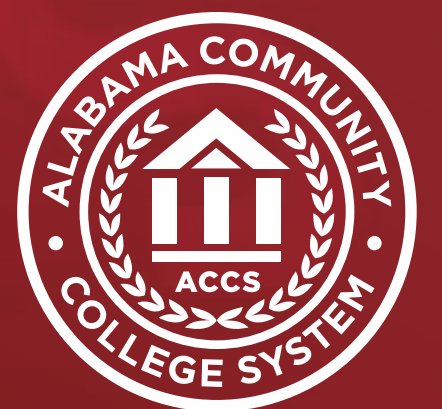


Title IX Advisors

Spring 2025

REAL. *Life.* **EDUCATION.**

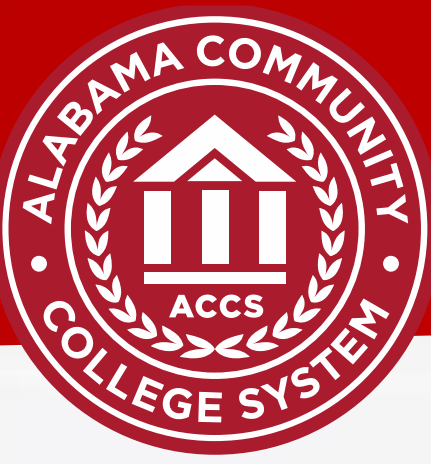


TRAINING AGENDA



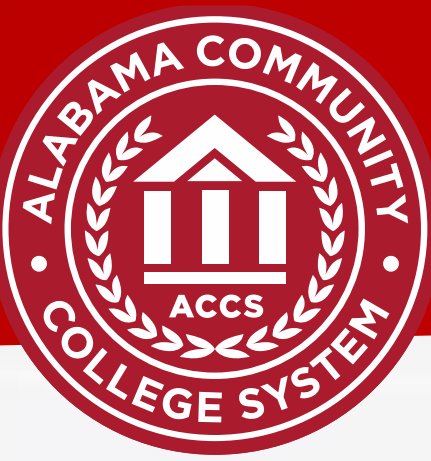
- Title IX Law & Current Regulations
- Title IX Application & Scope
- Title IX Key Terms
- Supportive Measures
- Conflict of Interest & Bias
- Retaliation
- Privacy & Confidentiality
- Title IX Grievance Procedures & Your Role
- Advisor Tips
- Case Studies
- Resources

HOUSEKEEPING ISSUES



- **This training presentation refers to topics of high sensitivity. Case studies will not include detailed examples of sexual misconduct.**
- **There is an obligation to conduct Title IX matters free from bias and unlawful discrimination. That includes this training.**

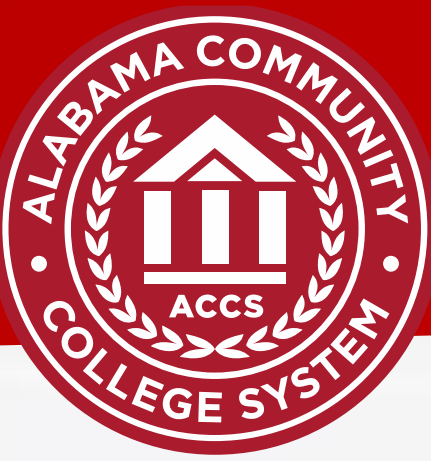
TITLE IX



Title IX is a federal civil rights law that states “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”.

- Covers not only equity in athletic programming, but all forms of discrimination based on sex.
- Protects students and employees.
- Applies to all institutions that receive federal financial assistance, either directly or indirectly.
- Enforced by the U.S. Department of Education’s Office of Civil Rights.

TITLE IX CURRENT REGULATIONS



Current Title IX regulations were published on May 6, 2020, and took effect August 14, 2020

- **Requires schools:**
 - Respond promptly and supportively to persons alleged to be victimized by sexual harassment.
 - Resolve allegations of sexual harassment promptly and accurately under a predictable, fair grievance process that provides due process protections to alleged victims and alleged perpetrators of sexual harassment.
 - Effectively implement remedies for victims.

TITLE IX APPLICATION



- ▶ Recruitment & Marketing

- ▶ Admissions
- ▶ Employment
- ▶ Athletics

- ▶ Equitable Opportunities:

- ▶ Education
- ▶ Employment
- ▶ Internships
- ▶ Support Services

- ▶ Resources & Funding

- ▶ Athletics
- ▶ Departments

- ▶ Vocational/Trade Schooling

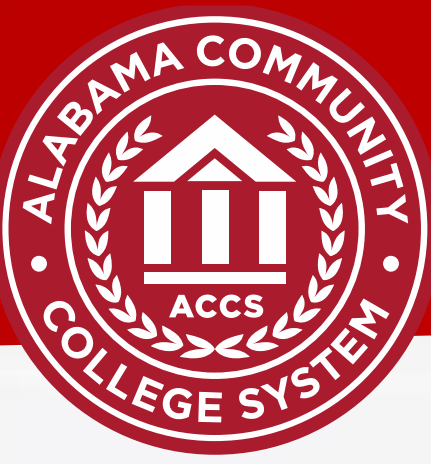
- ▶ Employment Hiring Practices

- ▶ **Pregnancy & Parenting**

- ▶ **Discrimination/Harassment**

- ▶ **Interpersonal Violence**
- ▶ **Sexual Misconduct**

TITLE IX SEXUAL HARASSMENT DEFINITION



An employee of the recipient (the College) conditioning the provision of an aid, benefit, or service of the recipient on an individual's participation in unwelcome sexual conduct.

Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the school's education program or activity.

Sexual assault, dating violence, domestic violence, or stalking as defined in the Clery Act.

TITLE IX JURISDICTION

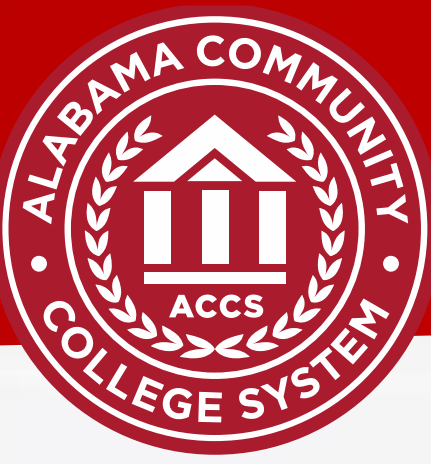


- Locations, events, or circumstances (operations) over which the institution exercises substantial control over both the Respondent AND the context in which the sexual harassment occurs
- Pertains to actions of Prohibited Conduct committed by or against students and employees when:
 - **On campus or property** owned or controlled by the institution, including buildings owned or controlled by a student organization that is officially recognized by the institution
 - **In the context of** an institution's employment or educational program or activity, including, but not limited to, research, online, or internship programs

What is or May Be Title IX vs. What is NOT Title IX

What is or May be Title IX	What is NOT Title IX
<ul style="list-style-type: none">• Discrimination based on gender• Sexual Harassment• Bullying/Cyber-Bullying or Hazing when it involves sexual misconduct• Sexual Assault• Dating Violence• Stalking• Domestic Violence• Pregnancy Discrimination	<ul style="list-style-type: none">• Disability Discrimination (ADA)• Employment or Student Discrimination based on race, religion, or national origin (Title VII and Title VI)

TITLE IX KEY TERMS



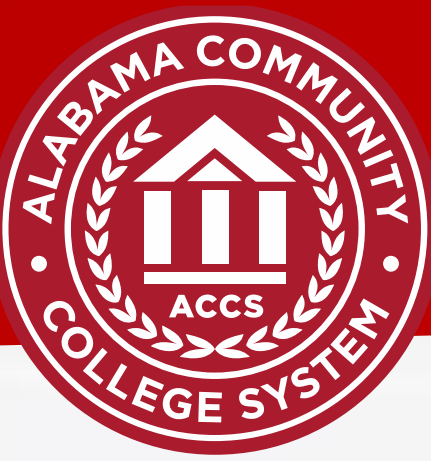
Complainant - An individual who is alleged to be the victim of conduct that could constitute sexual harassment. (The Accuser)

Respondent - An individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment. (The Accused)

Formal Title IX Complaint - is a document signed by the Complainant or signed by the Title IX Coordinator alleging sexual harassment against a Respondent and requesting that the College investigate the allegation of sexual harassment.

Supportive Measures - non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or the Respondent before or after a filing of a Formal Complaint or where no Formal Complaint is filed designed to restore or preserve equal access to the College's education program or activity without unreasonably burdening the other party.

SUPPORTIVE MEASURES



Supportive measures may include, but are not limited to, the following:

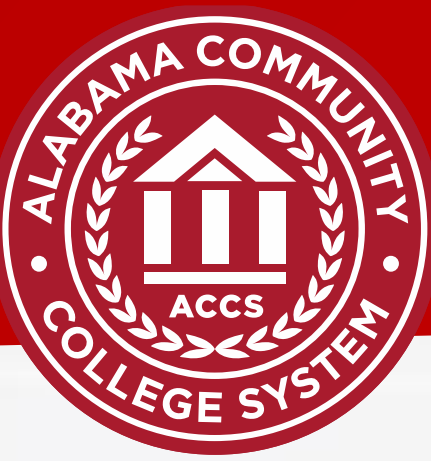
- Counseling
- Extensions of deadlines or other course-related adjustments
- Modifications of work or class schedules
- Campus escort services
- Mutual restrictions on contact between the parties
- Changes in working or housing locations
- Leaves of absence
- Increased security and monitoring of certain areas of the campus.
- Medical Treatment

CONFLICT OF INTEREST



- All Title IX Team members shall not have a conflict of interest for or against Complainants or Respondents generally or an individual Complainant or Respondent. All Title IX matters should be handled impartially.
- Conflict of interest - occurs when an individual's personal interests - family, friendships, financial, or social factors - could compromise their judgment, decisions, or actions in the workplace.
- Any Decisionmaker who believes they may have a potential conflict of interest should notify the Title IX Coordinator as soon as possible.

BIAS



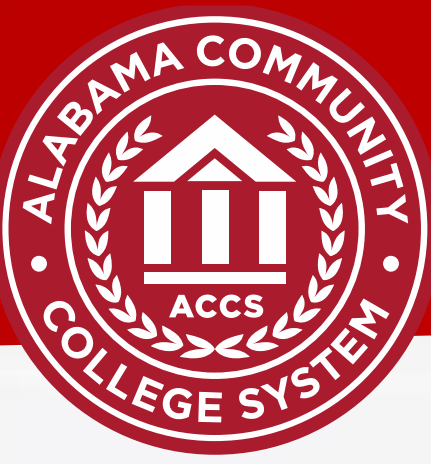
- All Title IX Team members shall not have a bias for or against Complainants or Respondents generally or an individual Complainant or Respondent. All Title IX matters should be handled impartially.
- Bias - prejudice in favor of or against one thing, person, or group compared with another, usually in a way considered to be unfair

BIAS



- **Explicit Bias – refers to the attitudes and beliefs we have about a person or group on a conscious level**
 - Expressed directly
 - Aware of bias
 - Operates consciously
- **Implicit Bias – refers to the attitudes or stereotypes that affect our understanding, actions, and decisions in an unconscious manner**
 - Expressed indirectly
 - Unaware of bias
 - Operates subconsciously

RETALIATION



PROHIBITED

Neither the College nor other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose interfering with any right or privilege secured by Title IX, or because the individual has made a report or complaint, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing conducted under the sexual harassment policy.

Retaliatory acts could include:

- giving students failing grades
- preventing students from participating in school activities
- threatening expulsion

PRIVACY AND CONFIDENTIALITY



- Information related to a Title IX report will be shared with a limited circle of College employees who need to know in order to assist in the assessment, investigation, and resolution of the report.
- As a faculty or staff member, you may be made aware of a Title IX matter in order to implement supportive measures and/or accommodations for a student or employee. Please keep this information as confidential as possible.

TITLE IX GRIEVANCE PROCEDURES



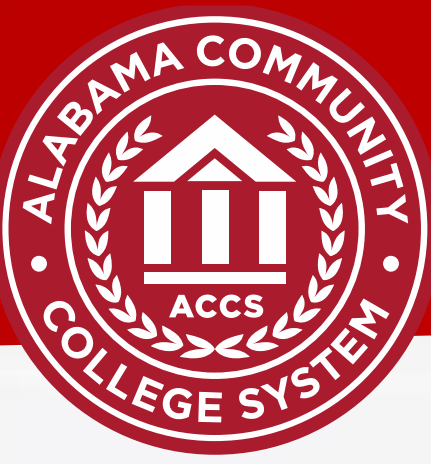
- **Reporting of Incident (Notification)**
- **Initial Assessment/Evaluation/Triage (Supportive Measures, Complaint Dismissals, Emergency Removals/Administrative Leave)**
- **Formal Investigation & Investigative Report (Notice of Investigation/Allegations)**
- **Hearing**
- **Appeal**

WHAT IS AN ADVISOR?



- An advisor is a person who assists the party during a Title IX grievance process and can help to advise the party through each phase of the process.
- An advisor's role is important, required (at the hearing phase) and will look different depending on your institution's policy and procedures.
- An advisor **MUST** be knowledgeable of the institution's Title IX Policy and Procedures in order to guide the student/employee through the process. Refer to it often.
- Ask questions of the party (factual questions regarding the allegations) and of the Title IX Coordinator/Investigator (policy and procedures).
- The party is solely responsible for presenting their case and speaking with Title IX. Advisors are generally not allowed to speak for the party.

ADVISOR VS. ADVOCATE/SUPPORT PERSON



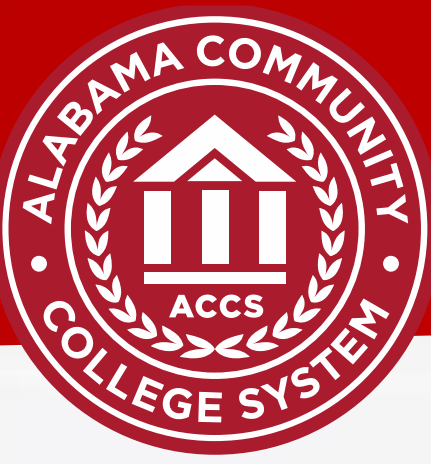
- The roles of an advisor and an advocate/support person can overlap. Both can attend any Title IX meetings or interviews with the party to offer care and support.
- However, the main role of an advisor is to conduct cross examination during the Hearing phase. Advisors also offer help and guidance with the Title IX grievance process.
- The level of involvement of an advisor is determined by the party.

SELECTING AN ADVISOR



- The Title IX Coordinator will inform the parties of the availability of advisors. Both parties shall have the right to retain, at the respective party's own cost, the assistance of legal counsel or other personal representative advisor. In the alternative, either or both parties may also request an advisor provided by the College. No legal background is required to be an advisor. The College is not required to hire an attorney to serve as an advisor.
- Parties are **not** prohibited from having family members or witnesses serve as their advisors.
- Advisors who are disruptive or do not follow policy or procedures can be removed by the Title IX Coordinator.

ROLE OF THE ADVISOR – INITIAL REPORT



Actions Your Advisor May Take

- Gather any physical and/or verbal information about the incident
- Visit the Title IX website for information
- Help complete online reporting form
- Answer any questions about the process for the party

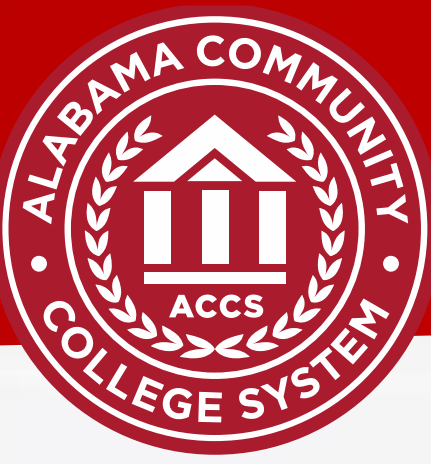
ROLE OF THE ADVISOR – FORMAL COMPLAINT



Actions Your Advisor May Take

- Gather any physical and/or verbal information about the incident
- Visit the Title IX website for information
- Help complete the Formal Complaint form
- Answer any questions about the process for the party

ROLE OF THE ADVISOR – INITIAL ASSESSMENT



Actions Your Advisor May Take

- Help you to set up the Initial Assessment meeting with the Title IX Office
- Attend the Initial Assessment with you
- Answer any questions about the process for the party

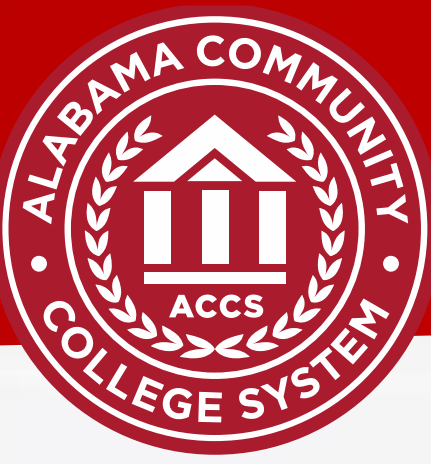
ROLE OF THE ADVISOR – INVESTIGATION



Actions Your Advisor May Take

- Review investigative procedures with the party
- Attend all investigative interviews/meetings with the party
- Be included in all emails/correspondence between the investigator and the party
- Assist party with gathering evidence for submission
- Answer any questions about the process for the party
- Go over the investigative report and evidence with the party to help advise on a response, if any.

ROLE OF THE ADVISOR - HEARING



Actions Your Advisor May Take

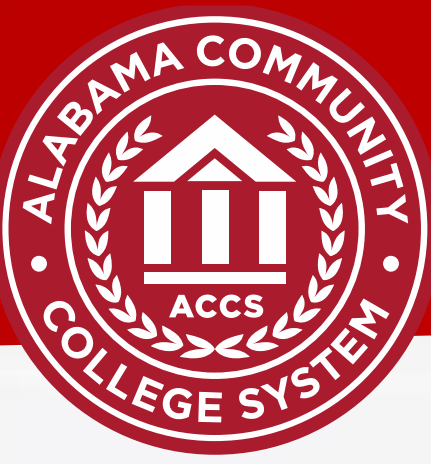
- Review the hearing procedures with the party
- Review party's opening statement and cross examination questions, if any.
- Answer any questions about the procedures with the party

THE ADVISOR AND CROSS EXAMINATION



- The advisor is responsible for conducting cross examination of the other party as well as the other party's witnesses.
- The party should discuss possible cross examination questions with their advisor and the advisor should review those questions with the party.
- During cross examination, the advisor will pose each question orally to the Hearing Decision Maker. The Hearing Decision Maker will determine if the party or witness may respond to the question. If the Hearing Decision Maker determines that the question is not relevant, the Hearing Decision Maker will explain the rationale for dismissing the question. Questions about the Complainant's prior sexual behavior is usually deemed irrelevant.

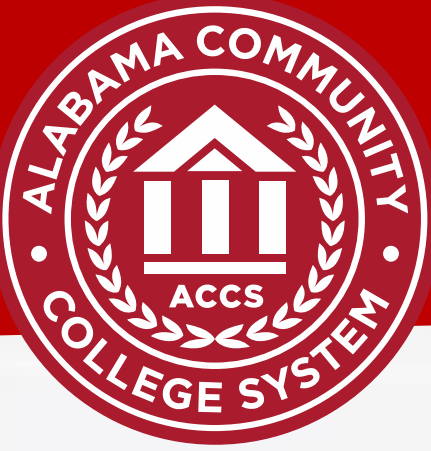
ROLE OF THE ADVISOR – INFORMAL RESOLUTION



Actions Your Advisor May Take

- Review the informal resolution procedures with the party
- Attend any informal resolution meeting with the party
- Be included in any correspondence between the facilitator and the party
- Review the conditions of the informal resolution once it is ready for review
- Answer any questions about the procedures with the party

ADVISOR TIPS



- Before accepting the role of an advisor, make sure that you have to time to serve in the role.
- Let the party determine your level of participation. Do not “take over” the process.
- Refer the party to the Title IX Coordinator if they request supportive measures.
- Show care and support. Do not speak for the party.
- Be prepared for all meetings and investigative interviews.
- Ask questions if you do not understand.



Questions?