

**Young
Harris**

COLLEGE



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Title IX Training Documentation
For Academic Year 2021-2022



GEORGIA INDEPENDENT
COLLEGE ASSOCIATION

Georgia Independent College Association Compliance Collaborative Program

2021 Title IX Training - Overview

Live and Recorded Webinar

1 ½ Hour Webinar

Definitions

- Sexual harassment
- Education program or activity
- Formal complaint
- Complainant
- Respondent
- Non-Title IX Proceedings

Jurisdiction

Dismissal of Complaints

- Mandatory Dismissal
- Discretionary Dismissal

Standard of Evidence

- Preponderance of evidence
- Clear and convincing

Emergency Removal

- Students
- Administrative Leave – Students
- Administrative leave – non-student employee

Supportive Measures

- Not punitive
- Provided to both parties
- Example

Role of Advisor

- Definition
- Role Advisor
- Represent or permit advisor participation
- Restrictions on who can be an Advisor
- Rules of decorum

Investigative Process

- No conflict of interest or bias
- Reasonable prompt time frames
- No gag order
- Written notice required
 - Presumption of not responsible
 - Rights of Complainant and Respondent
- Informal Resolution
 - Not permitted to require as condition of employment or continuing in education program
 - Not permitted to resolve allegations that employee sexually harassed a student
- Formal Resolution
 - Inspect and review evidence
 - Preliminary Report
 - Investigative Report

Live Hearing

- Must have Live Hearing
- Option – Informal Resolution prior to adjudication
- Parties physically present
- Recording
- Advisor
 - Attendance at hearing
- Must submit to cross-examination
- Questions of parties and witnesses by Advisor
- Cross-examination
- Determination by Decision-maker
- Relevant questions
 - Rape shield protection
- Written determination required
- Remedies

Appeal

- Both parties can appeal
- Grounds for appeal
- Additional bases for appeal
- Requirements for appeal

Resources

OCR and Title IX

https://www2.ed.gov/about/offices/list/ocr/docs/tix_dis.html

<https://www2.ed.gov/about/offices/list/ocr/docs/dcl-title-ix-coordinators-guide-201504.pdf>

Federal Register

<https://www.federalregister.gov/documents/2020/05/19/2020-10512/nondiscrimination-on-the-basis-of-sex-in-education-programs-or-activities-receiving-federal#citation-1152-p30294>

Joint Guidance on Title IX -

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

<https://system.suny.edu/media/suny/content-assets/documents/sci/tix2020/Live-Hearings,-Cross-Examination-and-Advisors-of-Choice.pdf>

Presenter: Judy Spain, J.D., CCEP

Judy currently serves as the GICA Compliance Program Consultant. She is a Professor Emeritus, Eastern Kentucky University, an attorney licensed in Kentucky, Ohio, New York, and Pennsylvania, and is a Certified Compliance and Ethics Professional. She served as General Counsel and Chief Ethics and Compliance Officer at Eastern Kentucky University and Manhattanville College, where she developed and implemented compliance programs. She has served in multiple Title IX roles and has lectured extensively in this area. Judy is the author of the first book on higher education compliance, *“Higher Education Compliance: Blueprint for Success”*. Judy is also the author of *“Compliance Risk Assessments: An Introduction”* published by the Society for Corporate Compliance and Ethics.



GICA Compliance Collaborative

2021 Title IX Hearing Panel Member Training

This training provided Hearing Panel Members, Appeal Officers, Advisors, Title IX Coordinators, Deputy Coordinators, Investigators, HR personnel, and anyone associated with administering Title IX with an up-to-date understanding of current compliance requirements for the live hearing using a scenario-based training.

This training utilized newly developed training videos detailing an interesting fact pattern. Attendees will watch the hearing panel videos; discuss the burden of proof to be established; make rulings on evidentiary matters; and develop strategies to control unruly participants. The training will conclude with the participants arriving at a written decision based on the facts.

For participants who attended the Title IX Investigator Training, this training was not a repeat of what we discussed in that training. These are different videos, however, the fact pattern is the same with a few twists.

AGENDA:

9:00 a.m. – 10:00 a.m.

- Training Objectives
 - Introductions and Review of Title IX – Final Rule

10:15 a.m. – 12:30 p.m.

- Training Objectives:
 - Utilizing case-scenario based approach and watching newly developed Title IX-specific videos, practice managing the logistics of a live hearing (evidentiary rulings, unruly participants, rules of evidence) and culminate the training with arriving at a written decision.

Attendees MUST:

- Bring a copy of their institution's Title IX Policy and process.
- Bring their own computer.



GICA Compliance Collaborative

2021 Title IX Investigator Training

This training utilized newly developed training videos detailing an interesting fact pattern. Attendees were exposed to the overall alleged Title IX issue; developed an interview/investigative plan; watched the video interviews; developed interview summaries; and wrote an investigative report.

AGENDA:

9:00 a.m. – 10:30 a.m.

- Training Objectives
 - Introductions and Review of Title IX – Final Rule

10:45 a.m. – 12:00 pm

- Training Objectives:
 - Discuss alleged Title IX issue; develop an interview/investigative plan; discuss Supportive Measures, Emergency Removal, and other possible associated issues.

12:00 p.m. – 1:00 p.m. Lunch (on your own)

1:00 p.m. – 4:00 p.m. Investigation Process (Case Scenario)

- Training Objectives:
 - Utilizing case-scenario based approach and watching newly developed Title IX-specific videos, write investigative notes and final report.

Attendees MUST:

- Bring a copy of their institution's Title IX Policy and process.
- Bring their own computer.