



Decision-Makers and Investigators

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Training Requirements from Regulations

- A recipient must ensure that Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, receive training on
 - the definition of sexual harassment in Title IX,
 - 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 prejudice of the facts at issue, conflicts of interest, and bias.
- A recipient must ensure that decision-makers receive training on any technology to be used at a live hearing and on issues of relevance of questions and evidence, including when questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, as set forth in paragraph (b)(6) of this section.
- A recipient also must ensure that investigators receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence, as set forth in paragraph (b)(5)(vii) of this section.
- Any materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, must not rely on sex stereotypes and must promote impartial investigations and adjudications of formal complaints of sexual harassment;

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Sexual harassment shall include conduct on the basis of sex involving one or more of the following:

- (1) a district employee conditioning the provision of an aid, benefit, or service of the district on an individual's participation in unwelcomed sexual conduct;
- (2) unwelcomed conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the district's educational program or activity; or
- (3) sexual assault, dating violence, domestic violence, or stalking.

Quid pro Quo

Hostile Environment

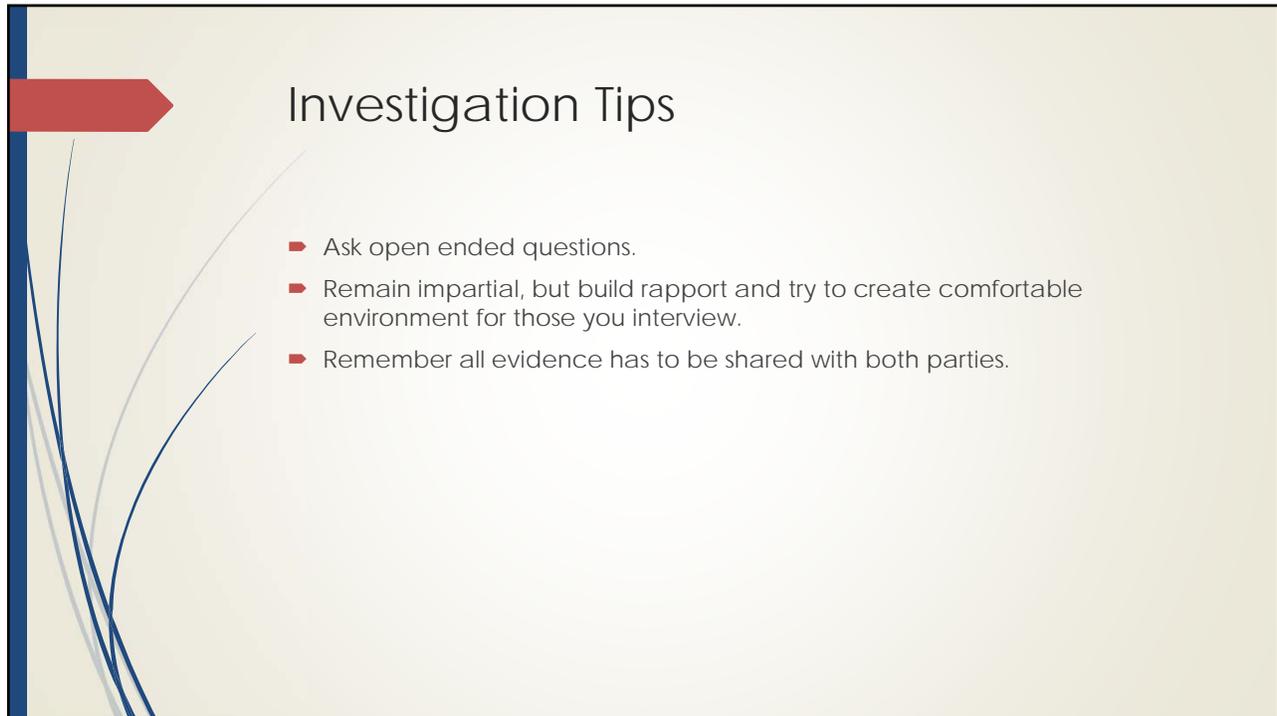
VAWA definitions

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Education Program and Activities

- ▶ "locations, events, or circumstances over which the recipient exercised substantial control over both the respondent and the context in which the sexual harassment occurs, and also includes any building owned or controlled by a student organization that is officially recognized by a postsecondary institution"
- ▶ Think similar to "nexus to school" consideration in student discipline.
- ▶ "In the United States"

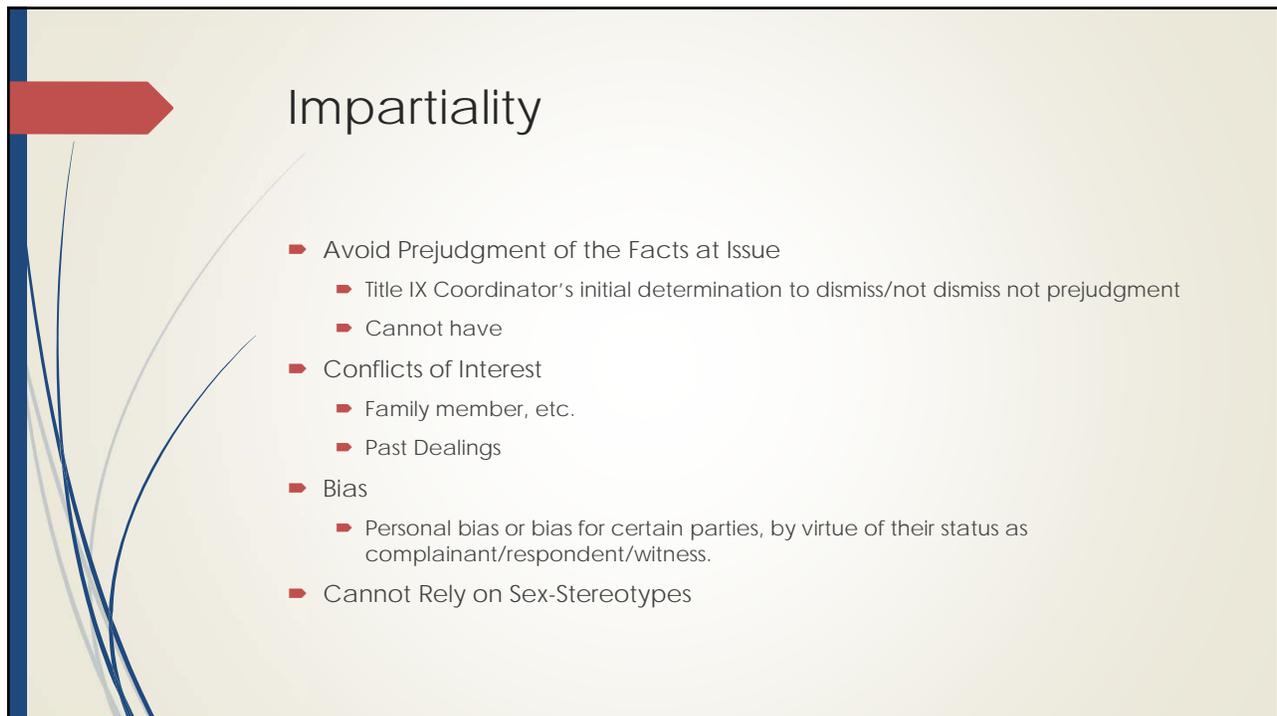
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The slide features a light beige background with a dark blue vertical bar on the left side. A red arrow points to the right from the top of the blue bar. The title 'Investigation Tips' is positioned to the right of the arrow. Below the title, there is a list of three bullet points, each preceded by a red arrowhead. The text is in a dark grey font.

Investigation Tips

- ▶ Ask open ended questions.
- ▶ Remain impartial, but build rapport and try to create comfortable environment for those you interview.
- ▶ Remember all evidence has to be shared with both parties.

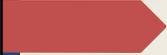
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The slide features a light beige background with a dark blue vertical bar on the left side. A red arrow points to the right from the top of the blue bar. The title 'Impartiality' is positioned to the right of the arrow. Below the title, there is a list of four main bullet points, each preceded by a red arrowhead. The first main bullet point has two sub-bullet points, each preceded by a red arrowhead. The text is in a dark grey font.

Impartiality

- ▶ Avoid Prejudgment of the Facts at Issue
 - ▶ Title IX Coordinator's initial determination to dismiss/not dismiss not prejudgment
 - ▶ Cannot have
- ▶ Conflicts of Interest
 - ▶ Family member, etc.
 - ▶ Past Dealings
- ▶ Bias
 - ▶ Personal bias or bias for certain parties, by virtue of their status as complainant/respondent/witness.
- ▶ Cannot Rely on Sex-Stereotypes

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Relevance and Evidence

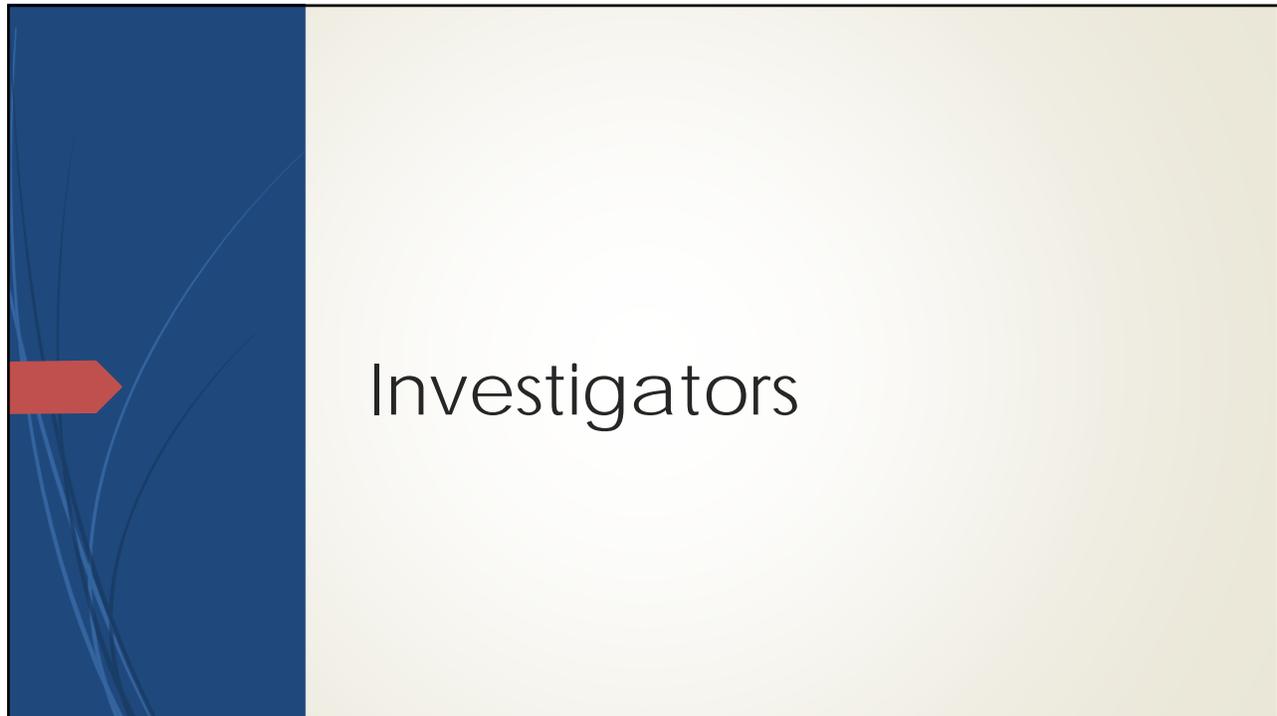
- ▶ Look to initial complaint to develop questions.
- ▶ Consider all information that supports either parties' position, or in contradiction to them.
- ▶ Try to focus investigation on the complaint, but if additional issues arise, provide parties with the required notice.
- ▶ Be cautious of any evidence related to the sexual predisposition or sexual history of the complainant.
- ▶ In questions exchanged by parties in lieu of hearing, all questions must be relevant.

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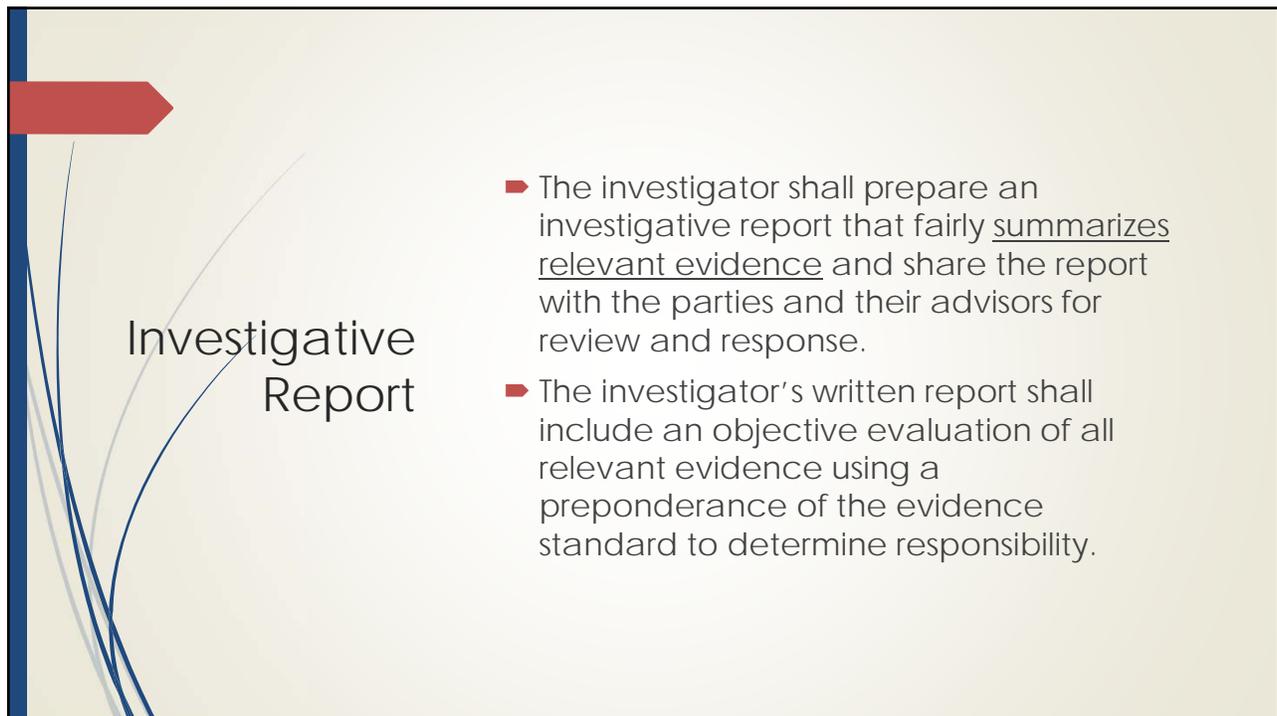
Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.

Sexual
Predisposition
of
Complainant

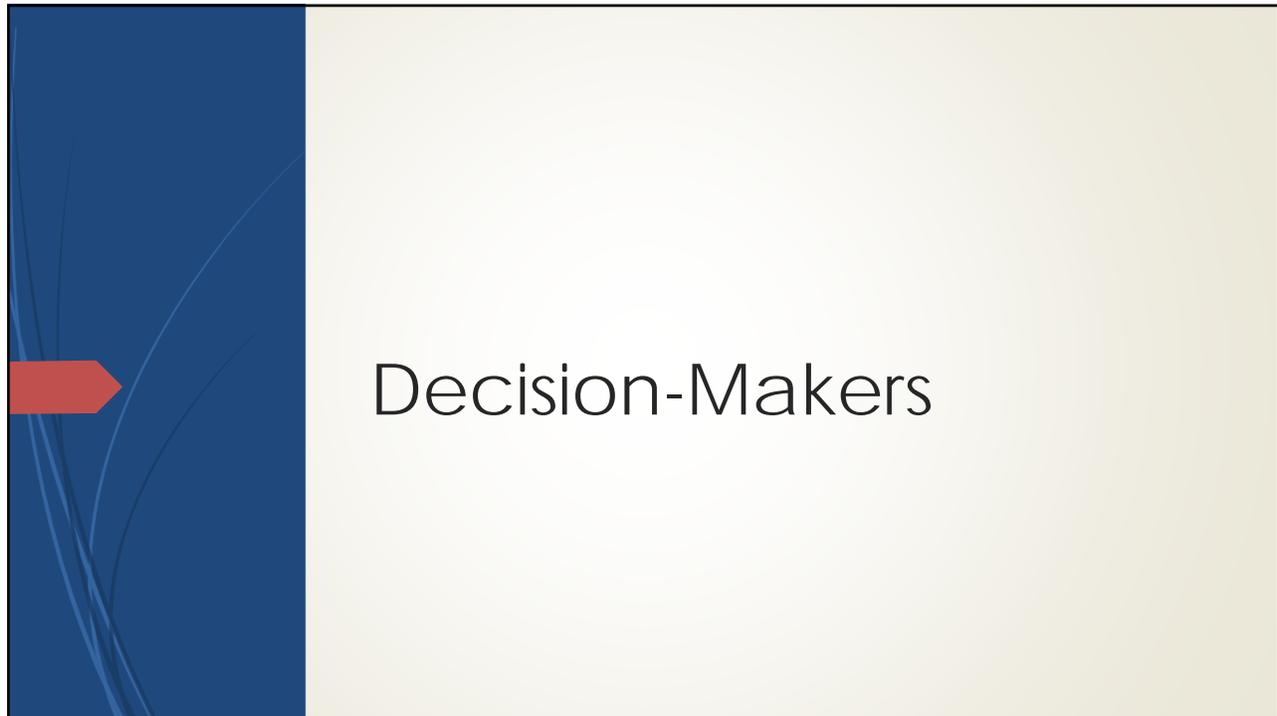
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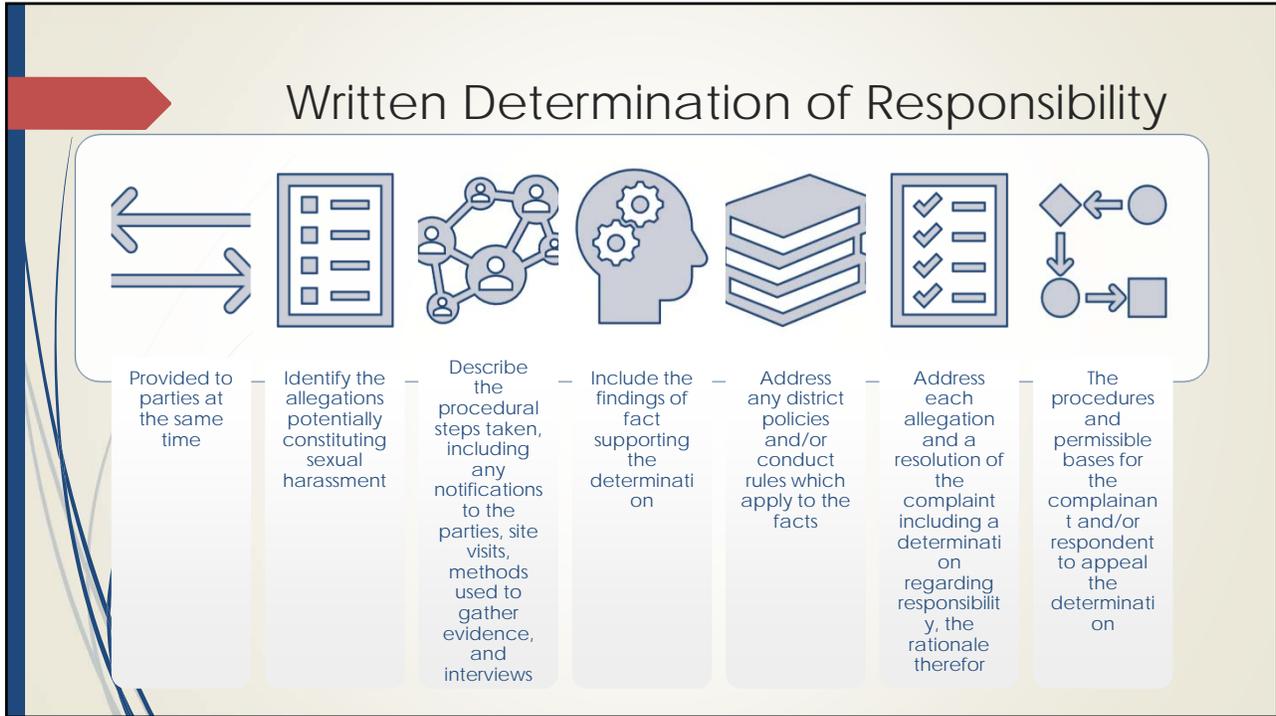
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Questions?

To provide feedback about today's training, please complete the evaluation:
https://kasb.org/title_ix_20200806

If you have additional questions, please send to:
legal@kasb.org
 1-800-432-2471

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