

Annual Training for Advanced Title IX Coordinators and Deputy Coordinators



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1



Kathryn Nash



Pamela Kovacs



2

Agenda

1. Legal Overview

2. Defining Sexual Misconduct

3. Role of the Title IX Coordinator

4. Responding to a Report

5. Informal Resolution

6. Formal Resolution Process

7. Case Studies





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Terminology

- ED = Department of Education
- Recipient = Institutions Covered by Title IX
- OCR = Department of Education's Office for Civil Rights
- VAWA = Violence Against Women Reauthorization Act
- FERPA = Family Educational Rights and Privacy Act
- CSA = Campus Security Authority
- Investigation/Grievance Procedures/Complaint Procedures
- Adjudicator/Decisionmaker
- Complainant/Reporting Party/Accuser/Victim/Survivor
- Respondent/Responding Party/Accused/Alleged Perpetrator



4

4

Legal Overview

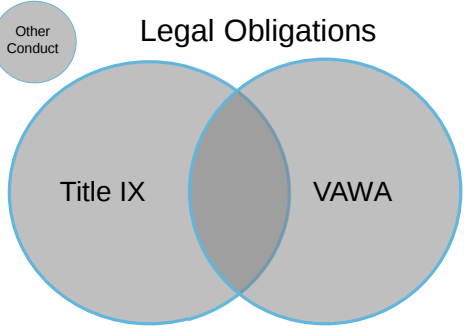




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Legal Obligations



Other Conduct

Title IX

VAWA



6

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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

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7

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Who Must Comply With Title IX?

- Institutions that receive federal funds
 - Students
 - Employees
 - Third Parties
 - Visitors
 - Vendors



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Discrimination "on the Basis of Sex"

- Includes:
 - Sexual harassment
 - Differential treatment

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When an Institution Must Respond

- Institution has actual knowledge of
- Sexual harassment
- In an education program or activity of the institution
- Against a person in the United States



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When an Institution Must Respond

- Actual knowledge
 - Notice of sexual harassment or allegations of sexual harassment to the Title IX Coordinator or an official who has authority to institute corrective measures on behalf of the institution
 - Notice includes, but is not limited to, a report of sexual harassment to the Title IX Coordinator
 - Vicarious liability and constructive notice are insufficient
 - Standard not met if the only official with actual knowledge is the respondent

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When an Institution Must Respond

- Actual knowledge (cont.)
 - The following does not qualify an individual as having the authority to institute corrective measures
 - Mere ability or obligation to report sexual harassment
 - Ability or obligation to inform a student about how to report
 - Being trained in how to report

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When an Institution Must Respond

- Education program or activity
 - Locations, events, or circumstances over which the recipient exercised substantial control over both the respondent and the context in which the sexual harassment occurs
 - Includes all incidents of sexual harassment occurring on an institution's campus
 - Also includes off-campus conduct if
 - Occurs as part of the institution's "operations"
 - Institution exercised substantial control over the respondent and the context of alleged sexual harassment
 - Occurs at an off-campus building owned or controlled by a student organization officially recognized by the postsecondary institution (e.g., fraternities and sororities)

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13

13

When an Institution Must Respond

- Education program or activity (cont.)
 - Consider whether recipient funded, promoted, or sponsored the event or circumstance
 - No single factor is determinative
 - Clery Act geography is not co-extensive with scope of education program or activity

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14

14

How an Institution Must Respond

- Must respond promptly in a manner that is not deliberately indifferent
- Deliberately indifferent = response is clearly unreasonable in light of the known circumstances
- Follow grievance process outlined in the regulations



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15

The Legal Landscape

- All schools receiving federal funds must:
 - Publish Notice of Nondiscrimination
 - Designate a Title IX Coordinator
 - Disseminate policy prohibiting sex discrimination
 - Adopt and publish fair and equitable grievance procedures
 - Offer supportive measures to a complainant and respondent
 - Follow a legally compliant grievance process
 - Train individuals with heightened responsibilities
 - Train students and employees




16

16

OCR's Enforcement and Guidance

- OCR's Role:
 - Issue guidance
 - Compliance reviews
 - Resolution agreements






17

17

Clery Act

- Provide accurate, timely, and complete information
- Regarding certain types of crimes/incidents
- Occurring on or adjacent to campus
- To promote campus safety and consumer protection

- Fine for each Clery Act violation is \$71,545

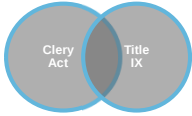





18

18

Interaction Between Title IX & Clery



- Clery is about the reporting of crimes (broader than sexual misconduct), regardless of investigation
- Title IX is about the investigation of reports of sexual harassment, including sexual assault and VAWA crimes

19

19

Violence Against Women Reauthorization Act (VAWA)

- Extends Clery crimes to include VAWA crimes: domestic violence, dating violence, and stalking
- Requires discipline procedures for addressing sexual assault and VAWA crimes
- Requires education programs to promote awareness
- Codified parts of 2011 Dear Colleague Letter on Title IX

20

20

VAWA Regulations

- Requires policy addressing:
 - Procedures complainants should follow
 - Disciplinary procedures
 - Confidentiality
 - Notifications to students, employees, and complainants
 - Right to advisor of choice (including attorney)
 - Right to have notice of meetings with parties
 - Right to have access to information used in formal/informal disciplinary meetings
 - Rationale must be included in Notice of Determination
 - Training for individuals with heightened responsibilities
 - Training for students and employees

21

21

Interaction Between Title IX & VAWA

- Title IX
 - Sexual harassment (as defined by regulations)
 - In an education program or activity
 - Against a person in the United States
- VAWA
 - Allegations of sexual assault, domestic violence, dating violence, or stalking
 - Applies regardless of location of alleged conduct (on or off campus; in or out of the education program or activity; in or out of the U.S.)

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22

22

Relationship Between Parties and Institution

- Education program or activity
 - Locations, events, or circumstances over which the recipient exercised substantial control over both the respondent and the context in which the sexual harassment occurs
- Formal complaint
 - At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the education program or activity of the recipient with which the formal complaint is filed
- Permissive dismissal
 - Discretionary dismissal of formal complaint if respondent is no longer enrolled or employed by the institution
 - Also have discretion if respondent was never enrolled or employed by institution

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23

23

Relationship Between Parties and Institution

Complainant
Third Party

Respondent
Member of Community

- Title IX (if within scope of Title IX)
 - Provide supportive measures
 - May not be required to comply with Title IX grievance process
- VAWA (if allegation of sexual assault or VAWA crime)
 - No requirement to provide written explanation of rights and options (but still recommended)
 - Disciplinary process that complies with VAWA

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24

24

Relationship Between Parties and Institution

Complainant
Member of Community

Respondent
Third Party

- Title IX (if within scope of Title IX)
 - Provide supportive measures
 - Generally not required to comply with Title IX grievance process
- VAWA (if allegation of sexual assault or VAWA crime)
 - Provide a written explanation of student or employee's rights and options
 - Could take action (no trespass) without disciplinary process
 - If engaging in a disciplinary process, comply with VAWA requirements



25

25

Non-Title IX and Non-VAWA Cases

- Flexibility to determine whether and how to respond to alleged conduct
- Factors to consider
 - State law
 - Expectations of community
 - Due process considerations (public institutions)



26

26

Title IX Regulatory Update

- August 14, 2020: 2020 regulations took effect
- August 1, 2024: 2024 regulations took effect
- Summer 2024: Injunctions issued in 26 states and additional specific schools
- January 9, 2025: Court vacates regulations nationwide
- January 31, 2025*: ED issues Dear Colleague Letter—2020 rules apply



27

*ED issued an updated letter on February 4, 2025

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Title IX Regulatory Update

- *Defending Women* Executive Order
 - Each Federal agency must apply statutes, regulations, and guidance using the following definitions:
 - "Sex" shall refer to an individual's immutable biological classification as either male or female. "Sex" is not a synonym for and does not include the concept of "gender identity."
 - Rescinded prior Executive Order saying that Title IX's prohibition on sex discrimination included discrimination on the basis of gender identity or sexual orientation
 - Required rescission of inconsistent guidance documents from ED

28

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Title IX Regulatory Update

- *Keeping Men Out of Women's Sports* Executive Order
 - Establishes a policy to rescind all funds from education programs that "deprive women and girls of fair athletic opportunities"
 - Orders ED to prioritize enforcement actions against educational institutions allowing transgender women to compete in women's sports
 - Orders ED to update regulations and policy guidance by clearly specifying and clarifying that women's sports are reserved for women



29

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VAWA Reauthorized

- Reauthorized in March 2022 (effective October 1, 2022)
- Revised domestic violence definition
- Online survey tool for campus safety
- Task Force on sexual violence in education
 - Includes assessing ED's ability to levy fines for Title IX noncompliance
- Special Grants for Prevention Programs

30

Defining Sexual Misconduct



31

31

Title IX—Sexual Harassment



- Conduct *on the basis of sex* that satisfies one or more of the following:
 - Quid pro quo
 - Hostile environment
 - Sexual assault and VAWA crimes

Quid Pro Quo

Hostile Environment

Sexual Assault & VAWA Crimes



32

32

Title IX—Sexual Harassment



- Quid pro quo:
 - Employee conditions aid, benefit, or service of the institution on an individual's participation in unwelcome sexual conduct
- Examples:
 - Supervisor conditioning promotion on participation in sexual advance
 - Professor conditioning grade on participation in sexual advance



33

33

Title IX – Sexual Harassment

• Hostile Environment:

- 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 institution's education program or activity



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34

34

Title IX—Sexual Harassment

• Hostile environment harassment

- Reasonable person: perspective of a reasonable person in the shoes of the complainant
 - Consider ages, abilities, and relative positions of authority of the individuals involved
- Effectively denies a person equal access
 - Equal access has been denied – not that a person's total or entire educational access has been denied
 - No specific type of reaction is necessary to conclude that severe, pervasive, objectively offensive sexual harassment has denied a complainant "equal access"
 - Analysis is whether a reasonable person in the complainant's position would be effectively denied *equal* access to education compared to a similarly situated person who is not suffering the alleged sexual harassment

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35

Title IX – Sexual Harassment

• Examples: Multiple incidents of the following conduct may constitute hostile environment sexual harassment

- Unwelcome sexual flirtations, advances, or propositions
- Requests for sexual favors
- Verbal abuse of a sexual nature, obscene language, off-color jokes, sexual innuendo, and gossip about sexual relations
- The display of derogatory or sexually suggestive posters, cartoons, drawings, objects, notes, letters, photos, emails, or text messages
- Visual conduct such as leering or making gestures
- Sexually suggestive comments about an individual's body or body parts, or sexually degrading words to describe an individual

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36

Title IX – Sexual Harassment

- **Examples: Multiple incidents of the following conduct may constitute hostile environment sexual harassment (cont.)**
 - Unwelcome touching of a sexual nature such as patting, caressing, pinching, or brushing against another's body
 - Unwelcome verbal or physical conduct against an individual related to the individual's gender identity or the individual's conformity or failure to conform to gender stereotypes
 - Cyber harassment, including but not limited to disseminating information, photos, or videos of a sexual nature without consent
 - Videotaping or taking photographs of a sexual nature without consent

37

Title IX—Sexual Harassment

- Sexual Assault
- VAWA Crimes
 - Dating violence
 - Domestic violence
 - Stalking
- As defined in Clery

38

Title IX—Sexual Harassment

- **Sexual Assault:**
 - **Rape:** The carnal knowledge of a person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.
 - **Sodomy:** Oral or anal sexual intercourse with another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.
 - **Sexual Assault With An Object:** To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.

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Title IX—Sexual Harassment

• Sexual Assault:

- **Fondling:** The touching of the private body parts of another person for the purpose of sexual gratification without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.
- **Incest:** Nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- **Statutory Rape:** Nonforcible sexual intercourse with a person who is under the statutory age of consent.

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40

40

Consent

- No particular definition of consent with respect to sexual assault is required by Title IX or VAWA

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41

41

Title IX—Sexual Harassment

• VAWA Crimes

- **Domestic Violence:** a felony or misdemeanor crime committed by current/former spouse or intimate partner of the victim under domestic or family violence laws of the jurisdiction
- **Dating Violence:** person with whom victim has/had a social relationship of a romantic or intimate nature (determined by reporting party's perspective and length, type, and frequency of interaction)
- **Stalking:** course of conduct directed at a specific person that would cause fear for safety or substantial emotional distress



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42

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Title IX – Sexual Harassment

- Male/Female
- Female/Male
- Female/Female
- Male/Male
- Gender Identity

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Determining Title IX vs. Non-Title IX Matters

- Factors to consider
 - Type of alleged conduct – sexual harassment?
 - Location and context of alleged conduct
 - within education program or activity?
 - against a person in the United States?
 - Relationship between parties and institution

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Interaction Between Title IX & VAWA*

Other conduct

Title IX
Quid pro quo harassment that occurs in an education program or activity against a person in the United States
Hostile environment (as defined by Title IX) in an education program or activity against a person in the United States

Title IX & VAWA
Sexual assault or VAWA crime that occurs in an education program or activity against a person in the United States

VAWA
Sexual assault or VAWA crime that occurs outside an education program or activity
Sexual assault or VAWA crime that occurs against a person outside of the United States

*If one of the parties is affiliated with the institution in some way

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Other conduct

- Quid pro quo harassment by a student
- Hostile environment harassment that occurs outside a program or activity
- Hostile environment harassment that occurs against a person outside of the United States
- Sexual harassment that is not sufficiently severe, pervasive, and objectively offensive that it effectively denies a person equal access to education program or activity (caution!)

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46

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Interaction with Other Laws

- FERPA: Family Educational Rights and Privacy Act
 - Limits disclosure of student education records
 - Several exceptions permit disclosure to both parties
 - In Title IX cases, exception permits school to disclose to both parties all directly related evidence, all information in the investigation report and attachments that goes to the decision-maker, and statement of, and rationale for, the final results of any disciplinary proceedings or appeals, including sanctions and whether remedies will be provided
 - Required by Title IX
 - Does not include what the remedies are
 - In cases involving sexual assault/VAWA crime, exception permits school to disclose to the parties any information provided to the decision-makers and the final results of the disciplinary proceedings, including *all* sanctions

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47

47

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Interaction with Other Laws

- Mandatory reporting laws: state-specific laws requiring school employees to report child abuse
 - Mandatory reporters may include teachers, coaches, administrators, or others who interact with minors or who supervise those who interact with minors
 - Must report if know or reasonably suspect abuse or neglect of a child
 - Report to police or county department



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Interaction with Other Laws

- Title VII/State anti-discrimination laws
- State student safety laws



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Interaction with Other Laws

- Accommodations
 - Provide reasonable accommodations to an individual with a disability who requests an accommodation necessary to ensure an equal opportunity to participate in the complaint resolution process.



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Risks of Non-Compliance

- OCR enforcement
- Clery Act enforcement
- Lawsuits
 - Private right of action under Title IX, breach of contract, interference with contract, negligence, negligence *per se*, negligent supervision, intentional infliction of emotional distress, defamation, violation of right to due process at public schools, invasion of privacy/violation of confidentiality
- Public relations



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51

Lesson Learned From Litigation

- In September 2024, a court denied Rutgers University's motion to dismiss the plaintiff's Title IX claim. The male plaintiff had been found responsible for stalking and dating violence in the University's complaint resolution process.
- Court found plaintiff's claim of gender bias was plausible where University investigated the female complainant's report but did not investigate plaintiff's report. The plaintiff told the investigators that the female complainant had physically assaulted him at a party, but the investigators did not report it to the Title IX Coordinator.
- Lesson Learned: Investigators need to bring possible new allegations and cross-complaints to the Title IX Coordinator and institution must be consistent in responding to reports.

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52

52

Lesson Learned From Litigation

- The court also found that plaintiff's erroneous outcome argument was supported by two findings by the decisionmaker that potentially went against the weight of the evidence. The court found the findings were enough to support a plausible inference that the decisionmaker was influenced by anti-male bias.
- Lesson Learned: Take great care in drafting notices of determination. Need to acknowledge evidence that is contrary to the finding and explain why it does not change the finding.

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53

53

Training Requirements

- Train Title IX Coordinator, investigator, decision-maker, facilitator of informal resolution process, and individuals responsible for appeals on
 - Definition of sexual harassment
 - Scope of the institution's education program or activity
 - How to conduct investigation and grievance process, including hearings, appeals, and informal resolution processes, and how to serve impartially, including by avoiding prejudgment of the facts at interest, conflicts of interest, and bias
 - Issues related to sexual assault, domestic violence, dating violence, and stalking (annually)
 - How to conduct an investigation and hearing that protects the safety of complainants and promotes accountability (effects of trauma) (annually)
 - Institution's policies and procedures

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54

54

Training Requirements

- Decision-makers must also receive training on:
 - Technology to be used at a live hearing
 - Issues of relevance of questions and evidence, including when questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant

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55

Training Requirements

- Investigators must also receive training on
 - Issues of relevance to create an investigative report that fairly summarizes relevant evidence
- Training materials must not rely on sex stereotypes and must promote impartial investigations and adjudications
- Training materials must be publicly available on institution's website

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56

56

Recordkeeping

- For 7 years, must maintain:
 - Investigation and adjudication
 - Any determination regarding responsibility
 - Any audio or audiovisual recording or transcript of the hearing
 - Any disciplinary sanctions imposed
 - Any remedies provided to complainant
 - Any appeal and result
 - Any informal resolution and the result
 - Training materials for investigators, decision-makers, coordinators, and persons designated to facilitate informal resolution process



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57

57

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Recordkeeping

- For 7 years, must maintain (cont.):
 - Any actions taken (including supportive measures) in response to a report of sexual harassment
 - Basis for conclusion that response was not deliberately indifferent
 - Measures were designed to restore or preserve equal access to educational programs and activities
 - If supportive measures were not provided, document the reasons why such a response was not clearly unreasonable in light of known circumstances
- Recordkeeping does not prevent inclusion of additional details or explanations later

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58

58

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59

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Role of Title IX Coordinator

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Title IX Coordinator Role

- Independence and seniority of Title IX Coordinator
- Notice of Nondiscrimination
- Website and prominent link from homepage
- Training
- Climate surveys
- Recordkeeping
- Information collection and reporting
- Responsibilities besides sexual harassment


61

61



Title IX Coordinator Role

- Areas of responsibility besides sexual harassment:
 - Recruitment, admissions, and counseling
 - Financial assistance
 - Athletics
 - Student interests and abilities
 - Athletic benefits and opportunities
 - Athletic financial assistance
 - Pregnant and parenting students
 - Discipline
 - Employment


62

62



Additional Responsibilities—Pregnancy and Related Conditions

- Coordinate reasonable modifications based on pregnancy or related conditions
 - Must treat pregnancy and related conditions in the same manner as other temporary disability
 - Must allow leave of absence
 - Can require certification or documentation in certain situations
- Discrimination prohibited
- Consider pregnancy policy
- Educate faculty on student rights and process


63

63

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Additional Responsibilities—Pregnancy and Related Conditions

- Reasonable modifications for student may include, but are not limited to:
 - Breaks during class to express breast milk, breastfeed, or attend to health needs associated with pregnancy or related conditions (eating, drinking, using restroom)
 - Intermittent absences to attend medical appointments
 - Access to online or homebound education
 - Changes in schedule or course sequence
 - Extensions of time for coursework and rescheduling of tests and examinations
 - Allowing a student to sit or stand, or carry or keep water nearby
 - Counseling
 - Changes in physical space or supplies (larger desk, footrest)
 - Elevator access
 - Other changes to policies, practices, or procedures




64

64

Additional Responsibilities—Pregnancy and Related Conditions

- Possible steps in the interactive process for providing reasonable modifications
 - Request from student (to Title IX Coordinator directly or through faculty)
 - Discuss with faculty
 - Back and forth with faculty, as needed
 - Gather needed information
 - Update student while checking on request
 - Analysis of whether the modification would fundamentally alter the education program or activity
 - Looping in legal counsel
 - Getting higher levels of administration involved as needed
 - If request denied, offer alternative




65

65

Additional Responsibilities—Pregnancy and Related Conditions

- Possible steps in the interactive process for providing reasonable modifications (cont.)
 - Don't accept "no" from faculty on face value
 - Beware of paternalistic responses from faculty/institution
 - Have the right people involved
 - Stay flexible
 - Sometimes the answer is "no"




66

Role of Title IX Team

- Serve impartially
 - Avoid prejudgment of the facts
 - Presumption of non-responsibility
 - Avoid/disclose conflicts of interest/bias
 - For or against complainants or respondents individually or generally
 - Make determination of responsibility at the conclusion of the grievance process



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Serving Impartially

- Set boundaries
 - Make neutral role clear up front
 - Not counseling or advocacy services
 - Know how to respond when coming close to line
 - Point to resources on campus
- Document all communications, including phone calls
- Use sensitive and informed tone and content, both to the parties and among team members



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68

Dual Roles

- Title IX requires independent decision-maker
 - Title IX Coordinator and decision-maker must be different individuals
 - Investigator and decision-maker must be different individuals
 - Title IX Coordinator and investigator may offer recommendations regarding findings and/or conclusions on responsibility, but decision-maker has independent obligation to objectively evaluate relevant evidence and cannot simply defer to recommendations
- Title IX Coordinator may act as investigator

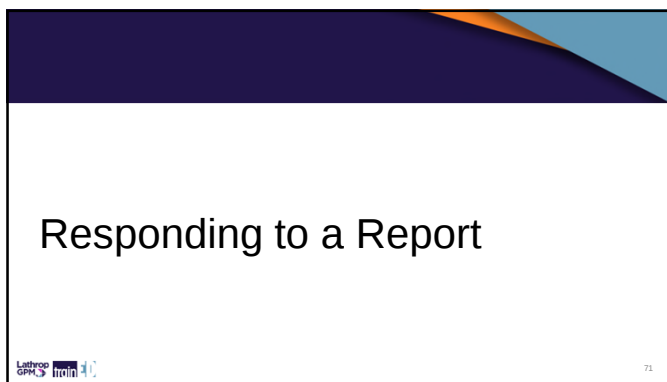
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69

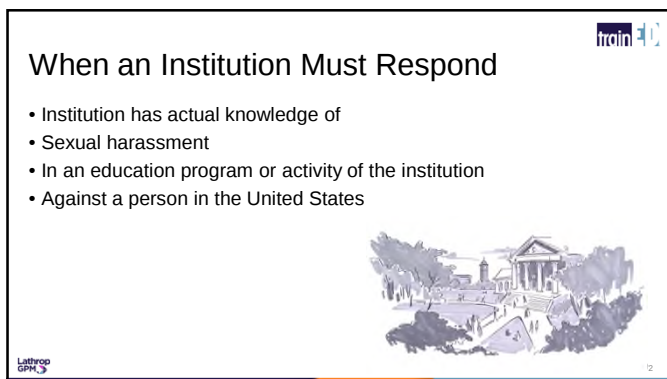
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70



71



72

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73

Responding to a Report

- Types of report recipients:
 - Title IX Coordinator and officials with authority to institute corrective measures on behalf of the institution
 - Confidential Resources
 - Professional and pastoral counselors
 - Others with state-law privilege
 - Not required to report any information*
 - Other Employees: Institution may designate reporting obligation:
 - Designate semi-confidential resources?
 - Designate employees who are required to report
 - Designate employees who are not required to report?

***NOTE:** These individuals may have other reporting requirements under Clery Act and/or state law

74

Duties of Confidential Resources

- Discuss reporting options and rights - Title IX Coordinator, law enforcement, campus security
 - Offer to assist with reporting
 - Discuss school's prevention of and response to retaliation
- Discuss/offer support services and interim measures
- Disclose institution's limited ability to respond if request for confidentiality
- Discuss the importance of preserving evidence
- State law may require reporting of non-identifying information

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Duties of Other Employees Who Are Required to Report

- If possible, before information revealed disclose:
 - Additional reporting requirement
 - Option to report to school and request confidentiality (school will consider but not guarantee)
 - Option for complainant to disclose to a confidential resource
- Only share information with individuals responsible for handling the institution's response (e.g., Title IX Coordinator, Deputy)

76

76

Duties of Employees Who Are Not Required to Report

- Ask person reporting if they want the information shared with the Title IX Coordinator
- Only share information with individuals responsible for handling the institution's response (e.g., Title IX Coordinator, Deputy)

77

77

Responding to a Report

- Title IX: Must promptly respond when
 - Institution has actual knowledge of
 - Sexual harassment
 - In an education program or activity of the institution
 - Against a person in the United States
- VAWA:
 - Allegations of sexual assault, domestic violence, dating violence, or stalking
 - Applies regardless of location of alleged conduct (on or off campus; in or out of the education program or activity; in or out of the U.S.)

78

78

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Case Study: Zach Zander/Aubrey Anderson

The coach of the men's track and field team calls you and says that an issue has come up between members of the men's and women's teams. He tells you that on February 7, 2025, he walked into the weight room and saw Aubrey, a member of the women's team, standing closely to Zach, a member of the men's team. After Aubrey saw the coach, she stepped away and said "see y'all later" before leaving the weight room. The coach noticed that Zach looked uncomfortable, so he asked him if everything was okay. He said he was fine and then left the weight room.

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79

79

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Case Study: Zach/Aubrey

- For the next few weeks, the coach could tell something was off with Zach. Usually, Zach is upbeat at practice and encouraging of his teammates. But since that Friday, every time they had a joint team practice with the women's team, Zach was quiet and off on his own.
- On February 21, 2025, after another joint team practice, the coach pulled Zach aside and asked him if he was alright. Zach told the coach that in the weight room a couple weeks ago, before the coach walked in, Zach and Aubrey were being sort of flirty and then Aubrey kissed him. Zach said he was okay with the kissing but then Aubrey touched him "down there," which he was not expecting. Zach said he doesn't want to make a big deal about it and asked the coach not to tell anyone.

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80

80

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Case Study: Zach/Aubrey

- The coach tells you that he wanted to respect Zach's wishes, so he didn't tell anyone. Instead, he told Zach that he should stay away from Aubrey and skip the joint team practices. He told Zach that on days they had joint team practices, the coach would host a private practice for Zach.
- The coach tells you that after a few weeks of this arrangement, he got a call from Zach's parents, who asked him why Zach is being excluded from team practices and being told to stay away from Aubrey, when it was Aubrey who touched their son. The coach asks what he should do.

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81

81

Responding to a Report

- Response must treat complainant and respondent equitably by
 - Offering supportive measures to a complainant (with or without formal complaint)
 - Following a grievance process that complies with the regulations before imposing any disciplinary sanctions or other actions that are not supportive measures against a respondent

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82

82

Responding to a Report

- Title IX Coordinator must promptly contact complainant (with or without formal complaint)
 - Inform complainant of the availability of supportive/interim measures with or without the filing of a formal complaint
 - Consider complainant's wishes with respect to supportive measures
 - Explain the process for filing a formal complaint
 - Notify complainant of right to report to law enforcement and offer help with report (VAWA)
 - Provide complainant with written notification of rights (VAWA)



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83

83

Case Study: Zach/Aubrey

- You meet with Zach. He says he doesn't want to file a formal complaint. He says his concern about the complaint process is that he doesn't know how things will work given that he and Aubrey are both on the track teams. He says he wants to be able to go to practice like normal but that he doesn't want to talk to Aubrey or be near her. He says he doesn't think it is fair that he has to skip joint team practices and stay away from Aubrey, when it was her that made him uncomfortable.
- Do you honor the request to not proceed with a complaint process?

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84

84

Responding to a Report—Requests for Confidentiality or No Action

- Recommended Approach:
 - Factors to consider
 - Seriousness of the alleged harassment
 - Increased risk of additional violence by the respondent
 - Other complaints about the same respondent
 - History of violence from arrests/records from prior school
 - Respondent threatened further violence
 - Increased risk of additional violence under similar circumstances
 - Pattern of perpetration at a given location or with a certain group
 - Whether sexual violence was perpetrated with a weapon
 - Age of the complainant

85

[illegible]

Responding to a Report—Requests for Confidentiality or No Action

- Recommended Approach:
 - Factors to consider (cont.)
 - Whether school has other means to obtain evidence (security footage, eyewitness or physical evidence)
 - Notice will still need to identify parties involved
 - Rights of the respondent to receive information about the complainant and the allegations if a formal proceeding with sanctions may result
 - Whether the report alleges sexual harassment by an employee against a student
 - Whether the respondent is in a position of authority

86

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Responding to a Report—Requests for Confidentiality or No Action

- Recommended Approach:
 - If the school determines it *can* honor the request for confidentiality/no action
 - Continue to offer supportive measures
 - If the school determines it *cannot* honor the request for confidentiality/no action
 - Inform the complainant prior to proceeding
 - Continue to offer supportive measures
 - Title IX Coordinator signs formal complaint and begins process

87

[illegible]

Case Study: Zach/Aubrey

- During the meeting, you encourage Zach to take time to think about the formal complaint.
- In the meantime, is there anything you can do to address the concerns he has raised about practices?

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88

88

Supportive Measures

- Offered to complainant and respondent
- Must be non-disciplinary, non-punitive
- Must be without fee or charge to the complainant or respondent
- Available before or after the filing of a formal complaint or where no formal complaint is filed
- Designed to restore or preserve equal access to recipient's education program or activity without unreasonably burdening the other party
- Including measures designed to protect safety of all parties or the educational environment, or deter sexual harassment
- Must maintain as confidential as long as confidentiality does not impair ability of the institution to provide measures

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89

89

Supportive Measures

- Examples:
 - Mutual restrictions on contact between the parties
 - Change academic or extracurricular activities, living, transportation, dining, and working situations
 - Access to resources, such as victim advocacy, housing assistance, academic support, counseling, disability services, health and mental health services, legal assistance, visa and immigration assistance, campus escort services, increased security, and student financial aid
- If school does not offer these services, enter into MOU with local victim services provider, if possible

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90

90

Responding to a Report

- Other obligations:
 - Notify campus security, if necessary
 - Clery report, if necessary





91

91

Responding to a Report—Written Notification of Rights

- Written notification to complainants about—
 - Options for, available assistance in, and how to request changes to academic, living, transportation, and working situations, if so requested by the complainant and if such accommodations are reasonably available, regardless of whether the complainant chooses to report the crime to campus police or local law enforcement





92

92

Responding to a Report—Written Notification of Rights

- Written notification to complainants about (cont.)—
 - Possible sanctions and protective measures
 - Procedures individual should follow
 - Disciplinary procedures
 - Confidentiality
 - Existing resources for counseling, etc.
 - Supportive/interim measures





93

93

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Criminal Process

- Institution's complaint process is separate from criminal investigation
- Institution may not dissuade complainant from going to police in cases involving allegations of criminal conduct—should encourage reporting to police
- Institution may temporarily delay for initial police investigation
 - Prior guidance said police evidence-gathering stage typically takes 7-10 days
 - Must resume when notified that police are done gathering evidence
- Institution may not delay for criminal prosecution

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97

97

Case Study

- Suzie stops by your office and reports that Jesse has been following her and sending her threatening messages. Suzie says this has been going on for several weeks. You discuss that she has the option to file a formal complaint and possible supportive measures. She is adamant that she does not want to file a formal complaint and will not participate in any process. She asks you if you can just remove him from campus.
- How do you respond?

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98

98

Emergency Removal and Administrative Leave

- Institution may remove a respondent from the education program or activity on an emergency basis if institution:
 - Undertakes an individualized safety and risk analysis;
 - Determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal; and
 - Provides the respondent with notice and an opportunity to challenge the decision immediately following the removal
- Non-student employees may be placed on administrative leave during grievance process
- Provision does not modify any rights under the IDEA, Section 504 of the Rehabilitation Act, or the ADA

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99

Supportive Measures— Student Employee Leave

- Requirements:
 - Must be paid/include no monetary loss
 - Must be non-disciplinary, non-punitive
 - Must not be unreasonably burdensome on respondent
 - Must be designed to restore or preserve equal access to recipient's education program or activity, including measures designed to protect safety of all parties or the educational environment, or deter sexual harassment
 - (Consider impact on educational benefits and opportunities)
- Alternatives:
 - Reassignment
 - Monitoring/supervising student employee
 - Emergency Removal (after risk analysis, can terminate)



100

100

Case Study: Finn Foster/Tiffany Thompson

Finn Foster, an employee in the Alumni Relations Office, comes to your office and tells you that his supervisor, Tiffany Thompson, has been making him uncomfortable at work. He says that about six months ago, he was going through a difficult break up and, as a result, he was having a rough time at work. He says that he confided in Tiffany about what was going on because it was affecting his productivity. He says that Tiffany was supportive and shared with him that she had gone through a divorce the previous year. He says that ever since he confided in Tiffany, she began sharing a lot of personal information with him. Finn says that Tiffany now tells him whenever she is going on a date and shares a lot of graphic details about her sex life.



101

101

Case Study: Finn/Tiffany

Finn says that Tiffany also comments on his appearance and asks him whether he is dating anyone. He tells you that things escalated last week when he and Tiffany had to travel out of state to attend a College-sponsored alumni engagement event. He says that Tiffany got "hammered" at the event, which was held at a hotel where he and Tiffany were also staying. He says that at the event, Tiffany told him about having sex with a person she matched with on a dating app the night before. Finn tells you that Tiffany was so drunk she was having trouble walking, so he walked her to her hotel room. He says that when they got to her room, she tried to pull him inside, but he refused. Finn tells you that he is worried that Tiffany will retaliate against him because she is his boss but her trying to pull him into her hotel room was the final straw. He says that he doesn't think he can continue working with Tiffany.



102

102

Case Study: Finn/Tiffany

- You decide to put Tiffany on leave. You receive a call from Hannah, Director of Human Resources. She says that she is concerned that Tiffany was placed on administrative leave without consultation with Human Resources.

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103

103

Case Study: Chloe Christensen/Dr. George Graham

A student, Chloe Christensen, comes to your office with a friend. She tells you that she is a teaching assistant for Dr. George Graham and that he has been making her feel uncomfortable. She says that he texts her all the time, even messaging her on Snapchat. She tells you that Dr. Graham asks her a lot about her personal life, such as who she is dating and what she did that weekend. She says that one time, after she took care of his dog when he was out of town, Dr. Graham told her that she should come around more often. She says that he also invited her to do things outside of school. Chloe tells you that Dr. Graham helped her get an internship, but it made her feel like it was just a way to get closer to her, and he made a comment about her owing him. She also says that Dr. Graham responded to a picture of her in a swimsuit on Snapchat while she was on spring break and he commented on one of her videos on Instagram.

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104

104

Case Study: Chloe Christensen/Dr. George Graham

- Chloe tells you that things have progressed throughout the semester, such as him using "weird" emojis and potentially hinting at inappropriate stuff. She says that at the end of the semester, he hugged her and rubbed her back during the hug. She tells you that he also gave her gifts. She says that she is really stressed out about returning to school in the fall.
- You explain Chloe's rights, options, and resources.

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Report vs. Formal Complaint

- Report
 - Initiates obligation to respond, including offering supportive measures
 - Complainant's identity may be kept confidential from respondent
- Formal complaint
 - Initiates grievance process
 - Cannot be filed anonymously
 - Requires complainant's physical or digital signature or otherwise indicates that the complainant is the person filing the complaint
 - Title IX Coordinator can sign a complaint
 - Grievance process requires that complainant's identity be disclosed to respondent, if known

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Determining Title IX vs. Non-Title IX Matters

- Factors to consider
 - Type of alleged conduct – sexual harassment?
 - Location and context of alleged conduct
 - within education program or activity?
 - against a person in the United States?
 - Relationship between parties and institution

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107

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Other Conduct

Title IX

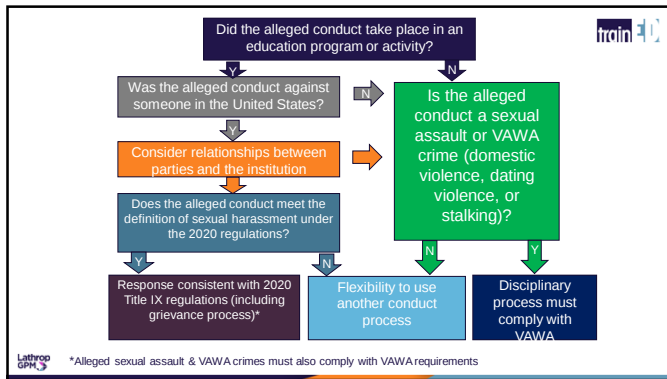
VAWA

Legal Obligations

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108

108



109

Case Study

- What legal obligations apply to the following matters?
 - A student alleges that another student sexually assaulted him on a spring break trip that was not sponsored by the institution.
 - An online student alleges that another online student is taking screenshots of her during class and then sending her social media messages of the pictures, accompanied by sexual comments.
 - An employee reports that her coworker made sexual advances toward her when several people from their department went out for drinks after work.
 - An admitted student reports that a current student sexually assaulted her while the two went to high school together and again when the admitted student visited campus this past spring.

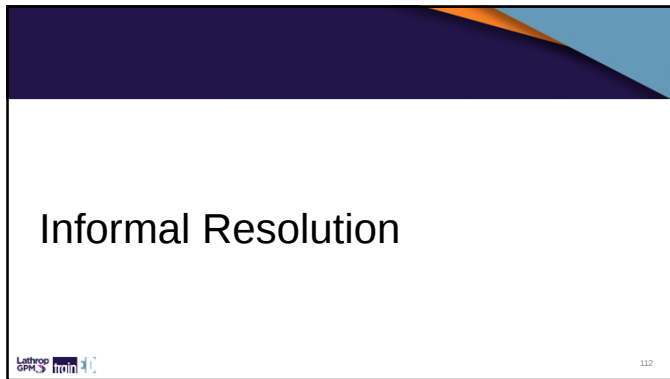
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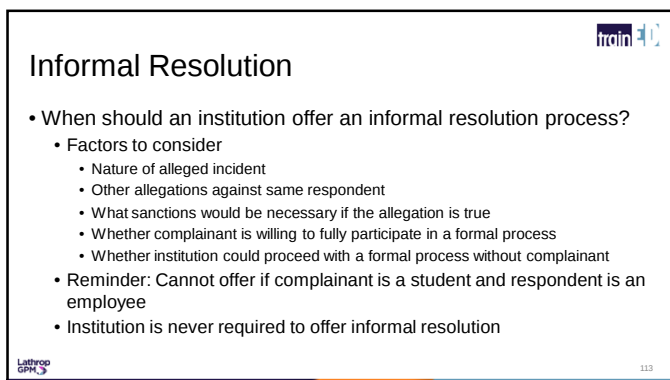
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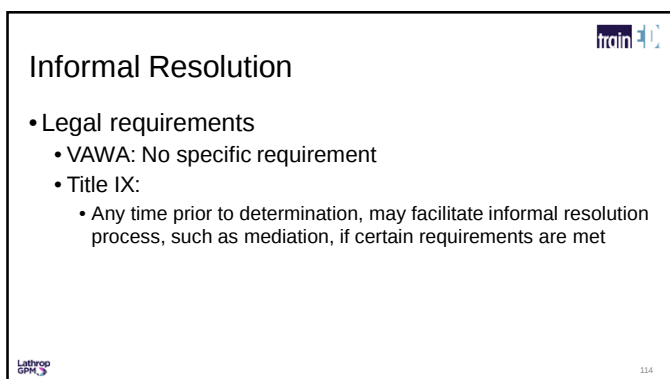
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112



113



114

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Informal Resolution

- Title IX legal requirements
 - Prior to informal resolution, provide parties with written notice of the allegations


115

115



Informal Resolution

- Title IX legal requirements
 - Prior to informal resolution, provide parties with written notice of
 - Requirements of the informal resolution process including circumstances when it precludes the parties from resuming a formal complaint for the same allegations
 - Provided, however, that at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint
 - Consequences resulting from participating in the informal resolution process, including records that are maintained and could be shared
 - Obtain parties' voluntary written consent to informal process


116

116



Informal Resolution

- Title IX legal requirements
 - May not offer informal resolution unless a formal complaint is filed
 - May never require the parties to participate in an informal resolution process
 - May not condition enrollment/continuing enrollment, employment/continuing employment, or enjoyment of any other right on waiver of the right to an investigation and adjudication of formal complaint
 - May not offer or facilitate informal resolution to resolve allegations that an employee sexually harassed a student


117

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Case Study

- Which of the following cases we have discussed might be appropriate for informal resolution, if requested by a party?
 - Zach and Aubrey (track teammates, allegations of sexual assault and sexual harassment)
 - Danielle and Sam (students, allegation of sexual assault)
 - Chloe and Dr. Graham (student/professor, allegations of sexual harassment)
 - Finn and Tiffany (employee/supervisor, allegations of sexual harassment)

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118

118

Structuring an Informal Resolution Process

- Who facilitates an informal resolution process?
 - Title IX Coordinator? Deputy Title IX Coordinator?
 - Another member of the Title IX team?
- If someone other than Title IX Coordinator, consider limited role for Title IX Coordinator to ensure consistency across different cases
- Legal requirements
 - Appropriately trained
 - Free from conflict of interest and bias
 - Impartial

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119

119

Structuring an Informal Resolution Process

- What is an informal resolution process?
 - No particular process required under Title IX
 - Recommended practice
 - Facilitator meets with each party to determine what they are looking for and what they will agree to as part of an informal resolution
 - Communicate options between the parties
 - Institution should have a role in determining whether particular matter is appropriate for informal resolution and what the appropriate resolution will be

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Structuring an Informal Resolution Process

- Factors to consider when using informal resolution process
 - Is there an admission from the respondent?
 - Will this be a final resolution?
 - What information will be shared during the informal process?
 - Can the resolution be used in future discipline decisions?
 - What records will be maintained and could be shared?
 - What action is necessary to stop the harassment, prevent its recurrence, and address its effects?

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121

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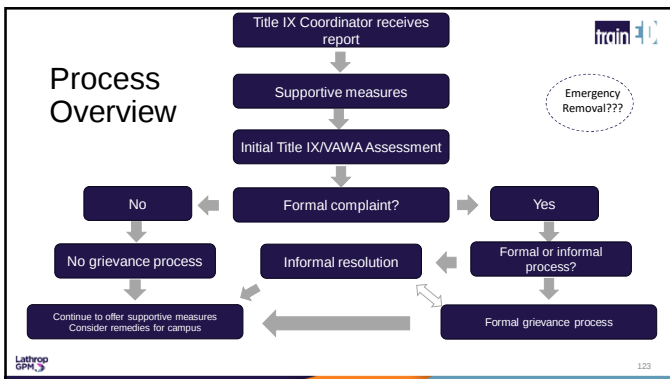
Structuring an Informal Resolution Process

- What does the outcome of the informal resolution process look like?
 - Possible terms
 - No contact directive (mutual or one-sided)
 - Required training/education
 - Required counseling
 - Probation
 - Temporary prohibition on leadership positions/awards
 - Leave of absence from institution
 - Apology letter?
 - Other

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122

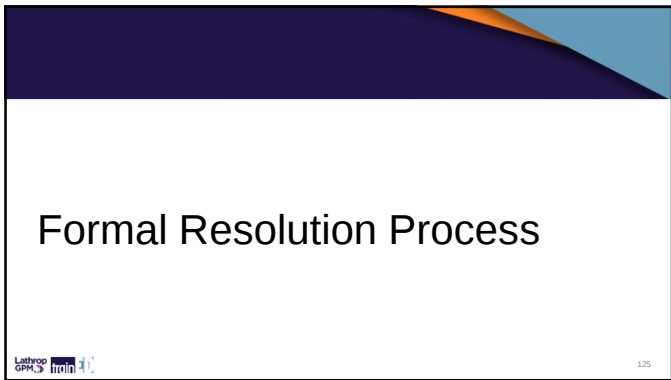
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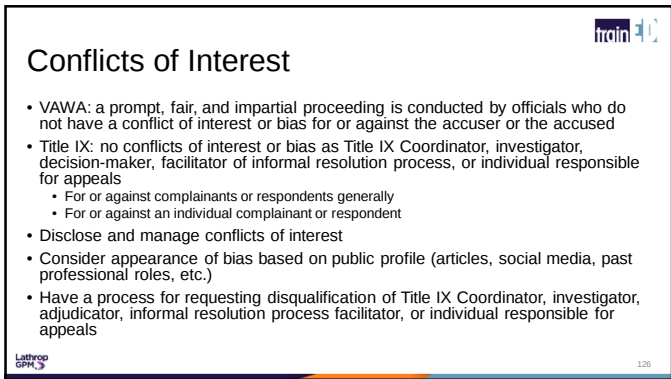
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124



125



126



Structuring the Complaint Resolution Process

- Process options
 - One process: Use the same procedures for all sexual misconduct cases (including live hearings)
 - Hybrid 1: Use the same procedures for all Title IX and VAWA cases (including live hearings) and a separate process for non-Title IX/non-VAWA cases
 - Hybrid 2: Use separate procedures for Title IX cases including live hearings and the same procedures for VAWA and non-Title IX/non-VAWA cases
 - Separate processes: Create separate procedures for Title IX, VAWA, and non-Title IX/non-VAWA cases


127

127



Same Procedures for All Cases

- Pros
 - Clarity on the process that applies to allegations of sexual misconduct
 - Less risk of due process litigation
- Cons
 - Chilling effect of live hearing in all cases
 - Cost of additional procedural requirements, including hearings
 - Cannot explain hearing process as legally required in all cases
 - Potential FERPA issues with information sharing in non-Title IX cases
 - Less flexibility


128

128



Separate Procedures for Title IX, VAWA, and Other Cases

- Pros
 - Fewer hearings (less chilling effect; less administrative burden/cost)
 - Clear FERPA exceptions for each process
 - Can rely on legal requirements for each process (not requiring additional process beyond legal obligations)
- Cons
 - More analysis needed to determine what process will apply
 - Complications when additional facts arise and in cases with multiple allegations
 - Confusing for parties
 - Risk of due process litigation seeking a hearing requirement


129

129

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Other Considerations

- If using a non-hearing process for sexual misconduct cases that do not fall within Title IX, consider discontinuing the use of hearings in other student conduct matters that involve two parties

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130

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Determining Which Process Applies

- Analyze when report or complaint is received and throughout the process
- Who determines which process applies
 - Title IX Coordinator (with assistance from investigator)
 - Another individual?
- If separate Title IX and VAWA procedures, follow same investigation process regardless of Title IX or VAWA up until information sharing stage
 - Title IX: Hard copy or electronic format of directly related evidence
 - VAWA: Access to evidence that will be shared with the decision-maker
- When in doubt, err on side of following Title IX process

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131

131

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Case Study: Chloe/Dr. Graham

- Chloe decided to sign a formal complaint against Dr. Graham, stating:
 - I am a junior majoring in marketing and I worked as a teaching assistant for Dr. George Graham this past semester. I enjoyed Dr. Graham as a professor in the past but this last semester, Dr. Graham has been making me uncomfortable. Since the beginning of the semester, he texts me like all the time, even using Snapchat sometimes, and he just asks me a lot about my personal life, like who I was dating, what I did on the weekend. One time he asked me to take care of his dog while he was out of town, which I was fine with, but then he sent me a creepy message, saying I should come around more often. He would invite me to do things outside of school. One time he said we should try a new restaurant together. One time he asked if he could go for a walk with me. He was really nice by helping me get an internship but also I feel like it was just a way to get closer to me. He said something about me owing him. He responded to a picture of me in a swimsuit on Snapchat while I was on spring break and he commented on one of my Instagram videos about which outfit I should wear.

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132

132

Case Study: Chloe/Dr. Graham

- Chloe decided to sign a formal complaint against Dr. Graham, stating (cont.):
 - Things just progressed throughout the semester, like he used weird emojis and I always wondered if he was trying to hint at inappropriate stuff. He talked to me about his marital problems. Then at the end of the semester, he hugged me and even rubbed my back during the hug. He also gave me gifts a couple of times. One of the gifts was just some candy and he gave me the other gift at the end of the semester when he hugged me. The candy wasn't that big of a deal, though it was weird to me that he knew what kind of candy was my favorite. When he gave me the journal, he included a note with a picture of himself, and that was super creepy. I'm really stressed out about coming back to school in the fall and having to see him.
- What policy violations are triggered?
- What is your next step?

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133

133

Notice of Allegations

- Upon formal complaint, provide written notice to known parties, including:
 - Notice of grievance process, including any informal resolution process
 - Notice of the allegations, including sufficient details known at the time and with sufficient time to prepare response before initial interview
 - Identities of the parties involved, if known
 - Conduct allegedly constituting sexual harassment
 - Date and location of the alleged incident, if known

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134

134

Notice of Allegations

- Upon formal complaint, provide written notice to both parties, including statements that:
 - Respondent is presumed not responsible
 - Determination of responsibility is made at conclusion of grievance process
 - Right to advisor of choice who may be but is not required to be an attorney
 - Parties may inspect and review evidence as *permitted in sexual misconduct policy*
 - Inform parties of any policy provision that prohibits knowingly making false statements or knowingly submitting false information during the grievance process
- Provide notice of *additional* allegations about the complainant or respondent that arise during process

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Case Study: Chloe/Dr. Graham

Excerpt of Notice of Allegations

On May 27, 2025, a formal complaint of alleged sexual misconduct was submitted by Chloe Christensen to the Title IX Coordinator alleging conduct by Dr. George Graham.

Chloe alleges that Dr. Graham engaged in unwelcome conduct on the basis of sex in the form of the following:

- On multiple dates between February through May 2025, Dr. Graham communicated to Chloe via electronic communication, including communicating to Chloe about personal matters.
- On multiple dates between February through May 2025, Dr. Graham selected Chloe for certain opportunities for the purpose of getting close to her, including referring her for an internship.
- On multiple occasions between February through May 2025, Dr. Graham invited Chloe to spend time with him outside of school.
- On April 25, 2025, in Dr. Graham's on-campus office, Dr. Graham engaged in physical contact with Chloe.
- On or about March 18, 2025 and April 25, 2025, in Dr. Graham's on-campus office, Dr. Graham gave Chloe gifts.

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136

136

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Case Study: Chloe/Dr. Graham

- After meeting with Dr. Graham, you receive an email from him. He says that he has reviewed the policy and it does not comply with his rights as a tenured professor under the Faculty Handbook. He says that his contract requires that the University follow the disciplinary procedures in the handbook before finding him responsible for a violation of University policy.
- How do you respond?

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137

137

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Case Study: Chloe/Dr. Graham

- The investigator calls you to discuss Chloe's initial interview. She is concerned that there might be some allegations that are outside the scope of what is covered in the notice of allegations.

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138

138

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Case Study: Chloe/Dr. Graham

- You reviewed the transcripts, and they contain the following new factual allegations:
 - On February 25, 2025, at a coffee shop, Dr. Graham shared information with Chloe about his marital problems and commented to her that it meant a lot that he could be real with her. He touched her hand while making the comment.
 - On multiple occasions in March 2025, Dr. Graham commented on Chloe's hair and clothes.
 - On March 20, 2025, Dr. Graham used Chloe as an example in his Marketing 101 class for a project about self-marketing. He made comments about her physical appearance and invited students to do so as well.
 - In early May 2025, Dr. Graham invited Chloe to drive with him to an out-of-town speaking engagement.
 - On April 1, 2025, Dr. Graham sent Chloe a Snapchat message insisting that he take her out to dinner to celebrate the internship that she had gotten.
- Would any of this require amendment of the notice of allegations?

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139

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Case Study: Chloe/Dr. Graham

Excerpt of Amended Notice of Allegations

On May 27, 2025, a formal complaint of alleged sexual misconduct was submitted by Chloe Christensen to the Title IX Coordinator alleging conduct by Dr. George Graham.

Chloe alleges that Dr. Graham engaged in unwelcome conduct on the basis of sex in the form of the following:

- On multiple dates between February through May 2025, Dr. Graham communicated to Chloe via electronic communication, including communicating to Chloe about personal matters.
- On multiple dates between March through May 2025, at various locations on campus, including in Dr. Graham's office and Mason Lecture Hall, Dr. Graham made verbal comments toward Chloe, including specifically on March 20, 2025, during the Marketing 101 course, Dr. Graham made comments and invited students to make comments about Chloe's physical appearance.
- On multiple dates between February through May 2025, Dr. Graham selected Chloe for certain opportunities for the purpose of getting close to her, including referring her for an internship.
- On multiple occasions between February through May 2025, Dr. Graham invited Chloe to spend time with him outside of school.
- On February 25, 2025, at an off-campus coffee shop, Dr. Graham engaged in physical contact with Chloe and communicated with her about personal matters.
- On April 25, 2025, in Dr. Graham's on-campus office, Dr. Graham engaged in physical contact with Chloe.
- On or about March 18, 2025 and April 25, 2025, in Dr. Graham's on-campus office, Dr. Graham gave Chloe gifts.

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140

140

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Case Study: Zach/Aubrey

- Zach decides to sign a formal complaint. In the complaint he says that on February 7, 2025, after a joint team practice, he and Aubrey were alone in the weight room. Zach says that as they were both putting away their weights, they were talking and laughing, and then Aubrey leaned in and kissed him. He says he was okay with the kissing, but then she slid her hand down to touch his genitals. Zach says that he was not expecting that, so he sort of stumbled backward and pushed her hand away. He says that Aubrey laughed and stayed close to him and tried to kiss him again, but then his coach walked in and she left.
- What should be included in the notice of allegations?

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141

141

Case Study: Zach/Aubrey

- The investigator calls you. She says that during her interview with Zach, he said that after Aubrey kissed him, she asked him, "Should we just go back to my room?" before sliding her hand down to touch his genitals. When the investigator asked Zach if he responded, Zach stated, "No, I was too shocked to say anything because she then went and touched my, you know, penis. I sort of forgot she said that until just now—it all happened so fast. But I remember feeling really uncomfortable when she said that."
- Do you amend the notice of allegations?

142

Case Study: Erin Erickson/Wendy Winters

- In January, a student, Erin, comes to your office to tell you about a situation with another student, Wendy, who has been her on-again, off-again girlfriend since orientation week. She says that the most extensive intimate contact they had before winter break was kissing and making out. She says that when they returned from winter break, Wendy had other ideas. She says they started by just making out, which was fine, but then Wendy started trying to take off Erin's clothes, by unfastening her bra and moving her shirt so that her breasts were exposed. She says that she did not feel comfortable with that and that she told Wendy that she was okay with just kissing, but eventually Wendy got her shirt off. She says that she could also feel Wendy messing with the zipper on her pants, which is when she got up and offered her a snack.
- Erin asks what her options are.

143

Case Study: Erin/Wendy

- Erin filed a formal complaint.
- What alleged conduct/policy violations should be included in the notice of allegations?

144

Case Study: Erin/Wendy

- The investigator tells you that during her interview with Erin, she said that when Wendy moved her shirt to expose her breast, she touched her breast.
- Do you amend the notice of allegations?

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145

145

Consolidation of Formal Complaints

- Title IX: An institution may consolidate formal complaints as to allegations of sexual harassment against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, where the *allegations of sexual harassment arise out of the same facts or circumstances*
- VAWA: No specific guidance

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146

146

Notice of Meetings

- Title IX: Written notice to the party whose participation is invited or expected of the
 - Date
 - Time
 - Location
 - Participants
 - Purpose
 of all hearings, investigative interviews, or other meetings with a party, with sufficient time for the party to prepare to participate
- VAWA: Timely notice to the other party of meetings that are part of the disciplinary process

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147

147

Case Study: Chloe/Dr. Graham

- After the investigator interviews Dr. Graham, you receive an email from him stating that your office has no authority to investigate allegations related to the content of his classes and that the College is infringing on his "academic freedom rights." He asks you why the College is using a Title IX investigation to discipline him about his teaching content and says that he will not continue to participate in the process until he gets a response.
- What do you do next?

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148

148

Case Study: Chloe/Dr. Graham

- The investigator tells you that she provided Dr. Graham an opportunity to respond to Chloe's account that he used her for a self-marketing demonstration in his class. She says that Dr. Graham responded by asking her repeatedly, "how is this relevant?"
- How do you respond to Dr. Graham's email?

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149

149

Case Study: Zach/Aubrey

- The investigator tells you that she is having trouble scheduling an interview with Aubrey. She tells you that when she initially reached out to Aubrey, Aubrey told her that she was not available for a week due to midterms. The investigator says that she scheduled an interview with Aubrey the week following Aubrey's midterms, but Aubrey canceled last minute and did not respond until three days later about rescheduling the interview. The investigator says that she scheduled an interview with Aubrey for later in the week, but Aubrey was late to the interview and then needed to leave early, so the investigator could not complete her initial interview.
- How do you respond?

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150

Case Study: Zach/Aubrey

- Aubrey schedules and completes her initial interview with the investigator. The investigator now informs you that two of the witnesses told the investigator that they would not be able to meet until after their finals are over.

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151

151

Case Study: Zach/Aubrey

- The investigator tells you that she thinks the investigation is going to go beyond the investigation time frame set forth in the policy.

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152

152

Notice of Delay

- Reasonably prompt timeframes
 - Including timeframes for filing and resolving appeals and informal resolution processes
- Temporary delay or extension of timeframes for good cause, which may include
 - Absence of parties, a party's advisor, or witnesses
 - Concurrent law enforcement activity
 - Need for language assistance or accommodations of disability
- Must provide written notice to parties of the delay or extension and the reason for it
 - ED guidance: also include anticipated length of delay
- Some timeframes are set by the regulations (Title IX)

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153

153

Case Study: Zach/Aubrey

- After Zach's parents contacted the coach, Zach signed a FERPA release allowing the University to discuss the complaint resolution process with his parents.
- After you send the notice of delay, Zach's parents email you to say that they are concerned because the process has been very difficult for Zach and that the delay is only going to cause him more stress. They say they didn't include Zach in their email because they don't want to add more stress and anxiety to his plate and they don't want him to know that they reached out to you.

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154

154

Advisors

- VAWA requires:
 - Proceeding must "provide the accuser and the accused with the same opportunities to have others present during any institutional disciplinary proceeding, including the **opportunity to be accompanied to any related meeting** or proceeding by the advisor of their choice"
- Title IX requires:
 - Allow advisor of choice, who may be but is not required to be an attorney
 - May establish equal restrictions on advisors' participation



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155

155

Advisors

- Advisors, particularly attorney advisors, have become increasingly common participants
- Tips for addressing disruptive advisors:
 - Inform parties about restrictions on advisors in advance
 - "Potted plant"
 - No direct communication (orally or in writing) with Title IX Coordinator, Deputy Coordinator(s), Investigator(s) Adjudicator(s), Appeal Officer(s)
 - Must keep information confidential
 - Rules at the hearing
 - Signed advisor agreements – acknowledge role and restrictions
 - Be prepared to enforce the agreement parameters
 - Hold the party responsible for the advisor's actions
 - Don't be afraid to consider pausing the process if the advisor continues to be disruptive
 - Institutions may remove or dismiss advisors who become disruptive or who do not abide by the restrictions on their participation
 - Be consistent

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156

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Case Study: Zach/Aubrey

- Zach sends you the following email:

“My parents said that I should tell you how difficult this process has been for me. I want this whole thing to be over so I can move on with my life and with the investigation being delayed, it just feels like it is never going to end. Can you make sure that the process doesn't get delayed again?”
- How do you respond?

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Case Study: Chloe/Dr. Graham

- The investigator informs you that a witness, Noah, made a statement during his interview about other professors in the Marketing Department possibly sexually harassing other students.
- How do you respond?

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158

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Case Study: Chloe/Dr. Graham

- The investigator sends you the following portion of the transcript:

Noah: I heard that Chloe and Dr. Graham were close, but it didn't really surprise me. I for sure thought it was weird, but honestly, he isn't the only professor in the Marketing Department that is like that with his TA.

Investigator: What do you mean by “is like that?”

Noah: I don't know. I just get a different vibe from a couple of the professors in the Marketing Department. Many of them have TAs and they just seem overly familiar with them – like, putting their arm around their shoulders or standing really close to them when they are talking to them. I have classes in other departments that have TAs but the professors don't act like that with them.
- How do you respond?

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159

159

Provide “Directly Related” Evidence to Parties*



- Sexual history = include if directly related
 - Protections related to complainant's prior sexual history do not apply at this stage
 - Still analyze whether such evidence is “directly related to the allegations”
- Privileged information = only with waiver of privilege
- Treatment records = only with written consent

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163

163

Provide “Directly Related” Evidence to Parties*



- Privileged information
 - Do not require, allow, rely upon, otherwise use questions or evidence that constitute or seek disclosure of, information protected under a legally recognized privilege, unless person holding such privilege has waived the privilege
- Treatment records
 - Institution cannot access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the school obtains that party's voluntary, written consent to do so.

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164

164

Provide “Directly Related” Evidence to Parties*



- May not categorically prohibit certain types of evidence if directly related (and later if relevant):
 - Lie detector test results
 - Character evidence/witnesses
 - Expert reports/witnesses
 - Prior bad acts (e.g., prior policy violation by respondent)
 - Allegations of similar misconduct
- But can have policy for how much weight and credibility decision-makers will give these types of evidence

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Provide “Directly Related” Evidence to Parties*



- May permit or require the investigator to redact information that is not directly related to the allegations (or that is otherwise barred from use under the final regulations)
 - Redactions are limited to information not directly related or that is otherwise specifically barred
- May not redact other information, such as confidential, sensitive, or prejudicial information, if it is directly related to the allegations

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166

166

Case Study: Chloe/Dr. Graham



- While the investigator is finalizing the directly related evidence for the parties' review, she asks you whether she should include the following as part of the directly related evidence:
 - Chloe's statement that Marcy told her, "Don't you remember the rumors about Dr. Graham from freshman year? One of his former students ended up filing some sort of report about him or something." Chloe told the investigator that she had "totally forgot" about that until Marcy reminded her.
 - The following statement from Dr. Graham: "Kids these days are so sensitive. I try to meet my students where they are, which is why I text them and interact with them on social media, but this generation likes to twist even the most well-intended actions into something offensive. I thought Chloe was different."

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167

167

Case Study: Chloe/Dr. Graham



- While the investigator is finalizing the directly related evidence for the parties' review, she asks you whether she should include the following as part of the directly related evidence:
 - The following statements from Noah:
 - I heard that Chloe and Dr. Graham were close, but it didn't really surprise me. I for sure thought it was weird, but honestly, he isn't the only professor in the Marketing Department that is like that with his TA.
 - I don't know, I just get a different vibe from a couple of the professors in the Marketing Department. Many of them have TAs and they just seem overly familiar with them – like, putting their arm around their shoulders or standing really close to them when they are talking to them. I have classes in other departments that have TAs but the professors don't act like that with them.

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168

168

Case Study: Danielle/Sam

- During her initial interview, Danielle told the investigator that she has been trying to get a copy of her records from her SANE exam but the hospital isn't responding to her requests. Danielle does not mention the records again during the investigation. The investigator issues close of evidence and Danielle does not submit the records. Then, three days into the review period for the directly related evidence, Danielle tells the investigator that she finally received the records from her SANE exam and that she wants to submit them as evidence in the investigation.
- The investigator asks you how he should respond.

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172

172

Case Study: Zach/Aubrey

- During the directly related evidence review period, Aubrey informs you that she is transferring to another school for the following academic year. She says that her high school track coach got a coaching job at a university and reached out to her about joining the team. Aubrey says that she had been considering it for a while before she knew about Zach's complaint, but once she received the notice of allegations, she took it as a sign that transferring was the right move.
- Is there anything that you should consider in light of this information?

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173

173

Case Study: Chloe/Dr. Graham

- Chloe did not provide a response to the directly related evidence.
- Dr. Graham includes the following statements in his response to the directly related evidence:
 - In response to Chloe's discussion of my support of her social media and the self-branding project in my Marketing 101 course, I would like to emphasize that as a marketing professor I want to prepare my students for the industry, and a key piece of the industry is social media. Students must be able to show they are social media savvy and that they are able to self-brand properly on their own social media. The marketing industry continues to evolve, and I want my students to be a step ahead and to be able to acquire jobs they desire. My classroom projects and my real world application of personal branding and social media are critical for helping the students prepare for careers in marketing and to help them stand out to employers.

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174

174

Case Study: Chloe/Dr. Graham

- Dr. Graham includes the following statements in his response to the directly related evidence:
 - Additionally, Chloe submitted some text strands showing me saying I care about her – what is wrong with a professor caring about their students! As I stated in my interview with the investigator, I think it would be beneficial, as part of the investigation, to speak with other faculty members. I guarantee that you would see that all our professors work closely with their TAs and care for them as colleagues and mentors. Also, I cannot be the only professor that has ever used a student for a class demonstration. I believe other professors, particularly marketing professors, could speak to how this kind of exercise would be useful for teaching and how I have the right to include it as part of the coursework.

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175

175

Provide “Directly Related” Evidence to Parties*

- Steps following parties' review
 - Review parties' responses
 - Consult with investigator to decide whether any additional action is needed
 - Investigator should consider parties' viewpoints about whether the evidence directly related to the allegations is relevant and therefore whether to include it in the investigation report
 - May provide a copy/electronic format of each party's written response to the other party, but that is not required

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176

176

Investigation Report

- Must create investigative report that fairly summarizes relevant evidence
- Complainant's sexual behavior or predisposition are not relevant unless:
 - Such questions and evidence are offered to prove someone other than respondent committed the alleged conduct or
 - The questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent
- Investigator should not include any information about the complainant's sexual history in the investigation report, unless it falls under one of these exceptions.

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177

177

Investigation Report

- Parties must be provided:
 - VAWA: information used in the decision-making process – access required
- Title IX :
 - Investigation report:
 - Must send hard copy or electronic format to parties and advisors
 - May use a file sharing platform that restricts downloading or copying
 - May prohibit photographing/copying
 - May require signing a non-disclosure agreement
 - May not limit time for review
 - May not require supervision
 - Must be provided at least 10 days prior to live hearing
 - Opportunity to submit written response

 178

178

Case Study: Chloe/Dr. Graham

- While the investigator is finalizing the investigation report, she asks you whether she should include the following:
 - The following statement from Dr. Graham: "Kids these days are so sensitive. I try to meet my students where they are, which is why I text them and interact with them on social media, but this generation likes to twist even the most well-intended actions into something offensive. I thought Chloe was different."

 179

179

Case Study: Chloe/Dr. Graham

- While the investigator is finalizing the investigation report, she asks you whether she should include the following:
 - The following statements from Noah:
 - I heard that Chloe and Dr. Graham were close, but it didn't really surprise me. I for sure thought it was weird, but honestly, he isn't the only professor in the Marketing Department that is like that with his TA.
 - I don't know, I just get a different vibe from a couple of the professors in the Marketing Department. Many of them have TAs and they just seem overly familiar with them – like, putting their arm around their shoulders or standing really close to them when they are talking to them. I have classes in other departments that have TAs but the professors don't act like that with them.

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Case Study: Chloe/Dr. Graham

- Chloe did not submit a response to the investigation report.
- Dr. Graham includes the following statement in his response to the investigation report:
 - In response to Marcy claiming I am a "creep," I want to note that several of my students have provided thoughtful and positive feedback, I would love to have some of them speak on my behalf, but unfortunately that was not permitted in this process.
- Also, after reading the directly related evidence and the entirety of the report, I am saddened to learn (for the first time) that Chloe felt this way about me. I never intended anyone to feel uncomfortable. My comments and such were always meant to be friendly and inviting, never anything inappropriate.

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181

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Case Study: Erin/Wendy

- After the hearing has been scheduled, Erin emails you to say that she's given it a lot of thought and she doesn't want to go through the ordeal of a hearing. She tells you that she wants to withdraw her complaint.
- How do you respond?

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Dismissal of Formal Complaint

- **Mandatory Dismissal under Title IX**
 - Must dismiss formal complaint if alleged conduct
 - even if proved, would not constitute sexual harassment
 - did not occur in the institution's education program or activity or
 - did not occur against a person in the United States
 - Such dismissal does not preclude action under another provision of institution's code of conduct

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183

183

Dismissal of Formal Complaint

- Discretionary Dismissal under Title IX
 - May dismiss formal complaint if at any time during the investigation or hearing
 - complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations, therein
 - respondent is no longer enrolled or employed by the recipient or
 - specific circumstances prevent the recipient from gathering sufficient evidence to reach a determination as to the formal complaint or allegations therein

 184

184

Dismissal of Formal Complaint

- Notice of Dismissal: Upon dismissal (mandatory or discretionary), institution must promptly send written notice of dismissal and reasons for the dismissal simultaneously to the parties

 185

185

Live Hearing

- General requirements under Title IX
 - Must provide live hearing
 - Permit each party's advisor to ask the other party and witnesses "all relevant questions and follow-up questions"
 - If party does not have an advisor, institution must provide one for cross-examination

 186

186

Decision-Maker(s)

- May have single decision-maker or a panel of decision-makers
- If a panel of decision-makers, may appoint one decision-maker to make relevancy determinations at the hearing
- May appoint Title IX Coordinator or another individual who is not a decision-maker to enforce procedural rules at the hearing
 - Decision-maker(s) must still determine relevancy issues

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187

187

Preparation for Hearing

- Determine hearing format and arrange technology
 - May conduct with all parties physically present in the same location
 - At the request of either party, institution must provide for live hearing to occur with the parties located in separate rooms with technology enabling the decision-maker and parties to simultaneously see and hear the party or witness answering questions
 - Witness cannot demand to be in a separate room, unless that witness alleges they are also a victim of respondent (institution can permit witness to be in a separate room upon request)
 - May conduct virtually (for all parties, witnesses, and other participants), with technology enabling participants simultaneously to see and hear each other
 - Video is required; phone is insufficient

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188

188

Preparation for Hearing

- Decision-maker(s) should review adjudication file
- Decision-maker(s) identify ultimate questions that will need to be decided
 - Consider questions or topics that may come up and any anticipated relevancy issues
- Parties identify witnesses
 - Request that these witnesses make themselves available for the hearing
- Decision-maker(s) determine whether any additional information is needed to make the decision
 - Identify additional witnesses to request if additional information is needed or if credibility is at issue
- **CAUTION:** Don't base credibility on demeanor

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189

189

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Attendance at Hearing

- Parties may be accompanied only by their advisors and other persons for reasons "required by law"
 - Institution must keep confidential the complainant, respondent, and any witness except as may be permitted by FERPA, as required by law, or to carry out the grievance process
 - Limits institution's ability to authorize the parties to be accompanied to the hearing by individuals other than their advisors
- A person assisting a party with a disability, or a language interpreter, may attend because presence is required by law and/or necessary to conduct the hearing

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190

190

Hearing: School-Appointed Advisors

- Can request that the parties inform school in advance whether they have an advisor
 - If party does not have an advisor at the hearing, still required to provide an advisor even if party stated that they would have one
 - May want to have an advisor for each party on standby so that delaying the hearing is not necessary
- School-appointed advisor
 - Role is limited to relaying a party's questions
 - No particular skills, qualifications, or training is required
 - Does not need to be neutral or avoid conflicts of interest
 - If a party refuses to work with an assigned advisor – the party forfeits his or her right to cross-examination

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191

191

Case Study: Danielle/Sam

- Sam participates in initial and follow-up interviews with the investigator and returns his non-disclosure agreement so he can review the directly related evidence and investigation report. But when you email the parties to ask about their availability for a hearing, he doesn't respond. You email him again and call him twice, but he still doesn't respond.
- What do you do?

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192

192

Case Study: Danielle/Sam

- Sam responds by the deadline you provided and confirms that the hearing date works for him. He tells you that he has hired an attorney and would like to have the attorney serve as his advisor during the hearing, instead of his family friend who served as his advisor during the investigation phase of the process.
- How do you respond?

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193

193

Case Study: Danielle/Sam

- The investigator calls you. Sam's attorney advisor emailed him to ask why he didn't interview Sam's roommate, Alex. The investigator tells you that during his interview, Sam said that he told Alex that Danielle was mad at him but that he didn't give him any more details. The investigator also says that when he gave Sam the opportunity to suggest witnesses, Sam suggested three friends but did not suggest Alex.
- What do you do next?

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194

Case Study: Danielle/Sam

- Sam responds and says that he would like to call Alex as a witness during the live hearing.
- How do you respond?

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Case Study: Danielle/Sam

- In response, Sam tells you that Alex recently told him that before Danielle and Sam started hooking up, Danielle hooked up with two of his teammates on the soccer team in the same weekend. Sam also says that Alex can testify about the toll the investigation has taken on him, including that he rarely leaves his dorm room.
- How do you respond?

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196

196

Hearing: Relevancy Determinations

- Decision-maker may hear arguments regarding relevancy of a question on the spot or may tell parties to reserve arguments for appeal (incorrect relevancy determination could be an alleged procedural error on appeal)
- Must allow question if relevant, even if misleading or assumes facts not in evidence
- Can establish rule that duplicative questions are not relevant
- Exclude questions with caution

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197

197

Hearing: Cross-Examination

- Party or witness who does not appear at the hearing or refuses to answer questions at the hearing
 - Decision-maker(s) may still rely on previous statements from party/witness who is absent or refuses to answer one or more questions
 - Consider weight to be given to statements (put in policy)
 - Consider allowing party or advisor to share questions they would have asked a party or witness who is absent or will not submit to cross-examination
 - Decision-maker(s) cannot draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer cross-examination or other questions

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198

198

Hearing: Cross-Examination

- Party or witness who does not appear at the hearing
 - Advisor may conduct cross-examination on behalf of party even if party is not present
- If one party does something to wrongfully procure absence of a party or witness, that is likely retaliation and the school must remedy
- School also cannot coerce unwilling participant
 - Be careful with any requirement that a student or employee cooperate with grievance process
 - Discipline for not attending hearing may constitute retaliation

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199

199

Hearing: Other Procedural Rules

- May establish additional rules that apply equally to both parties
 - Cross-examination must be respectful, non-abusive, not intimidating
 - Limit evidence at hearing to evidence that was gathered or presented as part of the investigation (or otherwise prior to the hearing)
 - Whether investigator may be called as a witness
 - Process for making objections to the relevance of questions and evidence
- Other procedures at the hearing
 - Opening statements by parties or advisors
 - Closing statements by parties or advisors
- Reasonable time limitations on hearings

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200

200

Hearing: Other Procedural Rules

- Some procedural rules are prohibited
 - Cannot prohibit a party from conferring with his or her advisor during the hearing
 - Likely can prohibit conferring when a question is pending
 - Could also discourage from conferring when a question is pending by warning that such conduct will be considered when weighing the party's credibility
 - Cannot prohibit character evidence, lie detector test results, evidence that is unduly prejudicial, or evidence of prior bad acts
 - Decision-maker may determine how much weight to give such evidence

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201

201

Case Study—Danielle/Sam

- During the hearing, after all parties and witnesses have been called, the Hearing Officer asks each party if they have any additional evidence to submit. Sam's attorney advisor says that he would like to submit text messages between Sam and Danielle that were recovered from his cell provider after the close of evidence. The Hearing Officer pauses the hearing and calls you.
- What should you tell the hearing officer?

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202

202

Sanctions

- Consider who will decide the sanctions and how
 - Consider limited role of Title IX Coordinator
- Sanctions are designed to stop the harassment, prevent its recurrence, and remedy its effects
- Any information provided to individual(s) who determine sanctions must also be provided to the parties
- Institution's policy must include a list of all possible sanctions
- The list of sanctions must be specific, including the type and length of suspensions and any requirements that must be met for reinstatement

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203

Sanctions

- Possible Sanctions
 - No contact order
 - Suspension or Expulsion
 - Transcript notations?
 - Disclosure to other institutions?
 - Separate disciplinary file?
 - Change in class schedule/living arrangements
 - Mandatory training/counseling
 - Limitations on access to campus facilities
 - Limitations on campus activities
 - Community service
 - Delay of degree conferral
 - Temporary or permanent revocation of degree

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204

204

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Sanctions

- Sanctions when student not suspended or expelled
 - Make inquiries to determine whether restrictions need to be made to:
 - living arrangements
 - class schedules
 - use of facilities
 - co-curricular activities
 - campus events
 - Allow for Title IX Coordinator to modify or clarify
 - General no-contact directive → limit use of facilities to specific time
 - Address ability to appeal

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205

205

Case Study: Erin/Wendy

- Wendy is found responsible for Sexual Assault and Sexual Exploitation.
- During the complaint resolution process, Wendy withdrew from the University so she is no longer a community member. How does that impact sanctions?

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206

206

Case Study: Finn/Tiffany

- The investigation concludes and a hearing is held. The Hearing Panel finds Tiffany responsible for engaging in Title IX Sexual Harassment.
- The Hearing Panel asks you how they should approach sanctions for an employee. How do you respond?

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207

207

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Remedies

- Title IX goals:
 - End the sexual violence/hostile environment
 - Prevent its recurrence
 - Address its effects



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Remedies

- Consider who will decide the remedies and how
 - Consider role of Title IX Coordinator
- Remedies for complainant
 - Changing living arrangements
 - Escorts
 - Separation from respondent
 - Counseling services
 - Medical services
 - Academic support services/accommodations
 - Allowing course withdrawal without penalty
 - Reviewing disciplinary actions against complainant to determine if harassment contributed
 - Reviewing academic issues to determine if harassment contributed
 - Financial aid and/or immigration assistance

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209

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Remedies

- VAWA and Title IX only require policy to describe range of remedies available
- Title IX Coordinator is responsible for effective implementation of any remedies
- Remedies must be designed to restore or preserve equal access to the institution's education program or activity
- May include the same individualized services as "supportive measures"
- Do not need to be "non-disciplinary" or "non-punitive" and do not need to avoid burdening the respondent
- Remedies for broader student population in some cases
 - Take proactive measures to prevent sexual harassment and violence, such as trainings
 - Develop effective written materials to educate students on policy and resources
 - Encourage students to report
 - Periodic "climate checks" and review of issues (e.g., better lighting?)

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210

210

Notice of Determination

- Identification of the allegations potentially constituting sexual harassment
- Procedural steps since complaint
 - Notices to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, hearings held
- Findings of fact
- Conclusion regarding application of code of conduct to the facts
- Statement of and rationale for the result as to each allegation
 - Determination of responsibility
 - Any disciplinary sanctions imposed on respondent
 - Whether remedies will be provided to complainant
- Appeal information
- Simultaneous delivery to the parties



211

211

Notice of Determination

- Becomes final either the date the parties receive the written determination of the appeal or the date on which an appeal would no longer be timely
- Sanctions may not be imposed until determination is final



212

212

Appeals Under Title IX

- Must be offered to both parties
 - From a determination regarding responsibility
 - From a recipient's dismissal of a formal complaint or any allegations therein
- Required bases:
 - Procedural irregularity that affected the outcome of the matter;
 - New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter;
 - The Title IX Coordinator, investigator, or decision-maker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter;
- May offer an appeal equally to both parties on additional bases



213

213



Appeals Under Title IX

- Requirements
 - Notify other party in writing when an appeal is filed
 - Appeal officer is different than Title IX Coordinator, investigator, and decision-maker at hearing
 - No conflict of interest or bias
 - Individuals responsible for appeal must receive training
 - Give both parties reasonable, equal opportunity to submit written statement in support of, or challenging, the outcome
 - Written decision describing result of appeal and rationale
 - Simultaneous delivery of result to parties



214

214



Appeals Under VAWA

- Not required, but if offered, must do so equally
- Transparency, equality, notice requirements from main process will apply to appeals
- Examples include:
 - Right to advisor
 - Notice of meetings
 - Access to information used by appeals panel/individual
 - Simultaneous notice of outcome



215

215



Case Study—Chloe/Dr. Graham

- Dr. Graham is found responsible for Title IX Sexual Harassment. He submits a timely appeal, making the following statements:
 - The text messages that Chloe submitted excluded other exchanges between us that she initiated, including sharing personal information about her family and how her other classes were going. I have the text messages that I would like to submit as new evidence. This shows that the personal messages I sent were not unwelcome.
 - I suggested multiple colleagues be interviewed during the investigation, but the investigator did not interview them. Then, they weren't available at the hearing. I asked that the hearing be rescheduled, but I was told no. They could have provided information about issues related to academic freedom and relationships between faculty and their TAs.
- Has Dr. Graham stated a ground for appeal under Title IX?



216

216

Case study—Chloe/Dr. Graham

- You have determined that Dr. Graham has stated a ground for appeal based on the procedural error.
- What are your next steps?

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217

217

Additional Required Post-Determination Notices

- For sexual assault and VAWA crimes, your institution must provide simultaneous notice to both parties of—
 - Any change to the results that occurs prior to the time that such results become final
 - When such results become final
- For Title IX, your institution must provide concurrent written notice of—
 - The outcome of any appeal



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218

218

Title IX Coordinator Role During Complaint Process

- Determine which process applies
- Oversee process to ensure compliance with policy and designated time frames
- Ensure advisor agreements are signed (if any)
- Ongoing check-ins with the parties
 - Supportive measures
 - Notice of delays?
 - Notice of meetings?
- Stay in touch with investigator to discuss case
- Ensure parties receive adequate notice of any new allegations
- Ensure non-disclosure agreements are signed by parties and advisors (if any)

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219

219

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Title IX Coordinator Role During Complaint Process (cont.)

- Review directly related evidence before it is provided to the parties (Title IX)
- Review working drafts of investigation report
- Review party responses to DRE and report (and any rebuttals)
 - Redact impermissible content
 - Evaluate whether further investigation is necessary
- Review notice of determination before finalized
- Review appeal to determine whether permissible ground is stated?
- Review appeal decision before finalized

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220

220

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221

221

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Upcoming Trainings

- Trainings for individuals with heightened responsibility:**
 - July 31, 2025 - Title IX/VAWA Investigator Training
 - September 9, 2025 - Conducting a Live Hearing Under Title IX/VAWA
 - September 11, 2025 - Title IX/VAWA Appeal Officer Training
 - September 24, 2025 - Trauma-Informed Training for First Responders, Confidential Resources, and Campus Security

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On Demand Trainings

- **Available on-demand:**
 - Annual Training for New Title IX Coordinators and Deputy Coordinators
 - Annual Training for Advanced Title IX Coordinators and Deputy Coordinators
 - Title IX/VAWA Investigator Training
 - Conducting a Live Hearing Under Title IX/VAWA
 - Title IX/VAWA Appeal Officer Training
 - Trauma-Informed Training for First Responders, Confidential Resources, and Campus Security
 - Non-Hearing Adjudicator Training
 - Informal Resolution Training
 - Supplemental Decisionmaker Training on Live Hearings
 - Conducting a Grievance Process Under the 2020 Final Title IX Regulations
 - Title IX Update: 2020 Final Regulations



223

223
