



EMORY
UNIVERSITY

Department of Title IX
Office of Diversity, Equity,
and Inclusion

Sanctioning Authority Lunch and Learn (Faculty)

Emory University
Department of Title IX
November 13, 2020

Agenda

- Welcome/Overview of Agenda
- Background on Title IX and New Regulations
- Significant Changes to Title IX and Emory's Policy
- Designation as an “Appropriate [Sanctioning] Authority”
- Sanctioning Guidance
- DTIX Contact Information
- Q & A

Title IX of the Education Amendments Act of 1972

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.



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New Title IX Regulations

- Implementation date was August 14, 2020.
- Title IX governs how institutions are required to respond to sexual assault and other forms of sexual harassment
- New regulations resulted in updated Policy 8.2, now the *Sex and Gender-Based Harassment and Discrimination Policy*.

Significant Changes to Title IX and Emory's Policy

- Revised Definition of Sexual Harassment
- Jurisdiction = within the U.S + within recipient's program or activity
- Supportive Measures to students, faculty and staff

Significant Changes to Title IX and Emory's Policy (cont'd)

- Creates mandatory uniform process for students, faculty and staff
- Requires live hearings with the opportunity for cross-examination by a party's advisor (who may be an attorney)
- Requires a right to appeal for students, faculty and staff

Significant Changes to Title IX and Emory's Policy (cont'd)

- Requires Title IX Coordinators, investigators, decision-makers and any person who facilitates an informal resolution process to receive training on:
 - Definition of sexual harassment in § 106.30;
 - The scope of the recipient's education program or activity;
 - How to conduct an investigation and grievance process, including hearings, appeals and informal resolution processes, as applicable; and
 - How to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest and bias.



“Appropriate [Sanctioning] Authority”

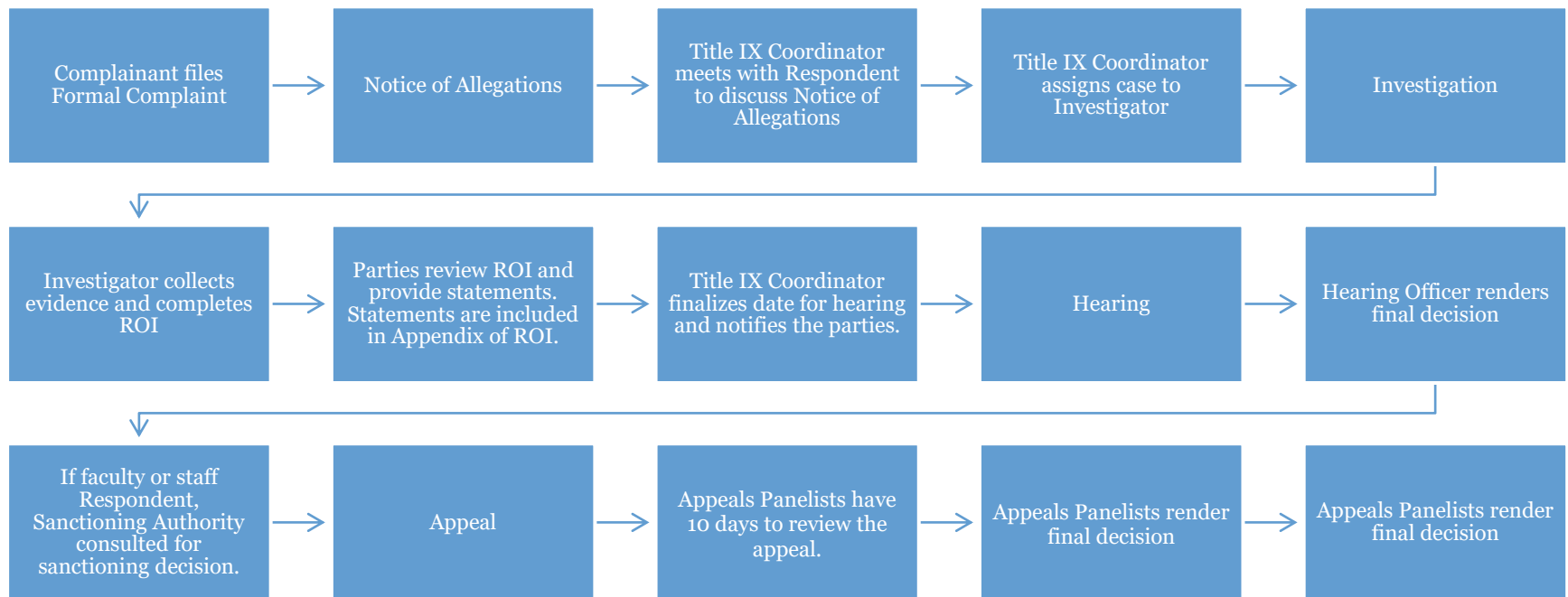
Emory Policy 8.2:

“If the Hearing Officer finds that there has been a violation of this policy, the Title IX Coordinator will present the findings to the appropriate authority. After consulting with the Department of Title IX and others as needed, the appropriate authority will determine the sanction. Immediately thereafter, the appropriate authority must notify the Department of Title IX of the sanctions to be imposed upon the Respondent. Additionally, the appropriate authority must notify the Department of Title IX if the faculty or staff member is currently serving the University under a grant program.”



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Title IX Process Overview



Sanctioning Process

- You will receive notification from the Title IX Coordinator for Faculty and Staff of the outcome of the hearing, including the rationale for the outcome, and you will be asked to determine a sanction.
- You will be provided with the Hearing Outcome Form via Emory Box.
- You will be asked to determine an appropriate sanction in consultation with HR, the TIXC and the Respondent's supervisor and to complete the Sanctioning Decision Form.
- You will have 10 business days to deliver your decision **ONLY** regarding the sanction.
- You cannot change the outcome determined by the Hearing Officer.
- The Hearing Officer will incorporate your sanctioning decision into the Hearing Outcome Form.

Sanctions

- In cases in which the Respondent is a student, the Hearing Officer also determines the appropriate sanction.
- In cases in which the Respondent is a faculty or staff member, the “appropriate authority” will determine the appropriate sanction and will communicate that to the TIX Coordinator, who will inform the Hearing Officer.
- Purpose of sanctions:
 - Stop, Prevent and Remedy!
 - Uphold Emory’s values and principles
- Sanctions must be determined as a proportionate response to the Policy violation.

Sanctions (cont'd)

- Emory may impose a range of sanctions and protective measures following a final determination of a violation of Policy, 8.2.
- The sanctioning decision should be informed by the degree to which the behavior was intentional, irresponsible or without knowledge.
- Factors pertinent to the sanctioning decision include, but are not limited to:
 - the nature (severity) of the conduct at issue;
 - prior disciplinary history of the Respondent (shared with the decision-maker and/or sanctioning authority only upon a finding of responsibility for the particular allegation);

Sanctions (cont'd)

- Factors pertinent to the determination of what sanction or disciplinary action applies include, but are not limited to:
 - the Respondent's willingness to accept responsibility for their actions;
 - previous University response to similar conduct;
 - Respondent's understanding of role in stopping violence;
 - the impact of Respondent's behavior on Complainant;
 - the wishes of the Complainant;
 - the impact of separating Respondent from their education/employment;
 - the interest of the University and its community.

Key Points to Remember...

- Degree of confidence in the determination of responsibility is not a relevant factor.
- Weighing the Relevant Factors is not intended to be mathematical.
- “Equitable” Does Not Necessarily Mean “Equal”.
- There is More Than One Interest to Consider
- Mitigating, Aggravating, or Compelling Circumstances.
- Be wary of adding “extra” requirements to sanctions that do not need them.
- The Hearing Officer retains sole discretion to impose sanctions on students but may consult with DTIX about the severity of the sanction.

Who Are Emory's “Appropriate [Sanctioning] Authorities?”

- Acampora, Christa
- Bobinski, Mary Anne
- Cooper, Yolanda
- James Curran
- Michael Elliott
- Gelaye, Enku
- Hicks, Doug
- Holbrooke, Tim
- Love, Jan
- McCauley, Linda
- Sedatole, Karen
- Strom, Jonathan
- Sukatme, Vikas
- Tedesco, Lisa

DTIX Staff – Contact Us

- Dr. Judith Pannell – Title IX Coordinator for Students
 - judith.pannell@emory.edu

- Yolanda Buckner – University Title IX Coordinator
 - yolanda.buckner@emory.edu

- Nicole Babcock – Interim Title IX Coordinator for Faculty and Staff
 - nicole.babcock@emory.edu

- Kristy Seidenberg – Title IX Investigator and Training Specialist
 - kseide2@emory.edu

- Crystal Anderson – Title IX Administrative Assistant
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Questions?