

TRAINEDU

JacksonLewis

“Who Am I and Why Am I Here?”

An Orientation to your Role as an Advisor in the Title IX
Sexual Harassment Grievance Process

Academic Year 2021-22

Title IX

No person in the United States shall, **on the basis of sex**, be excluded from participation in, be denied the benefits of, or be **subjected to discrimination** under any education program or activity receiving Federal financial assistance.





Title IX's purpose

Prohibitions or Limitations on Participation Based on Sex

Unequal Funding of Men's and Women's Athletics

Pregnancy Discrimination

Sexual Harassment

- Sexual Assault
- Stalking
- Domestic/Dating Violence
- Verbal/expressive



First-year athlete abused
in locker room by older
teammates

**Male on Male
Sexual Assault**

Honors student raped
in residence hall
by roommate's friend

**Male on Female
Sexual Assault**



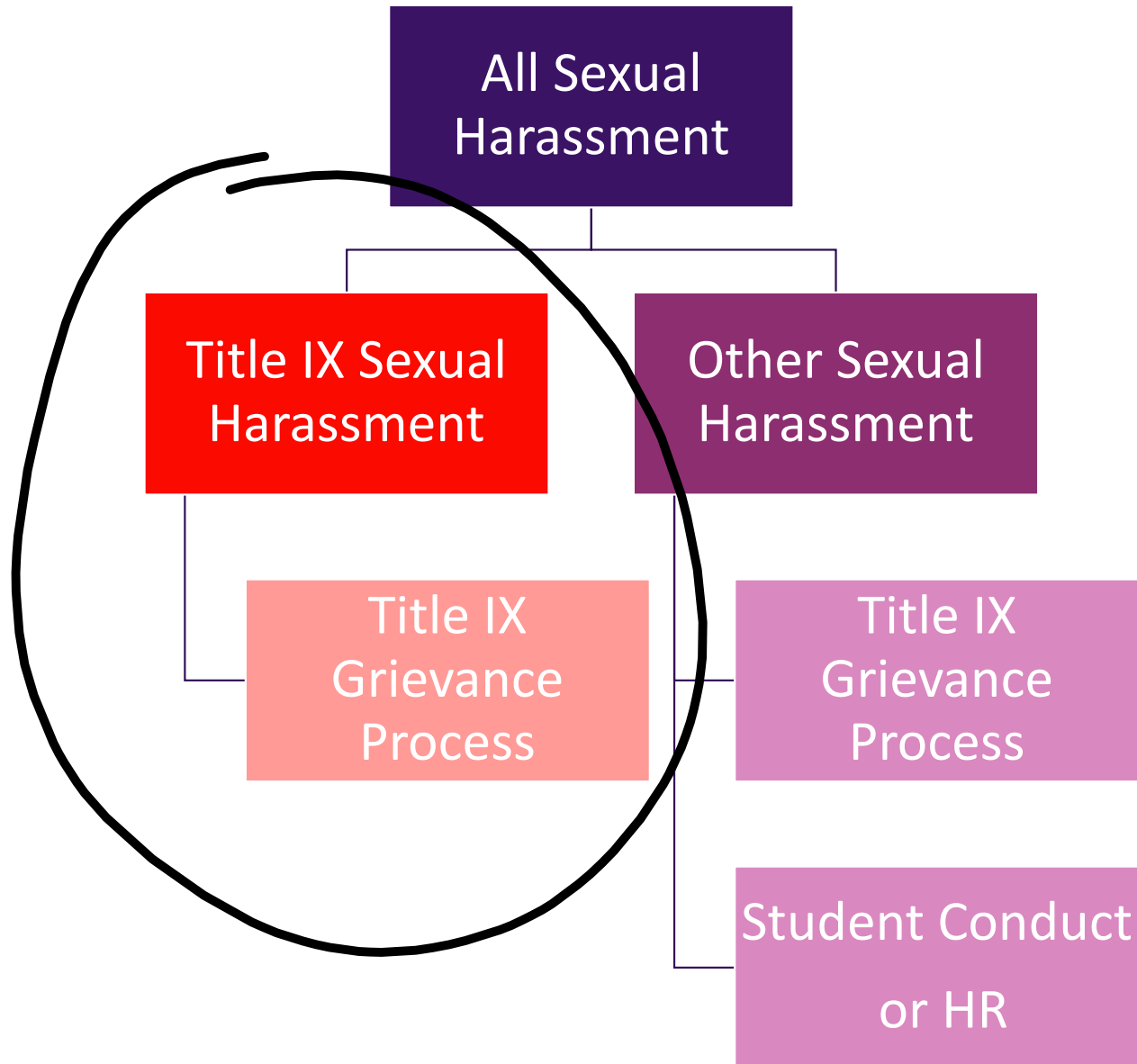
**Title IX
Prohibits
Sexual
Harassment
Regardless**

Work study student
hounded by hundreds
texts and phone calls

**Female on Male
Sexual Harassment**

Biology major slapped
and threatened by date
during walk across quad

**Female on Female
Dating Violence**



The Parties



The **Complainant** is the alleged victim of sexual harassment



The **Respondent** is the alleged perpetrator of sexual harassment



**Complainant's
Advisor**



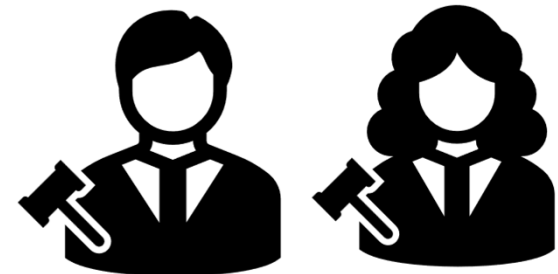
**Respondent's
Advisor**



**Title IX
Coordinator**



Investigator(s)



Adjudicator(s)

Why have Advisors?

Acknowledging that sexual harassment allegations present adversarial circumstances and that parties may benefit from guidance, advice, and assistance in such a setting, the Department [of Education] requires [schools] to allow the parties to select advisors of choice to assist each party throughout the grievance process.

Anyone can be an advisor.

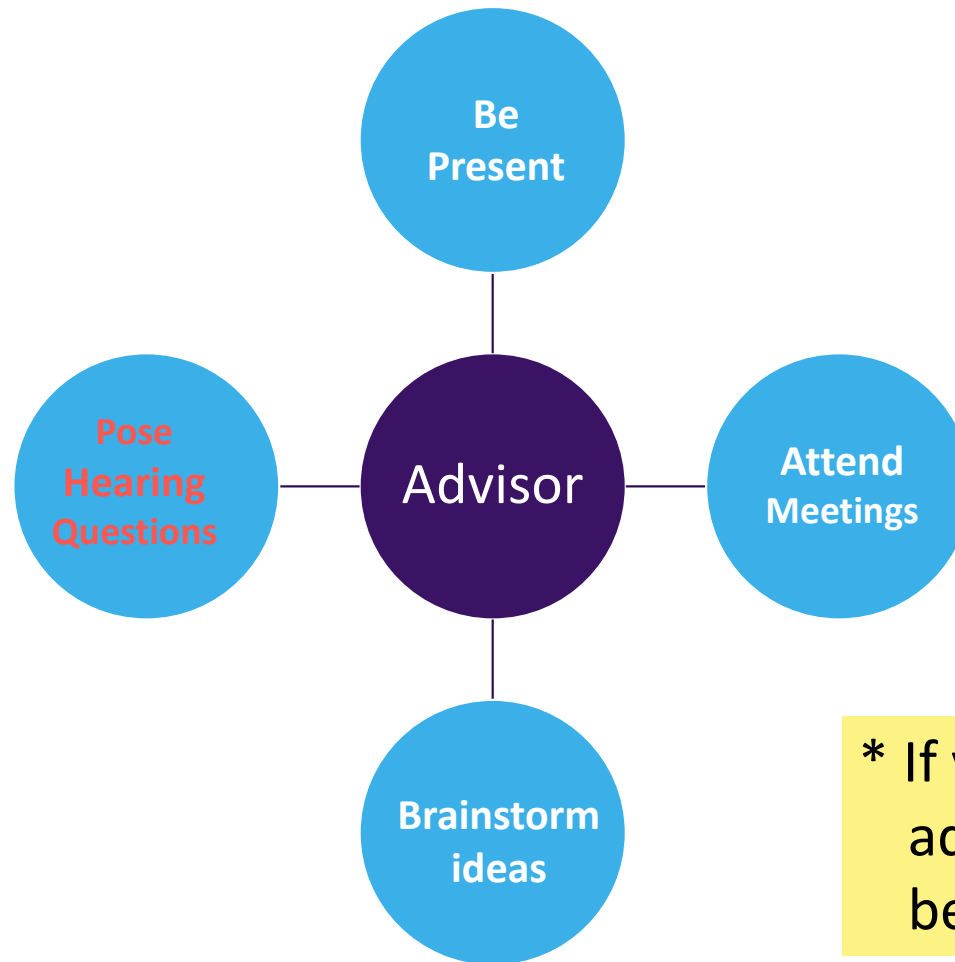




Advisors play a background role.

- You won't be interviewed.
- You won't testify at the hearing.
- Your speaking role is limited.
- You don't have to share your personal views.

The Role of an Advisor is to Assist and Advise the Party*



* If you are an appointed advisor, your role may be more limited



Title IX Office



Supportive Measures



Grievance Process



Supportive Measures

Counseling • Extensions • Course Adjustment • Class Schedule • Work Schedule • Campus Escort • No Contact Orders • Leaves of Absence • Security •

Protect Safety. Preserve Access. Deter Harassment

Free & Confidential

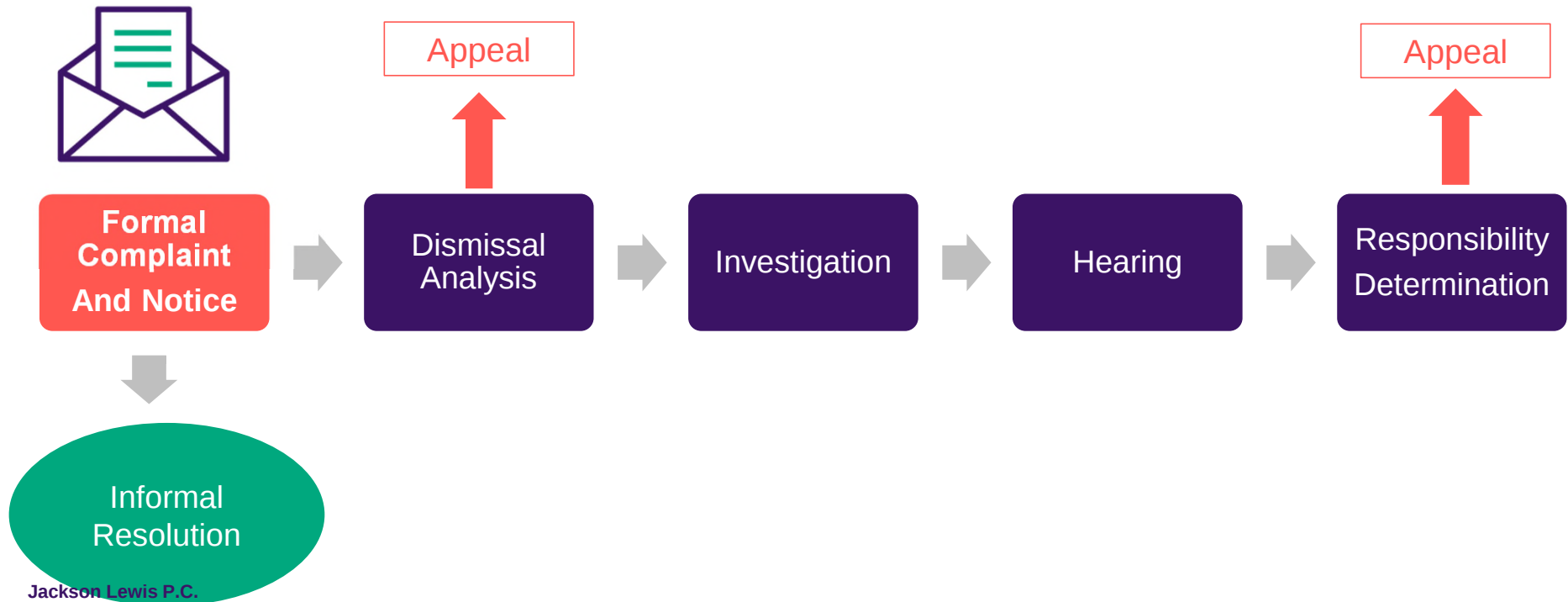
Complaint/No Complaint

For both parties

The Title IX Grievance Process



School Specific
Policies &
Procedures





Advisors must follow the rules.

- Schools can restrict advisor participation so long as the restrictions apply equally to both parties
- Conduct yourself professionally
 - Don't disrupt meetings or other proceedings
 - Raise concerns courteously
 - Abide by instructions/decisions made by school officials
- Let your party speak for him or herself



Informal Resolution

- Both parties must agree to participate.
- Either party may exit the process prior to agreeing to a resolution.
- Any resolution is by mutual agreement.



The Investigation

- The investigator collects evidence.
- Each party may present evidence to the investigator.
- Each party will have the opportunity to review and comment on all directly-related evidence.
- The investigator creates a written report. At least ten days before the hearing, the report is given to each party (and their advisor).



Rules of Correspondence

Schools are required...

- * to provide advisors with evidence to review
- * to provide advisors with the investigative report

Schools are **NOT** required....

- * to copy you on all correspondence they send to your party



The Investigative Interview

- Each party will have a chance to share their side of the story.
- The interview is scheduled in advance.
- The interview may address uncomfortable topics.
- If you and your party need to confer, ask for a recess.

Confidentiality: When to Keep It and When to Disclose



School employees: Maintain confidentiality. Do not disclose information *except* for legitimate educational purposes.

Special Circumstances



Danger to self or others



“Witness tampering”



Knowingly providing false information



Additional sexual harassment



The Hearing

- May be virtual or on campus.
- The parties must be able to see and hear one another. If the hearing is virtual, cameras should be left on.
- If the hearing is on campus, parties may request to be in different rooms with AV equipment.
- You may not record the hearing, but you may review the school's recording.



Live Questioning at the Hearing

- Each party/witness who speaks at the hearing must be willing to answer questions posed by the other side.
- The questions always are posed by the advisors, never by the parties themselves.
- Questions may be barred if they are irrelevant, duplicative, or reference privileged information.
- Everyone is expected to behave in a professional manner. No abusive, intimidating, or disrespectful questioning.



Written Responsibility Determination

- Determination include:
 - alleged policy violations
 - rulings on responsibility
 - any sanctions imposed
 - appeal instructions
- * Evidentiary standard is typically “preponderance of the evidence” but could be “clear and convincing evidence”
- Determination is provided to the parties simultaneously.

Practical Tips



Be flexible. Be timely. Raise scheduling conflicts as soon as you become aware of them.



Familiarize yourself with this school's policies and procedures.

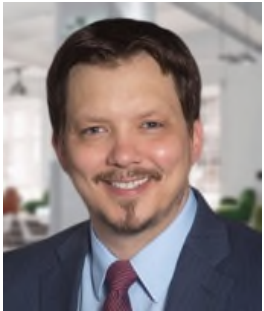


Go to the Title IX Coordinator with questions and concerns.

JacksonLewis

Thank **you.**

Your Title IX Team



For Title IX assistance, contact Team Lead

Joshua D. Whitlock

Josh.Whitlock@jacksonlewis.com

(980) 465-7242



**Sarah Ford
Neorr**



**Priya Prakash
Khatkhate**



**Nicholas A.
Simpson**



**Susan D.
Friedfel**



**Crystal L.
Tyler**



**Laura A.
Ahrens**