Your comments will help us continually improve the  
quality of our programs.



6

# CASE STUDY #1: Multiple Complainants or Respondents

Two students (Student A and Student B) visit your office to report they are being harassed by Student C, the ex-partner of Student A. Student A tells you they are concerned about Student C because Student C has threatened suicide if they don't reconcile their relationship. Student B informs you Student C constantly reaches out to them to plead for help in getting Student A back. Student A also informs you that approximately a month ago, they were sexually assaulted by Student C, but they provide minimal information regarding the assault. Students A and B request support services, including counseling services and a no contact directive. However, neither student wishes to file a formal complaint at the time.

Based on the request, later the same day you issue a no contact directive to Student C, who is also a student. Upon receipt of the directive Student C immediately comes to your office. Student C asks what prompted the directive and discloses to you that Students A and B are actually harassing Student C and have been telling other classmates that Student C sexually assaulted Student A (Student C emphatically denies this allegation). Student C also tells you they haven't attended class in over a week because of the resulting rumors, and requests counseling services. After you offer resources and explain their rights and options, Student C elects to file a formal complaint of sexual harassment against their former partner, Student A.

Upon receipt of the Notice of Investigation, Student A, now a respondent, contacts you and informs you they would like to file a formal complaint against Student C regarding the sexual assault that they previously disclosed to you.

## Discussion Questions:

- 1) What are the issues?
- 2) Given your institutional context (and the new Title IX regs), what would you need to consider if you were managing this case?
- 3) Who are the stakeholders involved and what needs to be communicated to them?
- 4) What are your next steps?



## CASE STUDY #2: Managing Advisor/Family Members Expectations/Role in the Process and Threats of Legal Action

Your investigator has submitted to you, the Title IX Coordinator, a completed report detailing investigation of sexual assault that allegedly occurred on your campus and was perpetrated by one student against another. The investigator reports to you that throughout the investigation the Complainant, who is over the age of 18, regularly refused to answer any questions. When they did, they only seemed to echo exactly what their mother, who sat in on every interview with the Complainant and did most of the talking, had just said. The Complainant's mother has also contacted the President, the Dean of Students, the entire Cabinet, and members of your Board to share details of the alleged assault and to advocate for the immediate removal of the Respondent, threatening to go the press and to take legal action should the institution not respond to her liking immediately. To date, the Complainant has provided very little information directly. It is hard to tell if the Complainant actually wants to participate in the resolution process or is only doing so to please their parents.

On the other hand, the Respondent has fully complied with the process and has participated in interviews, provided evidence, and recommended witnesses. Additionally, the Respondent has utilized the services of their own advisor, a local hotshot attorney known for his robust use of media and bullying tactics to advocate for their clients. However, this attorney has little knowledge of Title IX and the process most universities and colleges use for resolution of Title IX complaints. The advisor, who is openly conducting a separate investigation of all allegations, has requested full copies of all evidence while simultaneously requesting extensions of time to review the requested information prior to interviews or submission of any written response. The advisor has also made direct requests to reschedule meetings and hearings, sometimes for weeks at a time, in order to accommodate his busy schedule and repeatedly violates the institution's policy on advisors by speaking for the Respondent at all times, using abrasive and offensive language to threaten administrators, witnesses, and the Complainant.

One day before the hearing, the Complainant comes forward and confidentially reports that they no longer want their mother to serve as their advisor and need help finding a different advisor. The Complainant also reports that they have not shared this information with their mother.

### Discussion Questions:

- 1) What are the issues?
- 2) Given your institutional context (and the new Title IX regs), what would you need to consider if you were managing this case?
- 3) Who are the stakeholders involved and what needs to be communicated to them?
- 4) What are your next steps?

## CASE STUDY #3: Employee and Student Harassment Incident

You check your email one last time on a Friday at 4:55 PM to find that a newly appointed department chair in the music department, has been presented with a shocking 12-page letter sent by a group of 10 recent alumni and current students, detailing abuses that had allegedly been experienced for several years by women and LGBTQ-identified individuals at the hands of certain faculty in the department. Though the group chose not to include any names of the specific victims at this time, they maintain that all of the incidents occurred while they were students over the past 4 years.

Among the allegations are the following, each of which contains some detail and identifies the specific respondent, but does not identify the affected party/complainant(s):

- A **prominent composer (male)** who is a celebrated and tenured faculty member routinely hosted parties at his house where students were provided alcohol and encouraged to drink, even if underage. This composer's name comes up in several of the personal narratives, some of which allege that he had kissed female students on the neck or cheek, rested his hands on their legs and lower backs, and stroked their hair. The composer also reportedly told one female student that she would never have a shot at "making it" as a musician if she didn't "dress the part [and] show off that heavenly body"; and told another, "Don't worry, honey, I *always* look but I *never* touch...unless you want me to." The narratives describe students being afraid to report or resist his behavior, since he had a reputation for having his "favorites," who he would set up with strong connections in his vast professional/artistic network; and none of the students wanted to get on his "bad side."
- An openly gay professor and **jazz ensemble director (female)** frequently used the classroom environment to "scout for young talent," but only seemed interested in working with attractive lesbian, queer, or bisexual women. A few of the narratives described times when the director would invite students to clubs and private, non-University affiliated performances, introducing them to other musicians as her "latest tasty treats" or simply, her "snacks." Other reports described class sessions where, to "elicit the seductiveness of jazz" the director would moan loudly while rubbing her hands on her body and call out to students as they were playing, with remarks such as, "blow, bitch, blow...every boy in this school knows you can blow better than that," and "get nasty with that sax, baby... mmm, you're turning me on."

The letter also mentions that the **former department chair**, who has since returned to faculty status, knew of many of the instances and fielded some informal complaints from a few students, but typically shrugged them off saying, "If you can't handle a little *sexual energy* then maybe the arts aren't for you."

Several of the alumni and/or students report experiencing severe emotional distress due to these instances and express that this treatment compromised their academic opportunities in the field.

### Discussion Questions:

- 1) What are the issues?
- 2) Given your institutional context (and the new Title IX regs), what would you need to consider if you were managing this case?
- 3) Who are the stakeholders involved and what needs to be communicated to them?
- 4) What are your next steps?