


2021 Title IX Hearing Officer Training

OVERVIEW



2020 Regulations

- Scope of TIX narrowed
 - In the US
 - On campus, university controlled
 - Live Hearing
 - Cross Examination
 - Advisors, Investigators, Hearing Officers
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What is Title IX?

"No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving federal financial assistance."

20 U.S.C. § 1681 & C.F.R. Part 106
(1972)

1 in 5

women are
sexually assaulted
in college.

(from White House Task Force report)

1 in 16

men are sexually
assaulted in
college.

(from White House Task Force report)




Who Falls Under Title IX?

The entire Belmont community is protected under Title IX. This includes students, staff and faculty. Likewise, the entire Belmont community is subject to Title IX.



2020 Regulations

- Keeping Preponderance Std.
 - Non-Title IX Track
 - Publication Duties
 - Website Changes
 - Responsible Employees
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2020 Regulations

Biggest Changes

- Timeline/Notice Requirements
 - Relevancy Determinations
 - Drafting of Investigation Report
- Interviews recorded/saved 7 years
 - Definitions are different
- Informal Resolution (not available when EE/Student)
 - Burden of gathering evidence on Belmont

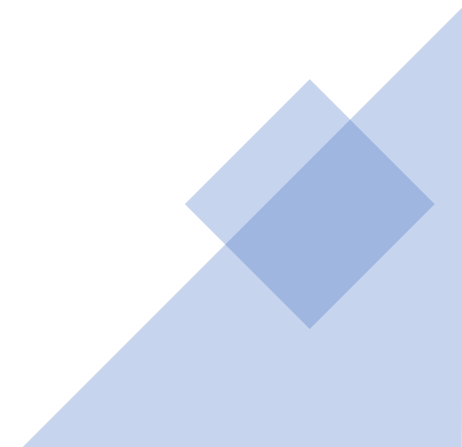
2020 Regulations

What is the same?

- Preponderance of Evidence
- Equal assistance/opportunities to both sides
 - Order of investigation
 - Role of Advisor
 - Recording




Rules of Decorum

- Order of witnesses
 - Conduct of parties/advisors
 - Role of attorneys
 - Prohibited Questioning
 - Location/Method of hearing
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LIVE HEARING BASICS

- At the live hearing, the decision-maker(s) must permit each party's advisor to ask the other party and any witnesses all relevant questions and follow-up questions, including those challenging credibility. - Such cross-examination at the live hearing must be conducted directly, orally, and in real time by the party's advisor of choice and never by a party personally.
 - At the request of either party, the recipient must provide for the entire live hearing (including cross-examination) to occur with the parties located in separate rooms with technology enabling the parties to see and hear each other.
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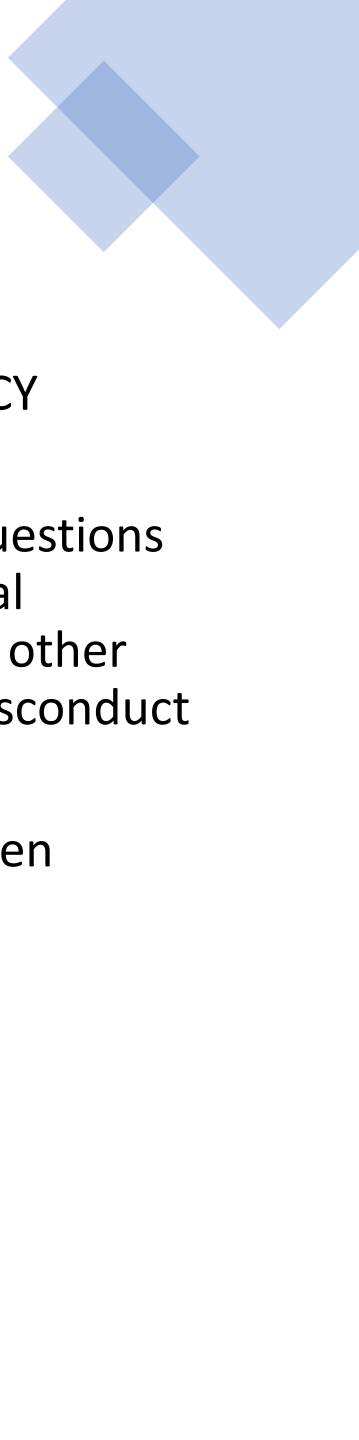
LIVE HEARING BASICS

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- Only relevant cross-examination and other questions may be asked of a party or witness. Before a complainant, respondent, or witness answers a cross-examination or other question, the decision-maker must first determine whether the question is relevant and explain to the party's advisor asking cross-examination questions any decision to exclude a question as not relevant.
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RELEVANCY

NOT CONSIDERED RELEVANT; MUST GIVE RELEVANCY FINDING BEFORE QUESTION IS ANSWERED:

1. Rape Shield Protections - deeming irrelevant questions and evidence about a complainant's prior sexual behavior unless offered to prove that someone other than the respondent committed the alleged misconduct or offered to prove consent.
 2. Confidential Medical Information – unless written permission
 3. Attorney/Client Privileged
- 



PREPONDERANCE
OF THE EVIDENCE

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- “MORE LIKELY THAN NOT”
 - 50% PLUS A FEATHER



THE WRITTEN DETERMINATION

- The decision-maker (who cannot be the same person as the Title IX Coordinator or the investigator) must issue a written determination regarding responsibility with findings of fact, conclusions about whether the alleged conduct occurred, rationale for the result as to each allegation, any disciplinary sanctions imposed on the respondent, and whether remedies will be provided to the complainant.
- The written determination must be sent simultaneously to the parties along with information about how to file an appeal.

THE WRITTEN DETERMINATION

Decision-Makers must share their written determination with both parties simultaneously. The written determination must include the six following components:

- identification of the sexual harassment allegations
- a description of the grievance procedure steps taken
- findings and evidence that support the determination
- conclusions regarding the application of the recipient's code of conduct to the facts
- a statement of and rationale for the results for each allegation, including:
 - o determining responsibility: if the respondent's alleged actions broke school policy
 - o for the respondent: any disciplinary sanctions that the school imposes
 - o for the complainant: any remedies (provided by the school) designed to restore or preserve equal access to the school's education program or activity
- permissible grounds for appeal, as well the school's appeal procedures



Detailed Review of Belmont Policy



**Training Continued:
Belmont.titleixu.com
Hearing Officer
Level 1**

Login information emailed