

Title IX Coordinators  
**TRAINING**  
February 6, 2020  
Tacoma, Washington

**Julia Dunn**  
Senior Associate Dean of Students  
Title IX Administrator  
*Whitman College*

©2020 Julia Dunn



## Disclaimer

This training is designed to be accurate and authoritative, but I am not providing legal advice. Attendees remains solely responsible for compliance with all applicable laws, regulations, and standards within their respective states and on their individual campuses or within their school district or organizations. If legal or other expert advice is desired attendees should seek advice from their institution's legal counsel.

Photocopying, distributing or using these copyrighted materials electronically without the copyright owner's express written consent is strictly prohibited. No right or license is given to reproduce the materials in any form or format or to place the materials in any format on any website or blog or to otherwise republish it in any manner without the express written permission of the copyright holder.

©2020 Julia Dunn



---

---

---

---

---

---

---

---

---

---

---

---

## Ground Rules:

Extend grace and latitude.

Ask questions.

Challenge your assumptions & biases.

Engage in this training.

Practice self-care.

Recognize there are likely persons who have experienced these incidents within in our number.

## Learning Objectives

Participants will be able to **demonstrate an understanding** of Title IX guidance, regulations and expectations

Participants will be able to **explain** why Title IX Coordinators function as they do based on Title IX's evolution.

Participants will be able to **apply** knowledge of the evolution of Title IX when working on existing issues of sex- or gender-based harassment, discrimination, or violence.

## Evolution of Title IX & Campus SaVE Act



---

---

---

---

---

---

---

---

---

---

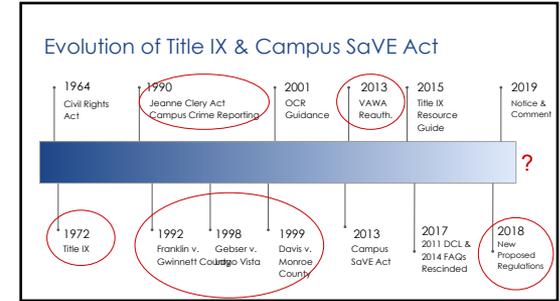
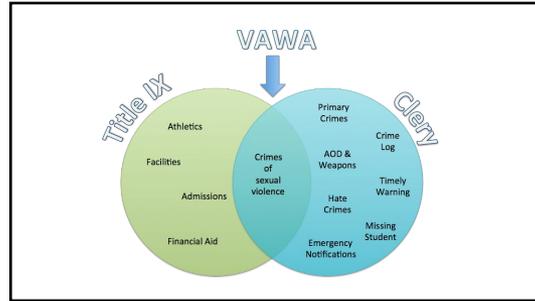
---

---



**Title IX of the Education Amendments of 1972**

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 education program or activity receiving federal financial assistance.




---



---



---



---



---



---



---



---



---



---



---



---

## How do you ensure an equitable process?

provide notice,  
access to  
information and  
support to  
to all parties

use the  
**preponderance  
of evidence  
standard**

Follow your procedures and  
protocols from  
**notice through  
appeal**

Thorough	Reliable	Impartial
Prompt	Effective	Equitable
End the Discrimination	Prevent its Recurrence	Remedy the effects upon the victim & community

© 2012 SoundOnK Solutions, Inc. All rights reserved.

---

---

---

---

---

---

---

---

---

---

---

---

When are you on notice and what does that mean?

When, why, and how does an investigation commence?

What support will you need as an investigator?



## Campus Culture

Last night, a student disclosed to a friend that another student sexually assaulted them in an off-campus residence two weeks ago.



## Campus Policy

Last night, a student disclosed to a **faculty member** that another student sexually assaulted them in an off-campus residence two weeks ago.

---

---

---

---

---

---

---

---

---

---

---

---



Scope & Jurisdiction

Last night, a student disclosed to a **faculty member** that another student sexually assaulted them in an **on campus locker room** two weeks ago.



Amnesty Provisions

Last night, a student disclosed to a **faculty member** that another student sexually assaulted them in an **on campus locker room** two weeks ago. The student reluctantly shares that they had been drinking prior to the incident with some other friends. **The student is afraid to reveal who else was with them as he is afraid they will get in trouble for underage drinking.**



Predation, Pattern, Threat, & Weapons

Last night, a student disclosed to a **faculty member** that another student sexually assaulted them in an **on campus locker room** two weeks ago. The student reluctantly shares that they had been drinking prior to the incident with some other friends. **The student is afraid to reveal any more because they are afraid about what the alleged aggressor might do.**

---

---

---

---

---

---

---

---

---

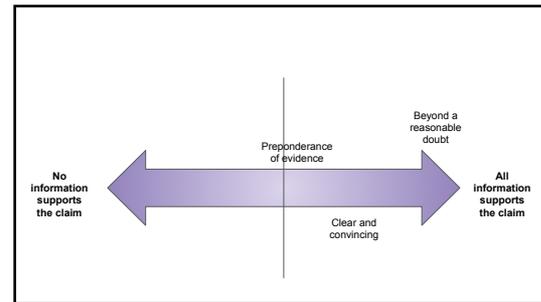
---

---

---



<p><b>Health / Wellness</b></p> <ul style="list-style-type: none"><li>Medical Support</li><li>Medical Referrals</li><li>Medical Testing</li><li>Counseling</li></ul>	<p><b>Safety</b></p> <ul style="list-style-type: none"><li>Individual Safety</li><li>Work / Housing</li><li>No-Contact Directives</li><li>Community Safety</li><li>Timely Warning</li></ul>
<p><b>Other Supports</b></p> <ul style="list-style-type: none"><li>Victims Advocacy**</li><li>Police Referrals</li><li>Financial Assistance</li><li>Non-Academic Deadlines</li></ul>	<p><b>Academic</b></p> <ul style="list-style-type: none"><li>Excused Absences</li><li>Extensions</li><li>Incompletes</li><li>Leave of Absence</li><li>Academic Standards</li><li>Persistence/Retention</li></ul>



---

---

---

---

---

---

---

---

---

---

---

---

**HELLO**  
I AM...  
**SUING YOU**

## Learning Objectives

Participants will be able to **demonstrate** an understanding of the importance of a clear protocol for handling reports of sex- or gender-based harassment, discrimination or violence.

Participants will be able to **articulate their own processes** for receiving a report to others in a clear manner

Participants will be able to **articulate the importance of consistency** in their handlings of all reports

Clear the decks



---

---

---

---

---

---

---

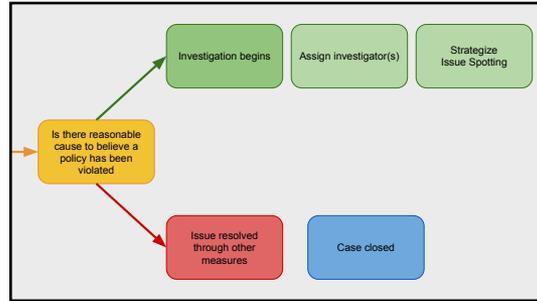
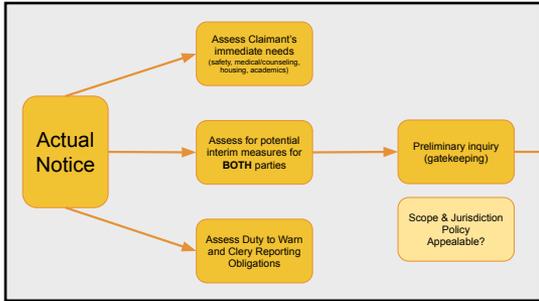
---

---

---

---

---




---



---



---



---



---



---



---



---



---



---



---

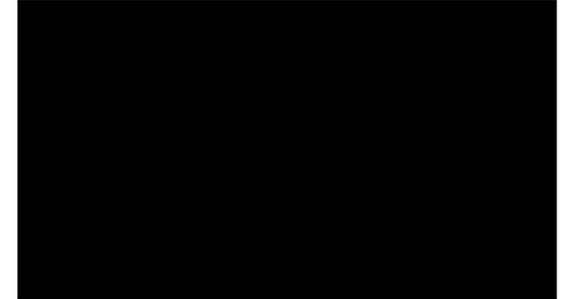


---

A graduate student who identifies as male reports to your office via email that he is concerned that a faculty member in his department may be behaving inappropriately. Over the course of the conversation, he says that he had gone on several dates with this faculty member, but they had never gone beyond "making out." He says that one night she had attempted to go further, but he hadn't been able to say no at the time and created an excuse to do something else. He's not sure if he was assaulted.



An academic adviser walks a student over to your office. He explains that he has been the subject of unwanted attention from a fellow student in the debate club. He says he saw the other student waiting for him after class each Tuesday for the past three weeks. He doesn't want to be named or make that student uncomfortable but he doesn't want the attention to continue either.



---

---

---

---

---

---

---

---

---

---

---

---

## Learning Objectives

Participants will be able to **demonstrate an understanding** of how to conduct a fundamentally fair process

Participants will be able to **identify** points in their own processes that provide an opportunity to be heard

Participants will be able to **articulate** how to ensure that parties are heard and afforded due process without compromising either party's safety or rights

## What are the unstated assumptions and

## biases you carry about or into your work?



---

---

---

---

---

---

---

---

---

---

---

---



How do you exude objectivity?



Transparency  
Interim measures  
Review charges  
Next steps



Transparency  
Interim measures  
Review charges  
Next steps

---

---

---

---

---

---

---

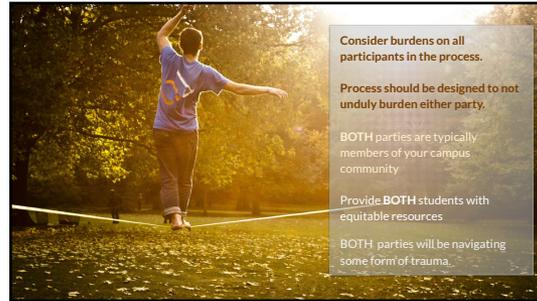
---

---

---

---

---



---

---

---

---

---

---

---

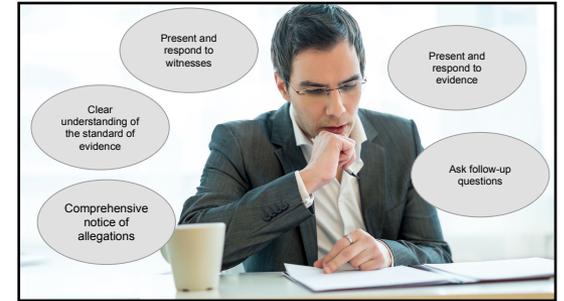
---

---

---

---

---



---

---

---

---

---

---

---

---

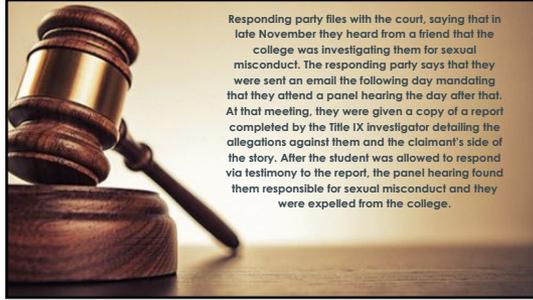
---

---

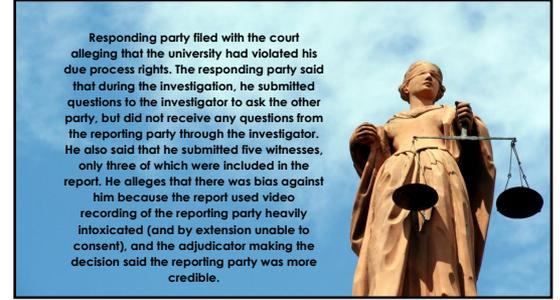
---

---

# Cross Examination



Responding party files with the court, saying that in late November they heard from a friend that the college was investigating them for sexual misconduct. The responding party says that they were sent an email the following day mandating that they attend a panel hearing the day after that. At that meeting, they were given a copy of a report completed by the Title IX investigator detailing the allegations against them and the claimant's side of the story. After the student was allowed to respond via testimony to the report, the panel hearing found them responsible for sexual misconduct and they were expelled from the college.



Responding party filed with the court alleging that the university had violated his due process rights. The responding party said that during the investigation, he submitted questions to the investigator to ask the other party, but did not receive any questions from the reporting party through the investigator. He also said that he submitted five witnesses, only three of which were included in the report. He alleges that there was bias against him because the report used video recording of the reporting party heavily intoxicated (and by extension unable to consent), and the adjudicator making the decision said the reporting party was more credible.

---

---

---

---

---

---

---

---

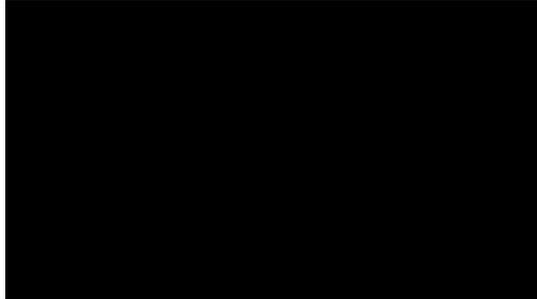
---

---

---

---

Respondent filed with the court saying that she was unjustly expelled from her university. Respondent said she was accused of sexual misconduct by her ex-boyfriend. She received a letter detailing the allegations (domestic violence) against her and was invited to participate in the investigation. While the investigation was happening, she was barred from campus. In a two-to-one panel hearing decision using a "preponderance of the evidence" standard, she was found responsible of violating university policies.



Honesty  $\neq$  Cr

---

---

---

---

---

---

---

---

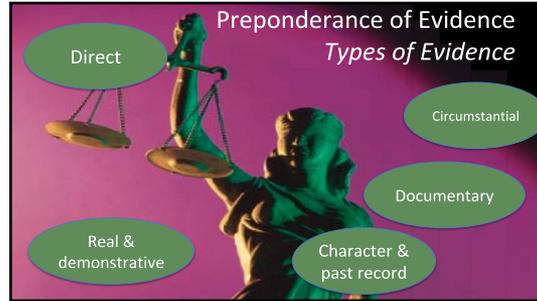
---

---

---

---

$$S + Co + P = Cr$$



**Direct Evidence**  
Comes from individuals who either witnessed the events or who were nearby or who interacted with the parties immediately before, during or immediately after.

**Gain / Loss Equation**  
What is lost by telling the truth and what is gained by lying?

**Indirect Evidence**  
Second hand information or circumstantial

**Bias**  
Relationship to the claimant or the responding party.

---

---

---

---

---

---

---

---

---

---

---

---

- Direct evidence
- Real and demonstrative
- Documentary evidence
- Circumstantial evidence
- Hearsay
- Character reference

$$S + Co + P = Cr$$

Show your work



---

---

---

---

---

---

---

---

---

---

---

---

don't  
assume

1. Background
  2. Procedural issues (if any)
  3. Statements (Claimant, Responding Party, Witnesses, Outside Experts)
  4. Description of Other Evidence (student conduct records, medical records, photographs, surveillance videos, swipe card records, texts, etc.)
  5. Analysis and Finding
  6. Recommendations
- 



---

---

---

---

---

---

---

---

---

---

---

---



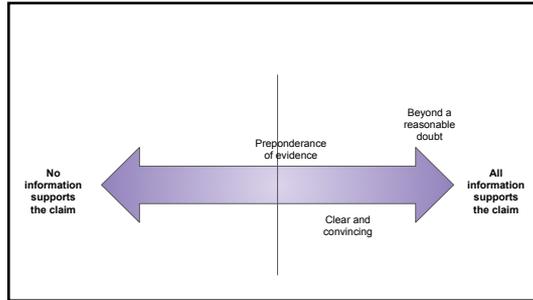
Claimant stated that Responding Party subsequently texted her about what had happened. Claimant provided the texts, which read as follows:

Claimant: I don't care what u say. U know I didn't want it and you did it anyway.

Responding Party: I'm sorry I hurt u. You know I don't hit. I was so drunk. IDK what to say to make it better. Can I see u?

Claimant: What could you say? U raped me, Asshole.

Responding: I'm sorry. I'm so sorry. I lov u u know that. I don't know why I did what I did.



Thorough	Reliable	Impartial
Prompt	Effective	Equitable
End the Discrimination	Prevent its Recurrence	Remedy the effects upon the victim & community

© 2012 Groundwork Schuster. All rights reserved.

---



---



---



---



---



---



---



---



---



---



---



---

## Learning Objectives

Participants will be able to **demonstrate an understanding** of how to apply Title IX Guidance when making recommendations

Participants will be able to **recommend appropriate sanctions** based on case analysis

Participants will be able to **justify** recommendations for particular offenses based their own institutional policies, state law, and federal guidelines.

**stop**  
**prevent**  
**remedy**

---

---

---

---

---

---

---

---

---

---

---

---

As the continuum *shifts to the right*, the *level of violence increases* and as such, so should the *response*.

<p>suggestive looks cat calls sexist comments inappropriate jokes</p>	<p>verbal harassment obscene calls/texts obscene emails emotional abuse</p>	<p>voyeurism stalking exposure cyber stalking</p>	<p>forced fondling sexual assault physical violence penetration without consent</p>
---	---	---	---

---



---



---



---

Thorough	Reliable	Impartial
Prompt	Effective	Equitable
End the Discrimination	Prevent its Recurrence	Remedy the effects upon the victim & community

© 2012 Deborah C. Schuster. All rights reserved.

---



---



---



---

## Learning Objectives

Participants will be able to **demonstrate an understanding** of responsible record keeping as it relates to case closing

Participants will be able to **articulate a clear plan** for case closing documentation

Participants will be able to **explain** instances under which records would be released after a case is closed.

---



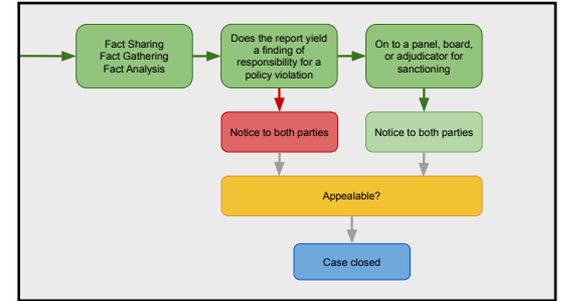
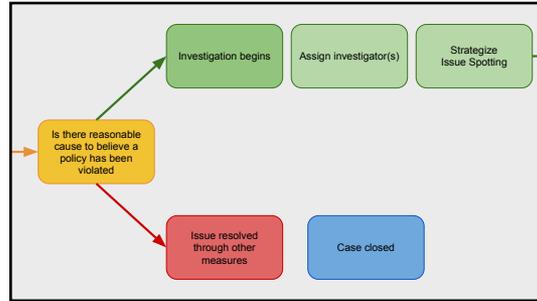
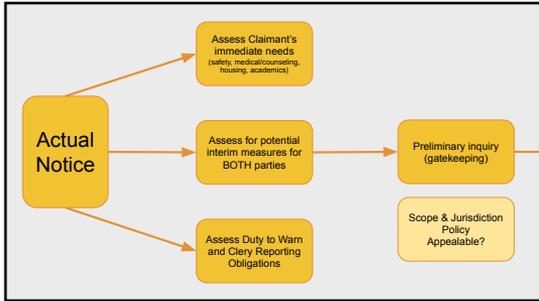
---



---



---




---



---



---



---



---



---



---



---



---



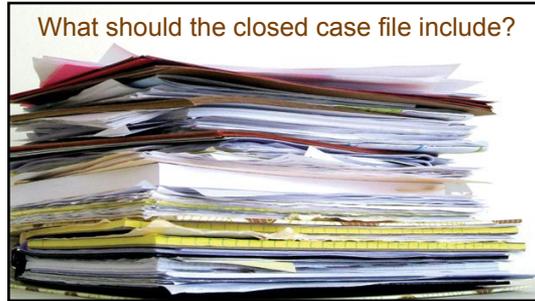
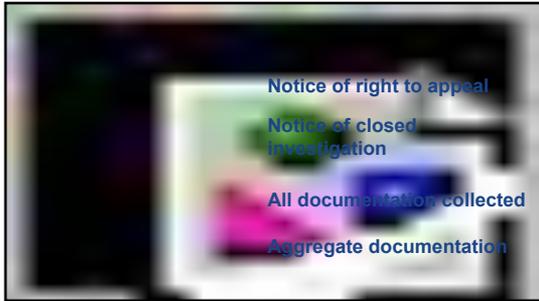
---



---



---



## Learning Objectives

Participants will be able to **demonstrate an understanding** of the options available for ensuring consistent documentation.

Participants will be able to **articulate the need** for a documentation plan

Participants will be able to **design documentation structures** consistent with the manner in which the Office for Civil Rights organizes their request for information.

---

---

---

---

---

---

---

---

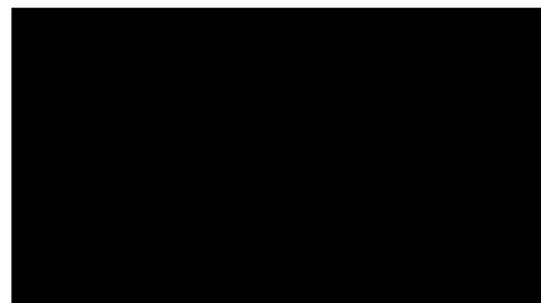
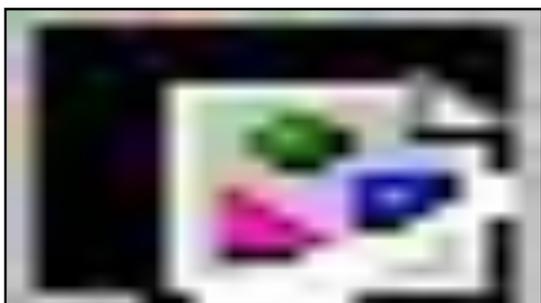
---

---

---

---





---

---

---

---

---

---

---

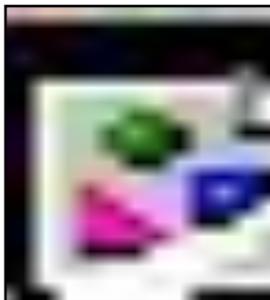
---

---

---

---

---



Thank you for your time,  
energy, and attention.

**Julia Dunn**

Senior Associate Dean of Students  
Title IX Administrator

[dunnjl@whitman.edu](mailto:dunnjl@whitman.edu)

(509) 527-5158

*Whitman College*

---

---

---

---