Title IX and Other Sex - and Gender - Based Misconduct Policy Team

ORIENTATION
Welcome

- Thank you for being a part of the Title IX Process!

- Introductions
New OCR Title IX Regulations

Old vs New
- Dear Colleague Letters
- New rulemaking process began in November 2018
- Effective August 14, 2020
- Final rule is composed of regulations that have the force of law
- Compliance with the rule is mandatory, not advisory, as with Dear Colleague Letters.
- New rules will not alter institutional policies governing other forms of protected-status harassment (we will look closer at this later).

Impact on our processes
- Live Hearing
Sexual Harassment and Title IX

- Title IX obligations apply to “sexual harassment” in an education program or activity

Applies to:
- on campus
- off-campus education program or activity
- houses owned or controlled by university-recognized student organizations

Does not apply to:
- off-campus
- private settings
- settings not associated with an education program or activity

- However, we have a Sex- and Gender-Based Sexual Misconduct Policy
Roles and Responsibilities

**Full-Time Title IX Roles**
- Title IX Coordinator – Why do we need this?
  - What do I do?
- Deputy Coordinators
- Compliance Specialists
  - What do I do?
- Assistant Case Manager
- Investigators
  - What do I do?
- Legal Counsel
- Advocates
- Responsible Employees

**Your New Title IX Roles**
- Advisors
- Hearing Officers
  - Hearing Chair
- Mediators

**All roles have certain expectations regarding**
- Confidentiality
- Bias
Confidentiality

- Confidentiality Forms
- What is protected by confidentiality?
  - The identity of the person is confidential, unless waived in writing by the person.
  - The Identity
    - Is not subject to disclosure under the Texas Public Information Act
    - And may only be disclosed to:
      - The postsecondary institution to conduct an investigation of the report
      - Law enforcement to conduct a criminal investigation of the report, as appropriate
      - A healthcare provider in an emergency situation as determined by the institution
For cases in which an investigation is deemed necessary, the identities of the parties and witnesses will be disclosed to the parties and witnesses, as necessary.

FERPA

To the extent there is a conflict between FERPA and the Title IX regulation, an institution must comply with the Title IX regulation.

Who can you talk to?

The Team!
What is Bias?

Why it is important to talk about
  - Influence the outcome
  - Self-awareness is key
  - Objective decision
  - Risk (discussed on next slide)
Let’s talk about a risk

- Legal Risk
- Personal Impact
  - Appearance of bias
- Public Attention
  - Stance on statements
Title IX and Other Sex – and Gender – Based Misconduct Policy Violation Process

Report Received

Complainant notified and invited to participate in an initial interview

Supportive Measures Provided

Interim Removal – BIT

Student Appeal (Coordinator Determination)

Decline Investigation

Formal Complaint Filed - Respondent Notification

Request for Formal Investigation

Mediation

Hearing

Resolution

Hearing Panel Decision

Appeal – New Hearing Panel Determination

Sanctioning – Hearing Panel Determination
Key Questions to Consider

- How would you feel about supporting a respondent? A complainant?
- How will you support a respondent? A complainant?
- What do you hope to learn during the training series?
You’re Probably Wondering

- What if I break confidentiality?
- What happens if I know someone in the hearing?
- Will I get help during the process?
- Am I protected by the university?
- How long will the hearing last?
- What if I have to leave the hearing or cannot be involved?
Q & A
Questions, comments, or concerns?
One more thing

- Mock hearing
- Half - Full day
- Dates before 8/14

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<thead>
<tr>
<th>Date</th>
<th>Title</th>
<th>Description</th>
<th>Time</th>
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<tbody>
<tr>
<td>Tuesday June 23</td>
<td>Orientation</td>
<td>Orientation to the positions, including expectations, biases, risk, and Q&amp;A</td>
<td>2:00 pm – 4:00 pm</td>
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<tr>
<td>Tuesday June 30</td>
<td>Overview of Title IX</td>
<td>History, evolution, purpose, what Title IX is and What it is not, overview of cases</td>
<td>2:00 pm – 4:00 pm</td>
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<tr>
<td>Tuesday July 7</td>
<td>Overview of the Hearing Model</td>
<td>Policy, process, procedure, and logistics of the hearing model</td>
<td>2:00 pm – 4:00 pm</td>
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<tr>
<td>Tuesday July 14</td>
<td>Trauma Informed Care Training</td>
<td>This training is designed to provide a description of what trauma is, the effects of trauma, and how trauma may manifest itself.</td>
<td>2:00 pm – 4:00 pm</td>
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<tr>
<td>Tuesday July 21</td>
<td>Advisor Training</td>
<td>Training on cross examination</td>
<td>2:00 pm – 4:00 pm</td>
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<tr>
<td>Tuesday July 28</td>
<td>Hearing Officer/Decision Maker Training</td>
<td>Overview of Hearing Panel duties, responsibilities, and expectations</td>
<td>2:00 pm – 4:00 pm</td>
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<tr>
<td>Tuesday August 4</td>
<td>Mediator Training</td>
<td>Overview of skills and process of mediation.</td>
<td>2:00 pm – 4:00 pm</td>
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*If you are unable to attend any of the trainings, please let us know as soon as possible. We will be holding a full make up day on Monday, August 10th. This is the last day to reach compliance before the regulations are in effect. If you are not able to complete the full series, you will be unable to participate in the role.*