



# Title IX Webinar #4

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# Let's get started

- Need more information, a good place to start is the SUNY Joint Guidance
  - <https://system.suny.edu/sci/tix2020/>
- We are providing these presentations to you, use them, modify them. We will close caption these four webinars and place them in the Dropbox.

# Notifications



# Required Notifications

- Must designate at least one Title IX Coordinator, who is responsible for coordinating efforts to comply with Title IX. § 106.8(a)
- Provide name or title, office address, e-mail address, and telephone number of Title IX Coordinator to:
  - Applicants for admission or employment;
  - Students;
  - Parents or legal guardians of elementary and second school students;
  - Employees; and
  - All unions or professional organizations holding collective bargaining or professional agreements with the institution.

# Required Notifications

- Include contact information for the Title IX Coordinator on institution's website. § 106.8(b)(2)
- Include contact information for Title IX Coordinator in any handbook or catalog made available to anyone in the categories listed on previous slide. § 106.8(b)(2)

# Required Notifications

- Must notify all persons entitled to notice (see previous slides) that institution does not discriminate on the basis of sex in the education program or activity that it operates, and that it is required by Title IX not to discriminate in such a manner. § 106.8(b)(1)
- Notification must state that the requirement not to discriminate in the education program or activity extends to admission and employment, and that inquires about the application of Title IX may be referred to the Title IX Coordinator, the Assistant Secretary, or both. § 106.8(b)(1)

# Required Notifications

- Must publish grievance procedures that comply with § 106.45 and must provide notice to persons entitled (see previous slides) of the grievance procedures and process, including how to report or file a complaint of sex discrimination, how to report or file a formal complaint of sexual harassment, and how the institution will respond. § 106.8(c)
- Must publish training materials publicly on institution's website or, if the institution does not have a website, must make materials available upon request for inspection by members of the public. § 106.45(b)(10)
  - Published training materials must be up to date and reflect the latest training provided to Title IX personnel. 85 Fed. Reg. 30412

# Training regulatory requirements





# Required Training - § 106.45(b)(1)(iii)

- Who must be trained?
  - Title IX Coordinators
  - Investigators
  - Decision-Makers
  - Any person who facilitates informal resolution process
- What must they be trained on?
  - Definition of sexual harassment
  - Scope of recipient's education program or activity
  - How to conduct an investigation and grievance process, including hearings, appeals, and informal resolution processes, as applicable
  - How to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias.

# Who **may** need training

- Appeals person or panel
- Institutionally Provided Advisors
- Non Decision making chair for panel (optional)
- HR
- Legal
- Ombudsperson(s)

# Required Training

- Decision-Makers must be trained on any technology to be used at a live hearing and on issues of relevance of questions and evidence, including when questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant. § 106.45(b)(1)(iii)
- Investigators must be trained on issues of relevance to create an investigative report that fairly summarizes relevant evidence. § 106.45(b)(1)(iii)
- No requirement on frequency of training. 85 Fed. Reg. 30253

# Training Materials

- Training materials must not rely on sex stereotypes and must promote impartial investigations and adjudications of formal complaints of sexual harassment. § 106.45(b)(1)(iii)
- Must publish training materials (see Slide 7)

# Drafting your institutional training



# One Slide Deck/Packet Approach

- Who will provide the majority of training?
- Include all materials in one packet and emphasize different parts depending on the audience.
  - This makes drafting and revisions much simpler.
- Provide it in an electronic format with links.
- Consider making it a series by parties who need the training
  - Series for Investigators, Decision makers, and Appeals
  - Series for Informal process facilitator
  - Series for Institutionally Provided Advisors

# Topics for large deck or packet

- Include a copy or link to your final policy highlighting
  - Definition of sexual harassment
  - Scope of program and activity
- How to conduct an investigation (I would outsource this)
- How to conduct a hearing
  - Set up
  - Hearing Script
  - How to question (See the Relevance worksheet in the Dropbox)
    - Rape Shield
    - Relevance
  - Drafting a determination

# Topics for large deck

- How to conduct an appeal
  - What the appeal packet will look like
  - What information is proper to consider
  - Bases for appeal in the policy
  - How to write an appeal decision
- Informal Resolution
  - May want to consider mediator training
- Prejudging, conflict, and bias
  - See the Conflicts of Interest, Bias and Prejudging worksheet in the Dropbox
- Technology you will use for hearings



# Previous training

- For Title IX Coordinators, Investigators, and Decision Makers
  - Contact individuals who provided training to you in the last three years and see how you can upload your training?
  - What disclaimer, link, or information will they allow you to use?
  - ATIXA is using digital badging
    - <https://tngconsulting.com/online-education/accreditable-certification-badges/>
  - SUNY will be providing compliant training via their Student Conduct Institute and will allow you to post it.
    - You may want to consider joining.

Thank you!

