

GICA COMPLIANCE COLLABORATIVE PROGRAM

Title IX Investigator Training In-Person/Zoom Sessions September and October 2023

9:00 am to 4:00 pm
AGENDA

Agenda:

9:00 a.m. – 10:00 a.m.

- Definitions:
 - Sexual harassment
 - Education program/activity
 - Recognized, off-campus student organizations
 - Formal Complaint
 - Complainant
 - Respondent

10:15 a.m. – 12:00 p.m.

- Overview:
 - Interaction with and role of Advisor
 - Role of Mediator in Informal Resolution
 - Navigating confidentiality and disclosure of information within the institution
 - Emergency Removal
 - Interconnections between Title IX cases and Student Conduct cases
 - Pregnancy and Lactation Issues
- Investigations Title IX Process:
 - Step 1: Planning and preparation
 - Step 2: Beginning the interview
 - Step 3: First narrative account
 - Step 4: Clarification and disclosure
 - Step 5: Closing the interview
 - Step 6: Evaluation
 - Types of interview questions

- Qualities of a good question
- Categories of evidence
- Credibility factors

1:00 p.m. – 4:00 p.m.

- Title IX Process
 - Review of policy process steps
 - Informal resolution
 - Formal resolution
- Case scenarios
 - Utilizing multiple case-scenarios, attendees discussed jurisdictional issues, how to develop an investigation strategy, assessing witness credibility, and understanding the inter-connection between Title IX, Clery, and other federal laws.
 - Attendees participated in “quick-recall” game playing.

Presenter:

Judith W. Spain, J.D., CCEP

Judy currently serves as the GICA Compliance Program Consultant and serves on the Board for the Society for Corporate Compliance and Ethics. She is a Professor Emeritus, an attorney licensed in Kentucky, Ohio, and Pennsylvania, and is a Certified Compliance and Ethics Professional. She served as General Counsel and Chief Ethics and Compliance Officer at Eastern Kentucky University and Manhattanville College, where she developed and implemented compliance programs. Judy is the author of the first book on higher education compliance, *Higher Education Compliance: Blueprint for Success*. Judy is also the author of *Compliance Risk Assessments: An Introduction* published by the Society for Corporate Compliance and Ethics. Her third book, *Higher Education Compliance: What Governing Boards Really Need to Know* focuses on the responsibilities of higher education governing boards.

Resources:

OCR and Title IX

- https://www2.ed.gov/about/offices/list/ocr/docs/tix_dis.html
- [Federal Register :: Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance](#)
- [The U.S. Department of Education Releases Proposed Changes to Title IX Regulations, Invites Public Comment | U.S. Department of Education](#)



GICA

COMPLIANCE
COLLABORATIVE
PROGRAM

Title IX Informal Resolution Mediator Training

Zoom Session

October 2023

1:30 pm to 3:30 pm

AGENDA

Agenda:

- Definitions:
 - Sexual harassment
 - Education program/activity
 - Recognized, off-campus student organizations
 - Formal Complaint
 - Complainant
 - Respondent
- Review of policy process steps
 - Informal resolution process
 - Formal resolution process
 - Forms
 - Informal resolution agreements
 - Requirements by statute
 - Requirements by institution
- Role of mediation in the Title IX process
- Who should be a Mediator?
- Role of Mediator (by statute)
- Role of Mediator (by institutional policy)
- Discussion of “do the facts really matter?”
- Discussion of appropriate resolution options
- Navigating confidentiality and disclosure of information within the institution
- Practical tips

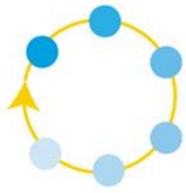
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- [The U.S. Department of Education Releases Proposed Changes to Title IX Regulations, Invites Public Comment | U.S. Department of Education](#)



GICA COMPLIANCE COLLABORATIVE PROGRAM

Title IX Advisor Training In-Person/Zoom Session

September 2023

9:00 am to 11:00 am

Agenda:

- Definitions:
 - Sexual harassment
 - Education program/activity
 - Recognized, off-campus student organizations
 - Formal Complaint
 - Complainant
 - Respondent
- Standards of evidence
- Review of policy process steps
 - Informal resolution
 - Formal resolution
- Role of Advisor (by statute)
- Role of Advisor (by institutional policy)
- How to analyze Final Report from perspective of Complainant or Respondent
- How to develop appropriate and relevant questions
- Live Hearing
- Appeal
- Navigating confidentiality and disclosure of information within the institution

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Resources:

OCR and Title IX

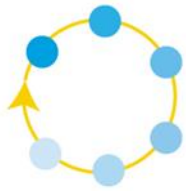
- https://www2.ed.gov/about/offices/list/ocr/docs/tix_dis.html
- <https://www2.ed.gov/about/offices/list/ocr/docs/dcl-title-ix-coordinators-guide-201504.pdf>

Federal Register

- <https://www.federalregister.gov/documents/2020/05/19/2020-10512/nondiscrimination-on-the-basis-of-sex-in-education-programs-or-activities-receiving-federal#citation-1152-p30294>

Joint Guidance on Title IX

- <https://system.suny.edu/sci/tix2020/>
- <https://system.suny.edu/media/suny/content-assets/documents/sci/tix2020/Live-Hearings,-Cross-Examination-and-Advisors-of-Choice.pdf>



GICA COMPLIANCE COLLABORATIVE PROGRAM

Title IX Hearing Panel Member Training In-Person/Zoom Sessions September and October 2023

AGENDA

Agenda:

9:00 a.m. – 10:00 a.m.

- Definitions:
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 - Formal Complaint
 - Complainant
 - Respondent

10:15 a.m. – 12:30 p.m.

- Overview:
 - Review of policy process steps
 - Informal resolution
 - Formal resolution
 - Role of decision-maker
 - Cross-examination
 - How to analyze the Final Report
 - How to develop appropriate and relevant questions
 - Exclusions
 - Rape shield
 - Legally recognized privileged
 - Medical records
 - Hearsay
 - Assessment of credibility
 - Status of party or witness
 - Factors

- Judgement
- Missing evidence
- Trauma-informed approaches
- Role play controlling unruly Advisors
- Discuss appropriate remedial measures
- Navigating confidentiality and disclosure of information within the institution
- Utilizing multiple case-scenarios, attendees will discuss how to assess witness credibility.
- Need for related policies:
 - Policy on Policies
 - Reporting Policy
 - Nondiscrimination Policy
 - Nonretaliation Policy

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