



EMORY
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EMORY DEPARTMENT OF TITLE IX:
DEPUTY TITLE IX TRAINING



Learning Objectives:

- Department of Title IX (DTIX) Introductions and Updates
- Emory University Sex and Gender-based Harassment & Discrimination, Policy 8.2
- My Role as a Deputy
- DTIX Resolution Processes Overview
- New Regulations- Proposed
- Ask a Title IX Coordinator: Questions & Answers Portion

Emory Title IX Team



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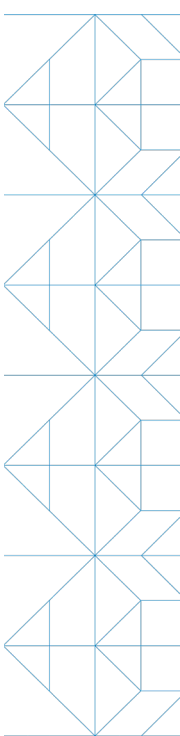


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Content Warning:
The following presentation includes references to sexual misconduct, sexual assault, and possibly other uncomfortable topics.

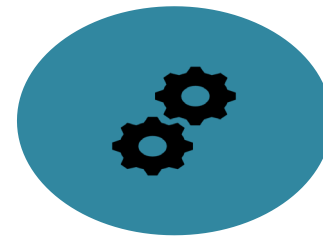


Emory Policy 8.2 – Sex and Gender-Based Harassment and Discrimination Policy

What is Title IX?



Protects individuals from discrimination based on sex in education programs or activities that receive federal financial assistance.



Sexual harassment, sexual violence, dating violence, domestic violence or stalking.



Requires a prompt and timely response by institutions that receive federal financial aid (title IV funds)



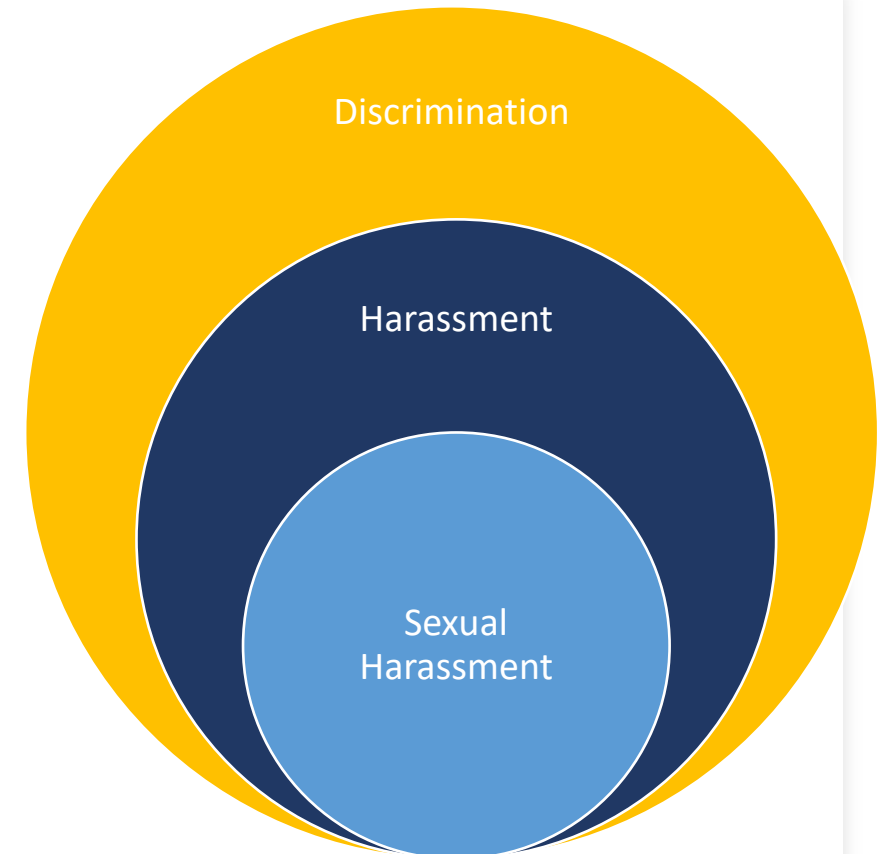
Emory Policy 8.2:

Emory cannot and will not tolerate discrimination against or harassment of any individual or group based upon race, sex, color, religion, ethnic, or national origin, genetic information, age, disability, sexual orientation, gender identity, gender expression, veteran's status, or any factor that is a prohibited consideration under applicable law. The university recognizes its responsibility to increase awareness of sex discrimination, prevent its occurrence, and diligently investigate reports of misconduct.



What Does Title IX Cover?

- ▶ Sex/ Gender-based Discrimination
- ▶ Sex/ Gender-based Harassment
- ▶ Sexual Harassment
 - ▶ Hostile Environment
 - ▶ *Quid Pro Quo*
- ▶ Non-consensual sexual contact/ intercourse
- ▶ Sexual exploitation
- ▶ Pregnancy/Parenting
- ▶ Dating/ Domestic Violence
- ▶ Stalking





Jurisdiction

1. Only applies to persons located in the United States.
2. Must occur in an educational program or activity.
3. Emory must have substantial control over the respondent and the context where the harassment occurred.





Scope

“Education program or activity” is:

All operations of the institution, including . “[L]ocations, events, or circumstances over which the recipient exercised substantial control over both the respondent and the context in which the sexual harassment occurs, and . . . any building owned or controlled by a student organization that is officially recognized by a postsecondary institution.”

1. Applies to employees, including employee on employee conduct

I'm a What? What does it mean to be a
Deputy TIXC



What is a Deputy Title IX Coordinator

Deputy Coordinators are often individuals designated by an institution to assist with the management and implementation of population-specific compliance strategies and programs.



What does this look like in your perspective colleges? How does it differ from the role of TIXC?

What does this mean for you?


In your position you are classified as a Responsible Employee.



Serve as a point person for their school's faculty, staff and students as it pertains to Title IX issues as well as the school's liaison to the Department of Title IX.



Serve as a resource.

- Basic understanding of stages of the Title IX process from investigation through appeal.
 - Understand various on-campus resources available to Complainants and Respondents.
- 

Serve as a resource to faculty and staff members as it relates to short-term academic accommodations, or other supportive measures, how to report sexual misconduct involving students and their positions as mandatory reporters of sexual misconduct.



Privacy vs. Confidentiality

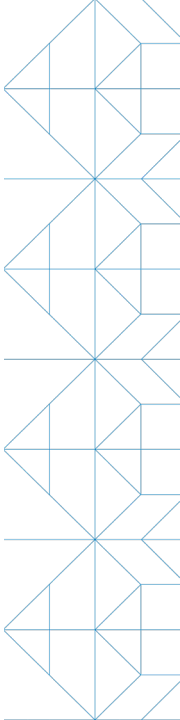
Private resources: advisors
in ASC, Title IX Deputies,
other staff

Confidential resources:
Counselors in CAPS/ CCS,
Chaplain in ORSL, Office of
Respect (ATL), FSAP

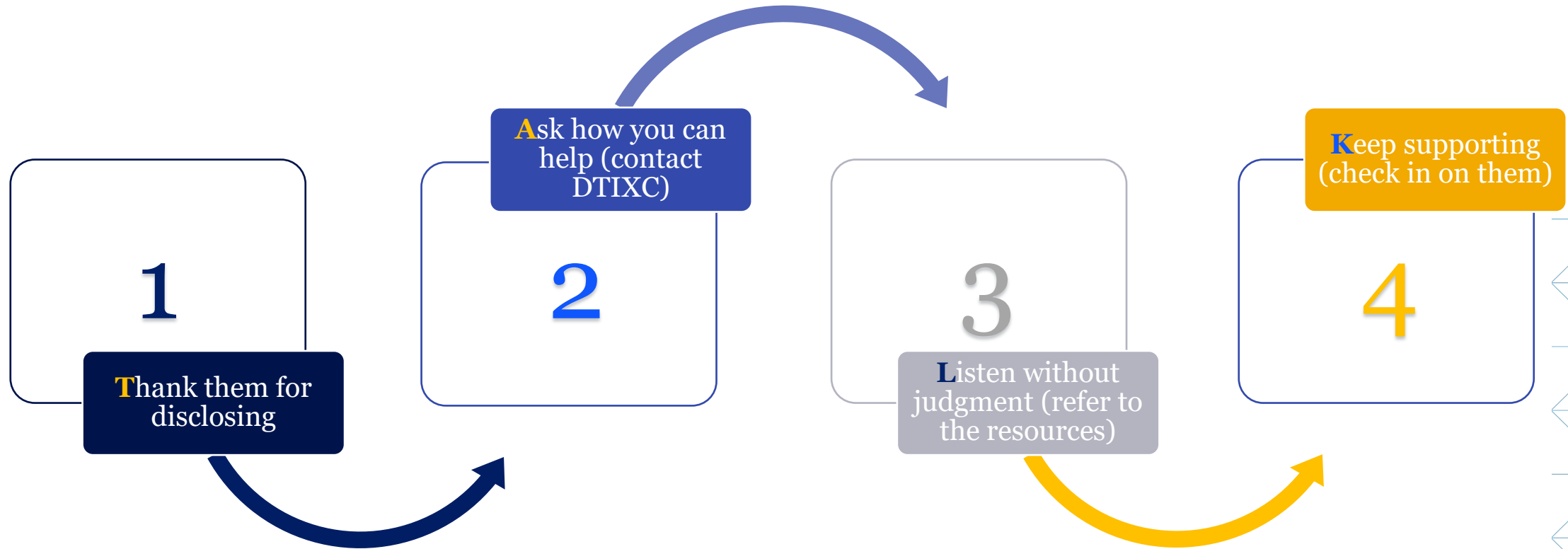
Knowing the difference is
important; however,
responsible employees
(mandated reporters) are
federally required to report
if/when someone reports a
Title IX related matter



Expectations and Bias

- Any individual designated as a Title IX Coordinator, investigator, decision-maker, or to facilitate an informal resolution process, must “not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.” §106.45(b)(1)(iii)
 - But not advisors. . .
 - The final regulations impose no prohibition of conflict of interest or bias for advisors
- 

T.A.L.K.



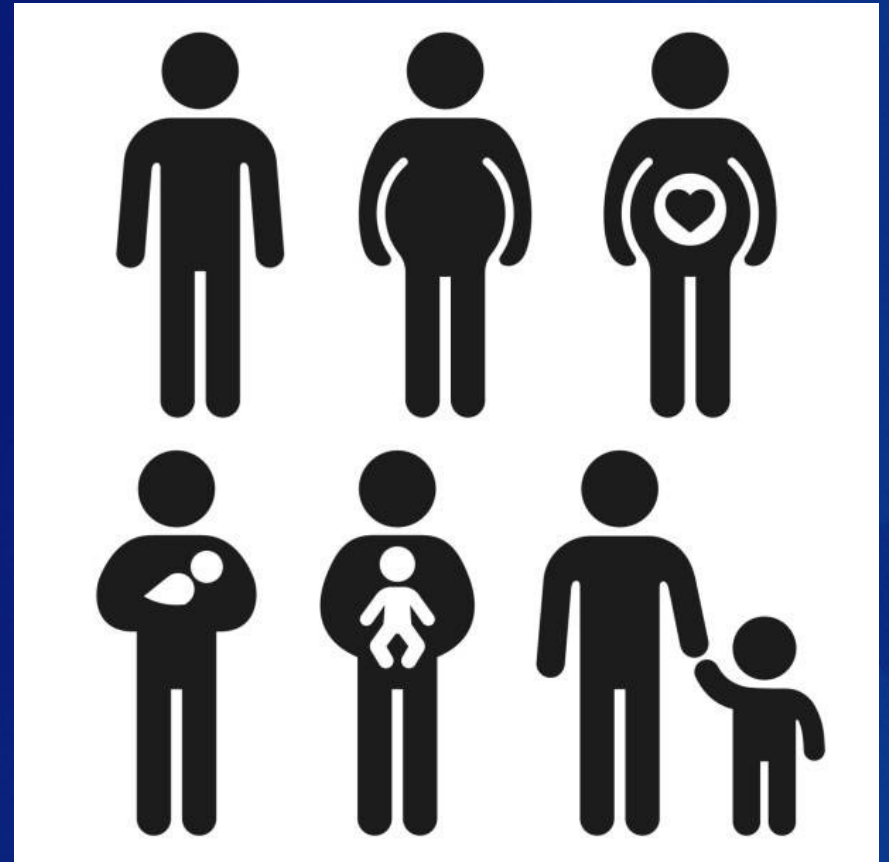


Helping Community Members Understand Rights

- To participate in a Title IX Investigation Process that is conducted in a prompt, fair, reliable, and equitable manner, consistent with university policies.
- To have the Investigation Process conducted by officials who do not have a conflict of interest or bias for or against the parties and who receive annual training on the issues of sexual misconduct.
- To be treated with respect by all Emory officials.
- To access the campus support resources, unless banned from campus or temporarily suspended pending the completion of the Investigation Process.
- To be informed of the availability of interim safety measures such as issuing a no-contact directive or changing academic, employment, or living situations to separate the parties involved.
- To have an advisor of their choice attend all related meetings throughout the Investigation Process in cases involving allegations of sexual violence, domestic violence, dating violence or stalking.
- To receive timely notice of all related meetings to attend.
- To have made available, upon request, any information or evidence that will be used during any related meeting prior to attending that meeting.
- To receive periodic updates at reasonable intervals regarding the status of the Investigation and cause(s) for delay
- To have the Investigation Process resolved by a preponderance of the evidence standard (whether it is more likely than not that the University's Sexual Harassment Policy was violated).
- To receive notice of the outcome of the Investigation in writing (including the rationale for the outcome).
- To receive notice of the discipline imposed by the outcome (including the rationale for any disciplinary sanction).
- To have the process and timeline for requesting an appeal of the outcome and/or disciplinary sanctions explained.
- To participate in an appeal of the Investigation's findings and/or of the discipline imposed.
- To have an appeal conducted in a manner consistent with the processes outlined in university's policy.
- To be free from retaliation or intimidation for participating in the Investigation Process.

Pregnancy and Parenting

- [Title IX Basics - The Pregnant Scholar](#)



The Title IX Process

What happens after A report is made?

- Department of Title IX (DTIX) outreach to affected student(s)
- Outreach includes information about:
 - The Department of Title IX;
 - Available resources;
 - Supportive measures;
 - Meeting with the Department of Title IX.
- Outreach does not mean that an investigation is automatically opened.
- Complainants drive the Title IX process, and DTIX will proceed with a Formal Complaint/investigation only in rare circumstances.
- Students may decline to meet with the Department of Title IX.



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Meeting with DTIX

- If students agree to meet with the Department of Title IX, they may have a support person and a Title IX advisor present for all meetings with the Department of Title IX.
- Students may access resources and supportive measures without filing a Formal Complaint or sharing additional information about their experience.
- During the meeting, DTIX will discuss the Formal Complaint process with the affected student:
 - Filing a Formal Complaint, Investigation, Hearing or Alternative Resolution, Appeal



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DTIX Administrative Resolution Processes

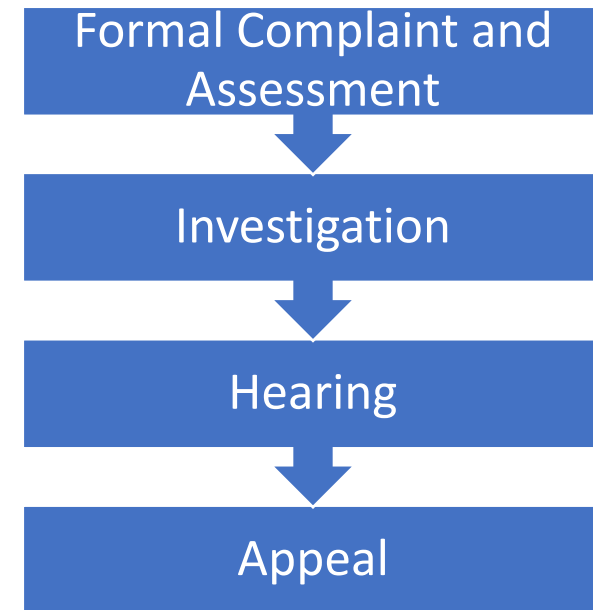
Informal



Prohibited Conduct (appendix B)



Title IX (appendix A)



Supportive Measures

Individualized, non-punitive, personalized services or support designed to prevent or remedy the effects of sex-based discrimination or harassment

Available with or without a formal complaint

Examples: Counseling services, academic or housing accommodations, modification of work or class schedules/locations, safety escort, no-contact orders, residential changes





Resources

CAPS/CCS

FSAP

Office of Religious & Spiritual Life

Student Health Services

Ombuds

Advising Support Center

Student Case Management and Intervention
Services

Campus Police

Residential Education and Services (RES)

Title IX Deputies

Confidential resources

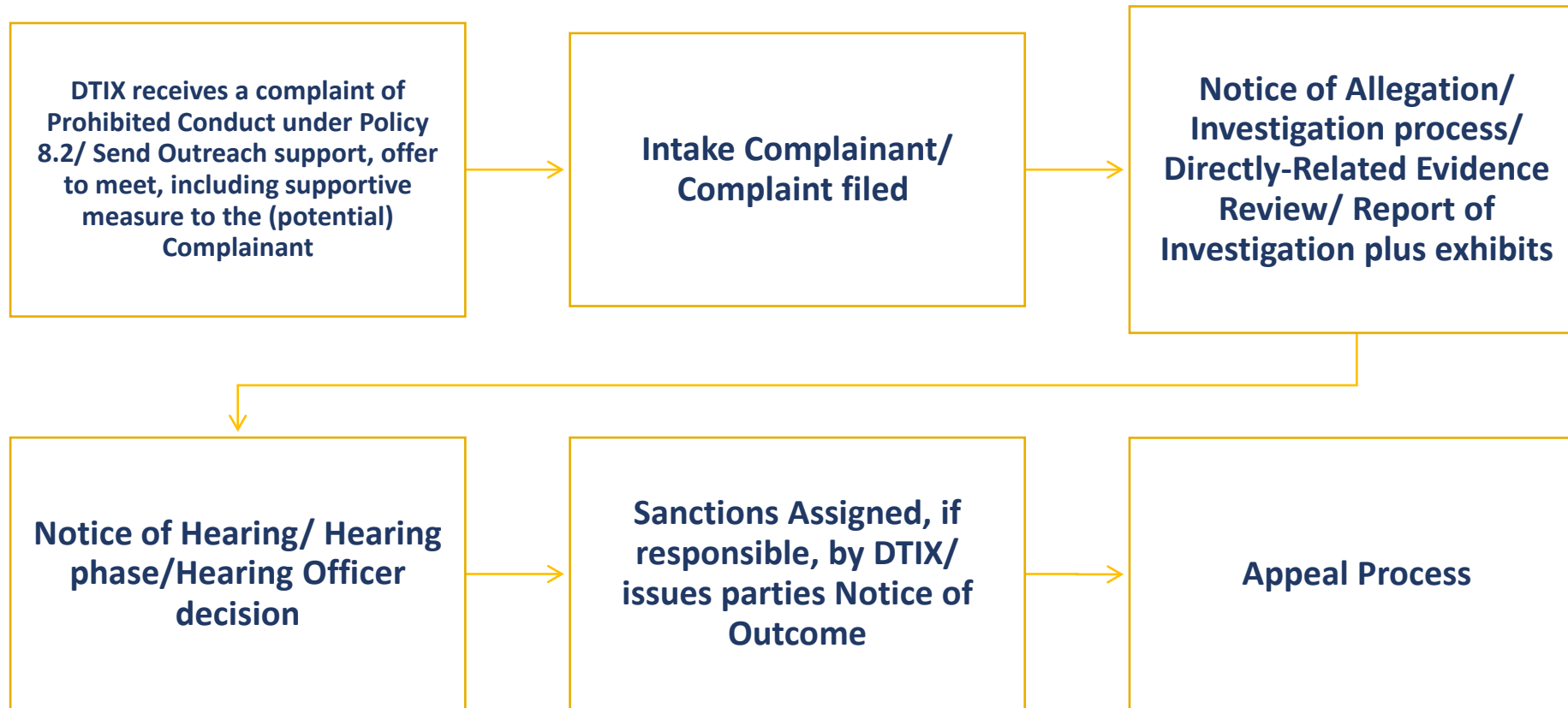


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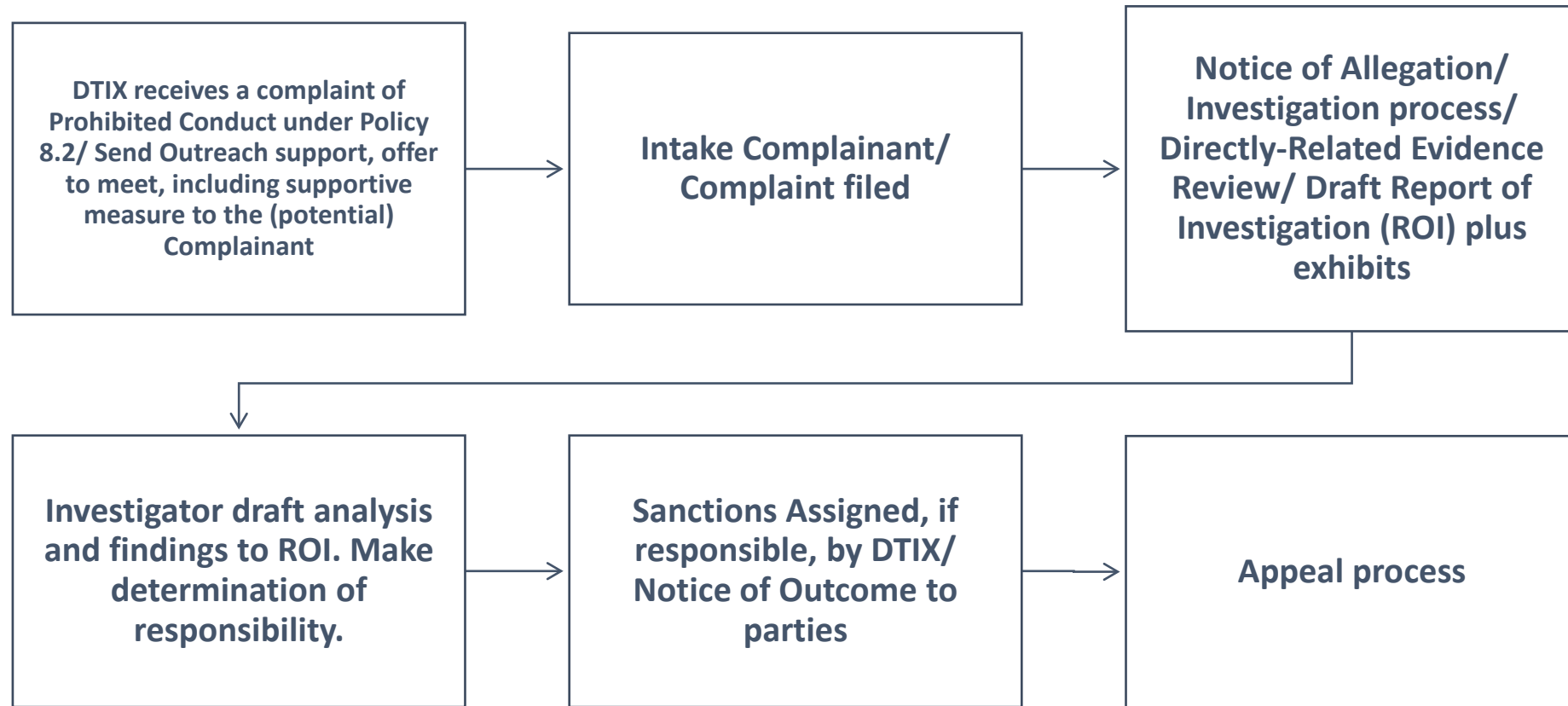
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Detailed Formal Administration Resolution Process (Appendix A)



Detailed Formal Administration Resolution Process (Appendix B)





The Hearing Process

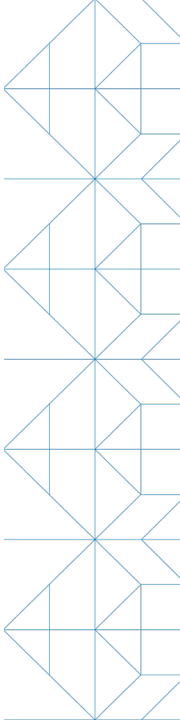
PRE-HEARING:

- Parties are given 10-days prior to the hearing to prepare and given deadlines to participate (including deadline to submit witnesses and raise conflict concerns of the assigned and identified Hearing Officer.
- Parties and Hearing Officer receive the **Report of Investigation** (ROI) via secured link from DTIX
- Parties identify possible witnesses with supporting information regarding the witnesses' relevance. The witnesses must have participated in the interview process captured within the ROI to be identified for the hearing. **Hearing Officers will need to make determinations regarding which witnesses will be invited to participate in the hearing.**



The Hearing Process

HEARING:

- Recorded on Zoom (all parties, required to be on camera and muted)
 - Transcribed by Rev.Com (Emory handles this and provides the transcript within 2-4 days post-hearing)
 - Hearing Officer is given “wide discretion over matters of decorum at the hearing.” (DTIX provides Rules for Decorum to all parties, including the Hearing Officer)
 - Engage in the examination through questioning of the parties and witnesses.
 - Permit for cross-examination. All parties will have an advisor present who is permitted to ask the opposing party and/or witnesses questions determined relevant by the Hearing Officer.
 - DTIX will communicate the parties’ questions to the Hearing Officer for review, via email. Time will be allotted during the break period for the Hearing Officer to make determinations of relevance of the questions.
- 



The Hearing Process

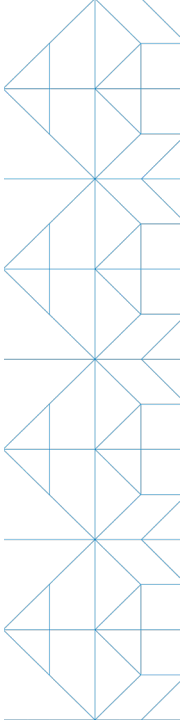
HEARING:

- **Relevance.** The Hearing Officer has broad discretion to determine the relevance of evidence.
 - Categories of evidence that are rarely relevant:
 - Character evidence, polygraph and other generally unreliable or unproven scientific evidence, speculation, and the like.
 - If questions are relevant, they will be asked as explained on the previous slide, on the record.
 - If a question is not relevant, the Hearing Officer may state the reason it is not relevant (i.e. repetitive/ ask and answered OR not relevant to the matter under consideration) and instruct the party or witness to not answer.
- **Standard of Evidence.** The level of proof required to determine whether or not a Respondent is responsible for the allegations shall be preponderance of the evidence, i.e., it is more likely than not that alleged conduct occurred.
 - Hearing Officer's will determine if the Respondent violated Policy 8.2, as alleged, by a preponderance of the evidence.



The Hearing Process

POST-HEARING:

- Within 15 business days of the conclusion of the hearing, the Hearing Officer will draft the Hearing Officer Written Determination which will include:
 - Allegations of Title IX misconduct/ Formal Complaint (DTIX will add);
 - Standard of Review;
 - Relevant policy provisions (DTIX will add);
 - Evidence not considered;
 - Summary of the hearing proceedings;
 - Hearing of Overview
 - Summary of Complainant Testimony (if participating in hearing)
 - Summary of Respondent Testimony (if participating in hearing)
 - Summary of Witnesses (if participating in hearing)
 - Reliability Assessment
 - Analysis
 - Findings
 - Recommended Sanctions/ Remedies
- 



Sanctions

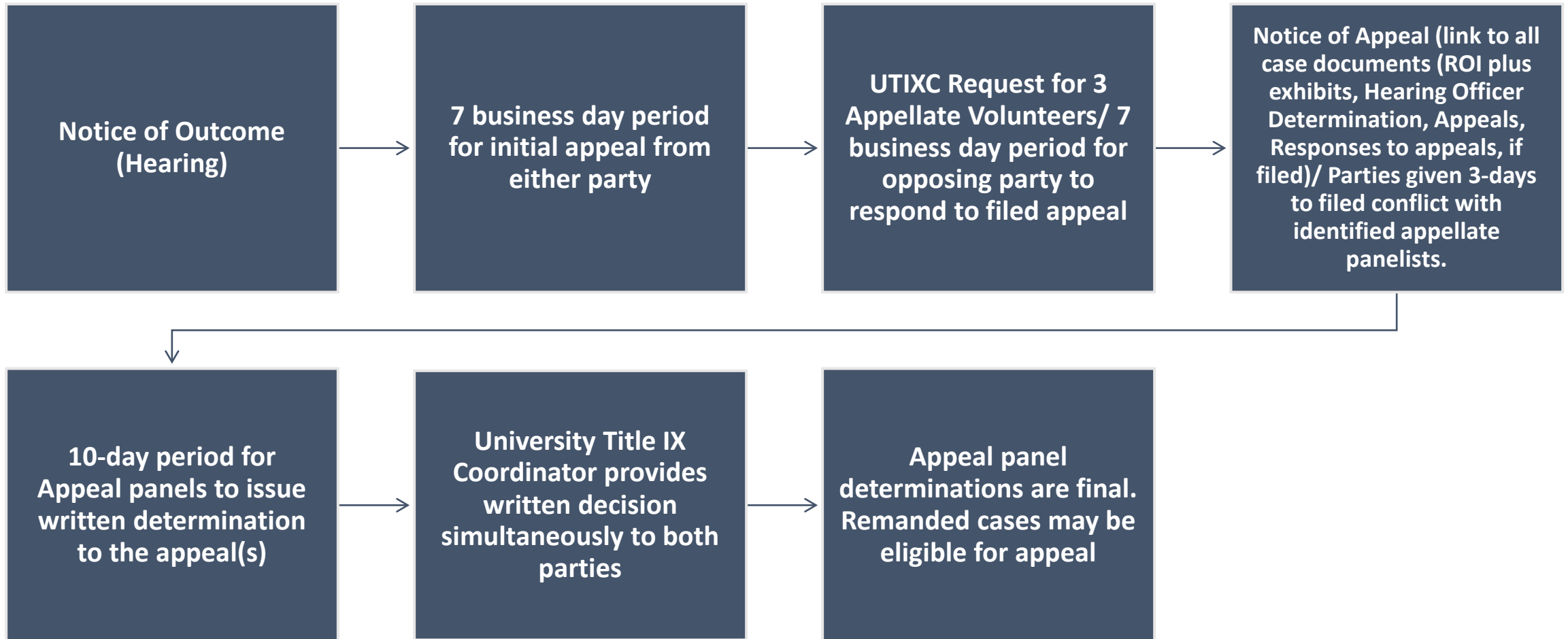
RECOMMENDED SANCTIONS FOR STUDENTS

- The broad range of sanctions for students includes, but is not limited to, the following:
- Revocation of Degree
- Revocation of Alumni Privileges
- Expulsion
- Suspension
- Disciplinary Probation
- Removal from Student Housing and/ or University premises
- Dismissal from University Employment
- Successful completion of educational training programs
- Loss of University privileges
- Community Service
- Counseling or Mentoring

RECOMMENDED SANCTIONS FOR EMPLOYEE

- The broad range of sanctions for employees includes, but is not limited to, the following:
- Apology or Reprimand
- Remedial Training
- Workplace Restriction
- Denial of Promotion, Merit Pay Increase, or Other Benefit
- Reassignment
- Suspension
- Separation

Appellate Process Detailed





Gounds for an Appeal

APPENDIX A

Both parties have the right to appeal on the following bases:

- **Procedural irregularity** that affected the outcome of the matter, which may include, but is not limited to, failure to objectively evaluate all relevant evidence, including inculpatory and exculpatory evidence;
- **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
- The Title IX Coordinator, investigator(s) or decision-maker(s) had a **conflict of interest or bias** for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.

APPENDIX B

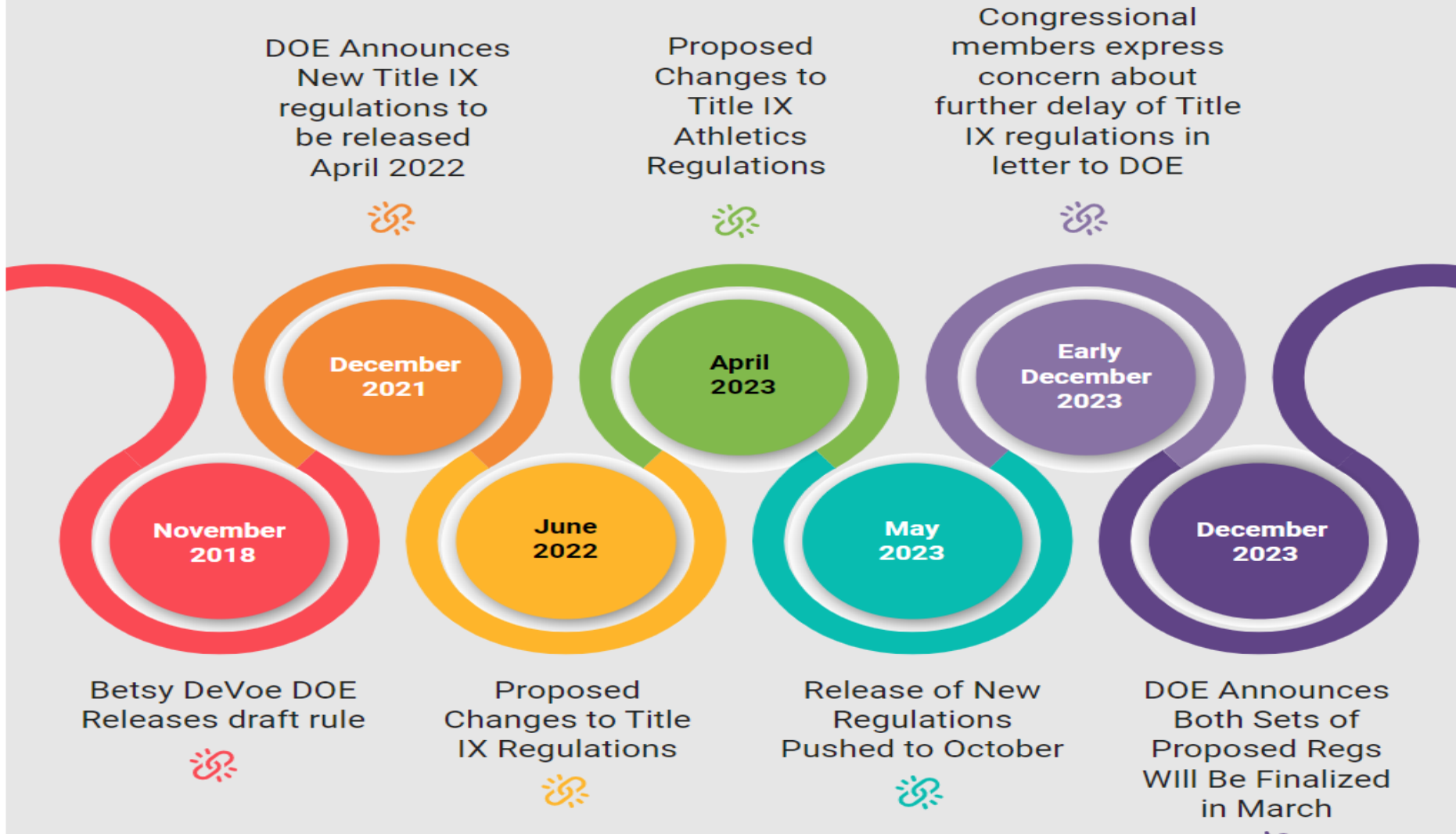
Both parties have the right to appeal on the following bases:

- To consider **new information**, sufficient to alter the decision, or other relevant facts not brought out in the investigation because such information was not known or knowable to the appealing party during the investigation.
- To allege a significant **procedural error** within the investigative process that may have substantially impacted the fairness of the investigation, the decision, and/or the sanction.
- To allege that the **sanction imposed is overly excessive or insufficient** based upon the weight of the information considered by the Title IX Coordinator.

**Look Out!! Proposed Changes
to TIX Rules and Regulations**

NEW!

TITLE IX TIMELINE





Proposed Changes

- STRENGTHENING PROTECTIONS FOR LGBTQI+ INDIVIDUALS
- INCREASING PROTECTIONS FOR PREGNANT AND LACTATING STUDENTS AND EMPLOYEES
- PERMITTING STUDENTS' PARENTS, GUARDIANS, AND LEGAL REPRESENTATIVES TO PARTICIPATE IN TITLE IX GRIEVANCE PROCESS
- BROADENING THE DEFINITION OF SEXUAL HARASSMENT
- EXPANDING THE CIRCUMSTANCES FOR MANDATORY REPORTING
- ELIMINATING THE REQUIREMENT FOR LIVE HEARINGS AND CROSS-EXAMINATION
- ALLOWING A SINGLE INDIVIDUAL TO ACT AS BOTH INVESTIGATOR AND JUDGE
- NEW ATHLETICS REGULATIONS





Scenario #1

- A CO-WORKER, BECKY, FROM ANOTHER DEPARTMENT KEEPS ASKING ONE OF YOUR TEAMMATES, DARREN OUT. SHE IS CONSTANTLY SENDING HIM MESSAGES ON TEAMS, IN YOUR OFFICE SUIT, AND BRINGS DARREN SNACKS & CANDIES. ONE DAY YOU AND DARREN GO TO LUNCH AND NOTICE BECKY IS THERE. DARREN HAS OPENLY EXPRESSED THAT HE IS NOT INTERESTED IN DATING BECKY TO HER AS WELL AS TO YOU. HE EVEN BLOCKED HER ON TEAMS.
- **WHAT SHOULD YOU DO?**
- **WHAT DO YOU SAY?**
- **T.A.L.K**





Scenario #2

- LAST WEEK, A STUDENT NAMED BENNY SET UP A TIME TO MEET WITH YOU. YOU HAD PREVIOUSLY MET WITH BENNY A FEW TIMES AND HAVE ESTABLISHED A RAPPORT WITH THEM. UPON ARRIVING FOR THE MEETING, YOU CAN SEE THAT BENNY IS UPSET AND LOOKS EXHAUSTED. YOU ASK IF EVERYTHING IS OKAY, AND BENNY ASKS IF THEY MAY CLOSE THE DOOR. YOU GET UP, CLOSE THE DOOR, SIT BACK DOWN AND BENNY BLURTS OUT, "I THINK I WAS SEXUALLY ASSAULTED LAST WEEKEND IN MY ROOM BY ANOTHER STUDENT, A FRIEND OF A FRIEND, NAMED TODD." BENNY STATES THAT HE DOES NOT WANT TO REPORT TODD, BUT HE WANTED YOU TO KNOW WHY HE HAD BEEN MIA.
- **WHAT SHOULD YOU DO?**
- **WHAT DO YOU SAY?**
- **T.A.L.K**





Scenario #3

- ONE DAY YOU ARE SITTING IN YOUR OFFICE, AND A COLLEAGUE OF YOURS, DR. JOHANNSEN, STOPS BY TO CHIT CHAT. SHE STARTS TELLING YOU ABOUT TWO OF HER STUDENTS AND AN INCIDENT SHE WITNESSED YESTERDAY. SHE STATES "JENNIFER AND NINA ARE ALWAYS THE FIRST TWO STUDENTS IN MY MWF CHEMISTRY CLASS. THEY PASS THE TIME BEFORE CLASS STARTS BY CHATTING ABOUT UPCOMING ASSIGNMENTS AND QUIZZES. I HAVE NOTICED THAT THEIR INTERACTIONS BECOME MORE FLIRTATIOUS. ONE DAY LAST WEEK, AS JENNIFER IS PASSING NINA ON HER WAY TO HER SEAT, NINA PATS JENNIFER ON THE BUTT. I OVERHEARD JENNIFER EXPLAIN TO NINA THAT SHE DOESN'T FEEL COMFORTABLE WITH THAT KIND OF PHYSICAL CONTACT, BUT NINA DID IT AGAIN THE NEXT CLASS. I SAW THE WHOLE THING BUT DID SAY ANYTHING BECAUSE IT'S "NOT MY BUSINESS."

- **WHAT SHOULD YOU DO?**

- **WHAT DO YOU SAY?**

- **T.A.L.K**





Contact Information

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