

TITLE IX ADVISOR TRAINING



What is Prohibited Conduct under UIW's Sexual Misconduct Policy?

- sexual harassment;
- sexual assault;
- sexual exploitation;
- stalking; and
- relationship violence



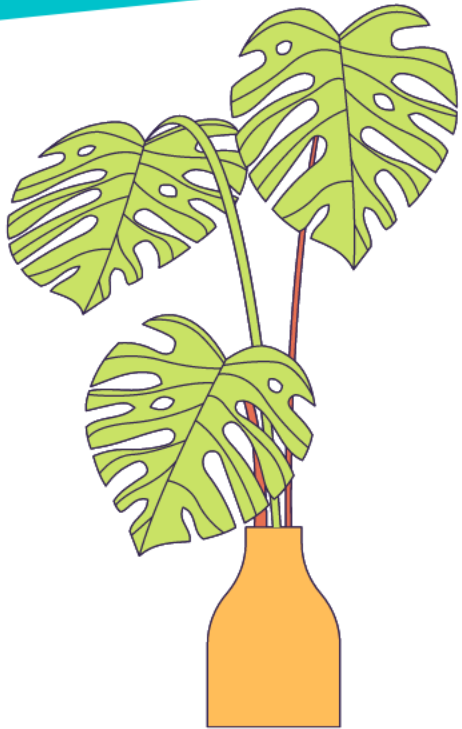
Major Changes to the Title IX Process

- **Jurisdiction**
- **Live-Hearing Process**
- **Appeals**
- **Informal Resolution**
- **Advisor Role**



Jurisdiction:

The jurisdiction of what triggers the Title IX obligation to investigate an incident has been narrowed.



- **Actual Knowledge:** The Title IX Coordinator or another official with the University with authority to Institute Corrective Measures.
- **Definition of Sexual Harassment:** The federal definition has changed and is specific.
- **Educational Program:** The incident must occur on during an educational program.
- **In the US:** the incident must have occurred in the United States.

Live-Hearing Process



- **Advisor Requirement** – Students are given the option of choosing an advisor to help them through the Title IX formal investigation process (this may be an attorney). If a student cannot find an advisor or afford an advisor, then the University must provide them one.
- **Cross Examination** – Parties will be subject to cross examination that shall take place during the live hearing process.
- **Relevant Questions** – Questions asked in cross-examination must be relevant to the incident alleged. The Hearing officer shall determine if a question is relevant.
- **Hearing Officer** – A hearing officer (not the Title IX coordinator or investigator) shall be the decision-maker in a Title IX proceeding.
- **Timelines and Turnover of Evidence and Investigator’s Report** – The new regulations set out certain timelines for providing an investigator report and turning over evidence before the live hearing. Additionally, new regulations require turnover of all evidence to both parties and their advisors for review.
- **Rape Shield Protections** – The new regulations provide for protections regarding sexual history.



Appeals

The new regulations require 3 appeals options.

1

Procedural Irregularity

Something went wrong in the process that affected the outcome.

2

New Evidence

New Evidence that was not reasonably available at the time the determination that could affect the outcome of the matter

3

Conflict of interest

The Title IX Coordinator, investigator, or decision-maker had a conflict of interest or bias that affected the outcome of the matter.

Informal Process and Informal Resolution



- **Both Parties must opt-out of the formal process and agree to the informal process.**
- **Should either party choose to not proceed with the informal process then the process automatically reverts to the formal process which includes the live hearings, etc.**
- **Complaints made where an employee is involved cannot opt-out of the formal process.**
- **Prior to filing a formal complaint a complainant may choose to proceed with an informal resolution.**

The Different Parts of a Title IX Case.

- The Formal Complaint Process
- The Investigation Process
- The Hearing Process
- The Decision Process
- The Appeals Process
- The Sanction Process



Questions

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