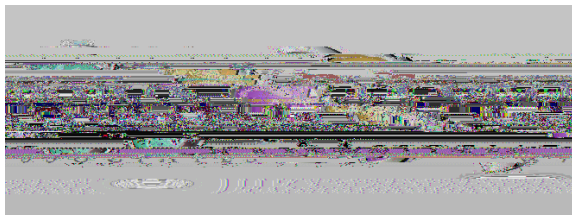


Sexual Misconduct Decision Maker Class

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179 Rehoboth Avenue, #1121
Rehoboth Beach, DE 19971
Phone: (202) 438-5929
dolores@dstaffordandassociates.com

TITLE IX

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Phone: (202) 438-5929
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For virtual classes

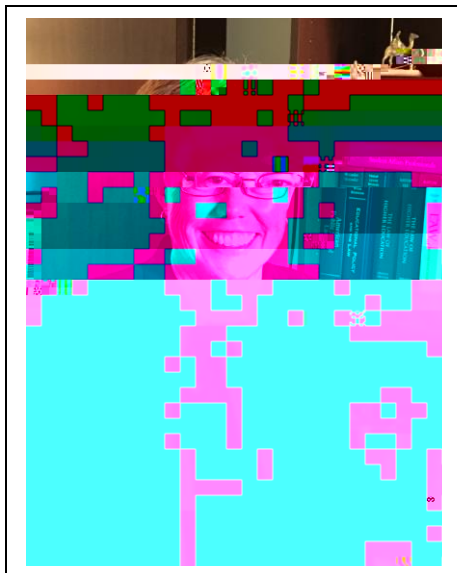
person

immediately notify the Administrative Support

IN ADVANCE



P.O. Box 1121
Rehoboth Beach, DE 19971
Phone: (202) 438-5929
dolores@dstaffordandassociates.com



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 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 subjects such as ethics, governance, threat assessment, media relations, and higher education trends. She was an affiliated faculty

Cathy has co-
Conduct Practice -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.

Region I Mid-Level Student Affairs Professional Award and the NASPA Region I Continuous Service Award.

egree in Higher Education Administration from the University of Connecticut





P.O. Box 1121
Rehoboth Beach, DE 19971
Phone: (202) 438-5929
dolores@dstaffordandassociates.com





P.O. Box 1121
Rehoboth Beach, DE 207

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179 Rehoboth Avenue, #1121
Rehoboth Beach, DE 19971
Phone: (202) 438-5929
dolores@dstaffordandassociates.com

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.

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



- Title IX Coordinator
- Investigator
- Decision-Maker
- Informal Resolution Facilitator

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For it to be covered under Title IX, it must meet:

- New Definitions
- Jurisdiction of person
- Jurisdiction of activity

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"At the time of filing a formal complaint...the complainant must be participating in or attempting to participate in the education program or activity"



The institution must exercise control over the Respondent



All regulations apply to students and employees

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Behavior must occur as part of the "education program or activity"

Locations, events, or circumstances over which the recipient exercised substantial control over the context in which the sexual harassment occurs

And any building owned or controlled by a student organization that is officially recognized

Must occur in the United States (including US territories)

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Sexual harassment means conduct on the basis of sex that satisfies one or more of the following:

1. An employee of the recipient conditioning the provision of an aid, benefit, or service of the recipient on an individual's participation in unwelcome sexual conduct;
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the recipient's education program or activity;
3. "Sexual assault" as defined in 20 U.S.C. 1092(f)(6)(A)(v), "dating violence" as defined in 34 U.S.C. 12291(a)(10), "domestic violence" as defined in 34 U.S.C. 12291(a)(8), or "stalking" as defined in 34 U.S.C. 12291(a)(30).

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-  Must be an employee (not volunteer, visitor, student)
-  "This for that" harassment
-  When favorable professional or educational treatment is conditioned on a sexual activity


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Not the same Title VII 'hostile environment' or 2001 Guidance

 First Amendment protections

 Not a zero tolerance policy

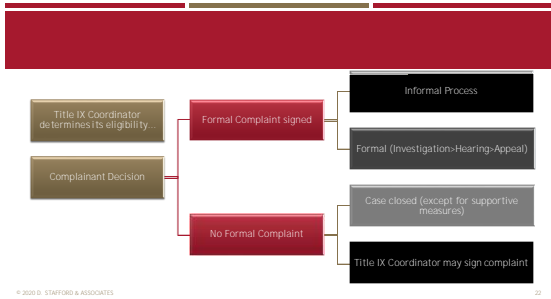


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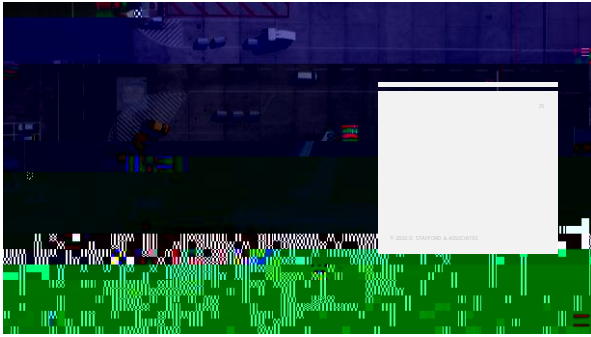


Definitions/consent/jurisdiction at your institution:
Where do the non-Title IX sexual misconduct cases go? ¹⁹

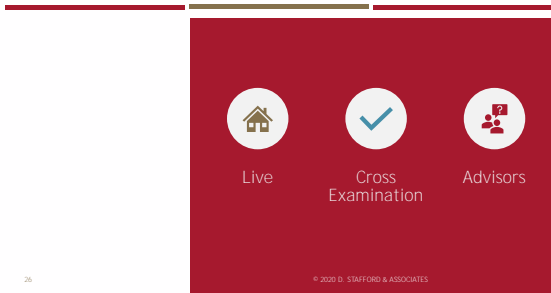




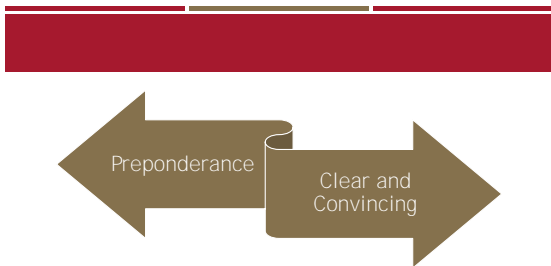
Formal Resolution



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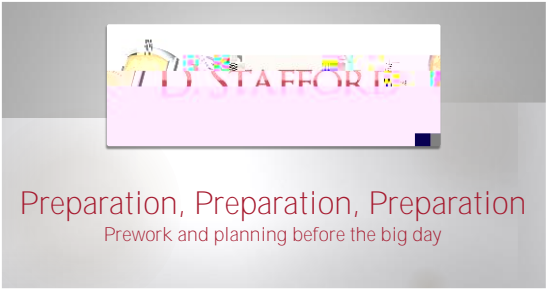
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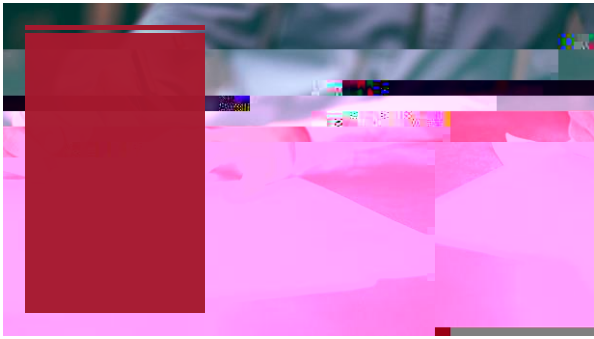


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Agenda

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Decision-maker Rules



Hearing Attendees

Decision-maker Determinations on Evidence

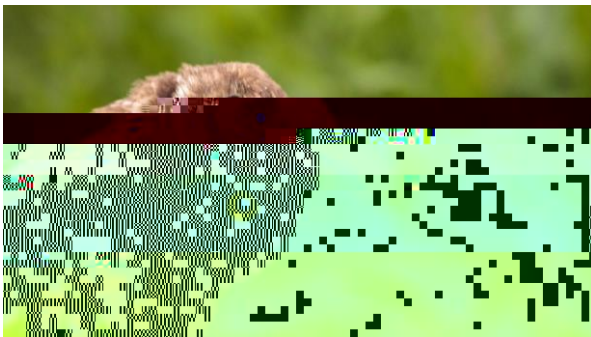


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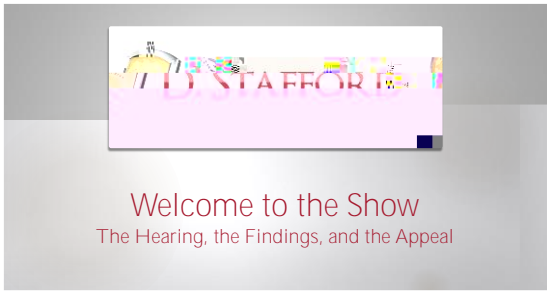
Decision-maker Questions



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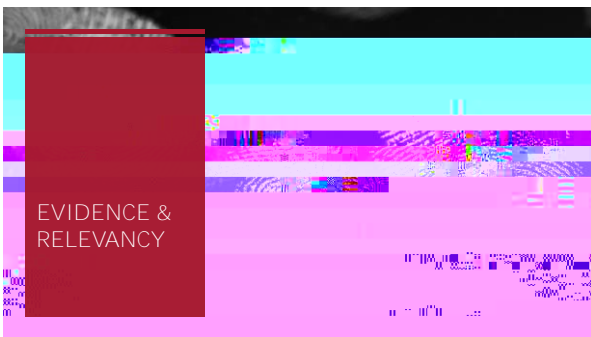


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Agenda

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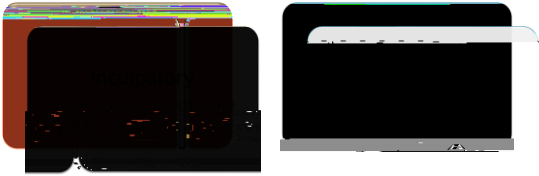


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Types of Evidence



Evidence



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Versions of the Report



Preliminary Report:

Evidence Obtained



Final Report:

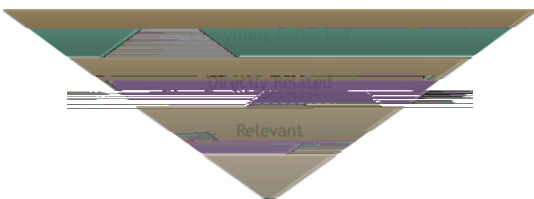
Summary of Relevant Evidence



Written Determination:

8

Evidence Collection



9

Relevancy Examples



13

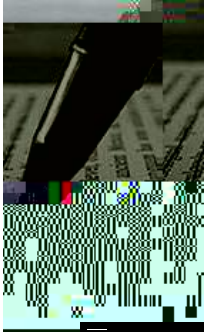
Relevant Examples



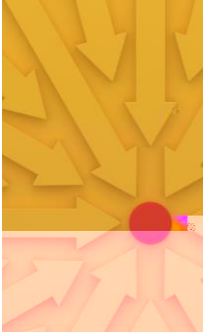
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Not Applying Federal Rules of Evidence



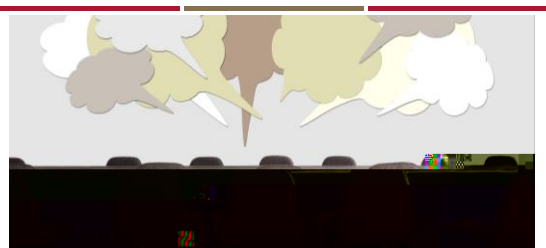
STAYING ON POINT

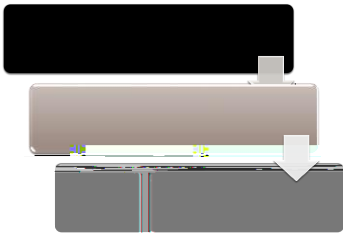
Advisor



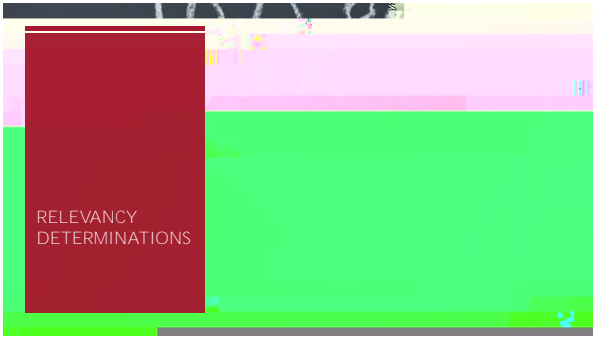
Cross-examination – The Preamble

Role of the Decision-maker





Questioning
by the
Advisors



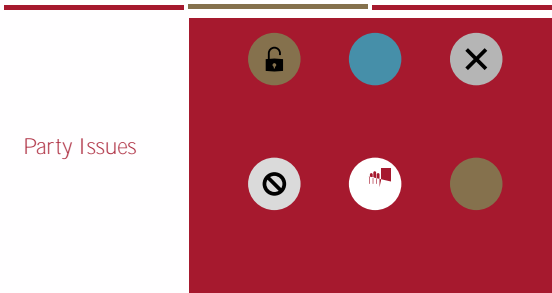
Relevancy and
Admissibility
Determinations



Reason for Relevancy Determination



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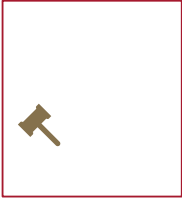


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Attendance



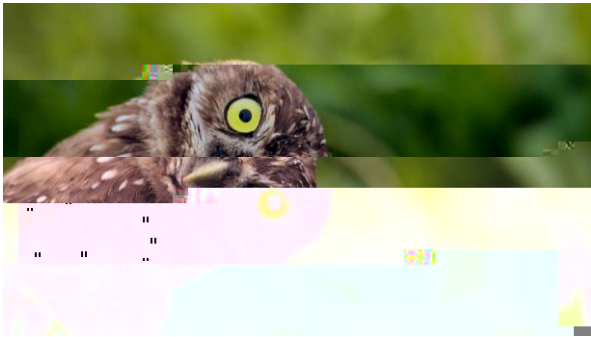
Advisor Issues



Situational issues



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A horizontal line is divided into three segments: a red segment on the left, a green segment in the middle, and a red segment on the right. Below the green segment, there is a solid red vertical bar.

8

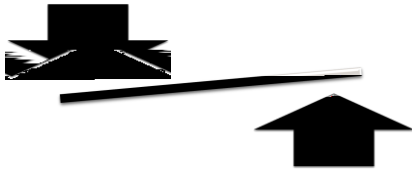
A horizontal line is divided into three segments: a red segment on the left, a green segment in the middle, and a red segment on the right. Below the green segment, there is a red vertical bar containing several horizontal lines.

9

A horizontal line is divided into three segments: a red segment on the left, a green segment in the middle, and a red segment on the right. Below the green segment, there is a red vertical bar. To the left of the bar, there are three symbols: a black checkmark, a red not-equal sign (\neq), and a green X.



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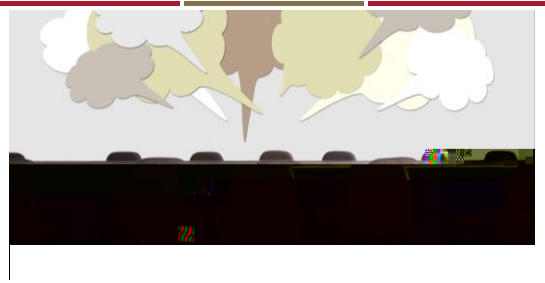
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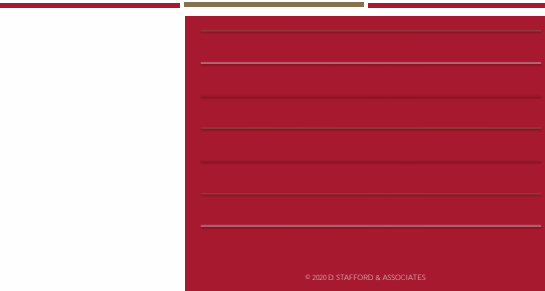
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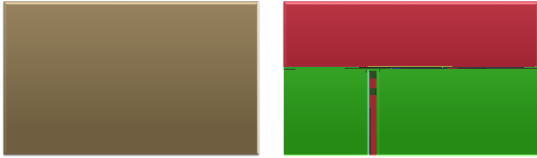
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