

THE NEW TITLE IX REGULATIONS



SEPTEMBER
18, 2020



Proudly serving the counties of Fillmore, Lancaster,
Saline, Seward, and York.

WHY DO I CARE?

- The ultimate penalty for noncompliance with Title IX regulations is the withdrawal of federal funds.

AUGUST
14, 2020



AGENDA

-
- Action Plan-Required Changes
 - Definition of Sexual Harassment
 - Scope of Education Program or Activity
 - Grievance Procedure
 - Investigations
 - Appeals
 - Informal Resolution
 - Impartiality
 - Burden of Proof
 - Relevance
 - Role of Title IX Coordinator
 - Grooming
 - Additional Training
 - Lawsuits

YOUR ACTION PLAN

01

Adopt Grievance Procedure

- Who is on your Title IX Team?
- What standard will you choose?
- Will you hold hearings?

02

Put Title IX Coordinator Contact information on school webpage

03

Provide Training to your Title IX Team— put materials onto school webpage

04

Have statement of non-discrimination and notice of grievance procedure:

- Parent/student handbooks
- Professional agreements/union contracts
- Applicants
- Webpage

BASICS FOR GRIEVANCE PROCEDURE

-
- Equity
 - Objective evaluation of all relevant evidence
 - Training
 - Presumption of non-responsibility (for respondent)
 - Reasonably prompt time frames
 - Describe range of possible disciplinary sanctions and remedies
 - Standard of evidence
 - Appeals
 - Supportive measures
 - Privilege recognized

CHOICES YOU NEED TO MAKE

Who is on your Title IX Team

- Title IX Coordinator; Investigator; Decision-Maker; Appeals; Informal Process

What standard of evidence will you use?

- Preponderance of the Evidence or Clear and Convincing Evidence

Will you allow in person hearings?

TRAINING ON THE FOLLOWING TOPICS

- Definition of Sexual Harassment
- Scope of District's education program or activity
- How to investigate
- Grievance process
- How to serve impartially including avoiding prejudgment of facts at issue, conflicts of interest, and bias
- Technology
- Relevance of questions and evidence
 - Complainant's sexual predisposition or prior sexual behavior



LET'S DIG IN!

DEFINITION OF SEXUAL HARASSMENT

DIFFERENCES IN DEFINITIONS

- Sexual Harassment v. Title IX Sexual Harassment
- IF Title IX Sexual Harassment then ...
 - Follow all of the procedures in this power point
- IF NOT Title IX Sexual Harassment (aka “regular old” sexual harassment)
 - Follow standard student or faculty discipline procedures***

TITLE IX SEXUAL HARASSMENT DEFINITION

- Employee Quid Pro Quo
- Hostile Environment**
- VAWA “Big Four”

SEXUAL HARASSMENT-QUID PRO QUO

- **Definition:** An employee of the District conditioning an aid, service, or benefit of the District on an individual's participation in unwelcome sexual contact
- In this situation- you do not have to analyze severity or harm. It is presumed.
- This definition only applies to employees (not volunteers, or other students, etc.)

SEXUAL HARASSMENT – VAWA BIG 4

- Sexual Assault 20 U.S.C. 1092(f)(6)(A)(v)
- Domestic Violence 34 U.S.C. 12291(a)(8)
- Dating Violence 34 U.S.C. 12291(a)(10)
- Stalking 34 U.S.C. 12291(a)(30)

SEXUAL ASSAULT 20 U.S.C. 1092(f)(6)(A)(v)

- The term “sexual assault” means an offense classified as forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation

SEXUAL ASSAULT 20 U.S.C. 1092(f)(6)(A)(v)

- **Forcible 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.

Important Points:

Rape by an object can be as traumatic as penile/vaginal rape

Includes instances in which the victim is unable to give consent because of temporary or permanent mental or physical incapacity

Recognizes that a victim can be incapacitated by drugs or alcohol and thus unable to consent

Physical resistance is not required to demonstrate lack of consent

Rape can occur to any gender

Recognizes legal incapacity to consent because of age

Nebraska: Age of sexual consent is 16. Statutory Rape = person below 15 + person 20 years or older. Sexual Assault of a child includes victim twelve years or younger

DOMESTIC VIOLENCE 34 U.S.C. 12291(a)(8)

- **Definition:** The term “domestic violence” includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction



DOMESTIC VIOLENCE 34 U.S.C. 12291 (A)(8)

How does “Domestic Violence” occur in a elementary or secondary school setting?

This definition is much more likely to occur in a post-secondary school environment.

DATING VIOLENCE 34 U.S.C. 12991(a)(10)

- The term “**dating violence**” means violence committed by a person:
 - Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
 - Where the existence of such a relationship shall be determined based on a consideration of the following factors:
 - The length of the relationship
 - The type of relationship
 - The frequency of interaction between the persons involved in the relationship
- **Takeaway: Do not dismiss complaints of violence or sexual assault if the victim and alleged perpetrator are “dating”**

STALKING 34 U.S.C. 12291(a)(30)

- The term “**stalking**” means engaging in a course of conduct directed at a specific person that would cause a reasonable person to
 - Fear for his or her safety or the safety of others; or
 - Suffer substantial emotional distress



THIS NEXT ONE
IS A BIT
COMPLICATED...

SEXUAL HARASSMENT-HOSTILE ENVIRONMENT

- **Definition:** Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the District's education program or activity.

FACTORS TO ANALYZE

- SEVEREITY

- PERVASIVENESS

- OBJECTIVE OFFENSIVENESS

BUT REMEMBER

- “Determined by a reasonable person to be ...”

SCOPE OF THE EDUCATION PROGRAM OR ACTIVITY



SCOPE OF EDUCATION PROGRAM OF ACTIVITY

- When do we have to respond?
- If you have **actual knowledge** of sexual harassment (earlier definitions) that occur *within* an education program or activity.
- **Education Program or Activity Means:**
locations, events, or circumstances over which the School exercised substantial control over both the respondent and the context in which the sexual harassment occurs.

SCOPE OF EDUCATION PROGRAM OF ACTIVITY

- Title IX applies to **all** of a school's operations, including all of the academic, educational, extra-curricular, athletic, and other programs of the school, whether they take place in the facilities of the school, on a school bus, at a class or training program sponsored by the school at another location, or elsewhere within the United States.
- **A school may address sexual harassment affecting its students or employees that falls outside Title IX's jurisdiction in any manner the school chooses, including providing supportive measures or pursuing discipline.**

ACTUAL KNOWLEDGE

- Actual knowledge means notice of sexual harassment or allegations of sexual harassment to the District's Title IX Coordinator or any official of the School who has the authority to institute corrective measures on behalf of the School, **or to any employee of an elementary and secondary school.**

WHAT DOES THIS MEAN?


- All faculty, staff, and other employees need to be trained:
 - to recognize sexual harassment
 - How to report identified or suspected sexual harassment

ACTUAL KNOWLEDGE

Imputation of knowledge based solely on vicarious liability or constructive notice is insufficient to constitute actual knowledge



This standard is not met when the only official with actual knowledge is the respondent.



“Notice” is not limited to a report to the Title IX Coordinator using mail, telephone, or e-mail.



THE GRIEVANCE PROCEDURE

IMPORTANT DEFINITIONS

- **Complainant:** an individual who is alleged to be the victim of conduct that could constitute sexual harassment
 - A complainant must be participating in or attempting to participate in the education program or activity of the School with which the formal complaint is filed.
- **Respondent:** an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment
- **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

IMPORTANT DEFINITIONS-SUPPORTIVE MEASURES

- **Supportive Measures:** non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or respondent before or after the filing of a formal complaint or where no formal complaint has been filed. **Such measures are designed to restore or preserve equal access to the School's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the School's educational program or activity, or deter sexual harassment**
- May include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus or other similar measures

IMPORTANT DEFINITIONS-SUPPORTIVE MEASURES

■ **Confidentiality of supportive measures:**

The School must maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability to provide the supportive measures

■ **The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.**

DELIBERATE INDIFFERENCE

- Not clearly unreasonable in light of the known circumstances
- Case law: “[T]he response must amount to deliberate indifference to discrimination. The administrative enforcement scheme presupposes that an official who is advised of a Title IX violation **refuses** to take action to bring the School into compliance. The premise, in other words, is **an official decision by the School not to remedy the violation.**” *Gebser*

YOUR ROLE IN THE PROCEDURE

Title IX Coordinator

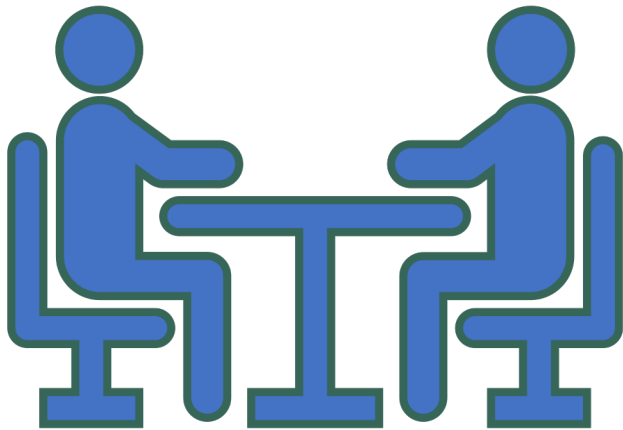
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graph TD; A[Title IX Coordinator] --> B[Investigator]; B --> C[Decision-Maker]; C --> D[Others who help facilitate an appeal or informal resolution process];
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Investigator

Decision-Maker

Others who help facilitate an appeal or informal resolution process

FIRST STEP OF *ALL* SEXUAL HARASSMENT ALLEGATIONS



- Title IX Coordinator promptly contacts the complainant to discuss:
 - the availability of supportive measures
 - consider the complainant's wishes with respect to supportive measures
 - inform the complainant of the availability of supportive measures with or without the filing of a formal complaint
 - and explain the process for filing a formal complaint.

REMINDER- SUPPORTIVE MEASURES

- Counseling
- extensions of deadlines or other course-related adjustments
- modifications of work or class schedules
- campus escort services
- mutual restrictions on contact between the parties
- changes in work or housing locations
- leaves of absence
- increased security and monitoring of certain areas of the campus
- other similar measures

NO Formal Complaint

A School must respond promptly to Title IX sexual harassment in a manner that is not **deliberately indifferent**

YES Formal Complaint

In response to a formal complaint, a District must follow a specific grievance procedure pursuant to new regulations

RESPONSE OBLIGATIONS TO ACTUAL NOTICE OF SEXUAL HARASSMENT

ADVISE DON'T DISSUADE

- The formal complaint process includes:
 - Name and contact information of Complainant shared with Respondent
 - Specifics of allegations shared with respondent
 - Any evidence obtained during the scope of the investigation is shared with the respondent
 - Active participation in complaint process
 - Federally mandated timelines
 - Right to appeal

WHY GO THROUGH THE FORMAL COMPLAINT PROCESS?

- Advise, Don't Dissuade
- Transparency!

REQUIRED DISMISSAL OF FORMAL COMPLAINTS

- If the conduct alleged in the formal complaint:
- Would not constitute sexual harassment, even if proved
- Did not occur in the recipient's education program or activity
- Or did not occur in the united states
- Then the recipient **MUST** dismiss the formal complaint
- DOES NOT MEAN you cannot discipline or proceed with other procedures in codes of conduct

PERMISSIVE DISMISSAL OF FORMAL COMPLAINT

- Recipient MAY dismiss the formal complaint if at any point during the investigation:
 - The complainant wants to withdraw the formal complaint
 - The respondent is no longer enrolled or employed
 - Specific circumstances prevent the recipient from gathering evidence sufficient to reach a determination as to the formal complaint

DISMISSAL PROCEDURE

- Promptly sent notices of the dismissal
AND REASONS to the parties
simultaneously

FIRST STEP (OF FORMAL COMPLAINT)



- The Title IX Coordinator sends the formal notices to all parties (i.e. the Complainant and Respondent, if known) which includes:
 1. The grievance procedure of the school; and
 2. A notice of the allegations which includes:
 - a. The identities of all known parties involved
 - b. The conduct allegedly constituting sexual harassment; and
 - c. The date and location of the alleged incident.

SECOND STEP INVESTIGATION



- We discuss HOW to conduct a fair and impartial investigation later in this presentation
- The School must designate an Investigator who shall promptly begin an investigation into the allegations.

SECOND STEP- INVESTIGATIONS

RIGHTS OF THE PARTIES

- The investigator must provide an **equal opportunity** for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence.
- The investigator shall **not restrict the ability** of either party to discuss the allegations under investigation or to gather and present relevant evidence
- The investigator shall provide the parties with **the same opportunities** to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice.
- *Investigator may establish restrictions on how an advisor participates (but those restrictions must apply equally to both parties' advisors)*

SECOND STEP- INVESTIGATIONS

RIGHTS OF THE PARTIES

- Up until the conclusion of the investigation, the parties shall have an **equal opportunity to inspect and review** any evidence obtained in the investigation that is directly related to the allegations raised in the formal complaint.
- *This includes evidence upon which the Investigator does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence obtained from any source*

RIGHTS OF THE PARTIES DURING THE INVESTIGATION

During the investigation the District retains the right to place a non-student employee respondent on **administrative leave** during the investigation

The district also retains the right to remove a student from the District's educational program prior to the conclusion of the investigation. BUT, in the event of a removal, the respondent shall have the opportunity to challenge the decision for removal.

THIRD STEP

AFTER THE INVESTIGATION



- **PRIOR** to the conclusion of the investigation, the investigator shall send each party and the party's advisor, if any, the evidence that is subject to inspection and review in an electronic format or hard copy.
- **THEN**, the parties shall have at least 10 days to submit a written response, which the Investigator must consider
- **THEN**, the investigator will complete the investigative report and send to the parties, their advisors, if any, and the decision-maker.

FOURTH STEP

DECISION OF RESPONSIBILITY



- THEN the decision maker shall consider all relevant evidence, including the inculpatory and exculpatory evidence.
- Prior to coming to a determination- the decision maker shall provide **10 days** for each party to submit written relevant questions. Decision maker provides answers.

DECISION-MAKER'S REPORT INCLUDES:

- The portion of the school's **policies** that was violated
- A description of the **procedural steps** that were taken by the school on the way to getting to the decision
- A **findings of fact** section
- A section that draws **conclusions** after applying the facts to the portion of the school's policy that applies
- A statement of **rationale** for the ultimate determination of responsibility
- Any **disciplinary sanctions** that the school will impose on the respondent, and state whether the school will provide **remedies** to the complainant
- A statement of **rationale** for any remedies for the complainant, addressing how those remedies will restore or preserve equal access; and
- A statement of the recipient's procedures, a statement that the parties have a **right to appeal** the initial determination regarding responsibility, and the permissible bases for appealing.

FOURTH STEP

DECISION OF RESPONSIBILITY

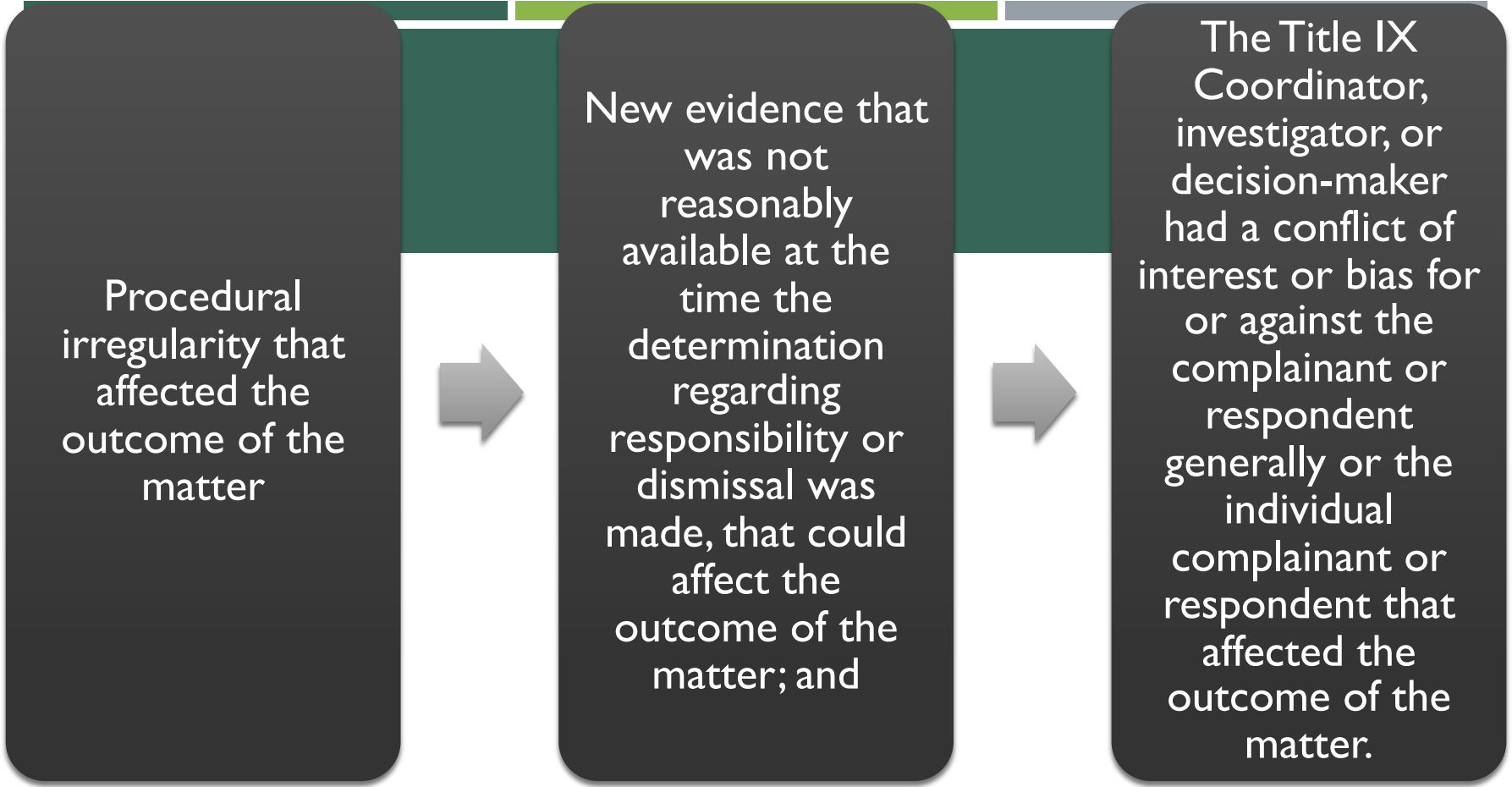


- FINALLY the decision maker will send the written determination to both parties simultaneously, along with the appeal procedures.



APPEALS

Procedural
irregularity that
affected the
outcome of the
matter



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graph LR; A[Procedural irregularity that affected the outcome of the matter] --> B[New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and]; B --> C[The Title IX Coordinator, investigator, or decision-maker had a conflict of interest or bias for or against the complainant or respondent generally or the individual complainant or respondent that affected the outcome of the matter.];
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New evidence that
was not
reasonably
available at the
time the
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regarding
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matter; and

The Title IX
Coordinator,
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had a conflict of
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respondent that
affected the
outcome of the
matter.

THREE REASONS FOR APPEAL

STEPS FOR APPEAL


First Step: Party in writing sends Title IX Coordinator its reason for the appeal and briefly states why their case should be appealed. This is within 15 days of notice by the Decision-Maker



Second Step: The other party is notified of the appeal. They have 15 days to respond to the opposing party's written statement.



Third Step: Who ever is in charge of appeals reviews the investigative report, the decision-makers' determination and the written statements of the parties. Then they issue a written decision describing the result of the appeal and the rationale for the result. The written decision is sent to the parties simultaneously



THE APPEAL PROCESS REPRESENTS THE FINAL DECISION OF THE DISTRICT AND THE PARTIES ARE NOT ENTITLED TO ANY FURTHER APPEALS

The background of the slide is a blurred office scene. In the foreground, two people are seen from behind, looking towards a bright window. The office interior is out of focus, showing desks and other office equipment. A solid green rectangular box is positioned at the bottom of the slide, containing the text "INFORMAL RESOLUTION PROCESS" in white, uppercase letters. Above the green box, there are three horizontal orange lines of varying lengths, separated by small gaps.

INFORMAL RESOLUTION PROCESS

INFORMAL RESOLUTION

- A School may not require, as a precondition condition to enjoyment of any employment right, the waiver of the employee's right to a proper grievance procedure
- A School may not require or offer that the parties participate in an informal resolution process until a formal complaint is filed
- At any time prior to reaching a determination, the School may facilitate an informal resolution process that does not involve a full investigation

REQUIREMENTS FOR INFORMAL RESOLUTIONS

Before beginning the informal process, School must:

- I. Provide written disclosures to the parties
 - Disclosing allegations, requirements of the informal resolution process
 - Circumstances which may preclude the parties from resuming the formal complaint
 - The party has the right to withdraw from the informal process and resume the formal process
 - Any consequences resulting from participating in the informal process (including that records will be maintained or could be shared)
2. Obtain both parties' voluntary, written consent
3. Note offer the informal process for allegations between employees and students

INFORMAL RESOLUTION

- The following still apply during the informal resolution process
 - Confidentiality
 - Impartiality
 - Equal opportunities



HOW TO CONDUCT INVESTIGATIONS

INVESTIGATING FORMAL COMPLAINTS

■ REMEMBER:

- Upon Receipt of a Formal Complaint, the Title IX Coordinator shall notify the Investigator
- The Investigator will **promptly Investigate** all complaints of discrimination

WAIT... WHAT EXACTLY AM I INVESTIGATING?

- Did the alleged conduct happen?
- If not, what did happen?
- What evidence would be helpful to make this determination?

TYPES OF EVIDENCE TO LOOK FOR IN INVESTIGATION

- Eyewitness statements
- Third party witnesses (those who the parties spoke to shortly after incident)
- Text messages
- Emails
- Snap chats
- Instagram messages
- Pictures
- Site visits
- And more...



Students: NO

Faculty/Staff: MAYBE

Third Parties: NO

CAN I MAKE
WITNESSES
TALK TO ME?

Students: NO

Faculty/Staff: MAYBE

Third Parties: NO

CAN I MAKE
WITNESSES
GIVE ME
DOCUMENT
S?/CAN I
SEARCH
PHONES OR
EMAILS?

CONDUCTING INTERVIEWS

■ TAKE NOTES

- If possible, have someone else present who can also take notes
 - This person can also serve as a witness if the interviewee later recants.
- Ask the witness not to talk with other witnesses, the respondent or the complainant
- Find out if the witness is also a potential complainant.
- If witnesses are going to guess or give an opinion, make sure they tell you it is guess/opinion.

CONDUCTING INTERVIEWS

- Does the witness know other witnesses?
- Does the witness know of other incidents?
- What does the witness know about the complainant – other incidents/information?
- Advise the witness to come to you if anyone threatens him/her
- Advise the witness to contact you if he/she thinks if anything else
- Is there any documentary evidence?

EXAMPLES OF QUESTIONS TO ASK

- “What happened then,” “then what happened,” “what happened next”
- Make sure the questions you ask are not leading questions.
- “Anything else ...Anything else ...?”
- Keep linking pronouns to actual proper names- “when you say ‘she’, who do you mean?”

INVESTIGATING

- Adopt a calm, impartial, fair, and deliberate mindset; do not prejudge the allegations or create that perception
- Open ended questions
- Be the calm one in the storm; no witch-hunts.
- Your actions will be reviewed and challenged
- The materials you develop, and your communications may be subject to later disclosure

INVESTIGATING WHEN POLICE ARE INVOLVED

- Remember –OCR says you cannot rely on outcome of police investigation
- Important not to interfere with police investigation ... BUT
- Not the best practice to wait for police investigation to end before taking action.



INVESTIGATING WHEN POLICE ARE INVOLVED

TALK TO POLICE ABOUT TITLE IX REQUIREMENTS FOR CONCURRENT INVESTIGATION

Models for Concurrent Investigation

Independent: Each investigator works on their own. Information is shared only through formal process as investigations reach certain stages

Joint: Investigators communicate frequently through informal and formal methods with status updates

Simultaneous: Investigators work together by coordinating efforts

DIFFERENCE BETWEEN POLICE INVESTIGATION AND ADMINISTRATIVE INVESTIGATION

Police Investigator

- Trying to establish probable cause for arrest
- Uses a wide lens
- Employs a variety of tactics
- Works for society and in the interest of justice

Administrative Investigator

- Concerned with equity-civil right issue
- Looks only at the reported case
- Generally straight forward approach
- Works for school to ensure compliance

A low-angle photograph of a classical building's pediment. The central focus is a large statue of Lady Justice, blindfolded and holding scales of justice. To her left is another statue, and to her right, a third statue is partially visible. The sky is blue with some clouds. A dark green rectangular box with a faint, repeating geometric pattern is overlaid on the bottom half of the image.

IMPARTIALITY

IMPARTIALITY

- Impartial means that you do not have any **prejudice** towards the complainant or respondent i.e. lack of bias
- Impartial means that you will render a decision based ONLY on the **evidence**
- Impartial means you do not opine about the facts before considering ALL the **facts**
- Impartial means you avoid **conflicts of interest**: an investigator or decision maker should recuse themselves from a particular case if they have a conflict of interest

AVOIDING BIAS



Confirmation Bias: placing more value on information that supports our existing belief



Anchoring Bias: being overly influenced by the first piece of evidence/information we receive



Misinformation effect: the tendency for post-event information to interfere with the memory of the original event. Knowledge of this effect has led to a mistrust of eyewitness information.



Halo effect: your overall impression of a person influences how you feel and think about their character. This especially applies to physical attractiveness influencing how you rate their other qualities.



RELEVANCE
& BURDEN
OF PROOF

DECISION-MAKER'S REPORT INCLUDES:

- The portion of the school's policies that was violated
- A description of the procedural steps that were taken by the school on the way to getting to the decision
- A findings of fact section
- A section that draws conclusions after applying the facts to the portion of the school's policy that applies
- A statement of rationale for the ultimate determination of responsibility
- Any disciplinary sanctions that the school will impose on the respondent, and state whether the school will provide remedies to the complainant
- A statement of rationale for any remedies for the complainant, addressing how those remedies will restore or preserve equal access; and
- A statement of the recipient's procedures, a statement that the parties have a right to appeal the initial determination regarding responsibility, and the permissible bases for appealing.

BURDEN OF PROOF- PREPONDERANCE OF THE EVIDENCE

“More likely
than not”

“Greater
Weight of
Evidence”

BURDEN OF PROOF- CLEAR AND CONVINCING EVIDENCE



Evidence that is highly and substantially more likely to be true than untrue



The fact finder must be convinced that the contention is highly probable



Closer to beyond a reasonable doubt than preponderance of the evidence



“85 to 90 percent certainty” versus “51 percent certainty”

FEDERAL RULES OF EVIDENCE 401: TEST FOR RELEVANT EVIDENCE

■ Evidence is relevant if:

■ (a) it has a tendency to make a fact more or less probable than it would be without the evidence; and

■ (b) the fact is of consequence in determining the action.

CREDIBILITY OF COMPETING FACTS

- The decision maker shall not consider the credibility of the evidence solely based on a person's status as the complainant, respondent, or witness.

FACTORS TO HELP DETERMINE CREDIBILITY

- Did the witness have an opportunity to see or hear the events about which he or she testified?
- Did the witness have the ability to recall those events accurately?
- Was the testimony of the witness plausible and likely to be true?
- Was the testimony of the witness consistent or inconsistent with other testimony or evidence in the case?
- Did the manner in which the witness testified reflect upon the truthfulness of that witness's testimony.
- To what extent, if any, did the witness's background, training, education, or experience affect the believability of that witness's testimony.
- Did the witness have a bias, hostility or some other attitude that affected the truthfulness of the witness's testimony?

MOTIVE

- If a witness had a motive to lie, you may consider whether and to what extent, if any, that motive affected the truthfulness of that witness's testimony.
- You may consider whether a witness has any interest in the outcome of the case
 - You are not **REQUIRED** to reject the testimony of an interested witness or accept the testimony of a witness with no interest in the outcome

IN GENERAL

- There is no particular formula for evaluating the truthfulness and accuracy of another person's statements or testimony.
- You bring to this process all of your varied experiences.
- In life, you frequently decide the truthfulness and accuracy of statements made to you by other people.
- The same factors used to make those statements, should be used when evaluating testimony in the formal complaint process.



WHAT IS A TITLE
IX
COORDINATOR?

WHAT IS A TITLE IX COORDINATOR?

- The Title IX coordinator is responsible for coordinating the recipient's responses to all complaints involving possible sex discrimination including:
 - Monitoring outcomes
 - Identifying and addressing any patterns
 - Assessing effects on the school climate
- *How do you do this?*

WHAT IS A TITLE IX COORDINATOR?

- Title IX does not specify who should determine the outcome of Title IX complaints or the actions the school will take in response to such complaints
- The recipient must inform the Title IX coordinator of all reports and complaints raising Title IX issues

WHAT IS A TITLE IX COORDINATOR?

- Must have **knowledge** of the recipient's **policies and procedures on sex discrimination** and should be involved in the **drafting and revision** of such policies and procedures to ensure that they comply with the requirements of Title IX.
- Recipients should provide Title IX coordinators with access to information regarding **enrollment** in particular subject areas, participation in athletics, administration of school discipline, and incidents of sex-based harassment.

WHAT IS A TITLE IX COORDINATOR?

- Give **regular training for faculty and staff** outlining their rights and obligations under Title IX including:
 - Appropriate responses to reports of sexual misconduct
 - Obligation to report sexual misconduct
 - The extent to which counselors and advocates may keep a report confidential

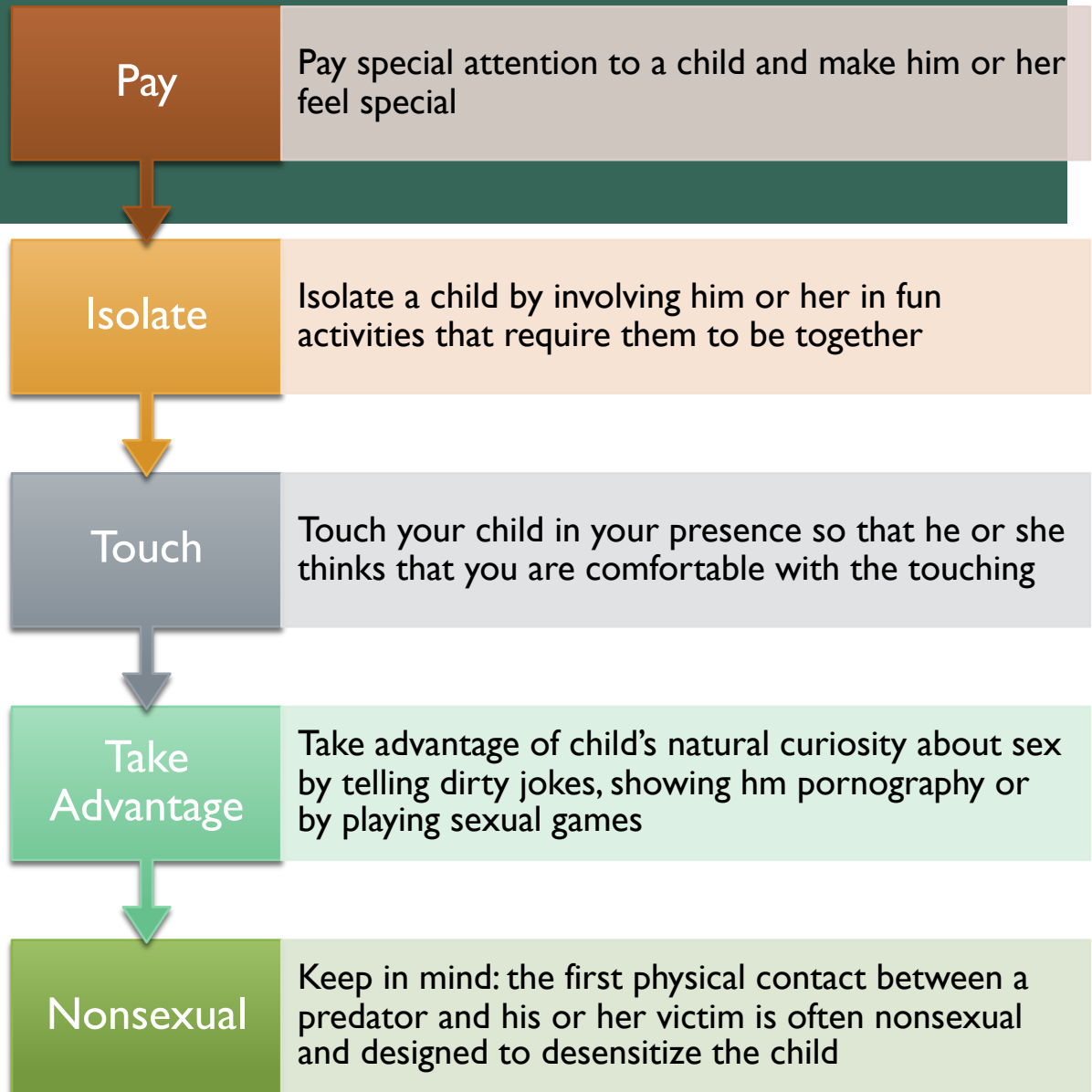
WHAT IS A TITLE IX COORDINATOR?

- Give **regular training of students** outlining their rights under Title IX
 - What constitutes sexual misconduct?
 - What is a hostile environment?
 - Definition of consent
 - Reporting options
 - Grievance procedures
 - Disciplinary codes
 - Who at the school to speak to in confidence
 - Protections against retaliation

HOW DOES IT HAPPEN? GROOMING TECHNIQUES



HOW DOES IT HAPPEN? GROOMING TECHNIQUES





QUESTIONS?

