



TITLE IX COORDINATOR TRAINING

OVERVIEW OF TITLE IX



No person can be excluded from, denied the benefits of, or discriminated against in any education program or activity that receives federal money based on their sex.



TIPS FOR A SUCCESSFUL INVESTIGATION

- Treat all complaints seriously.
- Select investigator carefully (Need not be the Title IX Coordinator).
- Begin investigation immediately.
- Conduct a thorough investigation; When, where, what, who – and cover the same questions with all interviews.
- Prepare before interviews – Review complaint, school policies, student and or employee files.
- Document everything.

INVESTIGATIONS



“Investigation” refers to the process the school uses to resolve sexual violence complaints.

Includes the fact-finding investigation and any hearing and decision-making process the school uses to determine:

1. whether or not the conduct occurred; and, if the conduct occurred, what actions the school will take to end the conduct, eliminate the hostile environment, and prevent its recurrence.
2. prevention may include imposing sanctions on the perpetrator and providing remedies for the complainant and broader student population.

INVESTIGATIONS CONT.



- Must be adequate, reliable, impartial, and prompt.
- Must include the equal opportunity for both parties to present witnesses and other evidence.
- May include a hearing to determine whether the conduct occurred, but this is not required.
- Neither Title IX nor the OCR specifies who should conduct the investigation.

INVESTIGATIONS CONT.



- School must use a "preponderance of the evidence" (i.e., more likely than not) standard.
- If lawyers are permitted, both parties must be able to have one.
- If the school provides for an appeal, it must do so equally for both parties.
- Both parties must be notified, in writing, of the outcome of both the complaint and any appeal.
- Keep in mind that the school does not have to provide a right of appeal.

CLOSING THE INVESTIGATION

- Make a determination.
- Facts and credibility.
- More likely than not?
- Decide on corrective action and remedial measures, if warranted.
- Draft report for Title IX File summarizing claims, investigation, determination, and corrective action.
- Draft closing memos to involved parties stating the finding, corrective action, and/or remedial measures and reminding of the non-retaliation requirement.

COMPLIANCE CHECKLIST



Schools must have all of the following:

- Notice of Nondiscrimination
- Title IX Coordinator(s)
- Grievance Procedure



NOTICE OF NONDISCRIMINATION



- Puts students and employees on notice of their rights under Title IX.
- Provides information for contacting the school's Title IX coordinator and Office of Civil Rights.
- It's okay to update via catalog addendum or other notice.

TITLE IX COORDINATOR ROLE

- The single point of contact for all complaints and issues relating to Title IX issues — discrimination, sexual harassment, and sexual violence.
- Responsible for investigating complaints and enforcing school policy.
- Can be one or more individuals.

TITLE IX COORDINATOR ROLE CONT.

Core responsibilities:

- Oversee the school's response to Title IX reports and complaints.
- Identify and address any patterns or systemic problems.

Must be:

- knowledgeable of the requirements of Title IX, the school's policy and procedures, and all complaints raising Title IX issues.
- Informed of all reports raising Title IX issues given the training, authority, and visibility to fulfill these duties.

TITLE IX COORDINATOR ROLE CONT.



- Not have a job that creates a conflict of interest.
- Someone in the grievance process chain.



GRIEVANCE PROCEDURE



- Notice to students and employees of grievance procedures.
- Application of the grievance procedure to complaints filed by students (or on their behalf) alleging sexual violence carried out by employees, other students, or third parties.
- Provisions for adequate, reliable, and impartial investigation of complaints, including the opportunity for both the complainant and the alleged perpetrator to present witnesses and evidence.

GRIEVANCE PROCEDURE CONT.

- Designate reasonably prompt time frames for the major stages of the complaint process (max of 60 days to completion).
- Written notice to the complainant and alleged perpetrator of the outcome of the complaint.
- Assurance that the school will take steps to prevent recurrence of any sexual violence and remedy discriminatory effects on the complainant and others as appropriate.

WHAT ABOUT APPEAL RIGHTS



- Schools are not required to provide a right to appeal.
- However, if a school chooses to provide an appeal process, it must be included in the grievance procedure.





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