

Davenport University Training on Title IX Policy

**2020-2021 Academic Year
August 5, 2020**



Purpose and Intent of Title IX and DU's Policy

Definitions

- Changes to Scope
 - Address what is covered under new reg
 - Shall v. may dismiss a claim
 - Reminder re: other codes of conduct
- Changes to Actual Knowledge
 - All employees must report, but only some have “actual knowledge for liability purposes
- Rv other key definitions in new regs and policy



Who and What are They?

- Title IX Coordinator

- Responsible for:

- Initial intake and contact with complainant
- Determination of application
- Notifications to parties
- Initiation of grievance process
 - May suggest informal process



- Investigator(s)

- Investigates, gathers evidence, prepares report
- No decision making permitted

Who and What are They (cont.)

- Decisionmakers

- Conduct hearings
- Maintain order/set rules of decorum
- Makes a recommendation
 - Shares with Title IX Coordinator who determines sanctions, if appropriate, after consulting with others per policy

- Advisors

- Each party may choose advisor of choice (some limits)
- If no advisory, University provides one
- Advisors observe at investigation stage/conduct examinations at hearing stage

How the Process Begins

- Who reports?
 - Any/all employees must report
 - Complainant
 - Witness
- To whom and how?
 - To Title IX Coordinator through various means in policy
- Supportive Measures
 - Title IX Coord. will assess and implement even if no formal complaint is filed



Emergency Removal

- Emergency Removal from educational programs and activities may only be implemented:
 - By the specified individuals
 - After an individual assessment
 - If the respondent poses an immediate threat to the physical safety of complainant or others

Initiation of Complaint

- Formal v. Informal
 - Filed by the complainant
 - Title IX Coord., in limited cases
 - Title IX Coord. may recommend informal process
 - Cannot do so if student complains about employee
- Investigation protocols
 - Notices
 - Each side gets same notices with same information



Investigation

- Each party is entitled to an advisor who may observe during this phase
- Information gathering/participants' rights
 - Right to inspect/review evidence, even if not used
 - Right to present witnesses and evidence
 - Notice prior to interviews and hearing
 - Ability to review draft report and comment

Role of the Decision Maker

- Conducts live hearing
 - May be “live” via video at party’s request
 - Enforces rules of civility/decorum
 - Makes relevance determinations
 - Advisors conduct cross-examination
 - Cannot consider testimony if witness will not submit to cross-examination
 - Hearing must be recorded
 - Decisionmaker will issue a written determination and submit to Title IX Coordinator



Determination of Responsibility

- After Decisionmaker determines responsibility:



- Title IX Coordinator issues sanctions after consultation with campus life (student respondent) or human resources (employee respondent)
- May impose additional supportive measures

Appeal

- Both parties may appeal
- Appeal is proper only if allege that
 - There was a procedural irregularity
 - There is new evidence
 - The Title IX Coord., investigator or decisionmaker was biased or had a conflict of interest

AND any of these would have affected the outcome

- New person handles appeal
- Will decide based on written submissions from the parties

Additional Requirements

Training

- Required for certain people on certain topics
- Materials posted on website



Recordkeeping

- 7 years for listed materials

Retaliation

- Prohibited/triggers this policy if allegedly occurs

Questions



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