# Davenport University Training on Title IX Policy

2020-2021 Academic Year August 5, 2020



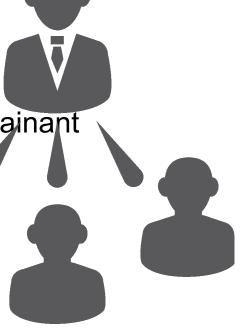
## Purpose and Intent of Title IX and DU's Policy

#### **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 prod
      - 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 repo
  - Complainant
  - Witness
- To whom and how?
  - To Title IX Coordinator through various means in policy
- Supportive Measures
  - Title IX Coor. 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 Coor., in limited cases
  - Title IX Coor. may recommend in rmal proc
    - Cannot do so if student complains about employ
- Investigation protocols
  - Notices
    - Each side gets same notices with same information



#### Investigation

- Each party is entitle 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 witnes
    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 Coor., investigator or decisionmaker was biased or had a conflict of interet
  - 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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