



TITLE IX ADVISOR TRAINING

JUNE 7, 2024

AGENDA

- ▶ **Introductions**
- ▶ **Title IX Personnel**
- ▶ **Prohibited Conduct Overview**
- ▶ **Hearings**
- ▶ **A Voice of Experience**
- ▶ **Questions**

Disclaimers & Ground Rules

Challenging Material

Introductions

Two Pennies

WHAT IS 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 subjected to discrimination under any education program or activity receiving Federal financial assistance.”



NEW REGS (AUGUST 1, 2024)

- ▶ Clarifies that sex discrimination includes discrimination based on sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity.

NEW REGS (AUGUST 1, 2024)

- ▶ Prohibits a recipient from treating students, employees, or applicants differently based on sex in connection with parental, family, or marital status

TITLE IX PERSONNEL

Title IX Coordinator

- ▶ Coordinates compliance under Title IX; ensures appropriate training and education, implements supportive measures (with or without a formal complaint); coordinates and reviews investigations, response, and resolution of all reports under the Policy and implements any remedies
- ▶ The Title IX Coordinator is the first point of contact to answer questions regarding the Policy and procedures

▶ **Deputy Title IX Coordinators**

- ▶ Assist the Title IX Coordinator with executing responsibilities

▶ **Title IX Investigations & Hearings**

- ▶ Grand River Solutions

ADVISORS

► **Assigned Advisors (role during a Hearing)**

- If a party does not choose their own advisor, an advisor will be appointed for the hearing to conduct questioning on behalf of the party. An assigned advisor will be notified of their assignment to a case with sufficient time to prepare for the hearing
- Concerns related to serving as an advisor: If an assigned advisor has concerns about serving as an advisor for a case (e.g., concerns related to the timeline of the case, conflicts of interest, or other concerns), the assigned advisor should contact the Title IX Coordinator immediately

► **Chosen Advisors (Any Point in Process)**

- Any person may be selected to serve as an advisor by a party at any point in the process

Definitions

- ▶ **Complainant** – reported to have experienced Prohibited Conduct
- ▶ **Respondent** – reported to have committed Prohibited Conduct
- ▶ **Standard of Evidence** –
Preponderance of the Evidence
- ▶ **Prohibited Conduct**

Policy on Sexual and Gender-Based Harassment and Other Forms of Interpersonal Violence

**What Does UMW's
"Prohibited Conduct" Policy
Cover?**

**Prohibited
Conduct**

**Reporting
Options**

**Supportive
Measures**

**Formal
Process**

**Informal
Resolution**

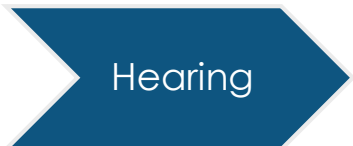
Policy on Sexual and Gender-Based Harassment and Other Forms of Interpersonal Violence

- **Sexual Harassment/Discrimination**
 - **Sexual Assault, Domestic Violence, Dating Violence, Stalking**
- **Sexual or Gender-Based Misconduct**
 - **Non-consensual Sexual Conduct, Intimate Partner Violence, Stalking II**
- **Sexual Exploitation**
- **Retaliation**
- **Complicity**

Before an Advisor is Assigned



While an Advisor is Assigned



After the Hearing



Informal Resolution

- ▶ Available at any time prior to a determination regarding responsibility being reached (a Formal Complaint must be filed prior to utilizing an informal resolution process)
- ▶ Flexible process that may result in a variety of outcomes agreed to by the parties such as restrictions on contacting the other party or campus presence
- ▶ If a party is interested in considering informal resolution, they should contact the Title IX Coordinator

Investigation Process

- ▶ Notice of Investigation and Allegations
- ▶ First Interview with the Investigator
 - ▶ Each Party (separately)
 - ▶ Recorded by Investigator. Parties and Advisors may not record.
 - ▶ Investigator will collect evidence such as text messages, social media messages, photos, and videos
 - ▶ Parties may suggest questions that they would like the investigator to ask the other party and witnesses
- ▶ Witness Interviews
- ▶ Follow-up Interviews

PRE-HEARING MEETINGS

- ▶ **Separate for each party and their advisor**
- ▶ **Meet the Hearing Officer**
- ▶ **Learn about the hearing format**
- ▶ **Ask questions**

Hearing

- ▶ Participants
- ▶ Decorum
- ▶ Flow of the Hearing
 - ▶ Requesting Breaks – You can request a break during the hearing
 - ▶ One exception – not once a question has been posed
 - ▶ Zoom Break Out Rooms

YOUR ROLE IN HEARING



THE HEARING - Questioning

- ▶ **Developing Questions to Ask During the Hearing**
 - ▶ Ask your advisee what questions they have for the other party and witnesses
 - ▶ Note some prepared questions may be asked by the panel during the hearing or new questions may arise based on responses during the hearing
- ▶ **Questioning Techniques**
 - ▶ Open-ended questions
 - ▶ Closed-ended questions
 - ▶ Avoid compound questions

During Hearing

- ▶ Chair will make relevance determination on question BEFORE it is answered
- ▶ At the hearing, the advisor will ask the questions and then PAUSE so that the chair may make the relevance determination for every question. Then the person to whom the question was directed will answer.

Relevance

- ▶ Only relevant direct examination and cross-examination questions may be asked of a party or witness. Questions that are immaterial or unduly repetitious are considered irrelevant.

COMMUNICATION LOG

► Document interactions with your advisee

- The log must include the date, time, contact, and summary of the communications for all types of communications including, but not limited to:

- Emails
- Phone calls
- Voicemails
- Video calls (e.g., Zoom calls)
- Any other communication media (e.g., information shared via Google Docs or other electronic communication or document sharing system)

- A copy of all written communications received from or sent to their advisee (emails, etc.)

- *This document log will be uploaded in the permanent case file*

Sample Communication Log

01/17/2021 2:00PM	Advisee	Email	I received an email with a list of questions for the other party and 2 of the 3 anticipated witnesses at the hearing. A copy of this email with the list of questions is attached.
01/18/2021 11:00AM	Advisee	Voicemail	I received a voicemail from ADVISEE requesting that I return their call to answer a question about their case.
01/19/2021 8:30AM	Advisee	In Person Meeting	I met with ADVISEE in person prior to the start of the hearing to confirm their list of questions for the other party and witnesses and ask if they have any questions for me or the Title IX Coordinator. ADVISEE did not have any new questions for the other party and witnesses prior to the start of the hearing. ADVISEE did not have other questions for me or the Title IX Coordinator.

SOME RESOURCES

- ▶ *FAQs for Complainants:* <https://diversity.umw.edu/title-ix/complainants/>.
- ▶ *FAQs for Respondents:* <https://diversity.umw.edu/title-ix/respondents/>.
- ▶ *FAQs for Employees:* <https://diversity.umw.edu/title-ix/employees/>.
- ▶ *UMW's Title IX Website:* <https://diversity.umw.edu/title-ix/>
- ▶ *Policy on Sexual and Gender-Based Harassment and Other Forms of Interpersonal Violence:* <https://diversity.umw.edu/title-ix/prohibited-conduct-policy/>
- ▶ *Summary of Procedures - Prohibited Conduct policy:*
<https://diversity.umw.edu/title-ix/summary-of-procedures-for-prohibited-conduct-policy/>
- ▶ *U.S. Department of Education, Office for Civil Rights:*
<https://www2.ed.gov/about/offices/list/ocr/index.html>