

Title IX Advisor Training Course

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Title IX Coordinator



Title IX

Title IX of the Education Amendments Act of 1972 is a federal law that states that 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.



LU Title IX – Key Personnel

Title IX Coordinator – FeAunté Preyear

Deputy Title IX Coordinators – André Clanton
Rebecca Koch

Title IX Investigators

- Faculty/Staff members

Hearing Panel

- Three faculty/staff members

Hearing Panel Chairs

- Rebecca Koch
- André Clanton
- Melissa Waters
- Dr. Lauren Lunk

Title IX – Support Person & Advisor

Support Person

An individual who provides emotional support and assistance to a complainant or respondent throughout the grievance process.

Advisor

An individual chosen by a party or appointed by the university to provide advice and support for a party and conduct cross-examination on behalf of the party during a live hearing.

The Role of the Advisor

- Accompany your advisee through all phases of the resolution procedure and explain the process.
- Assist your advisee in thinking through a strategy, such as whether to seek or agree to an informal resolution and the terms of the informal resolution.
- Assist your advisee in reviewing and responding to the investigation report.
- Assist your advisee in advocating for the inclusion or exclusion of evidence from the process.
- Assist your advisee in preparing for the hearing and cross-examination at the hearing.
- Must conduct any cross-examination at the hearing.
- Assist with appeal documentation.

Advisor Competencies

- Learn the university's Sexual Harassment and Gender-Based Harassment Policy.
- Understand/Remember your role within the process.
- Advise with integrity and remain professional. Be punctual and organized.
- Try not to unnecessarily delay the grievance process.
- Understand that the advisee is not your "client."
- Review all the evidence and documentation associated with the case.
- Private resource.
- Decline serving as an advisor if you have a conflict of interest.
- May not like or believe an advisee.
- Not required to be aligned with an advisee's beliefs or behaviors.



Title IX Process

Fairness and Due Process

- The university will endeavor to be prompt, fair, and impartial in the investigation and resolution of complaints of sexual misconduct.
- The burden of proof and the burden of gathering evidence, sufficient to reach a determination regarding responsibility, does not fall on the involved parties.
- Provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and additional evidence.
- Both parties are given periodic updates regarding the status of the investigation.



Supportive Measures



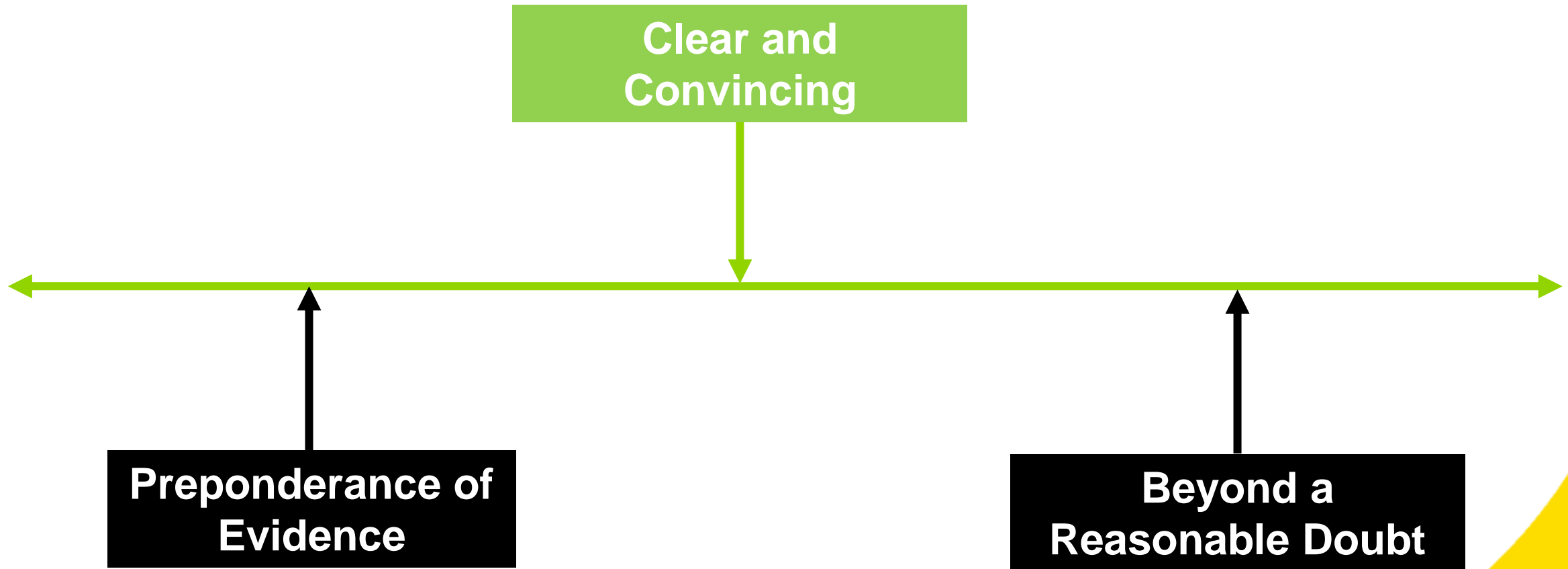
Supportive measures are **individualized services to restore or preserve equal access to education, protect student and employee safety, or deter sexual harassment**. Supportive measures must be offered even if a complainant does not wish to initiate or participate in a grievance process.

U.S. Department of Education

Supportive Measures

- Supportive measures are facilitated by the Title IX Coordinator.
- Supportive measures are provided to the involved parties in a manner that is discreet and preserves a level of confidentiality.
- Supportive measures are not provided equally between the involved parties. They are individualized and based upon the needs of the individual who is making the request. However, we strive to provide them equitably.
- Inform the Title IX Coordinator if you are assisting an advisee who needs supportive measures.

Evidentiary Standard



Clear and Convincing

It is highly probable that a policy violation occurred. Highly and substantially more likely to be true than untrue. The evidence should make it clear as to leave no substantial doubt. Not that you have absolutely no doubt, but it should not be substantial.

Complaint Resolution Procedure

- Incident is reported.
- Intake/Formal complaint.
- Initial assessment and determination.
- Notification of complaint.
- Notice of Investigation.
- Informal/Formal resolution.
- Investigation/Investigation report.
- Notification of hearing.
- Pre-Hearing matters.
- Hearing.
- Deliberation/Decision/Sanctions
- Appeal.
- Final Decision.

Typical Order of Hearing

- Call to order by the Chair.
- Opening statements by both parties.
- Questioning of the Complainant.
 - By the committee members and both advisors.
- Questioning of the Complainant's witnesses.
 - By the committee members and both advisors.
- Questioning of the Respondent.
 - By the committee members and both advisors.
- Questioning of the Respondent's witnesses.
 - By the committee members and both advisors.
- Closing statements by both parties.
- Closing by the Chair.

Cross-Examination

- Remain seated while questioning.
- Cross-examination of the other party and any witnesses is conducted directly, orally and in real time.
- Advisors may ask the other party/witnesses relevant and follow-up questions, including those bearing on credibility.
- Questions about the Complainant's sexual behavior are typically not relevant. *
- Once you pose a question, the Chair will determine whether a question is relevant and will direct the party to answer.
- If your advisee needs the testimony of a witness, do your best to make sure that the witness attends the hearing.
- Ask each witness about significant statements that they have made.

Cross-Examination

- Stick to what is relevant, which means the evidence would tend to prove or disprove an issue in the complaint.
- Keep track of what is asked and be prepared to explain why your question is relevant or may produce a different answer than was already provided.
- Be respectful. Ask direct questions. Don't try intimidation tactics.
- Avoid multi-part or confusing questions.
- If a question is inappropriate, ask the Chair to rule on it.
- Do not argue with the Chair if they determine your question is not relevant, unless they request feedback.
- An inference regarding the responsibility cannot be based upon a party or witness' absence from the hearing or refusal to answer questions or participation in across-examination.

Written Determination

- After the hearing panel has made their determination, they will forward a copy of the determination to the Title IX Coordinator.
- The written determination will include:
 - *The policies alleged to have been violated.*
 - *A description of the procedure that was facilitated upon receipt of the complaint through the determination.*
 - *The rationale for the determination.*
 - *The sanctions imposed on the Respondent (if found responsible).*
 - *Whether remedies, designed to restore or preserve equal access to our educational program or activity, will be provided to the Complainant.*

Appeals



Appeal Criteria

- Procedural irregularity that affected the outcome.
- New evidence that was not reasonably available when the determination was made that could have affected the outcome.
- Conflict of interest or bias against either party that affected the outcome.



Case Study

Questions

LIFE
University

it's in you.