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Title IX for Human Resource Professionals

Presented by:

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Associates**

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D. STAFFORD
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Title IX Coordinator

Tier 4 – Title IX for Human Resource Professionals

- Policy & Law Considerations
- Important Definitions
- Handling Title IX Complaints Involving Employees
- Investigations & Hearings
- Pregnancy & Parenting
- Selecting and Training Personnel
- Administrative Responsibilities



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Adrienne Meador Murray, Vice President, Equity Compliance and Civil Rights Services



In January 2014, Adrienne Meador Murray joined D. Stafford & Associates where she currently serves as the Vice President, Equity Compliance and Civil Rights Services after having been affiliated with D. Stafford & Associates as a part-time Associate since 2012 and the National Association of Clery Compliance Officers & Professionals (NACCOP) where she currently serves as Director of Training and Compliance Activities. Murray began her career in municipal law enforcement as a civilian employee with the City of Richmond Police Department (Virginia). She graduated from the Virginia Commonwealth University Police Training Academy and began her career as a sworn police officer for the University of Richmond (UR) Police Department (Virginia). At UR, Murray progressed through the ranks from a night shift patrol officer to Operations Lieutenant (overseeing criminal investigations, crime prevention and patrol) over the span of a decade before becoming the Chief of Police at Davidson

College in North Carolina. Most recently, Murray served as Chief of Police at Trinity Washington University (in Washington, D.C.).

As the Executive Director, Equity Compliance and Civil Rights Services for DSA, Murray builds on her 17-year career in law enforcement in which she became a nationally recognized expert in the field of best practice postsecondary institutional response to the sexual victimization of college women in the United States and in Canada. She is also a trained civil rights investigator and is well respected throughout the country for her ability to aid institutions in understating how to do best practice criminal and civil rights investigations concurrently. She is well known for her work in having provided support, advocacy and criminal investigative services for victims of sexual assault, stalking and intimate partner violence and is a sought-out speaker and investigator. She has expertise in the construction of best practice law enforcement standard operating procedures and training police officers to respond in best practice and trauma-informed ways to victims of sexual assault and intimate partner violence. In her current role, Murray coordinates curriculum development and instruction for national classes, including basic and advanced sexual misconduct investigation classes; an investigation of dating violence, domestic violence and stalking class; and a Title IX Coordinator/Investigator class offered through D. Stafford & Associates. To date, Murray has trained more than 3,500 criminal and civil rights investigators throughout the U.S.

Drawing on her experiences as a trained criminal and civil rights investigator, Murray also oversees independent investigations of complex sexual misconduct cases; conducts audits of Title IX/VAWA



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Compliance; drafts institutional sexual misconduct policies and procedures; and conducts campus-based trainings pertaining to the resolution of sexual misconduct offenses on college and university campuses. Murray frequently presents at regional and national conferences on topics such as the *Sexual Victimization of College Women*, *Understanding Consent and Incapacitation*, and *Responding to Sexual Assault on Campus: Clery Act and Title IX Implications*. Murray also conducts provincially specific sexual misconduct trainings throughout Canada.

Murray is a graduate of the University of Richmond, where she received her Bachelor's Degree in Applied Studies in Human Resource Management and of New England College, where she received her Master's Degree in Campus Public Safety Administration. Murray is also a graduate of the 235th session of the prestigious FBI National Academy where she was awarded a graduate certificate in Criminal Justice from the University of Virginia. She has authored numerous journal articles.

Catherine Cocks, M.A.
Consultant, Student Affairs, Title IX, and
Equity Compliance Services



Ms. Cocks has been a higher education professional for over thirty years. Her work with D. Stafford & Associates focuses on Title IX investigations and training; assessment of student affairs policies, practices and services; and behavioral threat assessment. Cathy was the Director of Community Standards for the University of Connecticut for 14 years where she managed the student conduct process, which included managing all Title IX cases involving student respondents and chaired the University's student threat assessment team. Prior to that, she held several positions within Residential Life at the University of Connecticut and Roger Williams University.

She is a faculty member for the Association for Student Conduct Administration's (ASCA) Donald D. Gehring Academy teaching on subjects such as ethics, governance, threat assessment, media relations, and higher education trends. She was an affiliated faculty

member for many years in the University of Connecticut's Higher Education and Student Affairs Master's program teaching "The Law, Ethics, and Decision-Making in Student Affairs."

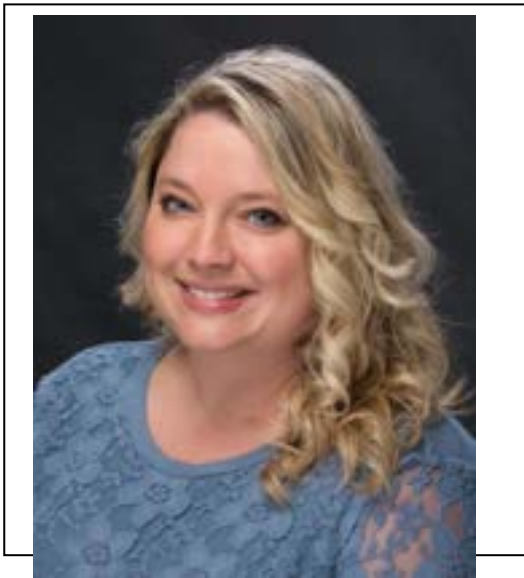
Cathy has co-authored the "Philosophy of Student Conduct" chapter in the 2nd edition of "Student Conduct Practice" (2020) and was a member of the writing team for CAS Standards' Cross-functional Framework for Identifying and Responding to Behavioral Concerns.

Cathy is a Past President of ASCA. She has also served as a Circuit representative, co-chair of the Public Policy and Legislative Issues Committee, and as a member of the ASCA Expectations of Members Task Force. Cathy has served in a variety of leadership roles in NASPA Region I.

She was the 2015 recipient of ASCA's Donald D. Gehring Award. She is a past recipient of the NASPA Region I Mid-Level Student Affairs Professional Award and the NASPA Region I Continuous Service Award.

She earned her Master's degree in Higher Education Administration from the University of Connecticut and Bachelor's degree in Communications/Media from Fitchburg State University.

Kacy J. Z. Hagan, Associate



Kacy J. Z. Hagan has worked in the Human Resources field for nearly 20 years, serving in a joint HR/Title IX Coordinator role in higher education for 8 of those years. Kacy has as her bachelor's degree in Political Science & International Affairs from the University of Mary Washington and her Master of Business Administration degree with a concentration in Human Resources Management from Strayer University. Kacy holds a number of certifications and credentials, including her SHRM-CP, PHR, Title IX Coordinator certification, Civil Rights Investigator certification, Social Justice Mediation certification, and has earned a certificate from eCornell in Diversity, Equity, & Inclusion for Human Resources.

Kacy currently serves as the Associate Vice President for Human Resources & Compliance and Title IX Coordinator for Lycoming College and previously served as the Director of Human

Resources, Social Equity Officer, and Title IX Coordinator for Mansfield University. In both of those positions, she has been responsible for overseeing Title IX compliance and leading cross-divisional teams of faculty and staff serving as investigators, hearing officers, advisors, and prevention and training professionals. Kacy has served as a guest lecturer on HR and Title IX-related topics at Elmira College, Mansfield University, and Lycoming College. While at Mansfield University, Kacy developed a Title IX investigation report template that was adopted by the Pennsylvania State System of Higher Education as a model for other schools in the system. Kacy started Mansfield University's LGBTQ+ Resource Center and Comfort Canine Program and established the Office of Sexual Misconduct Prevention & Response at Lycoming College.

Kacy particularly enjoys combining her love of training and theatre by creating mock Title IX hearing and mock investigation trainings for Title IX professionals. Prior to working in Title IX, Kacy had an extensive experience leading HR teams and conducting personnel investigations at various not-for-profit and for-profit organizations, and she continues to do Human Resources consulting work to support and develop HR professionals. Kacy has served on a number of non-profit boards, including Alliance for Empowerment, Inc., Capabilities, Inc., Haven of Tioga County, and Hamilton-Gibson Productions, among others, and was recognized for her community involvement and volunteer leadership by being awarded the 2021 NextGen Community Leader Award for the Twin Tiers of Pennsylvania and New York.

Kacy has been an associate with D. Stafford & Associates since 2024, where she serves as an instructor in Title IX, Diversity, Equity and Inclusion and a consultant.

INVESTIGATION CLASS ACRONYMS

- ASR:** Annual Security Report (often used as a reference to the Annual Security Report and/or the Annual Security and Fire Safety Report) that must be published by each institution of higher education.
- CSA:** Campus Security Authority—Individuals on each campus who have been identified by the Department of Education as persons who are required to report crimes that they become aware of to the Reporting Structure at each institution.
- DCL:** Dear Colleague Letter—this is a formal name of the method of communication from the Department of Education to college campuses. It is like naming their official “memo” to campuses.
- FERPA:** Family Educational Rights and Privacy Act—governs the confidentiality of student records.
- FNE:** Forensic Nurse Examiners
- GO:** General Order—some departments describe their operating procedures as general orders
- HEOA:** Higher Education Opportunity Act—the broader law that contains the Clery Act language and the fire safety and missing person language that is in the law but not contained within the “Clery Act” portion of the law.
- HIPAA:** Health Insurance and Privacy and Portability Act—governs privacy of medical records.
- MOU:** Memorandum of Understanding—an official agreement developed between agencies.
- NIBRS:** National Incident-Based Reporting System. 1 of 2 crime reporting systems developed by the FBI, but not the system that you are required to use for Clery Reporting—the only portion of this system that is used for Clery Act purposes are the 4 forcible and 2 non-forcible sex offense definitions.
- OCR:** Office of Civil Rights—the unit of the Department of Education that oversees Title IX Compliance.
- PD:** Police Department
- PS:** Public Safety
- PNG:** Persona-non-Grata—process used by some campuses not keep students from entering certain areas of the campus or the entire campus (administrative process) versus legal bar notice or trespass warning.
- SACC:** Sexual Assault Crisis Center, also known as Women’s Center.
- SANE:** Sexual Assault Nurse Examiner

SART: Sexual Assault Response Team

SOP: Standard Operating Procedures—some departments describe their operating procedures as Standard Operating Procedures. Some call them General Orders, etc...

SWA: Senior Women's Administrator (Athletics)

TWN: Timely Warning Notice

UCR: Uniformed Crime Report. This is 1 of 2 crime statistics reporting systems developed by the FBI. Institutions are required to use UCR Standards for counting and classifying crimes for reporting the Clery statistics.

VAWA: Violence Against Women Act

TITLE IX

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ISSUANCE OF CERTIFICATES FOR COMPLETION

To receive a certificate, attendees must attend the majority of the class and have paid class invoice in full. This applies to both in-person classes and virtual classes. We understand that attendees may need to miss class for a legitimate reason for longer periods of time or may need to leave the room during a class for a few minutes to take a phone call or attend to other business. If an attendee misses a significant amount of the class (depending on the length of the class) or they miss an attendance poll, they will not be issued a certificate of completion for the class.

Attendees should report each absence using the online form provided (each class has its own unique form that is sent to all attendees via email prior to class). Attendees should complete the form twice for each absence: once to record their departure, and again to record their return. Attendees should complete the form immediately before leaving class and as soon as practicable upon their return. If an attendee signs out but does not sign back in, they will be marked absent for the remainder of the day.

The criteria for receiving a certificate is determined based on missed class time and participation in the Attendance Polls that will be launched throughout each day of class. Attendance polls are left up for approximately 5 minutes and the instructor notifies the attendees that a poll is being launched to ensure that everyone who is present can respond to the poll. If an attendee is unable to respond to the attendance poll, the attendee would need to **immediately post "I am here"** in the chat feature within the Zoom platform. That way we can give the attendee credit for being in attendance for that specific poll. Notifying us after the attendance poll has been closed will not allow us to give the attendee credit for being in class during the poll.

Some of our classes may qualify for credit toward a Master's Degree at New England College (and regardless if you decide to seek credit or not, accreditation requirements mandate that we follow the same standards for all class attendees), so we have strict attendance standards that we follow for issuance of a certificate. For DSA & NACCOP, issuance of a Certificate of Completion is verification of attendance.

TIER 4: TITLE IX FOR HUMAN RESOURCE PROFESSIONALS

2026 Course

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IMPORTANT ANNOUNCEMENTS



Attendance Polls: Attendance polls will be announced during the class. Please respond to each poll to ensure you receive credit for attending the class. If a poll does not appear, notify the instructor(s) **immediately** via Zoom chat.



Class Absence Form: If you need to step away, use the Class Absence Form to let us know you will be missing class time. Use the form when you leave **and** when you return. The Class Absence Form link is in the logistics email sent before the class.



Host Loss of Connectivity: If the instructor loses connectivity and disconnects, participants will be placed in a waiting room. Remain there until readmitted—do not leave the class.



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A NOTE ON TRAINING



**This is not legal advice,
consult your lawyer!**



COURSE OVERVIEW

D. Stafford & Associates offers a 4-hour Title IX for Human Resource Professionals class. This class is designed specifically for HR professionals who have ancillary or primary duties for response to employee complaints at their institution for reports of discrimination on the basis of sex, including sex-based harassment (quid pro quo, hostile environment, sexual assault, dating violence, domestic violence, and stalking) and sex discrimination.

Some of the key topics that will be covered are:

- Policy & Law Considerations
- Important Definitions
- Handling Title IX Complaints Involving Employees
- Investigations & Hearings
- Pregnancy & Parenting
- Selecting and Training Personnel
- Administrative Responsibilities

POLICY & LAW CONSIDERATIONS



Laws & Regulations with Potential Overlap for Employee Complaints

Title IX	Pregnancy Discrimination Act
Title VII	Pregnant Workers Fairness Act
Violence Against Women Act (VAWA)	PUMP Act
Americans with Disabilities Act (ADA)	Age Discrimination in Employment Act (ADEA)

Title IX Protections of Employees at Educational Institutions:

Discrimination based on sex in employment:

- Hiring
- Promotions
- Job assignments
- Pay
- Benefits
- Termination of employment

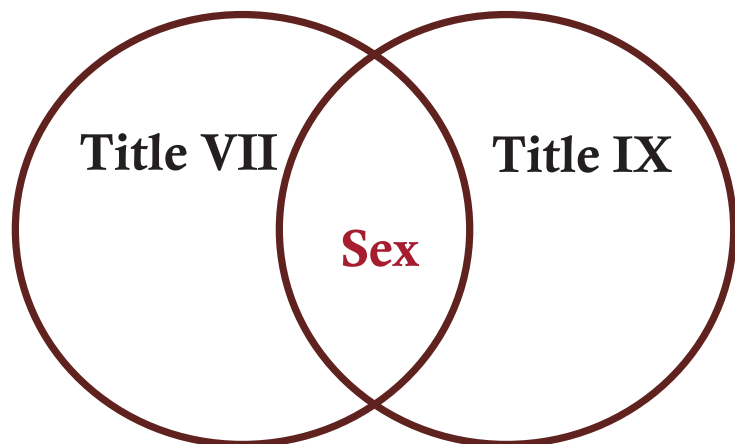
Sex-based harassment:

- Sexual harassment
- Sexual assault
- Stalking
- Intimate partner violence
- Retaliation
- Pregnancy

Title VII Protections of Employees & Job Applicants (Civil Rights Act of 1964):

Discrimination based on:

- Race
- Color
- Religion
- Sex
- National origin



IF BOTH TITLE IX &
TITLE VII APPLY,
CAN'T WE JUST USE
TITLE VII?



DEFINITIONS: PARTIES

Complainant

- An individual who is alleged to be the victim of conduct that could constitute sexual harassment

Respondent

- An individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment

Party

- A complainant or respondent

DEFINITIONS: IMPORTANT ELEMENTS

Formal Complaint

- A document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the school investigate the allegation of sexual harassment

Education Program or Activity

- Includes locations, events, or circumstances over which the school exercised substantial control over both the respondent and the context in which the sexual harassment occurred

Supportive Measures

- Individualized services reasonably available that are non-punitive, non-disciplinary, and not unreasonably burdensome to the other party while designed to ensure equal educational access, protect safety, or deter sexual harassment

TITLE IX DEFINITION: SEXUAL HARASSMENT

3 types of misconduct on the basis of sex:

Quid Pro Quo:

(This for that)

Any instance in which an institutional employee conditions the provision of an aid, benefit, or service of the institution on a person's (including a student's) participation in unwelcome sexual conduct

Hostile Environment:

Unwelcome conduct that a reasonable person would find so severe, pervasive and objectively offensive that it denies a person equal educational access

Specific Offenses:

(VAWA / Clery Crimes)

Sexual Assault
Dating Violence
Domestic Violence
Stalking

TITLE VII & TITLE IX DEFINITION COMPARISON:

Title VII Hostile Environment:

Unwelcome conduct that a reasonable person would find so severe, pervasive OR objectively offensive that it denies a person equal educational access

Vs.

Title IX Hostile Environment:

Unwelcome conduct that a reasonable person would find so severe, pervasive AND objectively offensive that it denies a person equal educational access



But what does that mean?



HOSTILE ENVIRONMENT “FACT-SPECIFIC INQUIRY”



Degree affected
educational
access



Type, frequency,
duration



Parties' ages,
roles, previous
interactions,
other factors



Location and
context in which
occurred



Other sex-based
harassment in
educational
setting

SPECIFIC OFFENSES / CLERY/VAWA OFFENSES

Sexual assault

Dating violence

Domestic
violence

Stalking

§ 106.2



SEXUAL ASSAULT

*“Sexual assault” as defined in 20
U.S.C. 1092(f)(6)(A)(v)*

CLERY DEFINITIONS OF SEXUAL ASSAULT

- **Rape** - The penetration, no matter how slight, of the vagina or anus, with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. This offense includes the rape of both males and females.
- **Fondling** - The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of age or because of temporary or permanent mental incapacity.
- **Incest** - Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- **Statutory Rape** - Sexual intercourse with a person who is under the statutory age of consent.

34 CFR 668 Appendix A

DOES NEW NIBRS LANGUAGE REPLACE FONDLING???

ANSWER: WE AREN'T SURE.

OLD: *Fondling: The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental incapacity.*

NEW: *Criminal Sexual Contact: The intentional touching of the clothed or unclothed body parts without consent of the victim for the purpose of sexual degradation, sexual gratification, or sexual humiliation. The forced touching by the victim of the actor's clothed or unclothed body parts, without consent of the victim for the purpose of sexual degradation, sexual gratification, or sexual humiliation. This offense includes instances where the victim is incapable of giving consent because of age or incapacity due to temporary or permanent mental or physical impairment or intoxication.*

DATING VIOLENCE

Dating violence means violence committed by a person:

- (A) Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
- (B) Where the existence of such a relationship shall be determined based on a consideration of the following factors:
 - (1) The length of the relationship;
 - (2) The type of relationship; and
 - (3) The frequency of interaction between the persons involved in the relationship

DOMESTIC VIOLENCE

Domestic violence meaning felony or misdemeanor crimes committed by a person who:

- (A) Is a current or former spouse or intimate partner of the victim under the family or domestic violence laws of the jurisdiction of the recipient, or a person similarly situated to a spouse of the victim;
- (B) Is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner;
- (C) Shares a child in common with the victim; or
- (D) Commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of the jurisdiction

STALKING

Stalking meaning engaging in a course of conduct directed at a specific person that would cause a reasonable person to—

- (A) Fear for the person's safety or the safety of others; or
- (B) Suffer substantial emotional distress.

KEY QUESTIONS FOR DISCUSSION



What is being reported?



Where does this go at your institution?



What laws are applicable to this complaint?



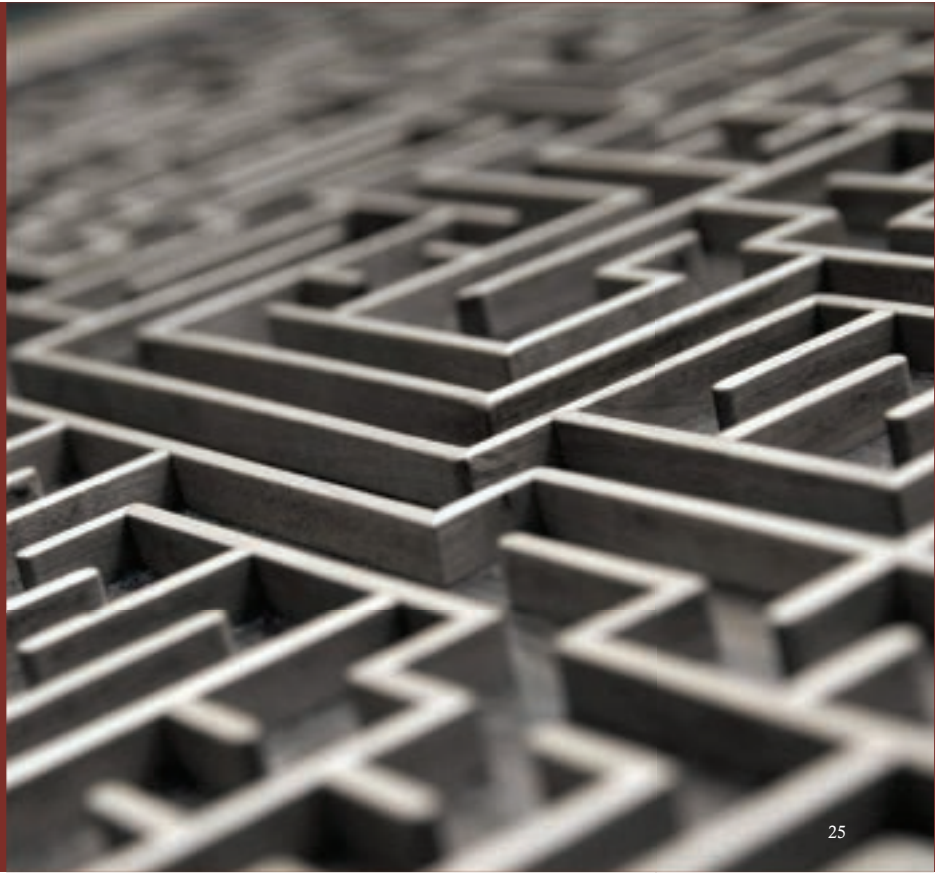
What steps are we required to engage in to comply with federal law?



How do we proceed?

LET'S PRACTICE APPLYING THE DEFINITIONS

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Example 1:

Employee A alleges that they were sexually harassed at work by Employee B when Employee B sent Employee A an unwanted sexually-explicit meme depicting a graphic cartoon of people engaged in sex and including sexual language. This action made Employee A very uncomfortable, and Employee A has been calling out of work to avoid Employee B. Employees A & B work together in a shared workspace and are on the same team at the institution. This is the only instance in which Employee B shared sexually explicit material with Employee A.

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EXAMPLE 2:

Jorge is the Assistant Director of the Writing Center at Murray Community College. The Director of HR received a complaint from three separate employees that Jorge wears pants “that are so tight that you can see his package” (or some version of that.) The three employees work in different areas of the College and not with Jorge. All three employees report that they are “offended”, “grossed out”, and that Jorge’s attire is unprofessional and “sexual.” One of the employees intimated that Jorge is “showing off his goods” because he is gay.

A member of the Board of Trustees also received an email reporting Jorge’s pants.

The Board member contacted HR and asked what was “being done” about it and said that being able to see someone’s private parts at work was “unprofessional and disgusting.”



EXAMPLE 3:

Two faculty members are leading a summer term course that includes taking students to England. During the trip, a student seems to have developed a crush on one of the faculty members and is making sexually suggestive comments to that faculty member, has suggested they go out for dinner and drinks without the group, and has shown up late at night to the faculty member’s hotel room door asking if they can come in.

The faculty members have made a game plan for how to get through the remainder of the trip, which includes warning the student that the behavior must stop and the non-affected faculty member taking on some of the roles previously assigned to the affected faculty member to reduce contact with the student. The affected faculty member is worried about being required to teach this student in future classes.

Example 4:

The Track & Field team has a head coach and four part-time assistant coach positions assigned to their team, one of which has been vacant. A search has just concluded to fill the vacant position. A finalist for the position who was not selected to be hired files a complaint stating that when the head coach called him to let him know that he was not selected, the head coach told him that since the three remaining assistant coaches are male, the head coach thought it would be best to bring on a female assistant coach for balance since the team includes male and female athletes.



HANDLING TITLE IX COMPLAINTS INVOLVING EMPLOYEES

INTAKE & SUPPORTIVE MEASURES

- VAWA requires providing rights and resources to Complainants in writing
- Encourage/offer an Advisor
- Don't treat an intake meeting like an investigatory interview
- Be trauma-informed
- Review options and connect the Complainant with the options they choose
- Complainant does not need to make choices in the moment unless they wish to
- Document the intake meeting and any options the Complainant has indicated they wish to pursue
- Set a reminder for follow-up with the Complainant



SUPPORTIVE MEASURE GOALS

Restore or preserve
party access to
program or activity

Provide support
during process

DISCUSSION: SUPPORTIVE MEASURES

What supportive measures does your institution have available for an employee who is a complainant or respondent in a Title IX matter?

FORMAL COMPLAINTS

- At the time of the filing of a formal complaint, a complainant must be participating in or attempting to participate in the education program or activity of the school
- Must include the complainant's physical or digital signature (unless filed by the Title IX Coordinator)
- Formal Complaint required for an investigation AND for informal resolution



TITLE IX COORDINATOR-INITIATED COMPLAINTS

A Title IX Coordinator can sign a formal complaint under two scenarios:

- When a complainant does not want to file a formal complaint or participate in the grievance process, but the TIX Coordinator, after a thorough assessment, has determined that a formal investigation is necessary to address the allegations
- When the TIX Coordinator has determined that a compelling risk to health and/or safety exists and has determined that requiring the school to pursue formal action is necessary to protect the community



FACTORS TO CONSIDER

Complainant's
request

Safety
concerns

Risk of
additional acts

Severity of
allegation

Age and
relationship

Scope and
pattern

Evidence

Alternatives to
resolve

DISMISSALS

Mandatory Dismissal*:

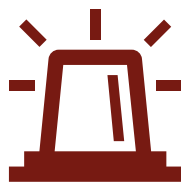
- The conduct alleged in the complaint, even if proven, would not constitute sexual harassment as defined in the Title IX Policy
- The conduct did not occur in an educational program or activity controlled by the institution
- The conduct did not occur against a person in the United States

Discretionary Dismissal*:

- The respondent has not been able to be identified
- The respondent is no longer enrolled or employed by the institution
- The complainant withdraws all or some of the complaint in writing and any remaining allegations would not constitute discrimination under Title IX
- Special circumstances prevent the school from gathering sufficient evidence to reach a determination

**Dismissing a complaint does not preclude the institution from addressing the conduct in any manner the school deems appropriate*

LEAVE OPTIONS



Emergency removal



Administrative leave

CONSOLIDATION OF COMPLAINTS

Multiple
respondents

More than one
complainant
against one or
more respondent

One party
against another
party

INFORMAL RESOLUTIONS



Formal complaint must
be signed



Institutional discretion
to offer



Consent from parties
must be voluntary,
informed, and in writing



Provide notice in writing



Facilitator must not be
investigator or
decisionmaker



Cannot be used to
resolve allegations that
an employee sexually
harassed a student



DISCUSSION: INFORMAL RESOLUTIONS

What forms of informal resolution have you found to be useful in resolving Title IX matters involving an employee or employees?

What forms of informal resolution do you not currently offer but you think would be a good addition for your institution?

INVESTIGATION & HEARING PROCEDURES



BASIC REQUIREMENTS FOR GRIEVANCE PROCEDURES

Treat complainants and respondents equitably

Free of bias and conflict of interest

Presumption of not responsible

Reasonably prompt timeframes with extensions for good cause

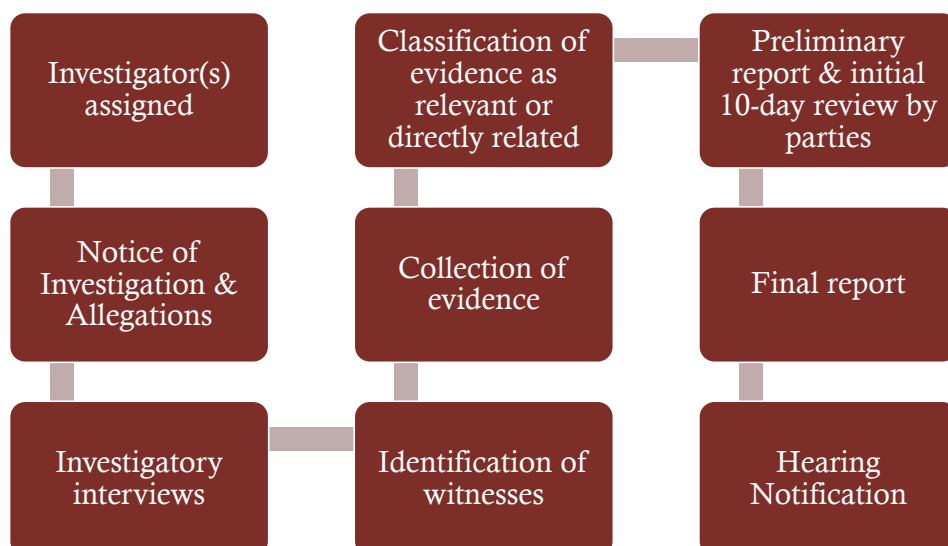
Reasonable steps to protect privacy

Objective evaluation of all evidence that is relevant

Exclude certain evidence as impermissible

Burden is on the institution to gather sufficient evidence to determine whether or not sexual harassment has occurred

INVESTIGATION PROCESS OVERVIEW



ADMISSIBILITY OF WITNESSES

Always admissible:



Fact Witness



Expert

Discretionary admissibility:

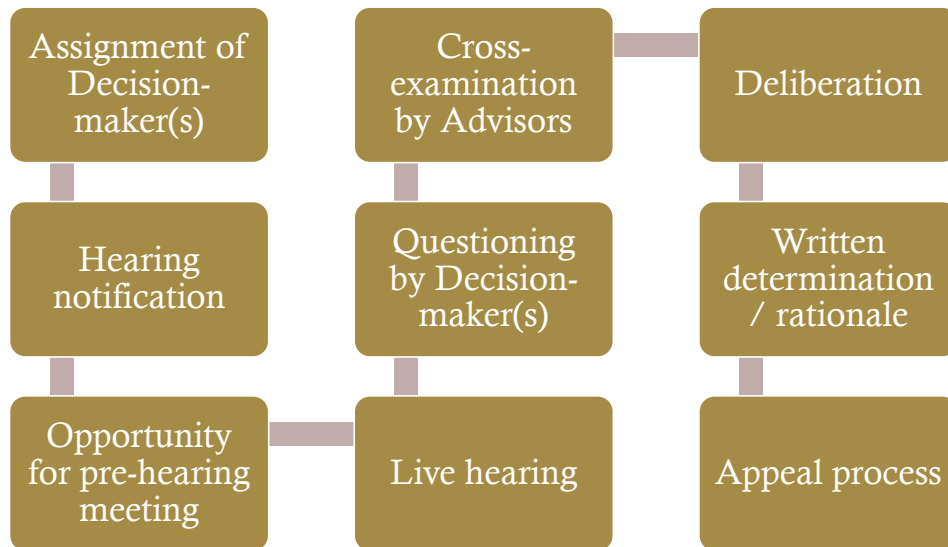


Character

Additional / Revised Allegations

If the institution decides to investigate additional allegations, it must provide an updated notice to the parties

HEARING PROCESS OVERVIEW



PREGNANCY & PARENTING



PREGNANCY DISCRIMINATION IS DISCRIMINATION BASED ON SEX

- A school must not discriminate against or exclude from employment any employee or employment applicant based on the individual's pregnancy, childbirth, false pregnancy, termination of pregnancy, or recovery from pregnancy or birth
- Schools must treat pregnancy and these related conditions and any temporary disability resulting from the pregnancy or birth as any other temporary disability for all job-related purposes, including employment-based medical, hospital, and other benefits
- If a school does not have a leave policy, or if an employee has insufficient leave or accrued employment time to qualify for leave under the school's policy, the school must treat pregnancy and related conditions as a justification for a leave of absence without pay for a reasonable period of time, with reinstatement to the employee's pre-leave status or to a comparable position

*A school controlled by a religious organization is exempt from Title IX when the law's requirements conflict with the organization's religious tenets.

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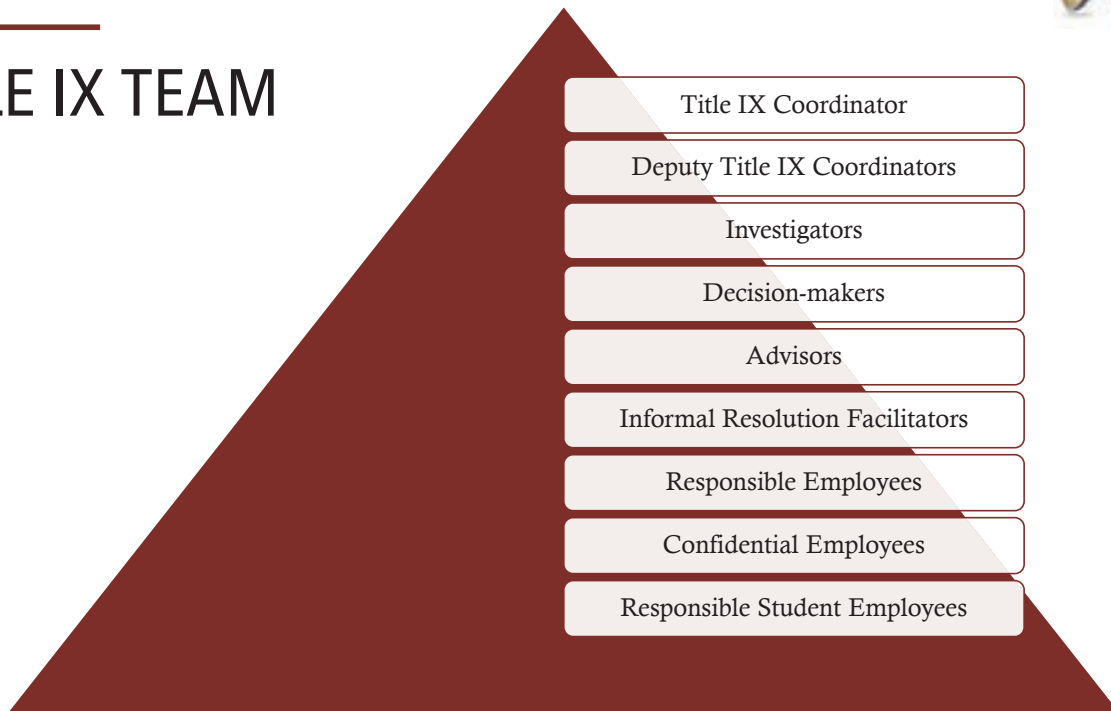
49



SELECTING AND TRAINING TITLE IX PERSONNEL



TITLE IX TEAM



TITLE IX TRAINING REQUIREMENTS

Title IX Personnel (Title IX Coordinators, Investigators, Decision-makers (including Appeals Officers), and Informal Resolution Facilitators) must receive training on:

- The definition of sexual harassment
- The scope of the school's education program or activity
- Investigation & grievance processes (including hearings, appeals, and informal resolution)
- How to serve impartially, avoiding bias and conflicts of interest



CLERY ACT / VAWA TRAINING REQUIREMENTS

Annual training for officials involved in disciplinary proceedings covering:

- Issues related to dating violence, domestic violence, sexual assault, and stalking
- How to conduct an investigation and hearing process that protects the safety of victims and promotes accountability

Offer primary prevention and awareness programs for all incoming students and new employees



DON'T FORGET ABOUT STATE & LOCAL LAWS OR OTHER REQUIREMENTS

- A number of states and local areas mandate training on prevention & reporting of sexual abuse of minors, sexual harassment in the workplace, or other related training requirements
- NCAA has policies and requirements for its member institutions
- Grants, accreditation requirements, etc. could also include training requirements
- Be sure to understand all related laws and requirements that apply to your institution and location and consult legal counsel to ensure you are following all applicable requirements



TRAINING FOR SPECIFIC ROLES & GROUPS

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TITLE IX COORDINATORS

Supportive/interim measures
Formal complaints
Notices of allegations
Complaint dismissals
Informal resolution processes
Documentation & record-keeping
Process oversight
Ensuring training for Title IX personnel
and other employees

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INVESTIGATORS

Giving parties written notice of investigative interviews or meetings with sufficient time to prepare

Conducting effective, equitable, & compliant investigatory interviews

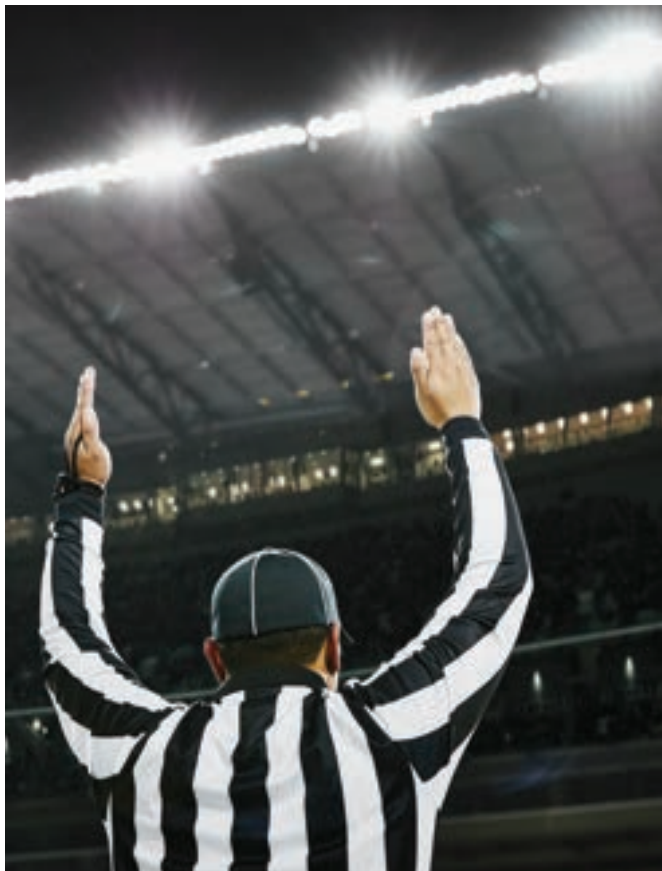
Evidence (inculpatory, exculpatory, relevant, and directly related)

How to write an investigative report

Requirements for review of notes or transcripts, evidence, the draft report, and the final report

Maintaining compliant records

Role of Advisors and how to handle Advisors who attempt to operate outside their lane



DECISION-MAKERS

Preparing for hearings

Technology to be used in the hearing

Conducting hearings

Asking relevant and permissible questions

Cross-examination

Deliberation: credibility analyses, weighing the evidence, & standard of evidence

Sanctioning

Writing determination letters

Appeals

INFORMAL RESOLUTION FACILITATORS

Mediations

Negotiated resolutions

Restorative justice resolutions

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ADVISORS

Institutionally-appointed Advisors

Grievance pool members

Advisors of choice

EMPLOYEES & STUDENTS

- Responsible employees/mandated reporters
 - RAs
 - Confidential employees
 - Pregnancy & parenting
 - Individuals who are employees AND students
 - Reminder: VAWA requirements!
 - Make sure training includes what to do if they receive information about an EMPLOYEE experiencing discrimination or harassment
-



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DOCUMENTATION OF TRAINING

Posting training materials

Attendance/completion of training records

Documentation of attempts to get compliance with training



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ADMINISTRATIVE RESPONSIBILITIES



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SYSTEMS, STRUCTURES, AND PROCESSES

1. Assessment of enterprise compliance
2. Assessment of staff and functions
3. Identification and collaboration with key campus stakeholders
4. Reporting processes
5. Systems for reporting, complaining, modifications, referrals
6. Policy and procedure familiarization
 - Including faculty handbook, employee handbook, student handbook – does anything conflict?
7. Recordkeeping – must keep for 7 years
8. Calendar/spreadsheet of tasks
9. Website

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ASSESSMENT OF ENTERPRISE COMPLIANCE

What's required of us?

What's in place?

What have we been doing?

What's going well?

What could/needs to change?

Who do I need help from?

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NOTIFICATION OF NONDISCRIMINATION (FOR EMPLOYEES)

- Annual notice
- Website
- Applications for employment / job postings
- Policy

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IDENTIFICATION AND COLLABORATION WITH KEY CAMPUS STAKEHOLDERS

- HR
 - Student Conduct
 - Disability Services
 - Faculty
 - DEI
 - Multicultural Center
 - LGBTQ+ Org
 - Athletics
 - Wellness Office
 - Counseling and Psych Services
-

REPORTING PROCESSES

WHO can someone report/disclose to?

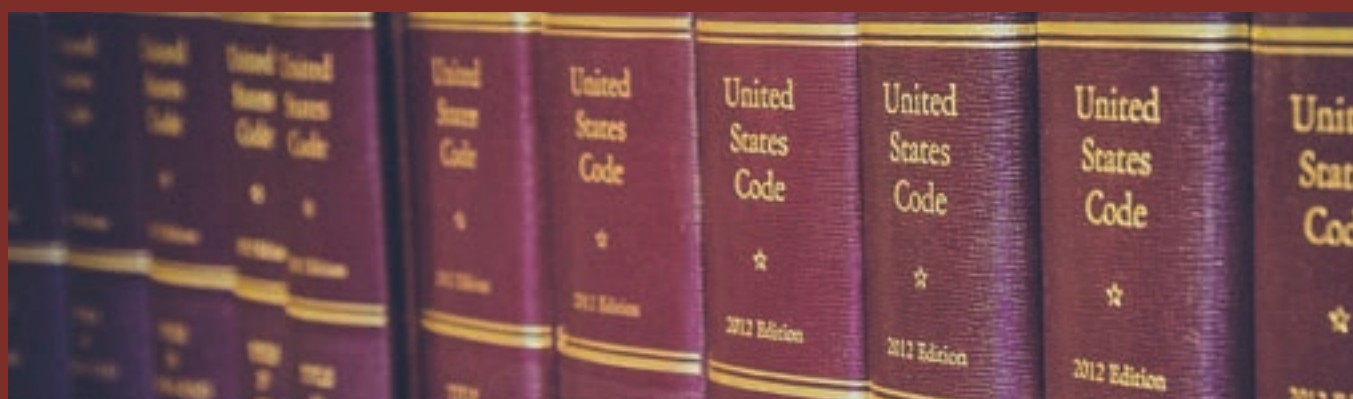
- Title IX
Confidential
Employee
- “Regular”
(Responsible)
Employee
- Anonymously

HOW can they disclose?

- In person
- Telephone
- Email
- Website/reporting form
- RMS (like Maxient)

CALENDAR/SPREADSHEET OF TASKS

- Evaluation of prior year and modifications to existing systems/structures/practices to ensure no recurrence of sex discrimination
- Annual Notice of Nondiscrimination
- Statement of Prohibition of Sex Discrimination in all publications
- Identification of Reporters
- Employee Training
- Student Education
- Reporting Requirements (institution, State and Federal law requirements)
- Updating of policies/procedures/publications/websites/etc.
- Meeting with key stakeholders
- Prevention and awareness calendar of programming



QUESTIONS?



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NACCOP Title IX & Equity Alliance

The Alliance is a dedicated affinity group through which Title IX and Equity Professionals, and the practitioners who support and/or supervise them, can benefit from NACCOP's expertise in complying with the Clery Act, Title IX, and other civil rights laws that affect their work.

BENEFITS OF JOINING THE ALLIANCE

- **Access to NACCOP's annual 9 on IX webinar series at no additional cost (a \$710 value)**
 - These 60-minute succinct webinars will offer legal insight and practical guidance on Title IX topics from experts who have served or are currently serving as active practitioners on college and university campuses.
- **Alliance-Exclusive Professional Development Opportunities such as the Title IX & Equity Open House Discussion Series**
 - An Alliance-exclusive virtual open house will be held bi-monthly (every other month, 6 sessions annually) to engage with experts from NACCOP's partner organization, D. Stafford & Associates, as well as other invited guests, to discuss current trends and issues. Each open house will focus on a specific topic for discussion and participants will be encouraged to engage in the conversation.
- **Access to Alliance-Exclusive Whitepapers regarding Title VI, VII, and IX**
- **Connect and collaborate with other Title IX and Equity Professionals via an Alliance-restricted Listserv**
- **Discounted Professional Development Opportunities**
 - Coffee and Conversations webinar series and individual webinars focused on Title IX & Equity compliance issues
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