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Title IX Coordinator- Sex Discrimination Response (Tier 2)

Presented by DSA Associates:

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Title IX Coordinator – Sex Discrimination Response

- Bonus: Proposed 2023 Regulations
- Module 1: Intake and Notice
- Module 2: Informal Resolutions
- Module 3: Investigation Stage
- Module 4: Formal Resolutions
- Module 5: Institution Integrity and Training

Adrienne Meador Murray, Vice President, Equity Compliance and Civil Rights Services



In January 2014, Adrienne Meador Murray joined D. Stafford & Associates where she currently serves as the Vice President, Equity Compliance and Civil Rights Services after having been affiliated with D. Stafford & Associates as a part-time Associate since 2012 and the National Association of Clery Compliance Officers & Professionals (NACCOP) where she currently serves as Director of Training and Compliance Activities. Murray began her career in municipal law enforcement as a civilian employee with the City of Richmond Police Department (Virginia). She graduated from the Virginia Commonwealth University Police Training Academy and began her career as a sworn police officer for the University of Richmond (UR) Police Department (Virginia). At UR, Murray progressed through the ranks from a night shift patrol officer to Operations Lieutenant (overseeing criminal investigations, crime prevention and patrol) over the span of a decade before becoming the Chief of Police at Davidson

College in North Carolina. Most recently, Murray served as Chief of Police at Trinity Washington University (in Washington, D.C.).

As the Executive Director, Equity Compliance and Civil Rights Services for DSA, Murray builds on her 17-year career in law enforcement in which she became a nationally recognized expert in the field of best practice postsecondary institutional response to the sexual victimization of college women in the United States and in Canada. She is also a trained civil rights investigator and is well respected throughout the country for her ability to aid institutions in understating how to do best practice criminal and civil rights investigations concurrently. She is well known for her work in having provided support, advocacy and criminal investigative services for victims of sexual assault, stalking and intimate partner violence and is a sought-out speaker and investigator. She has expertise in the construction of best practice law enforcement standard operating procedures and training police officers to respond in best practice and trauma-informed ways to victims of sexual assault and intimate partner violence. In her current role, Murray coordinates curriculum development and instruction for national classes, including basic and advanced sexual misconduct investigation classes; an investigation of dating violence, domestic violence and stalking class; and a Title IX Coordinator/Investigator class offered through D. Stafford & Associates. To date, Murray has trained more than 3,500 criminal and civil rights investigators throughout the U.S.

Drawing on her experiences as a trained criminal and civil rights investigator, Murray also oversees independent investigations of complex sexual misconduct cases; conducts audits of Title IX/VAWA



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Compliance; drafts institutional sexual misconduct policies and procedures; and conducts campus-based trainings pertaining to the resolution of sexual misconduct offenses on college and university campuses. Murray frequently presents at regional and national conferences on topics such as the *Sexual Victimization of College Women*, *Understanding Consent and Incapacitation*, and *Responding to Sexual Assault on Campus: Clery Act and Title IX Implications*. Murray also conducts provincially specific sexual misconduct trainings throughout Canada.

Murray is a graduate of the University of Richmond, where she received her Bachelor's Degree in Applied Studies in Human Resource Management and of New England College, where she received her Master's Degree in Campus Public Safety Administration. Murray is also a graduate of the 235th session of the prestigious FBI National Academy where she was awarded a graduate certificate in Criminal Justice from the University of Virginia. She has authored numerous journal articles.

Catherine Cocks, M.A.
Consultant, Student Affairs, Title IX, and
Equity Compliance Services



Ms. Cocks has been a higher education professional for over thirty years. Her work with D. Stafford & Associates focuses on Title IX investigations and training; assessment of student affairs policies, practices and services; and behavioral threat assessment. Cathy was the Director of Community Standards for the University of Connecticut for 14 years where she managed the student conduct process, which included managing all Title IX cases involving student respondents and chaired the University's student threat assessment team. Prior to that, she held several positions within Residential Life at the University of Connecticut and Roger Williams University.

She is a faculty member for the Association for Student Conduct Administration's (ASCA) Donald D. Gehring Academy teaching on subjects such as ethics, governance, threat assessment, media relations, and higher education trends. She was an affiliated faculty

member for many years in the University of Connecticut's Higher Education and Student Affairs Master's program teaching "The Law, Ethics, and Decision-Making in Student Affairs."

Cathy has co-authored the "Philosophy of Student Conduct" chapter in the 2nd edition of "Student Conduct Practice" (2020) and was a member of the writing team for CAS Standards' Cross-functional Framework for Identifying and Responding to Behavioral Concerns.

Cathy is a Past President of ASCA. She has also served as a Circuit representative, co-chair of the Public Policy and Legislative Issues Committee, and as a member of the ASCA Expectations of Members Task Force. Cathy has served in a variety of leadership roles in NASPA Region I.

She was the 2015 recipient of ASCA's Donald D. Gehring Award. She is a past recipient of the NASPA Region I Mid-Level Student Affairs Professional Award and the NASPA Region I Continuous Service Award.

She earned her Master's degree in Higher Education Administration from the University of Connecticut and Bachelor's degree in Communications/Media from Fitchburg State University.

Ann Todd
Consultant, Equity Compliance and Civil Rights Investigations



Ann Todd, Esq is a seasoned civil rights investigator in higher education for D. Stafford & Associates (DSA). Ms. Todd is a graduate of Davidson College with a degree in psychology and holds a JD from the University of Nebraska. Prior to joining DSA, she practiced law in Charlotte, NC, specializing in employment and civil rights and worked for a number of non-profit organizations. She returned to her alma mater (Davidson College) in 2008 and worked there through March of 2016 serving as the Assistant Director of Human Resources with the responsibility of managing employee relations and the learning and development function while also serving as the deputy Title IX Coordinator.

Ms. Todd joined the DSA in 2015 and currently serves as the Consultant, Equity Compliance and Civil Rights Investigations. She is the Senior Investigator for the DSA Title IX Investigation Team. She conducts external investigations on behalf of colleges and universities, specializing in investigating student allegations of sex discrimination, sexual assault, intimate partner violence, and stalking. Additionally, she brings a strong Human Resources background to investigating a range of employee misconduct—from performance issues to discrimination.

In addition to conducting investigations, Ms. Todd is a frequent speaker and consultant on Title IX investigations, conducting 20-30 courses every year on best practices for investigating sex discrimination and sex crimes on campus. She works with schools to draft policies and processes that provide equity and fairness to



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all parties involved and is adept at facilitating discussions with institutions to ensure the end product represents the values of the campus community.

Ms. Todd is licensed private investigator and a member of the NC Bar. She is a Certified Clery Compliance Officer through the National Association of Clery Compliance Officers and Professionals (NACCOP) and she is also a certified 360 facilitator through the Center for Creative Leadership. Ms. Todd lives in Davidson, NC where she volunteers on a number of local and town boards.

INVESTIGATION CLASS ACRONYMS

- ASR:** Annual Security Report (often used as a reference to the Annual Security Report and/or the Annual Security and Fire Safety Report) that must be published by each institution of higher education.
- CSA:** Campus Security Authority—Individuals on each campus who have been identified by the Department of Education as persons who are required to report crimes that they become aware of to the Reporting Structure at each institution.
- DCL:** Dear Colleague Letter—this is a formal name of the method of communication from the Department of Education to college campuses. It is like naming their official “memo” to campuses.
- FERPA:** Family Educational Rights and Privacy Act—governs the confidentiality of student records.
- FNE:** Forensic Nurse Examiners
- GO:** General Order—some departments describe their operating procedures as general orders
- HEOA:** Higher Education Opportunity Act—the broader law that contains the Clery Act language and the fire safety and missing person language that is in the law but not contained within the “Clery Act” portion of the law.
- HIPAA:** Health Insurance and Privacy and Portability Act—governs privacy of medical records.
- MOU:** Memorandum of Understanding—an official agreement developed between agencies.
- NIBRS:** National Incident-Based Reporting System. 1 of 2 crime reporting systems developed by the FBI, but not the system that you are required to use for Clery Reporting—the only portion of this system that is used for Clery Act purposes are the 4 forcible and 2 non-forcible sex offense definitions.
- OCR:** Office of Civil Rights—the unit of the Department of Education that oversees Title IX Compliance.
- PD:** Police Department
- PS:** Public Safety
- PNG:** Persona-non-Grata—process used by some campuses not keep students from entering certain areas of the campus or the entire campus (administrative process) versus legal bar notice or trespass warning.
- SACC:** Sexual Assault Crisis Center, also known as Women’s Center.
- SANE:** Sexual Assault Nurse Examiner

SART: Sexual Assault Response Team

SOP: Standard Operating Procedures—some departments describe their operating procedures as Standard Operating Procedures. Some call them General Orders, etc...

SWA: Senior Women's Administrator (Athletics)

TWN: Timely Warning Notice

UCR: Uniformed Crime Report. This is 1 of 2 crime statistics reporting systems developed by the FBI. Institutions are required to use UCR Standards for counting and classifying crimes for reporting the Clery statistics.

VAWA: Violence Against Women Act



TITLE IX

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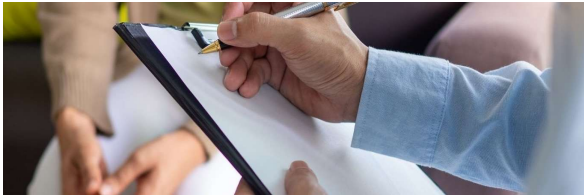
ISSUANCE OF CERTIFICATES FOR COMPLETION

To receive a certificate, attendees must attend the majority of the class and have paid class invoice in full. This applies to both in-person classes and virtual classes. We understand that attendees may need to miss class for a legitimate reason for longer periods of time or may need to leave the room during a class for a few minutes to take a phone call or attend to other business. If an attendee misses a significant amount of the class (depending on the length of the class) or they miss an attendance poll, they will not be issued a certificate of completion for the class.

Attendees should report each absence using the online form provided (each class has its own unique form that is sent to all attendees via email prior to class). Attendees should complete the form twice for each absence: once to record their departure, and again to record their return. Attendees should complete the form immediately before leaving class and as soon as practicable upon their return. If an attendee signs out but does not sign back in, they will be marked absent for the remainder of the day.

The criteria for receiving a certificate is determined based on missed class time and participation in the Attendance Polls that will be launched throughout each day of class. Attendance polls are left up for approximately 5 minutes and the instructor notifies the attendees that a poll is being launched to ensure that everyone who is present can respond to the poll. If an attendee is unable to respond to the attendance poll, the attendee would need to **immediately post "I am here"** in the chat feature within the Zoom platform. That way we can give the attendee credit for being in attendance for that specific poll. Notifying us after the attendance poll has been closed will not allow us to give the attendee credit for being in class during the poll.

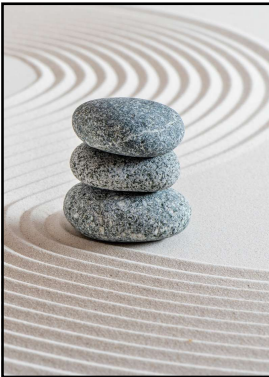
Some of our classes may qualify for credit toward a Master's Degree at New England College (and regardless if you decide to seek credit or not, accreditation requirements mandate that we follow the same standards for all class attendees), so we have strict attendance standards that we follow for issuance of a certificate. For DSA & NACCOP, issuance of a Certificate of Completion is verification of attendance.



SEX DISCRIMINATION RESPONSE



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AGENDA

- Receiving Reports
- Intake Meetings
- Informal Processes
- Dismissals
- Consolidation
- Notice
- Investigation
- Decisionmaking
- Other Title IX Roles

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Sex-Based Harassment

- Sexual Assault
- Dating/Domestic Violence
- Stalking
- Hostile Environment
- Quid Pro Quo

Sex Discrimination

- Sex stereotypes
- Sex characteristics
- Pregnancy or related conditions
- Sexual orientation
- Gender identity

Applies in . . .

Admission, Employment, Educational Programs, and Activities

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2024 DEFINITION OF SEXUAL HARASSMENT

Sex-based harassment prohibited by this part is a form of sex discrimination and means sexual harassment and other harassment on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity:

1. **QUID PRO QUO:** An employee, agent, or other person authorized by the recipient to provide an aid, benefit, or service ...
2. **HOSTILE ENVIRONMENT:** Unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate ...
3. **SPECIFIC OFFENSES:** Sexual Assault, Dating Violence, Domestic Violence and Stalking.

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UMBRELLA CONSIDERATIONS

- Other protected classes
- Pregnancy and related conditions
- Student v. employees

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What is your Title IX structure?

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§ 106.44(a) – GENERAL (RESPONSE)

If knowledge of conduct that reasonably may constitute sex discrimination



Promptly



Effectively



Compliantly

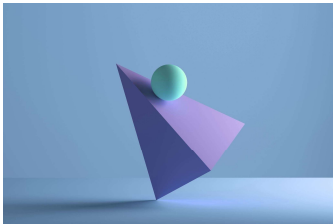
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REPORT VS. COMPLAINT



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RECEIVING A REPORT



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§ 106.44(c)(2) – REPORTING REQUIREMENTS		
Type of Employee	Notify Title IX	Provide Title IX contact and how make complaint
Confidential Employee	No	Yes (and more!)
Category 1: Employee with ability to institute corrective measures OR responsible for administrative leadership, teaching, or advising	Yes	
Category 2: All other employees	Either or (SCHOOL DECIDES)	

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§ 106.44(c)(2)(ii) – NOTIFICATION REQUIREMENT	
(A) Notify the Title IX Coordinator when the employee has information about conduct that reasonably may constitute sex discrimination under Title IX or this part; or	
(B) Provide the contact information of the Title IX Coordinator and information about how to make a complaint of sex discrimination to any person who provides the employee with information about conduct that reasonably may constitute sex discrimination under Title IX or this part.	

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RECEIVING REPORTS

What is your culture?

What is your system (And do you need one?)

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WHEN AREN'T WE ON NOTICE? PUBLIC AWARENESS EVENTS

- Title IX Coordinator is not obligated to act if notified of conduct disclosed during a public event to raise awareness about sex-based harassment that was held on campus or sponsored by school, unless an imminent and serious threat.
- However, must use this information to inform efforts to prevent sex-based harassment.
- Nothing obligates a postsecondary institution to require its Title IX Coordinator or any other employee to attend such public awareness events.

§ 106.44(e)

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SIDEBAR: THE CLERY ACT



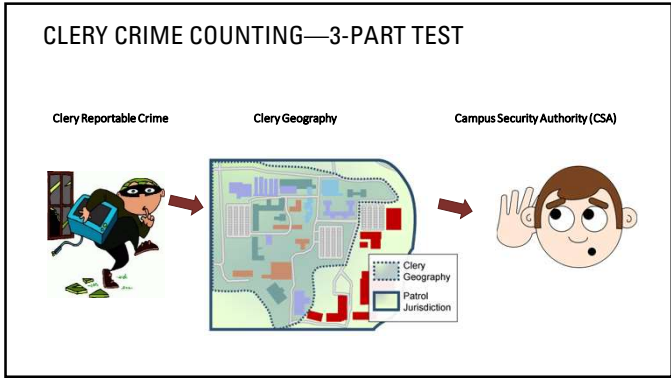

Collect, classify and count crime reports

Issue campus alerts

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CLERY REPORTABLE CRIME CATEGORIES

• Primary Crimes • Murder/Manslaughter • Robbery • Aggravated Assault • Burglary • Motor Vehicle Theft • Arson • VAWA Offenses • Sexual Assault • Dating Violence/Domestic Violence • Stalking	• Arrests/Referrals for Disciplinary Action • Liquor Law Violations • Drug Law Violations • Weapon Law Violations • Hate Crimes • Primary crimes + • Larceny-Theft • Simple Assault • Intimidation • Destruction/Vandalism/Damage of Property
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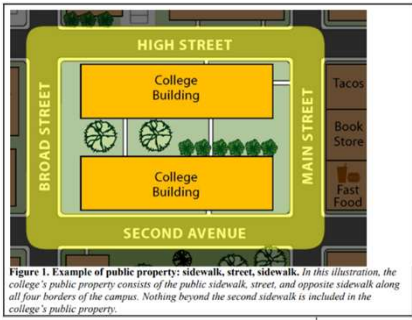
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CLERY GEOGRAPHY

On Campus On-Campus Residence	Public Property	Non-Campus
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CAMPUS SECURITY AUTHORITIES

A crime is "reported" when it is brought to the attention of a Campus Security Authority (CSA).



**Police or
Public Safety**



**Persons
responsible
for security**



**Person
specified to
receive reports**



**Official
responsible for
student campus
activities**

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WHAT DOES A CSA REPORT?

A CSA must report crimes reported to them in their capacity as a CSA.



Reports from victims, third parties, witnesses and even perpetrators



Reports of completed crimes, attempts, uninvestigated, and unproven



DOES NOT report rumors, overheard information



DOES NOT investigate—not their job!

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A. BROADBENT

CSA REPORTING

- Statistics reporting only
- Includes attempts
- Not every employee is a CSA (but many are!)
- A Title IX Coordinator IS a CSA

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graph LR; A[Initial Crime Report] --> B[Assess for Timely Warning]; B --> C[Daily Crime Log]; C --> D[Annual Statistical Disclosures]
```

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WHEN A CSA REPORTS A CRIME

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Crime Statistics					
Offense	Year	On-Campus Property	Non-Campus Property	Public Property	On-Campus Student Housing Facilities*
Robbery	2021	0	0	0	0
	2020	0	0	0	0
	2019	0	0	0	0
Aggravated Assault	2021	0	0	0	0
	2020	0	0	0	0
	2019	0	0	0	0
Burglary	2021	0	0	0	0
	2020	0	0	0	0
	2019	1	0	0	0
Motor Vehicle Theft	2021	0	0	1	0
	2020	0	0	0	0
	2019	0	0	0	0
Arson	2021	0	0	0	0
	2020	0	0	0	0
	2019	0	0	0	0
Arrests: Weapons: Carrying, Possessing, etc.	2021	0	0	0	0
	2020	0	0	2	0
	2019	0	0	0	0

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THE CLERY ACT NOTIFICATIONS

	TIMELY WARNING	EMERGENCY NOTIFICATION
Legal Standard	Serious or continuing threat	Immediate threat to health and safety
Circumstance	Clery-reportable crimes that have been reported (occurred in past)	Clery-reportable crimes as well as other types of emergencies (happening right now or about to happen)
Audience	Community-wide	Can send to a segment of the community, if appropriate
When Issued	As soon as pertinent information is available	Upon confirmation of emergency (when possible)
Follow-Up	Not Required	Required

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INTAKE MEETINGS



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§ 106.2 – DEFINITIONS: PARTIES

Complainant

- A student or employee, or
- Non-student/employee who was participating/attempting to participate at the time of the alleged sex discrimination

Respondent

- A person who is alleged to have violated the recipient's prohibition on sex discrimination

Party

- A complainant or respondent

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§ 106.44(f)(1) T9C REQUIREMENTS UPON REPORT

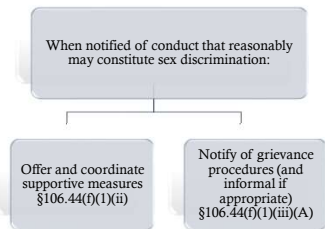
- (i) Treat the complainant and respondent equitably;
- (ii) Offer and coordinate supportive measures
- (iii)(A) Notify the complainant or, if the complainant is unknown the individual who reported the conduct, of the grievance procedures...or informal processes...(B) if complaint made, notify the respondent
- (iv) In response to a complaint, initiate the grievance procedures or informal process...
- (v) In the absence of a complaint...determine whether to initiate a complaint...

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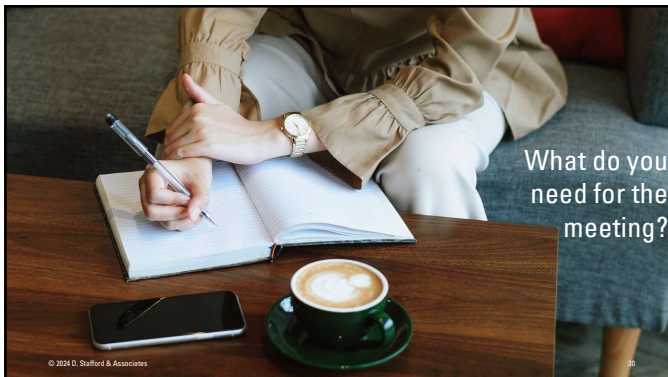
TITLE IX COORDINATOR OUTREACH DUTIES TO COMPLAINANT



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**CLERY
SIDEBAR:
WRITTEN
NOTIFICATION OF
RIGHTS AND
OPTIONS**



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§ 668.46(b)(11)vii) – WRITTEN EXPLANATION OF STUDENT OR EMPLOYEE’S RIGHTS

When a student or employee reports to the institution that the student or employee has been a victim of dating violence, domestic violence, sexual assault, or stalking, whether the offense occurred on or off campus, the institution will provide the student or employee a written explanation of the student’s or employee’s rights and options, as described in paragraphs (b)(11)(ii) through (vi) of this section. . .

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§ 668.46(b)(11)(ii) – WRITTEN EXPLANATION OF RIGHTS AND OPTIONS

1. **The importance of preserving evidence** that may assist in proving that the alleged criminal offense occurred or may be helpful in obtaining a protection order
 - Not required but recommended: Where to obtain forensic exams, contact info, does not require police report and can have exam now, decide later
2. **How and to whom the alleged offense should be reported**
 - List any person or organization that can assist the victim
 - Recommended: Also include community organizations

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§ 668.46(b)(11)(ii) – WRITTEN EXPLANATION OF RIGHTS AND OPTIONS

3. **Notification of the victim's option to**
 - Notify proper law enforcement authorities, including on-campus and local police
 - Be assisted by campus authorities in notifying law enforcement authorities if the victim so chooses
 - Decline to notify such authorities
4. **The rights of victims and the institution's responsibilities for**
 - Orders of protection
 - "No contact" orders
 - Restraining orders
 - Similar lawful orders issued by a criminal, civil, tribal, or institutional

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§ 668.46(b)(11)(ii) – WRITTEN EXPLANATION OF RIGHTS AND OPTIONS

5. **To students AND employees about existing**
 - Counseling, health, mental health services
 - Victim Advocacy
 - Legal Assistance
 - Visa and Immigration Assistance
 - Student Financial Aid
 - Other services available for victims
6. **Options for, available assistance in, and how to request changes to (if requested and reasonably available)**
 - Academic, living, transportation, working

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§ 668.46(b)(11)(ii) – WRITTEN EXPLANATION OF RIGHTS AND OPTIONS

7. Confidentiality

- Publicly available recordkeeping has no personally identifying information about the victim (not required for respondent but best practice in most cases)
- Accommodations and protective measures are confidential (to the extent they can be without impairing the ability to provide them)

8. Disciplinary Procedures

- An explanation of the procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking, as required

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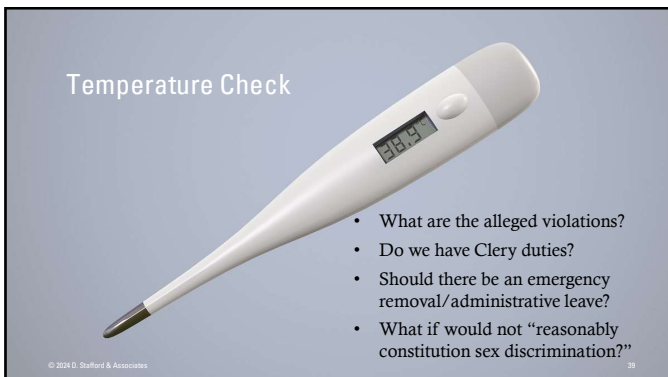
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DOCUMENTATION CHECKLIST PART 1
(WHETHER OR NOT WE MEET WITH COMPLAINANT)

 Outreach to complainant (or reporter if complainant unknown)

 Information to complainant

Supportive measures

Grievance procedures/informal processes

 Steps to determine if Title-IX should initiate complaint

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TITLE IX-
INITIATED
COMPLAINTS



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§ 106.44(f)(1)(v) – TITLE IX-INITIATED COMPLAINTS

In the absence of a complaint or the withdrawal of any or all of the allegations in a complaint, and in the absence or termination of an informal resolution process, determine whether to initiate a complaint of sex discrimination

(A) To make this fact-specific determination, the Title IX Coordinator must consider, at a minimum, the following factors:

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EIGHT FACTORS TO CONSIDER

Complainant's request	Safety concerns	Risk of additional acts	Severity of allegation
Age and relationship	Scope and pattern	Evidence	Alternatives to resolve

§ 106.44(f)(1)(v)(A)

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THRESHOLD DETERMINATION

If, after considering these and other relevant factors, the Title IX Coordinator determines the conduct as alleged...

presents an imminent and serious threat to the health or safety of the complainant or other person, OR

prevents the recipient from ensuring equal access...to its education program or activity

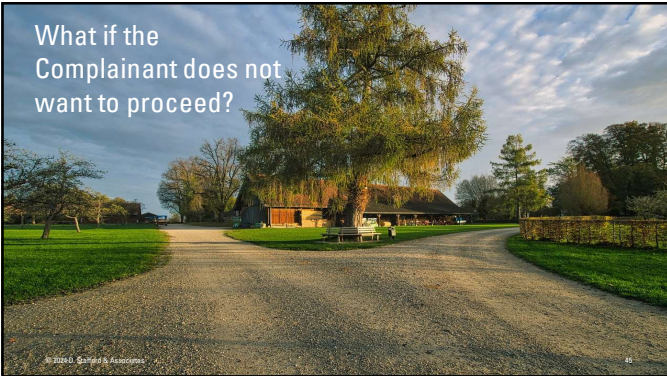
the Title IX Coordinator may initiate a complaint

§ 106.44(f)(1)(B)

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What if the Complainant does not want to proceed?



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TITLE IX RESPONSE TO REPORT

The diagram features a horizontal balance beam tilted upwards from left to right. On the left side, the text **Institutional safety** is positioned below the beam, and a large, solid black arrow points downwards towards it. On the right side, the text **Victim choice** is positioned above the beam, and a large, solid black arrow points upwards towards it.



IF TITLE IX-INITIATED COMPLAINT...

Notify the complainant prior to doing so and appropriately address reasonable concerns about the complainant's safety or the safety of others, including by providing supportive measures.

§ 106.44(f)(1)(vi)

[illegible]

SUPPORTIVE MEASURES

SUPPORTIVE MEASURES



Academic
Accommodations



Health and
Counseling



Safety

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SUPPORTIVE MEASURES NOTES

Title IX Coordinator
must "offer and
coordinate"

Consult with
Disability Services if
needed

"Cannot
unreasonably
burden" and "not for
punitive or
disciplinary reasons"

Offer to respondent
only after complaint
or informal process

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SUPPORTIVE MEASURES STEPS

1

Offer supportive
measures to the
party

2

Consider
request from
party for
specific measure

3

Implement
requested
measures (or
not)

4

Allow challenge
to decision on
supportive
measure

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LEAVE OPTIONS



Emergency removal



Administrative leave

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PUTTING
THE PERIOD
AT THE END



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DOCUMENTING OUR PROCESS

(f) *Recordkeeping.* A recipient must maintain for a period of at least seven years:

(2) For each notification the Title IX Coordinator receives of information about conduct that reasonably may constitute sex discrimination under Title IX or this part, including notifications [from employees] records documenting the actions the recipient took to meet its obligations.

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DOCUMENTATION CHECKLIST PART 2

Document Supportive Measures

Including modifications and challenges
keep confidential except as needed to
implement

Emergency removals

Individualized safety and risk analysis
Opportunity to challenge

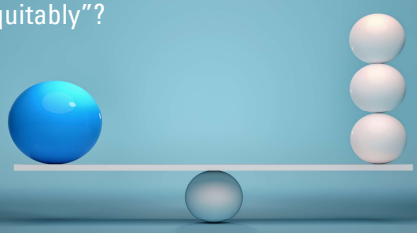
Take other appropriate prompt and effective steps, if any, to ensure
that sex discrimination does not continue or recur

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How do we treat
the parties
"equitably"?



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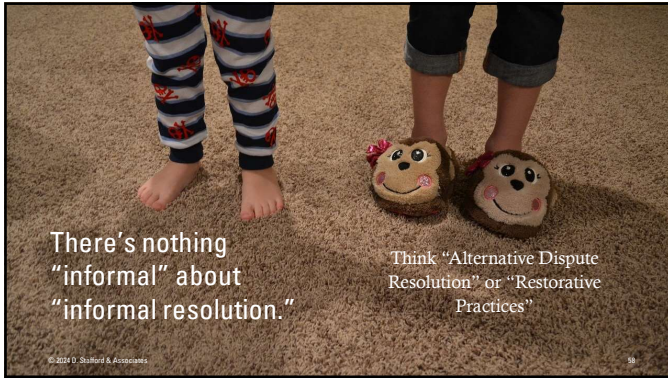
INFORMAL
RESOLUTION



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Allowed for employee/student in postsecondary



Discretion to offer or decline



Voluntary for parties



Provide notice



Facilitator must not be investigator or decisionmaker



Must be in writing IF offered in lieu of grievance procedure

§ 106.44(k) – INFORMAL RESOLUTION

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§ 106.44(k)(3) NOTICE REQUIREMENTS

- (i) The allegations;
- (ii) The requirements of the informal resolution process;
- (iii) That, prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and to initiate or resume the recipient's grievance procedures;
- (iv) That the parties' agreement to a resolution at the conclusion of the informal resolution process would preclude the parties from initiating or resuming grievance procedures arising from the same allegations;
- (v) The potential terms that may be requested or offered in an informal resolution agreement, including notice that an informal resolution agreement is binding only on the parties; and
- (vi) What information the recipient will maintain and whether and how the recipient could disclose such information for use in grievance procedures ... if initiated or resumed.

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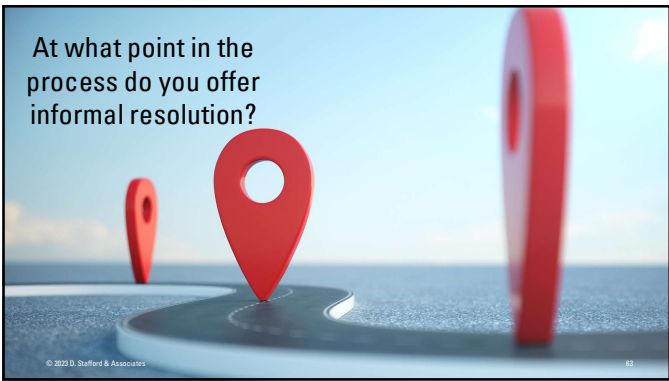
EXAMPLES OF INFORMAL RESOLUTIONS

- Shuttle conference
- Mediation
- Restorative justice
- Agreements
- Single-adjudicator determination

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At what point in the process do you offer informal resolution?

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WHO CAN BRING A COMPLAINT?

Sex discrimination other than sex-based harassment

- Complainant
- Parent or other legal representative
- Title IX Coordinator
- Any student or employee
- Other person participating...

Sex-based harassment

- Complainant
- Parent or other legal representative
- Title IX Coordinator

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§ 106.45(a)(2)

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COMPLAINT DEFINED

Complaint means an oral or written request to the recipient that objectively can be understood as a request for the recipient to investigate and make a determination about alleged discrimination under Title IX or this part.

§ 106.2

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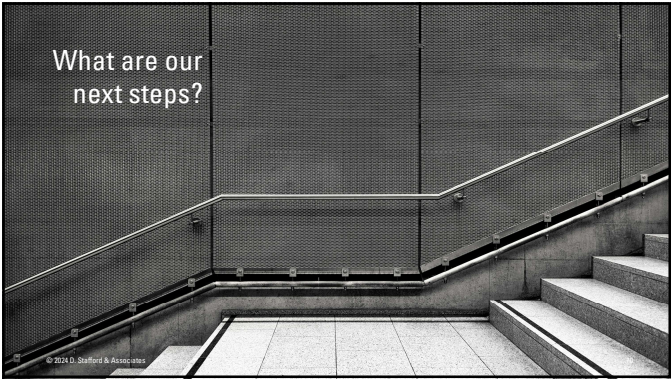
How would you describe the alleged behavior?



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DUTIES OF TITLE IX COORDINATOR REGARDING COMPLAINTS

§ 106.44(f)(1)(iv) In response to a complaint, initiate the grievance procedures under § 106.45, and if applicable § 106.46, or the informal resolution process under paragraph (k) of this section, if available and appropriate and requested by all parties;

§ 106.44(f)(1)(vii) Regardless of whether a complaint is initiated, take other appropriate prompt and effective steps, in addition to steps necessary to effectuate the remedies provided to an individual complainant, if any, to ensure that sex discrimination does not continue or recur within the recipient's education program or activity.

§ 106.44(f)(2) A Title IX Coordinator is not required to comply ... upon being notified of conduct that may constitute sex discrimination if the Title IX Coordinator reasonably determines that the conduct as alleged could not constitute sex discrimination under Title IX or this part.

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DOCUMENTATION CHECKLIST PART 3 (IF COMPLAINT)

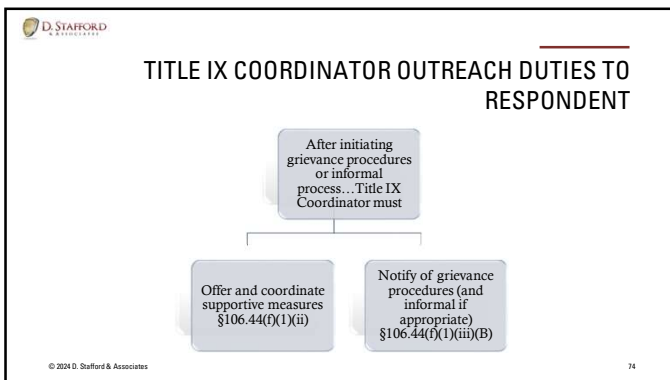
 Complaint	Receipt/Confirmation Clarification if needed
 Initiate Grievance Procedures	Effort to identify Respondent if unknown
 Dismissal determination	

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§ 106.45(e) – CONSOLIDATION OF COMPLAINTS

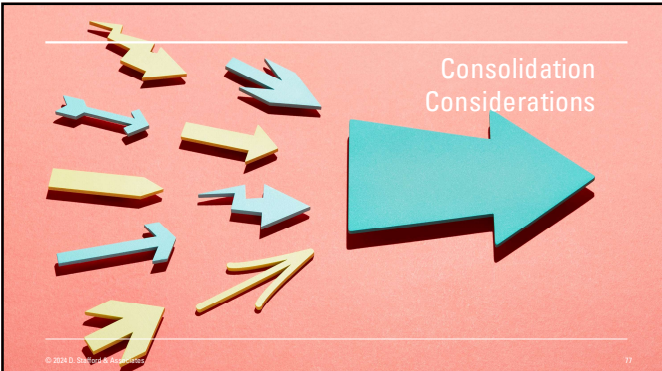
Multiple respondents

More than one complainant against one or more respondent

One party against another party

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Consolidation Considerations

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DISMISSALS



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§ 106.45(d)(1)(i-iv) – DISMISSAL OF A COMPLAINT

Unable to identify respondent

Respondent is not participating or employed

May dismiss if..

Complainant voluntarily withdraws complaint

Conduct, if proven, would not constitute sex discrimination

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DUTIES BEFORE DISMISSAL

Unable to identify the respondent

Complainant withdraws allegation(s)

Allegation if proven not discrimination?

- Reasonable steps to identify respondent
- Must consider initiating the complaint
- Prior to dismissing, must clarify with the complainant

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§ 106.45(d)(4) ADDITIONAL DISMISSAL NOTES

A recipient that dismisses a complaint must, at a minimum:

- (i) Offer supportive measures to the complainant as appropriate under § 106.44(g);
- (ii) For dismissals under paragraph (d)(1)(iii) or (iv) of this section in which the respondent has been notified of the allegations, offer supportive measures to the respondent as appropriate under § 106.44(g); and
- (iii) Require its Title IX Coordinator to take other appropriate prompt and effective steps to ensure that sex discrimination does not continue or recur within the recipient's education program or activity under § 106.44(j)(1)(vii).

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BASES FOR APPEAL OF DISMISSAL



Procedural Irregularity



New Evidence



Bias or Conflict of Interest

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NOTICE



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Remember

TWO GRIEVANCE PROCEDURES

Procedure A (106.45)

- Sex discrimination
- Employee on employee sex-based harassment
- K-12 complaints
- Retaliation



Procedure B (106.46)

- Sex-based harassment involving student complainants or student respondents at postsecondary institutions

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COMPARING NOTICE

	§106.45(c) not required to be in writing	§106.46 (c) required to be in writing
Grievance Procedures	YES	YES
"Sufficient information" (parties, conduct, date, location)	YES	YES
Statement that retaliation prohibited	YES	YES
Access to relevant evidence	YES	YES
Respondent is presumed not responsible		YES
Right to advisor of choice		YES
Prohibition on false statements (if in policy)		YES

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Who sends the notice letters?

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PRE-COMPLAINT NOTICES TO THE COMPLAINANT

Notice of Report/Request for Intake

- Report may be from complainant or third party
- May follow an initial phone call to inform the complainant
- Set up a meeting

Notice of Case Closure

- Complainant has declined to sign a complaint (and Title IX is not initiating)
- Complainant has not responded to outreach

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NOTICE TO PARTIES (POST COMPLAINT)

Notice to Complainant of Title IX-Initiated Complaint

- Address safety concerns

Notice of Allegation to Parties

- Content depends on allegation/parties
- In writing depending on allegation/parties

Notice of Meetings or Proceedings to Parties

- If invited or expected to attend
- Date, time, location, participants, and purpose with sufficient time to prepare to participate

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NOTICE OF ALLEGATION (SEX DISCRIMINATION)

Notice of Allegation

- The recipient's grievance procedures under this section, and if applicable § 106.46, and any informal resolution process under § 106.44(k);
- A statement that retaliation is prohibited; and
- A statement that the parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence or an accurate description of this evidence as set out in paragraph (f)(4) of this section; and if the recipient provides a description of the evidence, the parties are entitled to an equal opportunity to access to the relevant and not otherwise impermissible evidence upon the request of any party.

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WRITTEN NOTICE OF ALLEGATION (SEX-BASED HARASSMENT)

Written Notice of Allegation

- Everything on previous slide and...
- The respondent is presumed not responsible for the alleged sex-based harassment until a determination is made at the conclusion of the grievance procedures under this section and that prior to the determination, the parties will have an opportunity to present relevant and not otherwise impermissible evidence to a trained, impartial decisionmaker;
- They may have an advisor of their choice to serve in the role set out in paragraph (c)(2) of this section, and that the advisor may be, but is not required to be, an attorney;
- They are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence or an investigative report that accurately summarizes this evidence as set out in paragraph (c)(6) of this section; and if the postsecondary institution provides access to an investigative report, the parties are entitled to an equal opportunity to access to the relevant and not otherwise impermissible evidence upon the request of any party; and

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COMMON PITFALLS WITH NOTICES OF ALLEGATION & INVESTIGATION

- Dates - incorrect or not broad enough
- Description of behaviors is too specific or too narrow
- Typos
- Poor grammar

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DETERMINATION NOTICE OF SEX DISCRIMINATION

Notice of Written Determination

- Determination whether sex discrimination occurred
- Rationale for such determination
- Procedures and permissible bases for appeal, if applicable.

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DETERMINATION NOTICE OF SEX-BASED HARASSMENT

Notice of Written Determination

- A description of the alleged sex-based harassment;
- Information about the policies and procedures that the postsecondary institution used to evaluate the allegations;
- The decisionmaker's evaluation of the relevant and not otherwise impermissible evidence and determination whether sex-based harassment occurred;
- When the decisionmaker finds that sex-based harassment occurred, any disciplinary sanctions the postsecondary institution will impose on the respondent, whether remedies other than the imposition of disciplinary sanctions will be provided by the postsecondary institution to the complainant, and, to the extent appropriate, other students identified by the postsecondary institution to be experiencing the effects of the sex-based harassment, and
- The postsecondary institution's procedures for the complainant and respondent to appeal.

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APPEAL NOTICES

Notice of Appeal Submission

- Notification to both parties that an appeal has been submitted
- Give both parties a reasonable, equal opportunity to submit a written statement in support of or challenging the outcome

Notice of Appeal Decision

- Result of the appeal and the rationale for the result

Notice of No Appeal Submitted

- No appeals have been filed and decision is final

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INFORMAL RESOLUTION NOTICE

Notice of Informal Resolution

- Allegations
- Requirements for informal resolution process
- Right to withdraw from process prior to agreeing to the resolution and initiate or resume grievance procedures
- Agreement at conclusion precludes grievance procedures
- Potential terms that may be requested/offered and binding only on parties
- What information is retained and when it might be disclosed

Resolution Agreement

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DISMISSAL NOTICES

Notice of Dismissal of Complaint

- Basis for dismissal
- Right to appeal

Notice of Appeal

- Provide reasonable and equal opportunity to make a statement
- If respondent not previously notified, give notice of complaint and appeal

Notice of Appeal Result

- Result and rationale to both parties

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ADDITIONAL PARTY NOTICES

Notice of Additional Allegations

- Consider an update versus additional

Notice of Temporary Delay

- Explanation as to good cause why the case is delayed

Case Updates

- Changes in investigator or decisionmaker
- Periodic updates

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WITNESS NOTICES

Notice of Investigation Interview

- Identified as a witness
- Date, time, and location of the meeting
- Policy information

Notice of Meeting/Hearing

- Date, time, and location of the hearing

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THE INVESTIGATION



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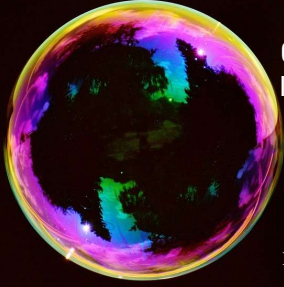
REMINDERS!

- Burden of information gathering rests on the institution
- Cannot restrict parties from discussing the allegations with others
- Cannot restrict parties from gathering and presenting relevant evidence
- Burden of proof rests on the institution

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The Title IX Coordinator & Investigations

Creating an Investigation Bubble

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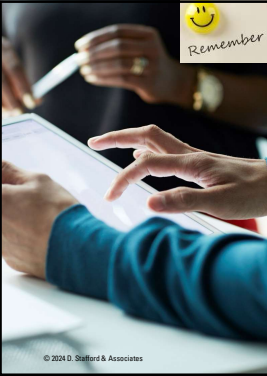


Who are your investigators?

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MINIMUM REQUIREMENTS UNDER § 106.45

```

graph TD
    A[Complaint] --> B[Notice]
    B --> C[Investigate]
    C --> D[Written Determination]
            
```

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§ 106.45(f) – COMPLAINT INVESTIGATION



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§ 106.46(e) COMPLAINT INVESTIGATION

```

graph LR
    1((1)) --> 2((2))
    2 --> 3((3))
    3 --> 4((4))
            
```

1

Must provide notice of meetings, time to prepare

2

Must allow advisor of choice

3

Must allow reasonable extensions of time

4

Must provide party and advisor access to relevant evidence

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ADVISOR OF CHOICE



May be but is not required to be an attorney
106.46(e)(2)



May accompany to any meeting or proceeding
106.46(e)(2)



Institution may restrict participation
106.46(e)(2)



Receives access to relevant evidence
106.46(f)(ii)(B)



May conduct cross-examination at hearing if allowed
106.46(1)(f)(ii)(B)

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ADVISORS OF CHOICE



Must allow for sex-based harassment involving students (Title IX)



Must allow for employees reporting specific offenses (Clery)



May allow same opportunity for an additional person

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EVIDENCE



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COMPLAINT INVESTIGATION REQUIREMENTS

(2) Provide an equal opportunity for the parties to present fact witnesses and other inculpatory and exculpatory evidence that are relevant and not otherwise impermissible;

(3) Review all evidence gathered through the investigation and determine what evidence is relevant and what evidence is impermissible regardless of relevance, consistent with § 106.2 and with paragraph (b)(7) of this section; and

§ 106.45(f)(2)-(3)

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TYPES OF EVIDENCE



Real evidence



Demonstrative



Documentary



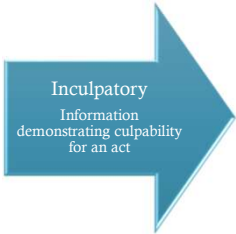
Testimonial

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EVIDENCE



Inculpatory
Information demonstrating culpability for an act



Exculpatory
Information tending to excuse, justify, or absolve the act

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EXAMPLES

Statements
(interviews, written, complaint, etc.)

Photographs

Text messages

Social media/dating apps
posts/communications

Documents (diagrams, memos, letters, notes, phone logs, guest lists)

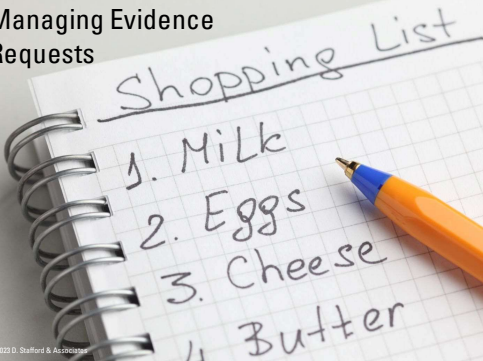
Voicemail

Investigator-created evidence
(e.g., timeline)

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Managing Evidence Requests



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§ 106.45(b)(7) – RELEVANT AND NOT OTHERWISE IMPERMISSIBLE EVIDENCE



Privileged information





Physician/psychologist records



Complainant's sexual interest or prior sexual conduct

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ADMISSIBILITY OF WITNESSES

Always admissible

Fact Witness

§ 106.45(f)(2)

Discretionary admissibility

Expert

§ 106.46(c)(4)

Character

Preamble

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What are the advantages/ disadvantages of allowing expert and character witnesses?

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CREDIBILITY & EVIDENCE EVALUATION

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INVESTIGATORS AS EVALUATORS OF EVIDENCE

- Developing lines of questioning
- Determining additional witnesses and evidence needed
- Utilizing evidence around credibility
- Identifying relevant evidence

"A postsecondary institution must provide a process...that enables the decisionmaker to adequately assess the credibility of the parties and witnesses"

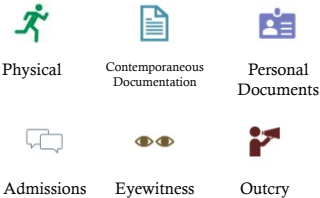
118





CREDIBILITY OF THE STORY

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CORROBORATING EVIDENCE

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PLAUSIBILITY

?

Possible



Believable

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CREDIBILITY OF THE STORYTELLER



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MOTIVATION

Afraid

Pressured

Revenge

History

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BIAS





Past Relationship

Identity

Internal Biases

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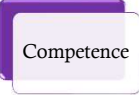
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ABILITY TO PERCEIVE



Distance

Knowledge

Credentials

Competence

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ABILITY TO REMEMBER







Passage of Time

Alcohol

Trauma

Peripheral Details

History of Memory

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WHAT MAY OR MAY NOT IMPACT CREDIBILITY





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DO THESE IMPACT CREDIBILITY?

Past Behaviors

Post-Incident Behavior

Character

Interview Demeanor

Identity



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RELEVANCY





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WHEN IS EVIDENCE RELEVANT?

***Relevant** means related to the allegations of sex discrimination under investigation as part of the grievance procedures under § 106.45, and if applicable § 106.46. Questions are relevant when they seek evidence that may aid in showing whether the alleged sex discrimination occurred, and evidence is relevant when it may aid a decisionmaker in determining whether the alleged sex discrimination occurred.*

§ 106.2

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KEY RELEVANCY POINTS

1

The evidence does not need to be conclusive

2

Is sufficient if it constitutes a link in the chain

3

Enough if in connection with other evidence, helps "a little"

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DOCUMENTING THE EVIDENCE & OPPORTUNITY TO RESPOND



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106.45

- **Access** the evidence, or
- An **accurate description** of this evidence with access upon request.

106.46

- **Access** the evidence, or
- **Written investigative report that accurately summarizes** this evidence. With access upon request.

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Let's talk about
Procedure A options

Evidence Option

Description Option

§ 106.45(f)(4)

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Let's talk about
Procedure B Options

Evidence Option

Investigative Report Option

§ 106.46(e)(6)(i)

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REPORT PURPOSES

Documentation
of process

Compilation of
evidence
obtained

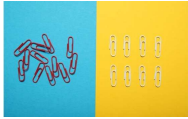
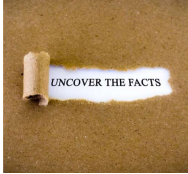
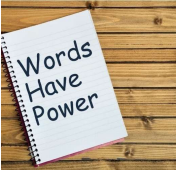
Summary of
relevant
evidence

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ELEMENTS OF A
GOOD REPORT

PROOFREAD

☒ SPELLING

☒ GRAMMAR

☒ ACCURACY

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How do you prevent
unauthorized disclosures?

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PARTY RESPONSE TO THE EVIDENCE

106.45

- **Respond** to the evidence or the accurate description

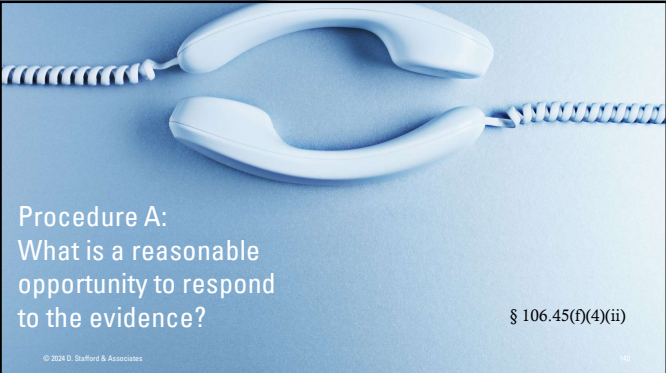
106.46

- **Review and respond** to evidence or report prior to the determination. If hearing, must **review** before hearing but may **respond** before and/or at hearing.

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Procedure A:
What is a reasonable
opportunity to respond
to the evidence?

§ 106.45(f)(4)(ii)

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Procedure B:
What is a reasonable opportunity to review
and respond to the evidence?



§ 106.46(c)(6)(ii)

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DECISION-MAKING

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§ 106.45(g)-(h) – DECISIONMAKERS

(g). Question parties and witnesses to assess credibility

(h)(1) Determine whether sex discrimination occurred

(h)(2) Notify parties of outcome in writing

(h)(3) If occurred, provide remedies, sanctions and prevent future acts

(h)(5) No discipline for false statement based solely on determination

(i) Offer appeal if offer in all other comparable proceedings

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Individual Meetings

Hearing DM

Hearing Cross

§ 106.46(f)(1)(i-ii)

Door #1, Door #2, or Door #3?

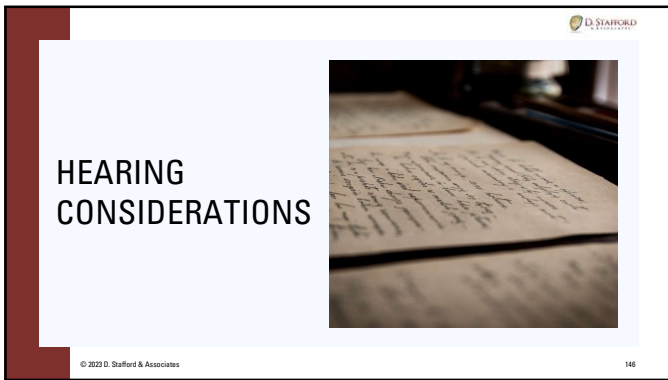
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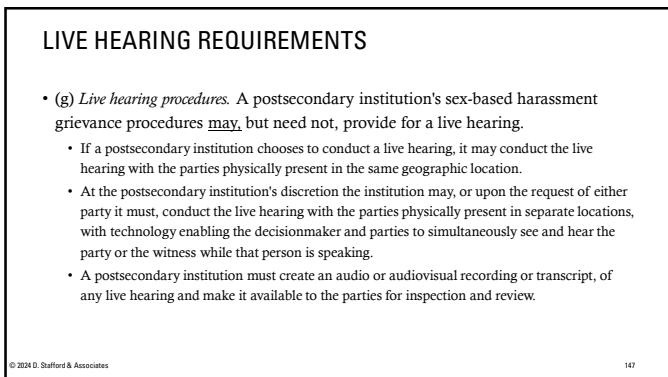
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IN-PERSON VS. VIRTUAL HEARINGS



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IN-PERSON HEARING CONSIDERATIONS



- How many rooms do you need?
- Are the rooms private?
- Are you prepared to manage any safety concerns?
- How are you going to manage the traffic?
- What is the technology to allow a party to be in a separate room?
- Are there any ADA considerations?

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VIRTUAL HEARING CONSIDERATIONS



- Is your panel in one room?
- Do you have a space for a party or witness if needed?
- Are you prepared to manage any safety concerns?
- What is your plan if someone loses their connection?

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LOGISTICS

- Scheduling
- Sharing of Evidence with Decisionmaker
- Hearing notification letters
- Pre-hearing conference
- Advisors
- Recording
- Written Determination
- Sanctions/Remedies

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IF ALLOW CROSS-EXAMINATION...



Conducted by advisors



Decision-maker(s) determine relevancy

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Witness
Notification

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PARTY PRE-CONFERENCE

Hearing agenda

Behavior expectations

Confirm advisor

Role of advisor

Process for Questioning

Post-hearing

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DECISION-MAKER QUESTIONS





Statement of Accuracy

Credibility

Clarity

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IF CROSS-EXAMINATION BY ADVISORS

Question by advisor

Relevancy determination by decision-maker

Answer by party or witness

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IRRELEVANT QUESTIONS

- Past sexual history
- Privileged information
- Repetitive question
- Not probative of material fact

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RELEVANCY DETERMINATIONS



Use logic and common sense



Maintain a neutral, objective position



A lengthy or complicated explanation is not needed

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5. CONCLUDING REMARKS



- Explain that the decision-maker will deliberate in private
- Explain that parties will receive the written decision
- Explain if the sanctions will arrive with the written decision or be decided by someone else
- Dismiss the participants

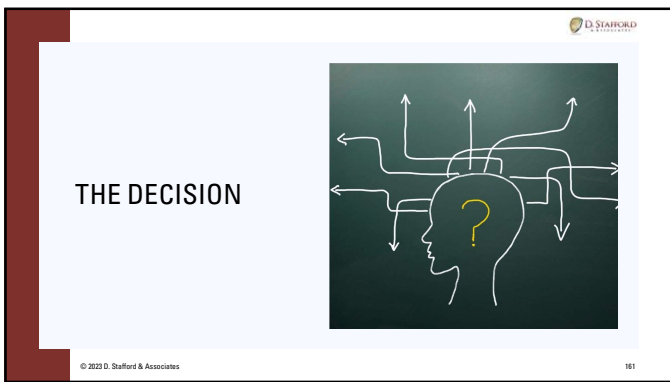
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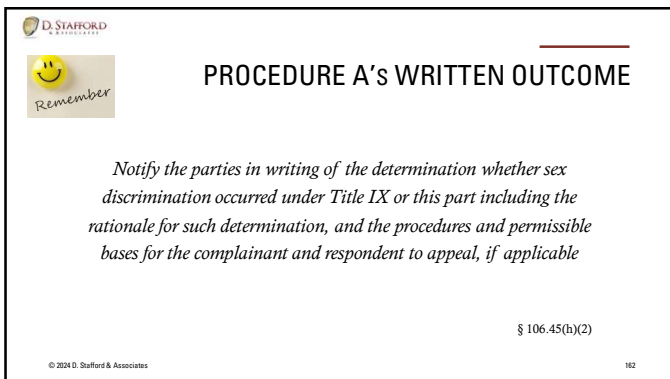
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PROCEDURE B's WRITTEN OUTCOME

Description of alleged sex-based harassment

Policies and procedures used to evaluate allegations

Evaluation of evidence and determination

Disciplinary sanctions or remedies if sex-based harassment occurred

Appeal procedures

§ 106.46(h)

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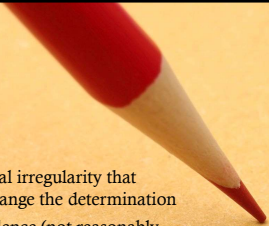



THE APPEAL

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What are some examples of a successful appeal?

- Procedural irregularity that would change the determination
- New evidence (not reasonably available) that would change the outcome
- Conflict of interest or bias that would change the outcome

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APPEALS ARE NOT...



A substitute for another's judgment



Political decisions

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PROCEDURAL DETERMINATIONS

- Who is your decision-maker for appeals?
- Who is informing the parties of an appeal submission?
- Who is collecting the information and giving to the decision-maker for the appeal?
- Who is communicating with the parties?
- Timelines
 - Deadline for appeal
 - Submission of written statements
 - Written decision

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TITLE IX COORDINATOR:

"OTHER DUTIES AS ASSIGNED"



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ADDITIONAL RESPONSE REQUIREMENTS



Monitor for Barriers to reporting
§ 106.44(b)(1)



Take steps to Remove Barriers
§ 106.44(b)(1)



Response to disclosures at Public Awareness Events
§ 106.44(e)

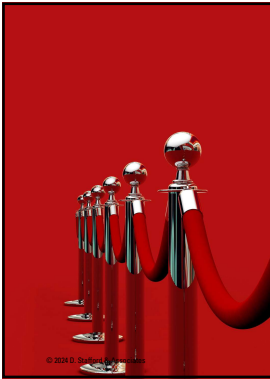


Prohibited Disclosures of PII
§ 106.44(j)

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BARRIERS TO REPORTING

(1) Monitor the recipient's education program or activity for barriers to reporting information about conduct that reasonably may constitute sex discrimination under Title IX or this part; and

(2) Take steps reasonably calculated to address such barriers.

§ 106.44(b)

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GOOD LUCK!!



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Bibliography

- ABC. (n.d.). *Schoolhouse Rock - "I'm just a bill"*. YouTube. Retrieved January 21, 2022, from <https://www.youtube.com/watch?v=l6MinvU93kl>
- Alexander, M. (2012). *The New Jim Crow*. New Press.
- American Council on Education. (2020, September 10). *Race and ethnicity of college and university presidents over time*. Race and Ethnicity in Higher Education. Retrieved January 21, 2022, from <https://www.equityinhighered.org/indicators/postsecondary-faculty-and-staff/race-and-ethnicity-of-college-and-university-presidents-over-time/>
- Anderson, M., Vogels, E. A., & Turner, E. (2020, October 2). *The Virtues and Downsides of Online Dating*. Pew Research Center: Internet, Science & Tech. Retrieved from <https://www.pewresearch.org/internet/2020/02/06/the-virtues-and-downsides-of-online-dating/>
- Anderson, N., & Clement, S. (2015, June 12). *Poll shows that 20 percent of women are sexually assaulted in college*. The Washington Post. Retrieved from <https://www.washingtonpost.com/sf/local/2015/06/12/1-in-5-women-say-they-were-violated/>
- Anti-Defamation League. (n.d.). A Brief History of Disability Rights Movement. Retrieved January 17, 2022, from <https://www.adl.org/education/resources/backgrounders/disability-rights-movement>
- Areen, J., & Lake, P. F. (2014). *Higher Education and the Law*. Foundation press.
- Barlow, J. N. (2020, February). *Black women, the forgotten survivors of sexual assault*. American Psychological Association. Retrieved from <https://www.apa.org/pi/about/newsletter/2020/02/black-women-sexual-assault>
- Bedera, N. (2017). Moaning and Eye Contact: College Men's Negotiations of Sexual Consent in Theory and in Practice. <https://doi.org/10.31235/osf.io/eqfya>
- Boyle, K. M. (2015). Social Psychological Processes that Facilitate Sexual Assault within the Fraternity Party Subculture. *Sociology Compass*, 9(5), 386–399. <https://doi.org/10.1111/soc4.12261>
- Brown, J. T. (2012). *The parent's guide to college for students on the autism spectrum*. Autism Asperger Pub. Co.
- Bryant, J. (2021, November 11). *How many Americans have a college degree? BestColleges*. BestColleges.com. Retrieved January 21, 2022, from <https://www.bestcolleges.com/news/analysis/2021/07/01/how-many-americans-have-college-degrees/>

- Campbell, R., Bybee, D., Townsend, S. M., Shaw, J., Karim, N., & Markowitz, J. (2014). The Impact of Sexual Assault Nurse Examiner Programs on Criminal Justice Case Outcomes. *Violence Against Women*, 20(5), 607–625. <https://doi.org/10.1177/1077801214536286>
- Canan, S. N., Jozkowski, K. N., & Crawford, B. L. (2016). Sexual Assault Supportive Attitudes: Rape Myth Acceptance and Token Resistance in Greek and Non-Greek College Students From Two University Samples in the United States. *Journal of Interpersonal Violence*, 33(22), 3502–3530. <https://doi.org/10.1177/0886260516636064>
- Cantor, D., Fisher, B., Chibnall, S., Townsend, R., Lee, H., Bruce, C., & Thomas, G. (2017, October 20). *Report on the AAU Campus Climate Survey on Sexual Assault ...* Retrieved from <https://www.aau.edu/sites/default/files/AAU-Files/Key-Issues/Campus-Safety/AAU-Campus-Climate-Survey-FINAL-10-20-17.pdf>
- Center for Applied Special Technology. (2020, September 25). *Timeline of Innovation*. CAST. Retrieved from <https://www.cast.org/impact/timeline-innovation>
- Center for Applied Special Technology. (n.d.). *UDL On Campus*. UDL On Campus: Home. Retrieved from <http://udloncampus.cast.org/home>
- The Centers for Disease Control and Prevention. (2010). *NISVS: An Overview of 2010 Findings on Victimization by Sexual Orientation*. National Intimate Partner and Sexual Violence Survey (NISVS): 2010 Findings on Victimization by Sexual Orientation. Retrieved from https://www.cdc.gov/violenceprevention/pdf/cdc_nisvs_victimization_final-a.pdf
- Centers for Disease Control and Prevention. (2019). Centers for Disease Control and Prevention. Retrieved from <https://www.cdc.gov/violenceprevention/publichealthissue/social-ecologicalmodel.html>
- Centers for Disease Control and Prevention. (2020, June 1). *Sexual Violence and Intimate Partner Violence Among People with Disabilities | Violence Prevention | Injury Center | CDC*. Centers for Disease Control and Prevention. Retrieved from <https://www.cdc.gov/violenceprevention/datasources/nisvs/svandipv.html>
- Chambers, J. C., Horvath, M. A. H., & Kelly, L. (2010). A Typology of Multiple-Perpetrator Rape. *Criminal Justice and Behavior*, 37(10), 1114–1139. <https://doi.org/10.1177/0093854810377971>
- Cho, H., Seon, J., Choi, G.-Y., An, S., Kwon, I., Choi, Y. J., Hong, S., Lee, J. O., Son, E., & Yun, S. H. (2020). Gender Differences in Intimate Partner Violence Victimization, Help-Seeking, And Outcomes Among College Students. *Advances in Social Work*, 20(1), 22–44. <https://doi.org/10.18060/23675>
- Civil Rights Act of 1964 § 7, 42 U.S.C. § 2000e et seq (1964) (n.d.).
- Coaston, J. (2019, May 20). *The intersectionality wars*. Vox. Retrieved from <https://www.vox.com/the-highlight/2019/5/20/18542843/intersectionality-conservatism-law-race-gender-discrimination>

- Cocks, C. L., & Brown, F. C. L. (2020). The Philosophy of Student Conduct and the Student Conduct Professional. In *Student conduct practice: the complete guide for student affairs professionals* (pp. 23–35). essay, Stylus Publishing.
- Congressional Research Service, & McCallion, G., History of the Clery Act: Fact sheet (2014). Washington, DC; Congressional Research Service.
- Congressional Research Service, & Sacco, L. N., The Violence Against Women Act (VAWA): Historical Overview, Funding, and Reauthorization (2019). Washington, DC; Congressional Research Service.
- Crager, M., Cousin, M., & Hardy, T. (2003, April). *Victim-Defendants: An Emerging Challenge in Responding to Domestic Violence in Seattle and the King County Region*. King County Coalition Against Domestic Violence. Retrieved from <https://endgv.org/wp-content/uploads/2016/03/victimdefendantfinalreport111.pdf>
- Crenshaw, K. (2018). Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory, and Antiracist Politics [1989]. *Feminist Legal Theory*, 57–80. <https://doi.org/10.4324/9780429500480-5>
- Cruz, J. V. (2018, December 24). *Five Things to Know When Working with Lesbian, Gay, Bisexual, Transgender, and Queer (LGBTQ) Sexual Violence Survivors*. Justice Clearinghouse. Retrieved from <https://www.justiceclearinghouse.com/resource/five-things-to-know-when-working-with-lesbian-gay-bisexual-transgender-and-queer-lgbtq-sexual-violence-survivors/>
- Dannells, M. (1997). *From discipline to development: rethinking student conduct in higher education*. EIC Clearinghouse on Higher Education, Institute for Education Policy Studies, Graduate School of Education and Human Development, the George Washington University.
- daSilva, T., Harkins, L., & Woodhams, J. (2013). Multiple perpetrator rape: An international phenomenon. *Handbook on the Study of Multiple Perpetrator Rape*, 30–56. <https://doi.org/10.4324/9780203083406-9>
- daSilva, T., Woodhams, J., & Harkins, L. (2017). “An Adventure That Went Wrong”: Reasons Given by Convicted Perpetrators of Multiple Perpetrator Sexual Offending for Their Involvement in the Offense. *Archives of Sexual Behavior*, 47(2), 443–456. <https://doi.org/10.1007/s10508-017-1011-8>
- Dating App Revenue and Usage Statistics (2021)*. Business of Apps. (2021, January 25). Retrieved from <https://www.businessofapps.com/data/dating-app-market/>
- Davis, D.-M. (2020, December 24). *24 slang words teens and Gen Zers are using in 2020, and what they really mean*. Business Insider. Retrieved from <https://www.businessinsider.com/slang-words-terms-teens-current-2019-8#extra-to-be-extra-is-to-be-unnecessarily-dramatic-and-over-the-top-1>

- DiAngelo, R. J. (2018). *White Fragility: Why It's So Hard for White People to Talk about Racism*. Beacon Press.
- Durham, J. J. (2018, November 27). *The Differences and Similarities of Restorative Justice and Mediation*. Pathways to Restorative Communities. Retrieved from <https://www.pathways2rc.com/news/2018/10/24/the-differences-and-similarities-of-restorative-justice-and-mediation>
- Electronic Privacy Information Center. (n.d.). *Family educational rights and privacy act (FERPA)*. Family Educational Rights and Privacy Act (FERPA). Retrieved January 19, 2022, from <https://epic.org/family-educational-rights-and-privacy-act-ferpa/>
- Federal Register. Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, 34 CFR 106. (2019).
- FIRE. (n.d.). *Campus rights: What we defend*. FIRE. Retrieved January 16, 2022, from <https://www.thefire.org/about-us/campus-rights/>
- Foubert, J. D., Brosi, M. W., & Bannon, R. S. (2011). Pornography Viewing among Fraternity Men: Effects on Bystander Intervention, Rape Myth Acceptance and Behavioral Intent to Commit Sexual Assault. *Sexual Addiction & Compulsivity*, 18(4), 212–231. <https://doi.org/10.1080/10720162.2011.625552>
- Foubert, J. D., Clark-Taylor, A., & Wall, A. F. (2019). Is Campus Rape Primarily a Serial or One-Time Problem? Evidence From a Multicampus Study. *Violence Against Women*, 107780121983382. <https://doi.org/10.1177/1077801219833820>
- Gehring, D. D. (2001). The Objectives of Student Discipline and The Process That's Due: Are They Compatible? *Journal of Student Affairs Research and Practice*, 38(4), 466–481. <https://doi.org/10.2202/1949-6605.1155>
- Gladwell, M. (2019). *Talking to strangers: what we should know about the people we dont know*. Little, Brown and Company.
- Goldman, T., & Chappell, B. (2019, January 10). *How Bernice Sandler, 'godmother of title IX,' achieved landmark discrimination ban*. NPR. Retrieved January 21, 2022, from <https://www.npr.org/2019/01/10/683571958/how-bernice-sandler-godmother-of-title-ix-achieved-landmark-discrimination-ban>
- Gravelin, C. R., Biernat, M., & Bucher, C. E. (2019). Blaming the Victim of Acquaintance Rape: Individual, Situational, and Sociocultural Factors. *Frontiers in Psychology*, 9. <https://doi.org/10.3389/fpsyg.2018.02422>
- Greenhouse, M., BrckaLorenz, A., Hoban, M., Huesman, R., Rankin, S., & Stolzenberg, E. B. (2018, August). *Queer-Spectrum and Trans-Spectrum Student Experiences in American Higher Education*. Tyler Clementi Center for Diversity Education and Bias Prevention. Retrieved from

<https://clementicenter.rutgers.edu/research-insights-and-events/campus-climate-queer-spectrum-and-trans-spectrum-higher-education>

Harris, J. C., & Linder, C. (2017). *Intersections of identity and sexual violence on campus: centering minoritized students experiences*. Stylus Publishing.

Hegji, A. (2021, August 17). The Higher Education Act (HEA): A Primer. Retrieved January 21, 2022, from <https://sgp.fas.org/crs/misc/R43351.pdf>

Hirsch, J. S., & Khan, S. (2020). *Sexual Citizens: A Landmark Study of Sex, Power, and Assault on Campus*. W. W. Norton & Company.

Human Rights Campaign. (n.d.). Sexual Assault and the LGBTQ Community. Retrieved from <https://www.hrc.org/resources/sexual-assault-and-the-lgbt-community>

International Institute for Restorative Practices. (n.d.). Retrieved from <https://www.iirp.edu/>

Interrogation: A Review of the Science HIG Report. (2017, March 23). Retrieved from <https://www.fbi.gov/file-repository/hig-report-interrogation-a-review-of-the-science-september-2016.pdf/view>

Irving, D. (2018). *Waking up White: And Finding Myself in the Story of Race*. Elephant Room Press.

Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act of 1990, 20 U.S.C. §1092. (n.d.).

Jeanne Shaheen. (2022, January 12). *Shaheen, Hassan introduce Bill to combat sexual violence against students with disabilities*. U.S. Senator Jeanne Shaheen of New Hampshire. Retrieved January 17, 2022, from <https://www.shaheen.senate.gov/news/press/shaheen-hassan-introduce-bill-to-combat-sexual-violence-against-students-with-disabilities>

Johnson, P. A., Widnall, S. E., & Benya, F. F. (2018). *Sexual harassment of women: climate, culture, and consequences in academic sciences, engineering, and medicine*. The National Academies Press.

Judge, J., & O'Brien, T. (2012). *Equity and Title IX in Intercollegiate Athletics: A Practical Guide for Colleges and Universities*. NCAA Publications. Retrieved from www.NCAA.org/gender_equity

Kaplin, W. A., Lee, B. A., Hutchens, N. H., & Rooksby, J. H. (2020). *Law of Higher Education: Student Version* (Sixth). Jossey-Bass.

Kendi, I. X. (2021). *How To Be An Antiracist*. Vintage.

Kidder, R. M. (2006). *Moral courage*. Harper.

Kidder, R. M. (2009). *How good people make tough choices: resolving the dilemmas of ethical living*. Harper.

- Koss, M. P., Dinero, T. E., Seibel, C. A., & Cox, S. L. (1988). Stranger and Acquaintance Rape: Are There Differences In the Victim's Experience? *Psychology of Women Quarterly*, 12(1), 1–24. <https://doi.org/10.1111/j.1471-6402.1988.tb00924.x>
- Krebs, C. P., Lindquist, C. H., Warner, T., Fisher, B. S., & Martin, S. L. (2007, December). The Campus Sexual Assault (CSA) Study. Retrieved from <https://www.ncjrs.gov/pdffiles1/nij/grants/221153.pdf>
- Lacey, A., & Murray, C. (2015). *The Nuts and Bolts of Reauthorization*. Career Education Review. Retrieved from <https://www.thompsoncoburn.com/docs/default-source/publication-documents/the-nuts-and-bolts-of-reauthorization.pdf?sfvrsn=0&sfvrsn=0>
- Lake, P. F. (2009). *Beyond Discipline: Managing the Modern Higher Education Environment*. Hierophant Enterprises, Inc.
- Lake, P. F. (2011). *Foundations of Higher Education Law & Policy: Basic Legal Rules, Concepts, and Principles for Student Affairs*. NASPA.
- Lake, P. F. (2013). *The Rights and Responsibilities of the Modern University: The Rise of the Facilitator University*. Carolina Academic Press.
- Lancaster, J. M. (2006). *Exercising Power with Wisdom: Bridging Legal and Ethical Practice with Intention*. College Administration Publications.
- Legal Momentum. (n.d.). *History of VAWA*. History of VAWA | Legal Momentum. Retrieved January 16, 2022, from <https://www.legalmomentum.org/history-vawa>
- Martin, G. (2020, May 28). *What are Gender Pronouns? Why Do They Matter?* National Institutes of Health. Retrieved from <https://www.edi.nih.gov/blog/communities/what-are-gender-pronouns-why-do-they-matter>
- McClish, M. (2001). *I know you are lying: detecting deception through statement analysis*. Marpa Group, Inc.
- Mcleod, S. (2019, October 24). *Social Identity Theory*. Social Identity Theory | Simply Psychology. Retrieved from <https://www.simplypsychology.org/social-identity-theory.html>
- Mechanic, M. B., Resick, P. A., & Griffin, M. G. (1998). A comparison of normal forgetting, psychopathology, and information-processing models of reported amnesia for recent sexual trauma. *Journal of Consulting and Clinical Psychology*, 66(6), 948–957. <https://doi.org/10.1037/0022-006x.66.6.948>
- Meloy, J. R., Mohandie, K., & Green, M. (2011). The Female Stalker. *Behavioral Sciences & the Law*, 29(2), 240–254. <https://doi.org/10.1002/bsl.976>
- National Council on Disability. (2018, January 30). *Not on the Radar: Sexual Assault of College Students with Disabilities*. National Council on Disability. Retrieved from https://ncd.gov/sites/default/files/NCD_Not_on_the_Radar_Accessible_01292018.pdf

- National District Attorneys Association - Women Prosecutors Section. (2017, July 17). *National Domestic Violence Prosecution Best Practices Guide*. NATIONAL DOMESTIC VIOLENCE PROSECUTION BEST PRACTICES GUIDE. Retrieved from <https://ndaa.org/wp-content/uploads/NDAA-DV-White-Paper-FINAL-revised-July-17-2017-1.pdf>
- National Sexual Violence Resource Center and Pennsylvania Coalition Against Rape. (2012). *Sexual Violence & Individuals Who Identify as LGBTQ*. NSVRC_Research-Brief_Sexual-Violence-LGBTQ. Retrieved from https://www.nsvrc.org/sites/default/files/Publications_NSVRC_Research-Brief_Sexual-Violence-LGBTQ.pdf
- National Women's Law Center. (2000). *A Basic Guide to Title IX*. National Women's Law Center. Retrieved from <https://www.nwlc.org/sites/default/files/pdfs/ABasicGuidetoTitleIX.pdf>
- Natow, R. S. (2017). *Higher education rulemaking: the politics of creating regulatory policy*. Johns Hopkins University Press.
- Ohio Alliance to End Sexual Violence. (n.d.). The Violence Against Women Act of Reauthorization of 2021. Retrieved January 17, 2022, from https://oaesv.org/wp-content/uploads/2021/04/factsheet_vawa_2021.pdf
- Orantes, E., & Sharma, A. (2019, March 4). *Title IX Compliance Creates Hurdles for Collegiate eSports Programs*. JD Supra. Retrieved from <https://www.jdsupra.com/legalnews/title-ix-compliance-creates-hurdles-for-99240/>
- Orcutt, M., Petrowski, P. M., Karp, D. R., & Draper, J. (2020, June). *The Journal of College and University Law*. RESTORATIVE JUSTICE APPROACHES TO THE INFORMAL RESOLUTION OF STUDENT SEXUAL MISCONDUCT. Retrieved from https://jcul.law.rutgers.edu/wp-content/uploads/2020/08/45_jcul_No2_FULL.pdf
- Pacheco, R. (2020, May). Not Online. Not on Campus: Addressing Sexual Violence and Technology-Facilitated Violence on Campuses. Retrieved from <https://ywcacanada.ca/wp-content/uploads/2020/08/Not-Online.-Not-On-Campus.-Report.pdf>
- Paine, L. S. (2014, August 1). *Managing for Organizational Integrity*. Harvard Business Review. Retrieved from <https://hbr.org/1994/03/managing-for-organizational-integrity>
- Partners in Leadership. (2019, May 29). *The Three Values of Organizational Integrity*. Culture Management Experts. Retrieved from <https://www.partnersinleadership.com/insights-publications/the-three-values-of-organizational-integrity/>
- Pew Research Center. (2020, June 5). *Demographics of Social Media Users and Adoption in the United States*. Pew Research Center: Internet, Science & Tech. Retrieved from <https://www.pewresearch.org/internet/fact-sheet/social-media/>
- Practical Psychology. (2020, April 15). *Ebbinghaus Forgetting Curve (Definition + Examples)*. Practical Psychology. Retrieved from <https://practicalpie.com/ebbinghaus-forgetting-curve/>

- The Pregnant Scholar. (2020, September 29). *The Pregnant Scholar Homepage: Tools to support student parents*. The Pregnant Scholar. Retrieved from <https://thepregnantscholar.org/>
- Public policy recommendation: Addressing campus sexual ...* (n.d.). Retrieved from <https://www.atsa.com/pdfs/Policy/Addressing%20Campus%20Sexual%20Misconduct%20FINAL.pdf>
- Rothstein, R. (2018). *The Color of Law: A Forgotten History of How Our Government Segregated America*. Liveright Publishing Corporation, a division of W.W. Norton & Company.
- Seabrook, R. C., Ward, L. M., & Giaccardi, S. (2018). Why is fraternity membership associated with sexual assault? Exploring the roles of conformity to masculine norms, pressure to uphold masculinity, and objectification of women. *Psychology of Men & Masculinity*, 19(1), 3–13. <https://doi.org/10.1037/men0000076>
- Seelye, K. Q. (2019, January 8). *Bernice Sandler, 'godmother of title IX,' dies at 90*. The New York Times. Retrieved January 21, 2022, from <https://www.nytimes.com/2019/01/08/obituaries/bernice-sandler-dead.html>
- Sex Offender Management Assessment and Planning Initiative*. (2017, April). Retrieved from https://smart.gov/SOMAPI/pdfs/SOMAPI_Full%20Report.pdf
- Sloan, J. J., & Fisher, B. (2011). *The Dark Side of the Ivory Tower: Campus crime as a social problem*. Cambridge University Press.
- Stanford Journalism. (2019). *Celebrating 47 Years of Title IX and Bernice Sandler*. YouTube. Retrieved January 21, 2022, from https://youtu.be/F_B7-HwaqP4.
- Stark-Mason, R. (2020, February 26). *Name, Image, Likeness*. NCAA.org - The Official Site of the NCAA. Retrieved from <http://www.ncaa.org/champion/name-image-likeness>
- Steinfeld, E., & Maisel, J. (2012). *Universal Design Creating Inclusive Environments*. John Wiley & Sons.
- Stoner, E. N., & Lowery, J. W. (2004). Navigating Past The “Spirit of Insubordination”: A Twenty-First Century Model Student Conduct Code. *Journal of College and University Law*, 31(1), 1–78.
- Title IX of The Education Amendments of 1972, 20 U.S.C. A§ 1681 Et. (n.d.).
- Toure, K., & Hamilton, C. V. (1992). *Black Power: The politics of liberation in America*. Vintage Books.
- Tracy, C. E., Fromson, T. L., Long, J. G., & Whitman, C. (2012, June 5). *Rape and Sexual Assault in the Legal System*. Women's Law Project. Retrieved from <https://www.womenslawproject.org/wp-content/uploads/2016/04/Rape-and-Sexual-Assault-in-the-Legal-System-FINAL.pdf>

- Tumulty, K. (2004, May 17). *Evaluating the success of the Great Society*. The Washington Post. Retrieved January 21, 2022, from <https://www.washingtonpost.com/wp-srv/special/national/great-society-at-50/>
- U.S. Department of Education (ED). (2020, January 10). *Know Your Rights: Pregnant or Parenting? Title IX Protects You From Discrimination At School*. Home. Retrieved from <https://www2.ed.gov/about/offices/list/ocr/docs/dcl-know-rights-201306-title-ix.html>
- U.S. Department of Education (ED). (2020, January 10). *Students with disabilities preparing for postsecondary education*. Office of Civil Rights. Retrieved January 17, 2022, from <https://www2.ed.gov/about/offices/list/ocr/transition.html>
- U.S. Department of Education (ED). (2021, August 20). *Title IX and sex discrimination*. Title IX. Retrieved January 21, 2022, from https://www2.ed.gov/about/offices/list/ocr/docs/tix_dis.html
- U.S. Department of Education. (2002, June 1). *Legislative history of major Ferpa provisions*. Legislative History of Major FERPA Provisions I Protecting Student Privacy. Retrieved January 19, 2022, from <https://studentprivacy.ed.gov/resources/legislative-history-major-ferpa-provisions>
- U.S. Department of Education. (2012, October). *Title IX and access to courses and programs in STEM*. Office for Civil Rights, Department of Education Revised October 2012. Office of Civil Rights Presentations. Retrieved from <https://www2.ed.gov/about/offices/list/ocr/presentations/stem-t9-powerpoint.pdf>
- U.S. Department of Education. (n.d.). *The NCES Fast Facts Tool provides quick answers to many education questions (National Center for Education Statistics)*. National Center for Education Statistics (NCES) Home Page. Retrieved January 17, 2022, from <https://nces.ed.gov/fastfacts/display.asp?id=60>
- U.S. Department of Education. (n.d.). *The NCES Fast Facts Tool provides quick answers to many education questions (National Center for Education Statistics)*. National Center for Education Statistics (NCES) Home Page. Retrieved January 21, 2022, from <https://nces.ed.gov/fastfacts/display.asp?id=93>
- U.S. Government. (n.d.). *U.S. Federal Courts Circuit Map - United States Courts*. U.S. Federal Courts Circuit Map. Retrieved January 21, 2022, from https://www.uscourts.gov/sites/default/files/u.s._federal_courts_circuit_map_1.pdf
- University of Buffalo. (2020, February 24). *Universal Design*. IDEA Center. Retrieved from <https://idea.ap.buffalo.edu/about/universal-design/>
- Vallano, J. P., & Schreiber Compo, N. (2015). Rapport-building with cooperative witnesses and criminal suspects: A theoretical and empirical review. *Psychology, Public Policy, and Law*, 21(1), 85–99. <https://doi.org/10.1037/law0000035>
- Varnell, S. (2013). *Statement analysis: an lss course workbook*. Steven Varnell.

- Vector Solutions. (n.d.). Title IX: 5 ways it changed education for the better. Retrieved January 21, 2022, from <https://www.vectorsolutions.com/resources/blogs/title-ix-positive-changes/>
- Wachtel, T. (2016, November). *Defining Restorative*. International Institute for Restorative Practices. Retrieved from <https://www.iirp.edu/defining-restorative/restorative-practices/defining-restorative/>
- Waryold, D. M., & Lancaster, J. M. (2020). *Student Conduct Practice: The Complete Guide for Student Affairs Professionals*. Stylus Publishing.
- Williamsen, D. K. K., Karp, D., & Williamsen, K. (2020, March 12). 5 Things Restorative Justice Sexual Harm. Retrieved from <https://www.naspa.org/report/five-things-student-affairs-administrators-should-know-about-restorative-justice-and-campus-sexual-harm>
- Woodhams, J., Taylor, P. J., & Cooke, C. (2020). Multiple perpetrator rape: Is perpetrator violence the result of victim resistance, deindividuation, or leader–follower dynamics? *Psychology of Violence*, 10(1), 120–129. <https://doi.org/10.1037/vio0000255>
- Yoshino, K. (2006). *Covering: The hidden assault on American civil rights*. Random House.



NACCOP Title IX & Equity Alliance

The Alliance is a dedicated affinity group through which Title IX and Equity Professionals, and the practitioners who support and/or supervise them, can benefit from NACCOP's expertise in complying with the Clery Act, Title IX, and other civil rights laws that affect their work.

BENEFITS OF JOINING THE ALLIANCE

- **Access to NACCOP's annual 9 on IX webinar series at no additional cost (a \$710 value)**
 - These 60-minute succinct webinars will offer legal insight and practical guidance on Title IX topics from experts who have served or are currently serving as active practitioners on college and university campuses.
- **Alliance-Exclusive Professional Development Opportunities such as the Title IX & Equity Open House Discussion Series**
 - An Alliance-exclusive virtual open house will be held bi-monthly (every other month, 6 sessions annually) to engage with experts from NACCOP's partner organization, D. Stafford & Associates, as well as other invited guests, to discuss current trends and issues. Each open house will focus on a specific topic for discussion and participants will be encouraged to engage in the conversation.
- **Access to Alliance-Exclusive Whitepapers regarding Title VI, VII, and IX**
- **Connect and collaborate with other Title IX and Equity Professionals via an Alliance-restricted Listserv**
- **Discounted Professional Development Opportunities**
 - Coffee and Conversations webinar series and individual webinars focused on Title IX & Equity compliance issues
- **A 50% discount on the Title IX Notice Document Library developed by NACCOP's Partner Organization, D. Stafford & Associates (a \$335 value)**

Join the Alliance

Eligible individuals must have Institutional, Professional, or Committee Membership with NACCOP.

Cost: \$425 for 1 year subscription

(The first year of enrollment will be pro-rated to match the NACCOP membership expiration date.)

Request to Join: <https://naccop.memberclicks.net/join-the-alliance>

Questions? Contact us at info@naccop.org or 302-344-1068.