

SEXUAL MISCONDUCT ADVISOR TRAINING

A Training for Title IX Personnel

2020

Presenter: Carole Goddard, EO & Title IX Coordinator

AGENDA

1. Title IX and Sexual Misconduct at Regis University
2. Changes in Regulations
3. Process Overview
4. The Role of and Advisor
5. Cross Examination
6. Appeals
7. Advising parties

TITLE IX & SEXUAL MISCONDUCT AT REGIS UNIVERSITY

- ▶ Title IX states:

- ▶ "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."

- ▶ Sexual Misconduct includes:

- ▶ Sexual harassment, coercion, nonconsensual sexual contact, nonconsensual sexual penetration, sexual exploitation, intimate partner violence, stalking, and any sexual activity that is engaged in without consent.

REGULATION CHANGES IN TITLE IX

- ▶ Major Provisions:
 - ▶ Actual Knowledge
 - ▶ Responsible Employees
 - ▶ Definition of Sexual Harassment
 - ▶ Jurisdiction
 - ▶ Hearings
 - ▶ Role of the Advisor

PROCESS OVERVIEW

- ▶ Parties have the right to an Advisor of their choosing for every part of the sexual misconduct process including appeal.
- ▶ The Advisor can be anyone a party chooses. If they do not choose someone, the University must provide one.
- ▶ Each party must be permitted to have an equal number of Advisors, and must notify the Title IX Coordinator of who the Advisor is, and sign a release of information to that Advisor.
- ▶ Regis SMAs will be identified, so a person may request you to serve as an advisor, or you may be appointed as an Advisor by the EO & Title IX Coordinator

PROCESS OVERVIEW

- Report
- Supportive Measures
- Informal resolution
- Formal Complaint
- Investigation
- Hearing
- Appeal

PROCESS OVERVIEW

▸ Report

- A report is submitted by a complainant or other reporter
- The EO & Title IX Coordinator will review the report and reach out to the affected party
- The EO & Title IX Coordinator will perform an initial inquiry to gather information
- The affected party will be provided with options. If they decide to move forward in any way other than supportive measures, the other party will be notified

PROCESS OVERVIEW

▸ Supportive Measures

- The Title IX Coordinator can facilitate supportive measures.
- If an affected party does not wish to pursue a formal complaint, they may still access supportive measures, e.g.:
 - A change in housing assignment
 - An extension for an assignment
 - An excused absence
 - An incomplete for a class (as long as other requirements are met for this)

PROCESS OVERVIEW

▸ Formal Complaint

- A Formal Complaint results in an investigation when the allegations, if proven to be true, would violate University policy
 - Notice of Investigation
 - Mutual No Contact Directive
 - Formal Investigation
 - Hearing
 - Appeal upon request and on appeal grounds

PROCESS OVERVIEW

▸ Formal Investigation

- Investigations are contracted outside of the University, then a comprehensive report is submitted along with any evidence collected
- Interviews of parties and witnesses
- Collection of documentary evidence from parties and elsewhere
- Both parties will then have 10 days to review the report and evidence before a hearing is scheduled

PROCESS OVERVIEW

▸ Hearing

- The hearing is live, and both parties and all witnesses are invited to attend and participate
- The hearing officer(s) will review the report and evidence, ask questions of the parties, then open things for cross examination
- People subject to cross examination are parties and witnesses
- If parties or witnesses are not present, they cannot be cross-examined, and therefore, the information will not be permitted in the decision.

PROCESS OVERVIEW

- ▶ Hearing (continued)
 - ▶ The Advisor is responsible for cross examination
 - ▶ They must ask questions as formulated by the party they are representing
 - ▶ Questions must be relevant to the case
 - ▶ Rape Shield Protections must be respected
 - ▶ The Hearing Officer(s) will determine questions relevance

PROCESS OVERVIEW

▸ Appeal

- Once a decision is rendered, the parties have the right to appeal on 4 grounds:
 - A procedural irregularity occurred that significantly impacts the outcome of the hearing decision;
 - The sanction imposed is grossly disproportionate to the offense (including consideration of the respondent's prior offenses);
 - Title IX personnel had a conflict of interest or bias that affected the outcome of the hearing;
 - Newly discovered evidence could affect the outcome of the matter if presented

YOUR ROLE AS A SEXUAL MISCONDUCT ADVISOR

IS TO

- ▶ Participate and advise when asked
- ▶ Inform your advisee of policy & process
- ▶ Attend meetings throughout the process with your advisee
- ▶ Conduct verbal cross examination in live hearings

IS NOT TO

- ▶ Serve as an advocate
- ▶ Serve as an investigator
- ▶ Be a pseudo-attorney
- ▶ Be the sex police

IMPORTANT DOCUMENTS

- ▶ It is important that you are familiar with the policy and process. Here are some documents that can help you with that:
 - ▶ Regis University Discrimination, Sexual Misconduct, and Retaliation Policy
 - ▶ Regis University Advisor Policy
 - ▶ Sexual Misconduct Resource Guide
 - ▶ Student Handbook
 - ▶ Employee Handbook

OTHER RESOURCES

- ▶ Each case is unique and presents questions and challenges throughout the process. It is good to ask questions. Your main contact is:

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Equal Opportunity & Title IX Coordinator

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Stop in, call, email, send a telegram anytime!

DISCUSSION/Q&A

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