Current Mechanisms in place
Are they working?
Is the process sustainable?
Are you compliant?
Identifying who is involved in each of the various stages
Tailor your training.
How prepared do you feel your institution is to handle a TIX case right now?

- Very prepared
- Somewhat prepared
- Not prepared

How prepared to do you feel to handle a TIX case right now?

- Very prepared
- Somewhat prepared
- Not prepared
- Contemplating other career choices
Have you worked on a case similar to the sample case?
Would you know how to approach the case, in your role, if it were to appear on your campus?

- Yes A
- Somewhat B
- No C

Tools & Resources to Support Your Process

- Decision Tree
- Case Rationale Map
CASE PROCESS DECONSTRUCTED

1. Incident Reported
2. Student Conduct Process Initiated
3. Pre-Hearing Prep Investigation
4. Hearing
5. Appeal Process
6. Decision Implementation

INCIDENT REPORTED:
RECAP OF LEGAL REQUIREMENTS
Complaint/report by faculty, staff, students, or even third parties.

Jurisdiction over both parties is not required for institutional obligations to kick in!

Complaint/report to TIXC or official with authority to institute corrective measures.

Responsible employee framework not mandated, but allowed.

Jurisdiction over both parties is not required for some institutional obligations to kick in.

When Requirements Kick In: Then and Now

Title IX Final Rule

2001 Revised Sexual Harassment Guidance

• Title IX Coordinator will offer parties supportive measures, even where no formal complaint is filed

• Examples of supportive measures (See, 85 Fed. Reg. 30026, 30401)
  • counseling
  • extensions of deadlines or other course-related adjustments
  • modifications of work or class schedules
  • campus escort services
  • restrictions on contact between the parties (no contact orders)
  • changes in work or housing locations
  • leaves of absence
  • increased security & monitoring of certain areas of campus

Title IX: Intake Process and Supportive Measures
**Title IX: Emergency Removals**

- **CAUTION**: Interim suspensions are prohibited for Title IX student-respondents
  - Department of Education considers them disciplinary sanctions

- Emergency Removal may be used where
  - Person poses threat of immediate *physical* harm
  - Threat arises from allegations of sexual harassment
  - Depends on individualized safety and risk assessment

- Must provide opportunity for “immediate” opportunity to challenge the removal (need not be a formal hearing)

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**Formal Complaint**

- Institutions **must** investigate all “formal complaints” filed with the Title IX Coordinator

- Who can file a formal complaint?
  - A person who is currently participating in the education programs or activities of the institution
  - A person who is **attempting** to participate in those programs or activities
  - The Title IX Coordinator

- Multiple complaints arising from same incidents can be consolidated
The college will protect privacy to the extent possible under the law.

The Coordinator has to balance confidentiality with:
- Communications necessary to fulfill legal duties
- The safety of other members of the college community.
CASE PROCESS DECONSTRUCTED

1. INCIDENT REPORTED

Assess the situation
- Medical Response (SANE services, EMT, etc)
- Emotional Response (Counseling services, victim advocate)

Supportive Measures Assessed
- Room Change, Conduct Hold, Restriction of Contact
- Title IX accommodations (Absence excuse, course change, etc)
- Title IX assessment of Risk to Campus Community

Incident Reports Generated
Good Faith, Not Deliberately Indifferent
Timely Warning Issued*

Health and Safety first
TIX campus training provide information on centralized reporting structures

Basic student conduct incident report writing- Res Life Training
- Documenting observations objectively (sample case) & Preserving evidence

Intake Forms (sample provided) ×

Key Players:
- TIXC
- Conduct Staff
- UPD
- Hall Staff
- Hearing Board
- Appeals Board
- Registrar