



EVALUATING POLICY VIOLATIONS

A Title IX Decision Maker Refresher Course

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IN THIS COURSE



EVALUATING POLICY
VIOLATIONS

LESSON COMPLETION

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Level I: Navigating the 2024 Title IX Regulations with Confidence

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Search by lesson title

- Pre-Training Materials 0/3
- Decoding the 2024 Title IX Regulations: A Roadmap for Educational Institutions 1/6 DRAFT
- Chapter & Speaker Introduction VIDEO • < 1 MIN • PREREQUISITE • DRAFT
- Defining Sex Discrimination & Sex-Based Harassment VIDEO • < 1 MIN • PREREQUISITE • DRAFT
- Revised Scope & Jurisdiction**

Revised Scope & Jurisdiction

106.31 – EDUCATION PROGRAM

Up next
Policy, Training & Reporting Requirements

CONTINUE →

MARK INCOMPLETE

CONTINUE →

CANCEL

Noted Changes

- 106.31(a)(2) was added addressing gender identity

Comments

- There is pending litigation regarding gender identity protection that may impact this part of the regulations.


“In the limited circumstances in which Title IX or this part permits different treatment or separation on the basis of sex, the recipient must not carry out such different treatment or separation in a manner that discriminates on the basis of sex by subjecting a person to more than de minimis harm.”







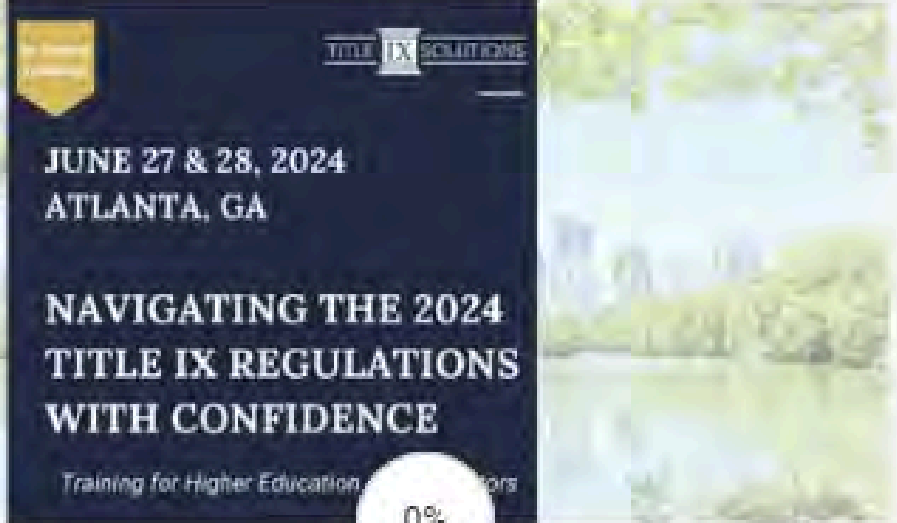

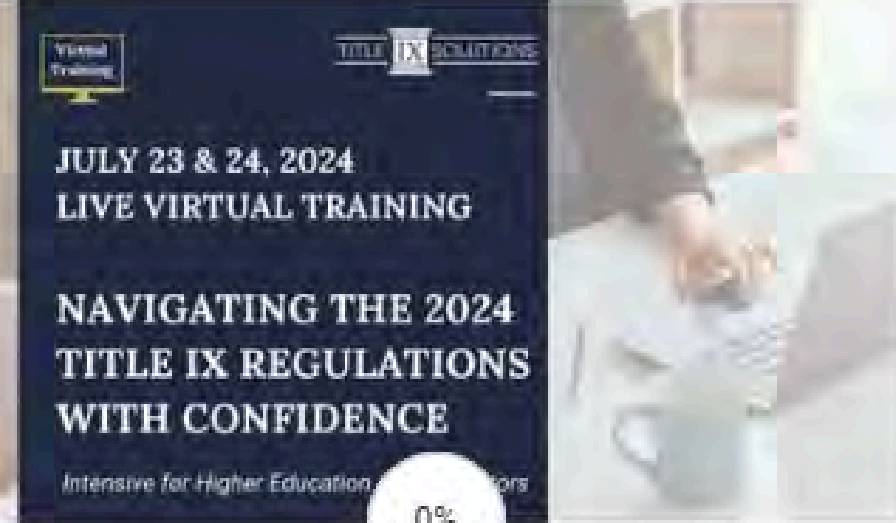








STEPPING AWAY



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 See Overview	 Coming Soon	 See Overview	 Start Course	 See Overview	 Start Course
 <p>JUNE 27 & 28, 2024 ATLANTA, GA</p> <p>NAVIGATING THE 2024 TITLE IX REGULATIONS WITH CONFIDENCE</p> <p>Training for Higher Education Professionals</p> <p>0%</p>	 <p>AN INTRODUCTION TO THE 2024 TITLE IX RULE</p> <p>TITLE IX SOLUTIONS, LLC APRIL 25, 2024</p> <p>0%</p>	 <p>JULY 23 & 24, 2024 LIVE VIRTUAL TRAINING</p> <p>NAVIGATING THE 2024 TITLE IX REGULATIONS WITH CONFIDENCE</p> <p>Intensive for Higher Education Professionals</p> <p>0%</p>			
June 27-28, 2024: In-Person Title IX Training (Atlanta, GA)	An Introduction to the 2024 Title IX Regulations	July 23-24, 2024: Virtual Title IX Training			
 See Overview	 Start Course	 See Overview	 Start Course	 See Overview	 Start Course

POSTING REQUIREMENTS

In accordance with the 2020 Title IX Regulations, institutions must post “all materials used to train Title IX Coordinators, Investigators, Decision-Makers, and any person who facilitates an informal resolution process.”
34 C.F.R. 106.45(b)(10)(i)(D).

Such training materials must also be kept for seven years.

POSTING REQUIREMENTS

Facilitating Informal Resolution Processes 0/4

Informal Resolution Agreements and Outcomes 0/2

Potential Challenges in Facilitating Informal Resolution Processes 0/2

Understanding Trauma 0/6

Course Wrap-up 0/3

Title IX Posting Requirements 0/2

Instructions for Posting Title IX Solutions Training Materials on Institutional Websites INSTRUCTIONS - PREREQUISITE

Final Combined Course Materials DOWNLOAD

Instructions for Posting Title IX Solutions Training Materials on Institutional Websites

Thank you for participating in a Title IX Solutions Certification Training!

Please follow these instructions as you post the training materials to your school's website to comply with Title IX Regulation 106.45(b)(10)(i)(d).

Contact adrienne@titleixsolutions.com or tawny@titleixsolutions.com with any questions regarding the posting of Title IX Solutions' training materials.

Program materials available for download:

If you haven't done so already, you can find and download the program materials for this course by clicking on the next lesson named "Final Combined Course Materials".

Instructions for posting the above training program materials are outlined below:

Step 1: Publish Authorization & Disclaimer

COMPLETE & CONTINUE →

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TITLE IX SOLUTIONS

JUNE 27 & 28, 2024
ATLANTA, GA

NAVIGATING THE 2024
TITLE IX REGULATIONS
WITH CONFIDENCE

Training for Higher Education Administrators

June 27-28, 2024: In-Person Title IX Training (Atlanta, GA)

AN INTRODUCTION TO
THE 2024 TITLE IX RULE

TITLE IX SOLUTIONS, LLC

APRIL 25, 2024

An Introduction to the 2024 Title IX Regulations

Virtual Training

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JULY 23 & 24, 2024
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THANK
YOU!



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**EVALUATING
POLICY
VIOLATIONS**

IN THIS CHAPTER



UNDERSTANDING
ELEMENTS OF
OFFENSES



QUID PRO QUO
SEXUAL HARASSMENT



HOSTILE
ENVIRONMENT
SEXUAL HARASSMENT



SEXUAL ASSAULT



DATING AND
DOMESTIC VIOLENCE



STALKING



SPEAKER

SUSANNA MURPHY

LEAD INVESTIGATOR

TITLE IX SOLUTIONS

UNDERSTANDING ELEMENTS OF OFFENSES



WHAT DO WE MEAN BY ELEMENTS?

IN THE ADMINISTRATIVE TITLE IX GRIEVANCE PROCESS, WE ARE TALKING ABOUT TITLE IX POLICY VIOLATIONS

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

Conduct A

+

Conduct B

+

Conduct C

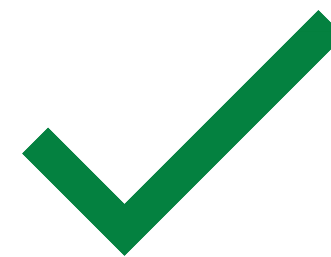
OR

Conduct D

=

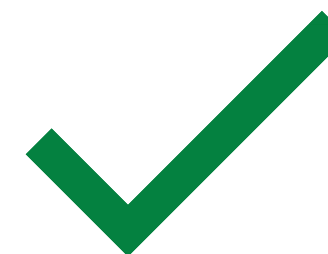
Violation of Policy 123

Conduct A



+

Conduct B



+

Conduct C



OR

Conduct D



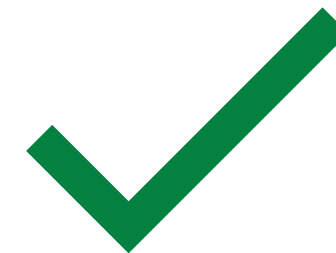
OR

Conduct E



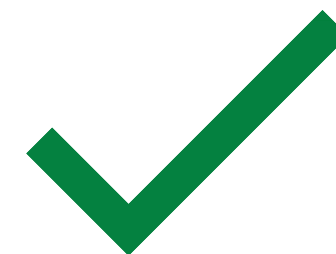
Violation of Policy 123

Conduct A



+

Conduct B



+

Conduct C



AND

Conduct D



AND

Conduct E



=

VIOLATION

TITLE IX COORDINATOR GATEKEEPING

- A level of gatekeeping has already taken place upon receipt of the Formal Complaint
- The Title IX Coordinator is the individual responsible for identifying the potential implicated policy violation
- The Decision-Maker's role is to determine whether the Respondent is responsible for the policy violation(s) using the institution's standard of proof

REVIEW THE ELEMENTS

- Determine what facts (elements) are in dispute
- Study the evidence that is relevant to each disputed fact (element).
 - In other words, what would prove or disprove the fact (element)?
- If the investigation report contains conclusions regarding disputed issues or credibility, determine if the evidence clearly supports those conclusions. The Decision-Maker is ultimately responsible for coming to these conclusions.

SEXUAL HARASSMENT



QUID PRO
QUO



HOSTILE
ENVIRONMENT



SEXUAL ASSAULT

DATING AND
DOMESTIC VIOLENCE

STALKING

SPECIFIC
OFFENSES

QUID PRO QUO SEXUAL HARASSMENT



SEXUAL HARASSMENT



**QUID PRO
QUO**



HOSTILE
ENVIRONMENT



SEXUAL ASSAULT

DATING AND
DOMESTIC VIOLENCE

STALKING

SPECIFIC
OFFENSES

WHAT IS QUID PRO QUO?

"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."

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.

SCENARIO

A guest speaker at your institution telling a student that they might be able to get an internship with their company if the student gets dinner with the guest speaker

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.

HOSTILE ENVIRONMENT HARASSMENT



SEXUAL HARASSMENT



QUID PRO
QUO



**HOSTILE
ENVIRONMENT**



SEXUAL ASSAULT

DATING AND
DOMESTIC VIOLENCE

STALKING

SPECIFIC
OFFENSES

WHAT IS HOSTILE ENVIRONMENT?

"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."

Unwelcome conduct on the basis of sex

+

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.

FACTORS TO CONSIDER

WHETHER A HOSTILE ENVIRONMENT HAS BEEN CREATED INCLUDES CONSIDERATION OF THE FOLLOWING:

Age

Sex

Disability
Status

Position of
Authority

Relationship
Dynamics

Conduct

Duration and
Frequency

Effect or
Hardship
Created

SEXUAL ASSAULT



SEXUAL HARASSMENT



QUID PRO
QUO



HOSTILE
ENVIRONMENT



SEXUAL ASSAULT

DATING AND
DOMESTIC VIOLENCE

STALKING

**SPECIFIC
OFFENSES**

SEXUAL ASSAULT DEFINITION

"Any sexual act directed against another person, forcibly and/or against that person's will; or not forcibly or against the persons will where the victim is incapable of giving consent."

20 U.S.C. 1092(f)(6)(A)(v)

SEXUAL ASSAULT DEFINITION

FORCIBLE OFFENSES INCLUDE:

Forcible Rape

The carnal knowledge of a person, forcibly and/or against that persons will; or not forcibly or against that persons will where the victim is incapable of giving consent because of his/her temporary or permanent mental or physical incapacity (or because of his/her youth).

Forcible Sodomy

Oral or anal sexual intercourse with another person, forcibly and/or against that persons will; or not forcibly against that persons will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

20 U.S.C. 1092(f)(6)(A)(v)

SEXUAL ASSAULT DEFINITION

FORCIBLE OFFENSES INCLUDE:

Sexual Assault with an Object

The use of an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or against that persons will; or **not forcibly against the persons will where the victim is incapable of giving consent** because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

Forcible Fondling

The touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that persons will; or not forcibly or against that persons will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary mental incapacity.

20 U.S.C. 1092(f)(6)(A)(v)

SEXUAL ASSAULT DEFINITION

NON-FORCIBLE OFFENSES INCLUDE:

Incest

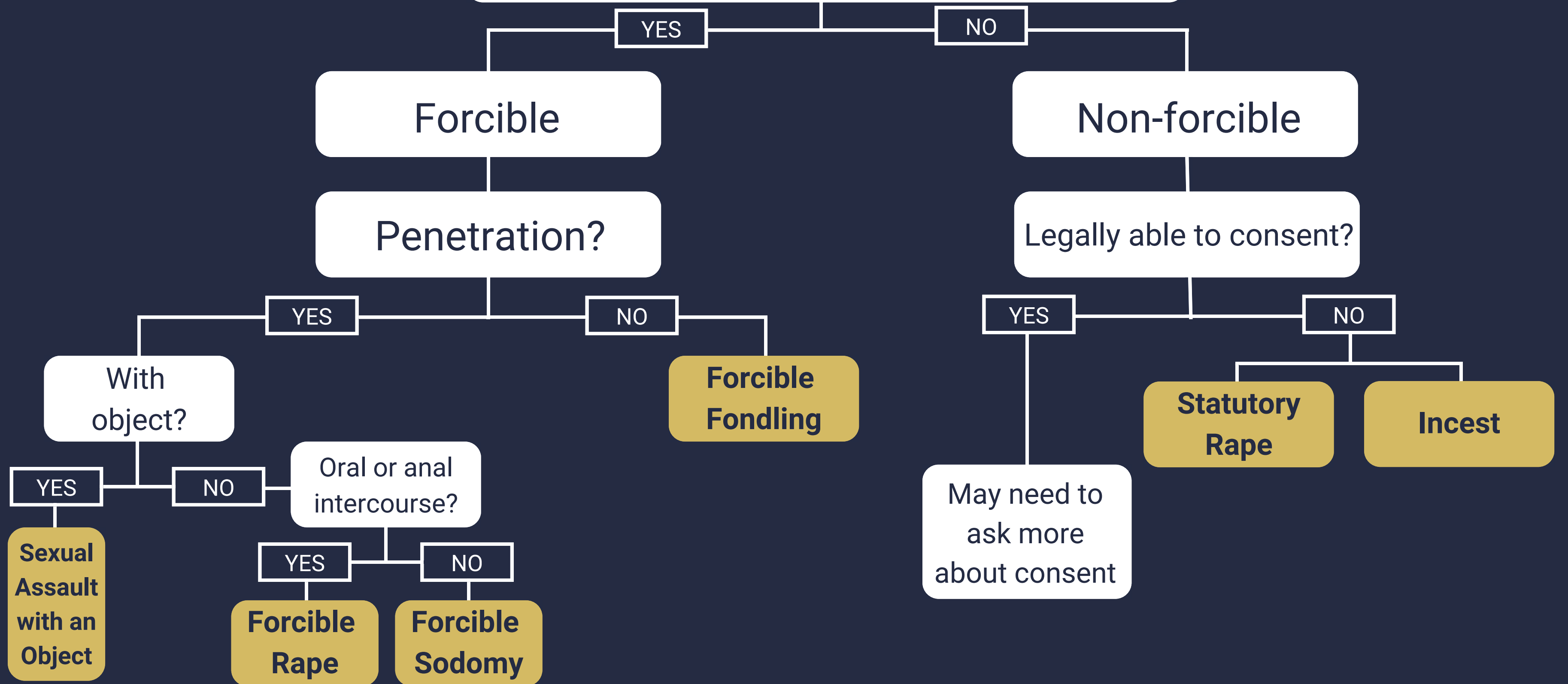
Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

Statutory Rape

Non-forcible sexual intercourse with a person who is under the statutory age of consent.

20 U.S.C. 1092(f)(6)(A)(v)

Use of force/Against the person's will



FACTORS TO CONSIDER

Relationship
of the Parties

Ages of the
Parties

Mental and
Physical
Incapacitation

Definition of
Consent

"for the
Purpose of
Sexual
Gratification"

Anatomical
Considerations

Permanent

Temporary

DATING AND DOMESTIC VIOLENCE



SEXUAL HARASSMENT



QUID PRO
QUO



HOSTILE
ENVIRONMENT



SEXUAL ASSAULT

**DATING AND
DOMESTIC VIOLENCE**

STALKING

**SPECIFIC
OFFENSES**

DATING VIOLENCE DEFINITION

Violence committed by a person:

- a. who is or has been in a social relationship of a romantic or intimate nature with the victim; and
- b. where the existence of such a relationship shall be determined based on a consideration of the following factors:
 - i. The length of the relationship.
 - ii. The type of relationship.
 - iii. The frequency of interaction between the persons involved in the relationship.

34 U.S.C. 12291(a)(10)

DOMESTIC VIOLENCE DEFINITION

Felony or misdemeanor crimes committed by a person who:

- Is a current or former spouse or intimate partner of the victim under the family or domestic violence laws of the jurisdiction of the recipient, or a person similarly situated to a spouse of the victim,
- Is a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner,
- Shares a child in common with the victim, or
- Commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of the jurisdiction

34 U.S.C. 12291(a)(8)

STALKING



SEXUAL HARASSMENT



QUID PRO
QUO



HOSTILE
ENVIRONMENT



SEXUAL ASSAULT

DATING AND
DOMESTIC VIOLENCE

STALKING

**SPECIFIC
OFFENSES**

STALKING DEFINITION

"Engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

1. fear for his or her safety or the safety of others; or
2. suffer substantial emotional distress."

34 U.S.C. 12291(a)(30)

Engaging in a course of conduct directed
at a specific person

+

that would cause a reasonable person

Box A

+

Box B

to fear for his or her safety

OR

to fear for safety of others

OR

suffer substantial emotional
distress

FACTORS TO CONSIDER

Number of Incidents

Threat of Harm or Perceived Threat of Harm

Effect of Conduct on Complainant