

**Young
Harris**
COLLEGE



EST. 1886

Title IX Training Documentation
For Academic Year 2020-2021



GICA Compliance Collaborative

2020 Title IX Investigator Training

9:00 a.m. – 10:00 a.m.

Introductions

Review Title IX – Final Rule

Training Objectives:

- Understand the new terminology of what constitutes sexual harassment
- Understand jurisdiction, actual notice, standard of evidence

10:15 a.m. – 11:15 a.m.

Review Title IX – Final Rule

Training Objectives:

- Understand changes in investigation process, Emergency Removal, and Supportive Measures

11:15 a.m. – 12:00 p.m.

Review Title IX – Final Rule

Training Objectives:

- Understand changes in live hearing and appeal process

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:

- Using newly developed Title IX-specific videos, use case method to walk through an alleged Title IX matter

Attendees MUST:

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



GICA Compliance Collaborative

2020 In-Person and Webinar Training

Title IX – Investigator Training – Parts I, II, and III

(3 Hour In-Person, Webinar, and Videotaped – August 2020)

AGENDA

Title IX Investigator Training – Part I

Definitions

- Sexual Harassment
- Education Program or Activity
 - Off-Campus Student Organizations
- Formal Complaint
- Complainant
- Respondent

Jurisdiction

- Triggering Event
- Actual Knowledge
- Official with Authority
- Mandatory Reporter/Responsible Employee
- No Formal Complaint
 - Filing by Title IX Coordinator
 - Unwilling Complainant
- Unknown Respondent

Dismissal of Complaints

- Mandatory Dismissal
- Discretionary Dismissal
- Non-Title IX Proceedings

Standard of Evidence

- Preponderance of Evidence
- Clear and Convincing
- Same Standards

Emergency Removal

- Purpose
 - Individualized assessment
- Administrative Leave

Supportive Measures

Definition

Offered to Complainant and Respondent; offered to student and employee

Restore/Preserve Equal Access

Training Materials Publication Requirements Overview

Publication Requirement

Up-to-date Training

Title IX Investigator Training – Part II

Informal Resolution

Definition

Not Permitted Use – condition of employment or enrollment

Not Permitted Use – Employee sexually harasses student

Investigative Process

No Conflict of Interest or Bias

Reasonably Prompt Time Frames

Written Notice of Allegations

Rights of Complainant and Respondent

No Gag Order

Inspect and Review Evidence

Preliminary Report

Communication with Advisor, if any

Investigative Report

Communication with Advisor, if any

Role of Advisor

Advisor of Choice

Restrictions

Rules of Decorum

Title IX Investigator Training – Part III

Live Hearing

Must Have

Options – Informal Resolution

Decision-Maker

Definition

Parties Physically Present

Recording

Questions of Parties and Witnesses by Advisor

Cross-Examination

Must Submit

Relevant Questions

Determination of Relevancy

Rape Shield Protection

Hearsay

Medical Records Exception
Privilege Exception
Written Determination
Content
Remedies
Appeal
Both Parties Can Appeal
Grounds for Appeal
Additional Bases for Appeal
Requirements for Appeal

Resources Provided

OCR and Title IX

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

Joint Guidance on Title IX -

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

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

2020 In-Person and Webinar Training

Title IX – Investigator Training – Part IV

(1 Hour In-Person, Webinar, and Videotaped - August 2020)

AGENDA

Title IX Investigator Training – Part IV

ANSI/ASIS INV.1.-2015 – Investigation Standards

(Discussed relevancy of ANSI/ASIS INV.1.-2015 Investigation Standards to Title IX Investigations)

What a lawsuit will focus on if allegation of improper investigation:

- Does the institution have a policy/procedure in place to govern investigations?
- Was there a written disclosure of allegation?
- Was there disclosure of objective purpose of investigation?
- Were the investigator(s) identified?
 - Documentation of education, training, previous experience
- Were both parties provided the same opportunity to tell their story to the investigator, provide documentation, review record, present their story to the hearing panel, cross-examine witnesses, and appeal?

Overview

Investigation Defined
Investigation Framework
Plan-Do-Check-Act Model
Investigation Guiding Principles
Information Types

- Testimonial
- Documentary
- Physical
- Direct Evidence
- Circumstantial Evidence
- Forensic Evidence
- Hearsay Evidence
- Admissibility of Evidence
- Materiality of Evidence

Establishing Investigation Scope

Establishing Investigation Roles
Establishing Legal Requirements
Investigator Competency Defined
Investigator Competency Skills
Prior to Investigation Commencing
Investigator's Information Collection Role
Preparing Investigation Conclusions
Evaluating Investigation Outcomes

Resources Provided

<https://www.asisonline.org/publications--resources/standards--guidelines/>

Each GICA Compliance Collaborative member institution was provided with one copy of these proprietary standards.

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GICA Compliance Collaborative

2020 In-Person and Webinar Training

Title IX – Investigator Training – Part V

(2 Hour In-Person, Webinar, and Videotaped August 2020)

AGENDA

Title IX Investigator Training – Part V

Total of 11 videos were written by Judy Spain, J.D., CCEP, GICA Compliance Collaborative Program Consultant. Videos produced by DMZ Productions; copyright held by Spain and Spain, Inc., and licensed to GICA.

For this training, six of the videos were used. The remaining 5 videos are used in the Title IX Hearing Panel Member Training (September 2020).

Attendees watched the videos and then participated in discussion regarding the videos.

Videos show various steps in the Title IX investigation process. They are designed to develop investigator interview competency skills; to expand attendees knowledge of the new Title IX process; to promote discussion regarding what went right/what went wrong in the interviews and the process; to assist attendees to determine what could be an interview sequence; to encourage discussion regarding how to ask follow-up questions to determine facts and credibility of the interviewee; and to understand the need for standardization of process of opening/closing an interview by explaining the Title IX process, options for reporting/not reporting, next steps, Supportive Measures, providing handouts, etc.

Scene 1 – Complainant’s Initial Meeting (Take 1)

Actors:

Complainant – Jennifer Shore
Title IX Coordinator – Shelia Fox

Date:

Monday, October 7, 2019
9:00 am

Synopsis: Complainant met with Title IX Coordinator; Coordinator acted outside of Title IX boundaries

Scene 2 – Complainant’s Initial Meeting (Take 2)

Actors:

Complainant – Jennifer Shore
Title IX Coordinator – Shelia Fox

Date:

Monday, October 7, 2019
9:00 am

Synopsis: Complainant met with Title IX Coordinator; Coordinator stopped meeting mid-conversation; pulled in Title IX Investigators

Scene 3 – Complainant’s Interview

Actors:

Complainant – Jennifer Shore
Title IX Investigator – Abigail Thomas

Date:

Monday, October 7, 2019
9:00 am

Synopsis: Complainant met with Title IX Investigator(s); Investigator(s) conducted interview

Scene 4 – Respondent’s Interview

Actors:

Respondent – Curtis Tripp
Title IX Investigator – Abigail Thomas

Date:

Wednesday, October 9, 2019
3:00 pm

Synopsis: Respondent met with Title IX Investigator(s); Investigator(s) conducted interview

Scene 5 – Davenport’s Interview

Actors:

Front desk employee at Camden Hall/student – Ashton Davenport
Title IX Investigator – Abigail Thomas

Date:

Friday, October 11, 2019
10:30 am

Synopsis: Davenport met with Title IX Investigator(s); Investigator(s) conducted interview

Scene 6 – Montgomery’s Interview

Actors:

Complainant’s roommate – Lauren Montgomery
Title IX Investigator – Abigail Thomas

Date:

Monday, October 14, 2019
10:30 am

Synopsis: Montgomery met with Title IX Investigator(s); Investigator(s) conducted interview

Author and Presenter: Judy Spain, J.D., CCEP

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GICA
GEORGIA INDEPENDENT
COLLEGE ASSOCIATION

**Georgia Independent College Association
Compliance Collaborative Program**

2020 Title IX Hearing Panel Member Training

September 2020

3-hour Training

Part I – PowerPoint

**Title IX Hearing Panel Member Training
1-hour webinar**

Definitions

Sexual harassment
Education program or activity
Formal complaint
Complainant
Respondent

Standard of Evidence

Preponderance of evidence
Clear and convincing

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

Non-Disclosure agreement

Live Hearing

Must have Live Hearing

Option – Informal Resolution prior to adjudication

Parties physically present

Recording

Order of hearing

Advisor

Attendance at hearing

Must submit to cross-examination

Questions of parties and witnesses by Advisor

Cross-examination

Determination by Decision-maker

“Waiving” question

Relevant questions

Ruling

Not relevant questions

Legally recognized privilege

Rape shield protection

Medical records

Hearsay

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>

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