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Title IX & Sexual Harassment Response



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Who does Title IX apply to?



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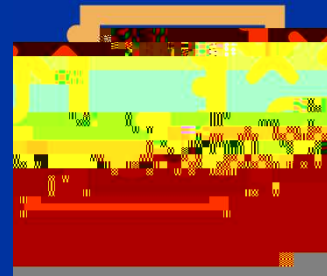
Example (included in EP&A)



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Example (included in EP&A)



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Example (excluded from EP&A)



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Does Title IX apply to sexual harassment in other countries?

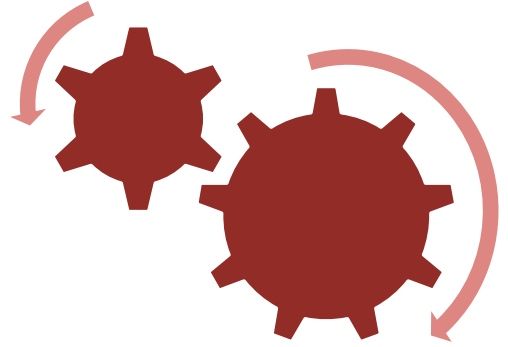


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What is quid pro quo?

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Example of quid pro quo

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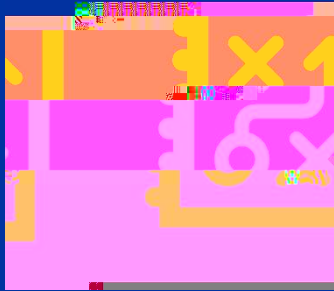
How do we determine if a hostile environment exists?

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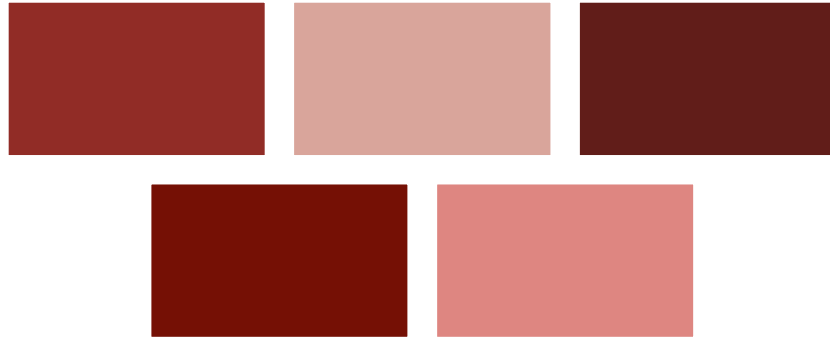
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Another example of hostile environment



What is sexual assault?

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What is rape?

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What is sodomy?

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What is sexual assault with

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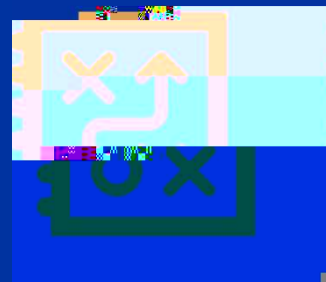
What is fondling?

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Example of fondling

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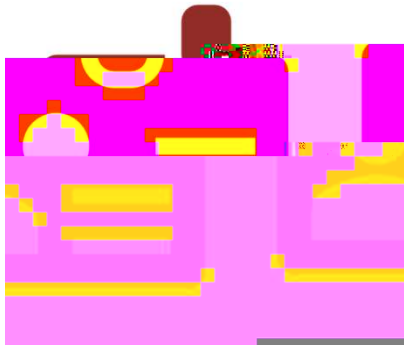


What is incest?

—

What is statutory rape?

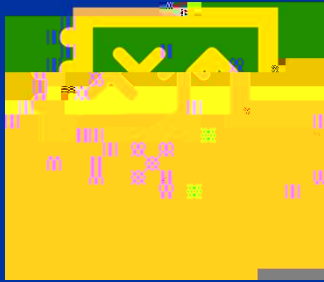
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Example of dating violence

Example of stalking



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Example of retaliation



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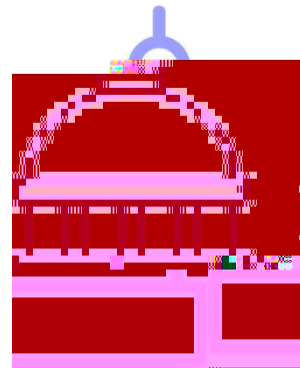


What about state laws governing sexual harassment on campus?

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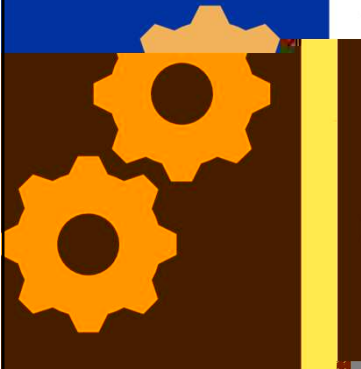
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Group Scenario



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Questions



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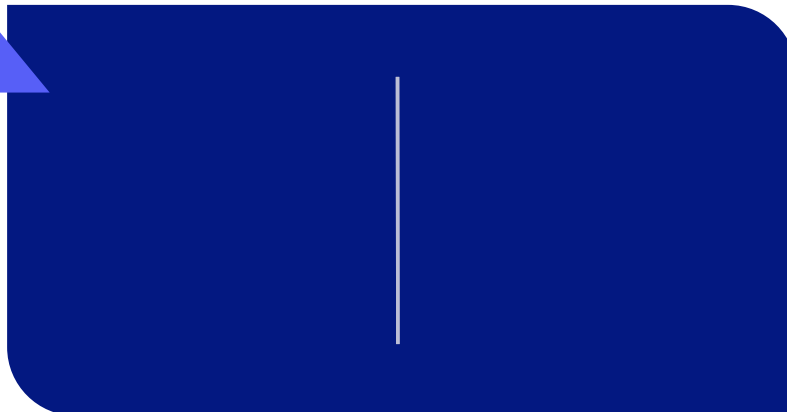
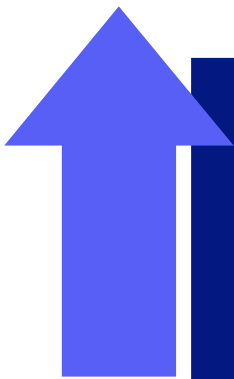
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What is “actual knowledge”?



Is an “institutional official” the same as a “responsible employee”?





When do we reach out to the alleged victim?

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What if we can't identify the alleged victim from a report?

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Example of reasonable supportive measure



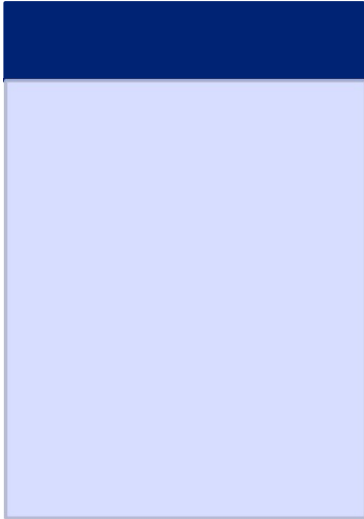


Can we utilize interim removals or suspensions for students?

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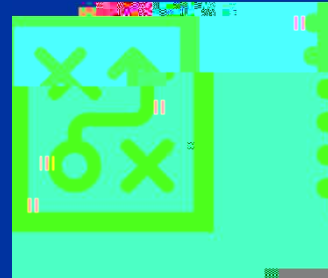
What is a formal complaint?



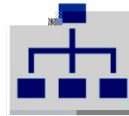
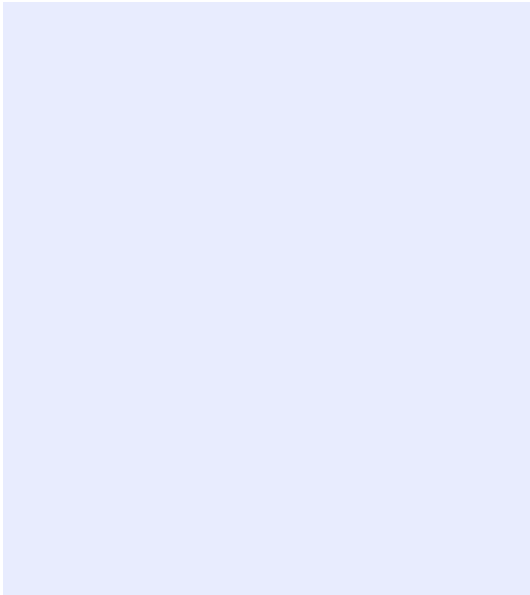
Example of T9 Coordinator formal complaint



Example of dismissal



Can we consolidate the complaints?





What general principles govern the grievance process?

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i

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What is a conflict of interest?

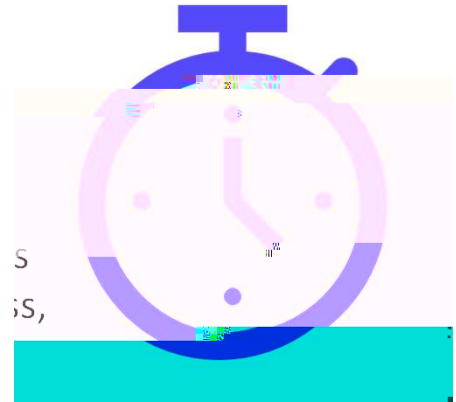


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How long does a grievance process take?

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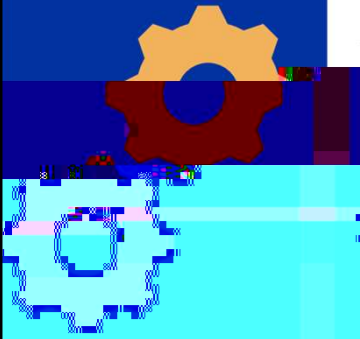
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What do we do if we find sexual harassment occurred?

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Group Scenario



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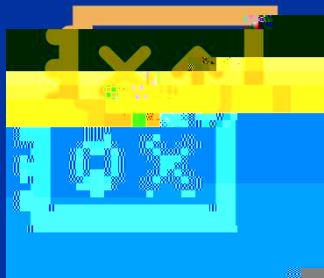
Investigations

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What are some general principles about interviewing?

Another example question



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How do you structure an interview?

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How do you build rapport?



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- !
- !
- !
- !



Example of rapport building



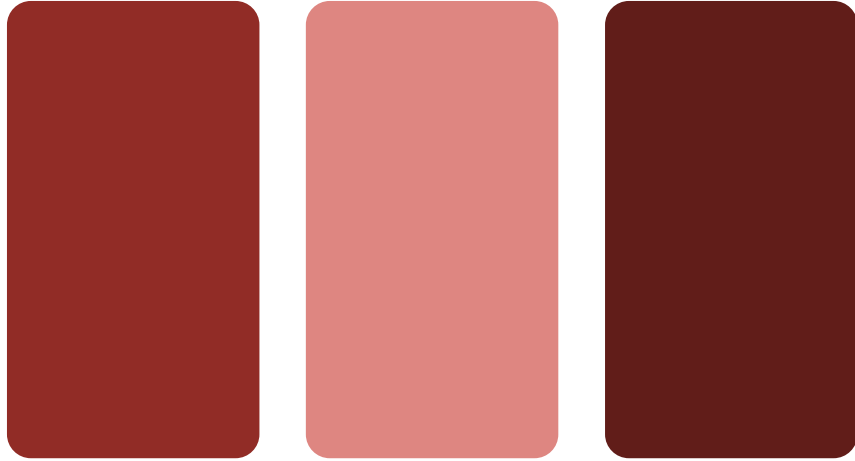


**Examples of
cued
invitations**



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**Examples of
suggestive
questions
(avoid)**



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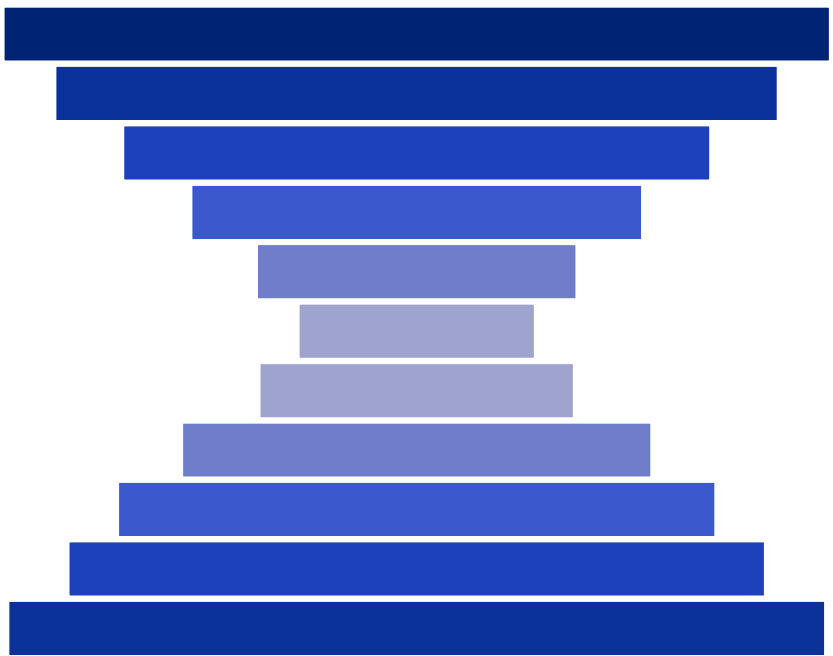
Do parties/witnesses have a right to record the interview themselves?

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Example sources of non-testimonial evidence



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How is the investigation concluded?

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- !
- !



Does the investigation report make findings?

- !
- !



May parties have an advisor during the investigation?

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Are parties subject to a “gag” order during the investigation?

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Example of permissible conduct



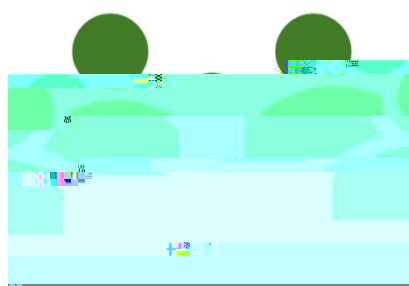
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Who runs the hearing?



umably, with a chairpe



ISSUE TRACKING

Who attends a hearing?

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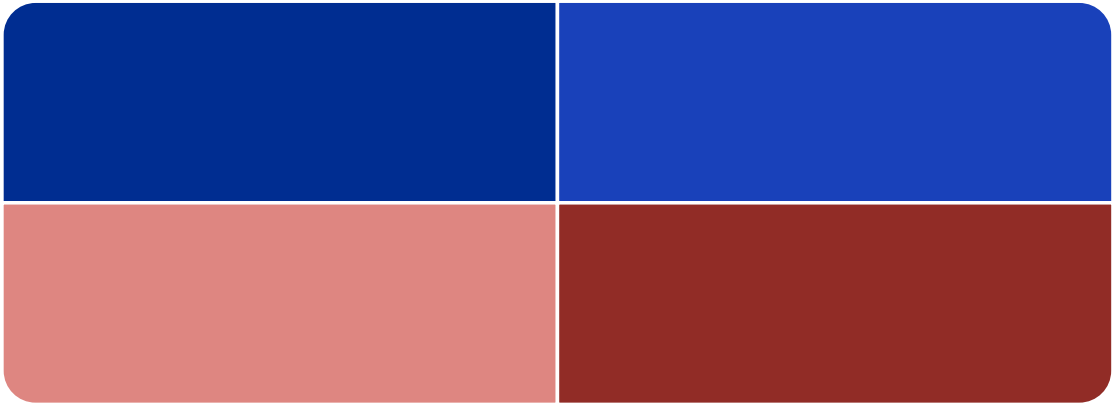
Do we provide a party's advisor?

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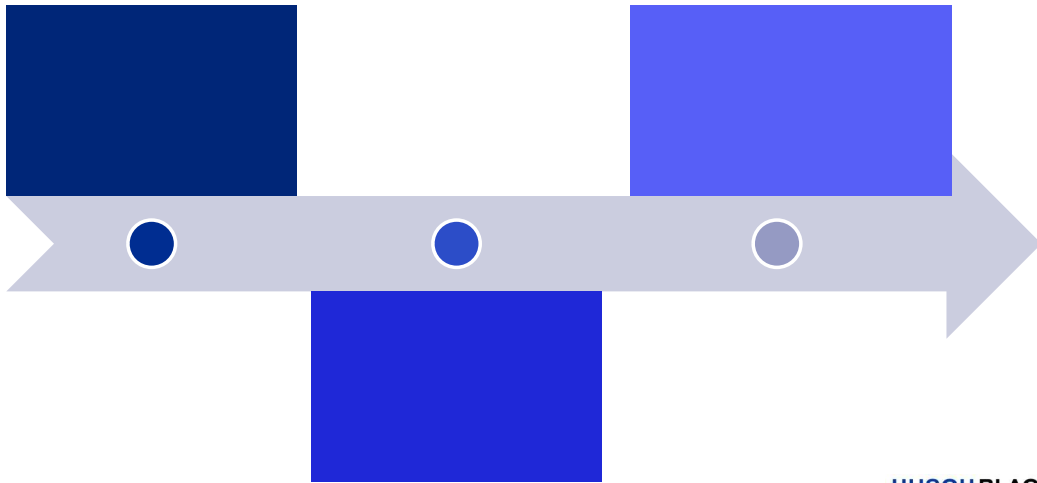
How does the hearing actually work?

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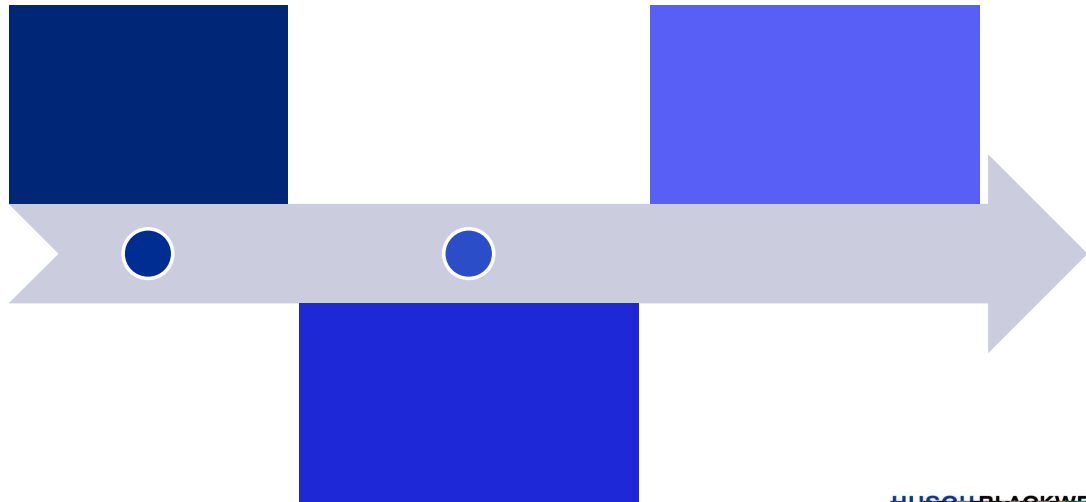
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How might questioning of parties take place?



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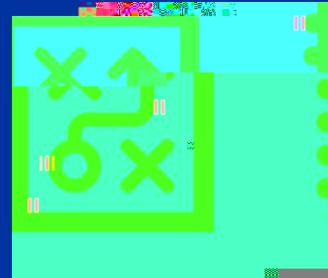
How might questioning of witnesses take place?



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Example (relevant)



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Example (relevant)



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Example (not relevant)

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Is sexual history considered?

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Example (impermissible)

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Example (permissible)

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Example (excluded)



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Example (excluded)



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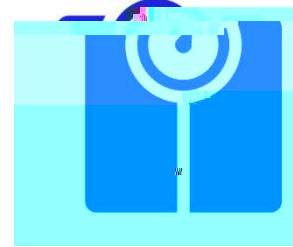


Example (permissible)



What does it mean to weigh evidence?

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Who determines discipline and remediation?

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Questions



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Can an institution set a time limit to appeal?

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after



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What are the grounds for appeal?

[Redacted]



[Redacted]



[Redacted]



[Redacted]

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Example (harmless error)



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Example (new evidence)



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Example (conflict of interest/bias)





Should we ever dismiss an appeal?

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Can we require an appealing party to explain their appeal?

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How does the appeal officer make their decision?

⋮

⋮

⋮

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Is there further review after appeal?

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Questions



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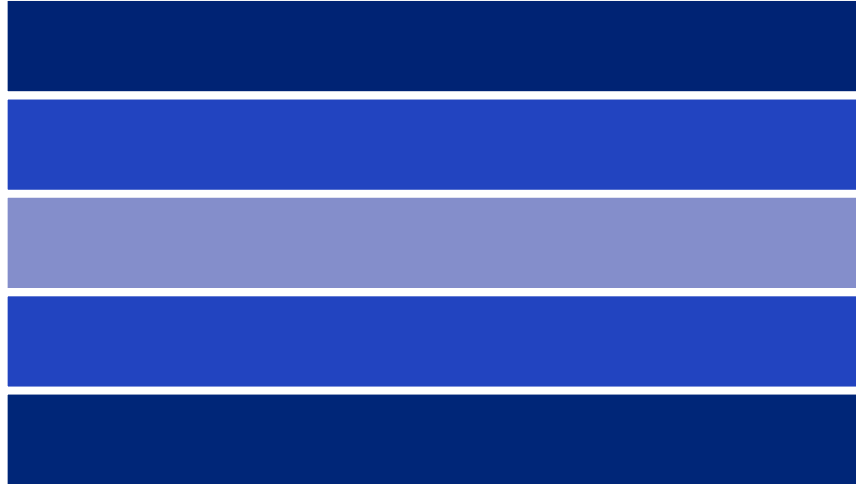
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Example (impermissible)

What are some examples of informal resolution?



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Does every case with disputed facts have to proceed to hearing?

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How long can an informal resolution take?

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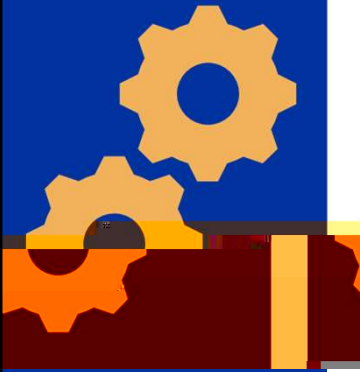
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Is an informal resolution final?

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Confidentiality

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Are sexual harassment cases confidential?

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Are parties allowed to talk about a case?

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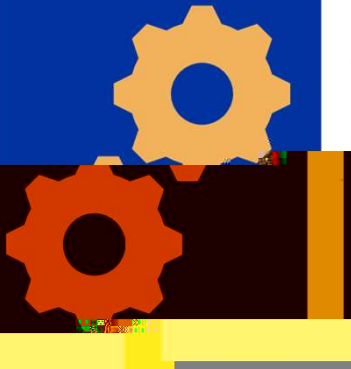
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Example (permitted communication)

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Questions



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