

TITLE IX ANNUAL COMPLIANCE TRAINING

2025

AGENDA

- What is Title IX?
- Regulations Review
- Bias and Myths
- Roles and Responsibilities
- Overview of Process
- RWU Process Overview
- Case Study
- Questions



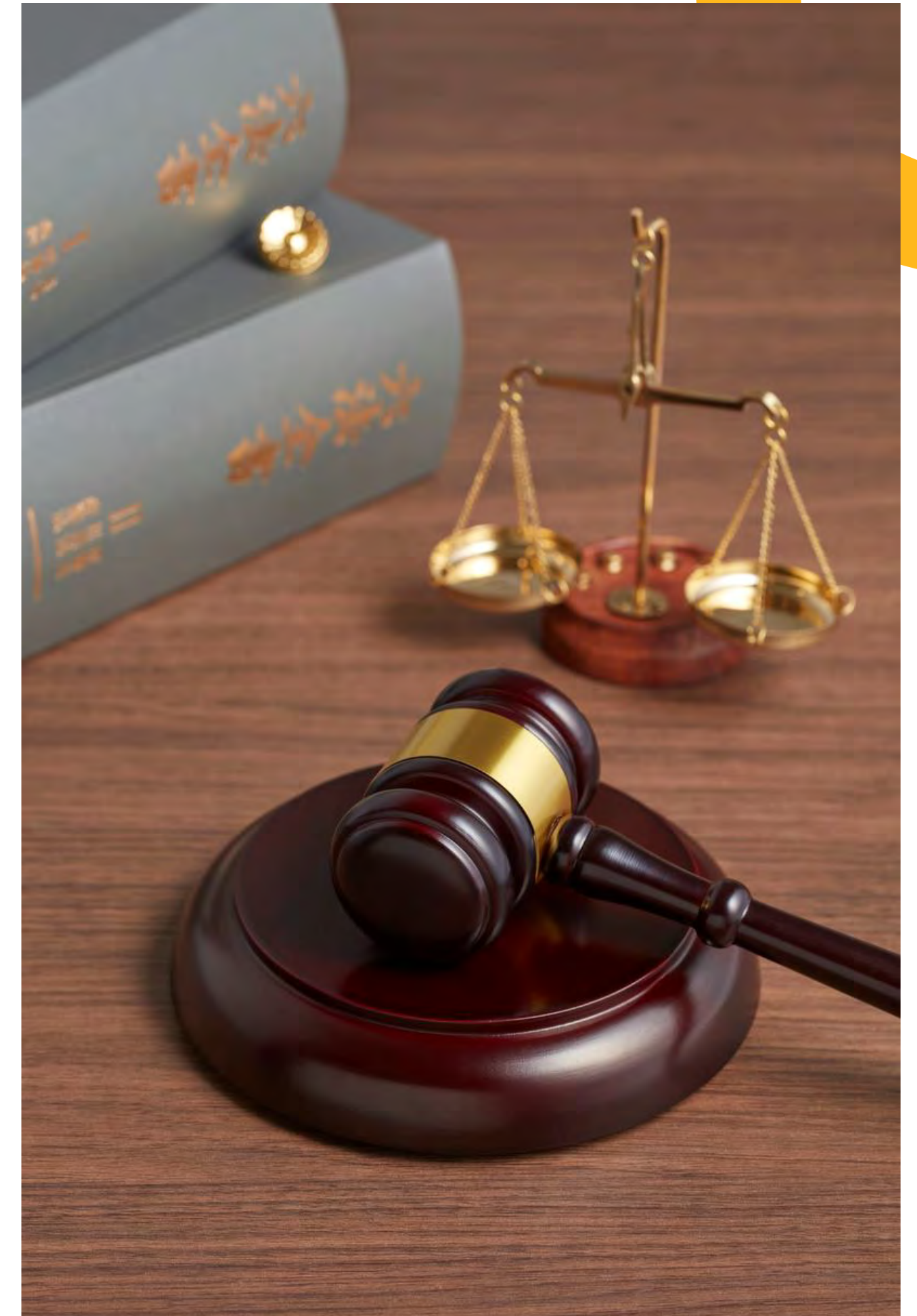
WHAT IS TITLE IX?

Title IX of the Education Amendments of 1972

Implementing Regulations at: 20 U.S.C. § 1681 & 34 C.F.R. Part 106

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 education program or activity receiving Federal financial assistance."



A BRIEF HISTORY OF TITLE IX

1972

Title IX of the Education Amendments Act of 1972 is Enacted

Title IX federal statute prohibits discrimination on the basis of sex in education programs and activities that receive federal financial assistance.

1975

Title IX Regulations are Published

The U.S. Department of Health, Education, and Welfare was the federal agency that first promulgated regulations under Title IX.

1997

The ED Issues the First Title IX Guidance

This is the first of multiple guidance documents that addressed the regulations but were not technically legally binding.

2001

The ED Issues the 2001 Title IX Guidance Document

This 2001 guidance document revised the 1997 guidance document.

2011

The ED Issues the Dear Colleague Letter

This 2011 guidance document was withdrawn by the ED in 2017 and is no longer in effect,

2014

The ED Issues the 2014 Q&A

This 2014 guidance document was withdrawn by the ED in 2017 and is no longer in effect.

A BRIEF HISTORY OF TITLE IX

2017

The ED Issues the 2017 Q&A

The ED began to engage in a formal federal rulemaking process to make the 2020 regulatory amendments to the 1975 regulations legally binding.

2020

The ED Publishes the New Title IX Regulations

On May 6th, 2020, the ED published the new Title IX regulations, 34 C.F.R. 106, to be effective on August 14th, 2020.

2021

Executive Order from Biden Administration Released

The "Guaranteeing an Educational Environment Free from Discrimination on the Basis of Sex, Including Sexual Orientation or Gender Identity" EO was issued on March 8, 2021, initiating a review of Title IX regulations from the previous administration, aiming to strengthen protections against sex-based discrimination.

2022

50th Anniversary of Title IX and Proposed Changes Released

On June 23rd, 2022, the ED releases new proposed Title IX regulations, initiating the public comment period.

2024

The ED Publishes the New Title IX Regulations

On April 19th, 2024, the final Title IX rule was released, which reversed many Trump-era policies. This was effective of August 1st, 2024.

2025

Federal District Court Vacates 2024 Title IX Regulations

On January 9, 2025, the U.S. District Court for the Eastern District of Kentucky vacated the Biden administration's 2024 Title IX regulations. The vacatur applies nationwide, meaning the 2020 Title IX final rule and Title IX regulations are effective.

FEDERAL MANDATES

- **Title IX of the Education Amendments Act of 1972**
 - Prohibits discrimination on the basis of sex in educational institutions
- **Title VII of the Civil Rights Act of 1964**
 - Protects people from being discriminated against due to their color, race, religion, sex, or national origin.
 - More specifically, Title VII prohibits employers from hiring and firing to the aforementioned and also makes it illegal to segregate, classify or limit the opportunities of employees for these reasons.

FEDERAL MANDATES

- **The Jeanne Clery Act**
 - Requires policies and procedures for sexual assault
 - Requires timely warning and external reporting of crimes
- **Violence Against Women Act (VAWA)**
 - Expands Clery to include dating violence, domestic violence and stalking
 - Requires campus prevention education
- **Stop Campus Hazing Act (2024)**
 - Mandates colleges to report hazing incidents and implement prevention policies, enhancing campus safety and accountability

WHAT THE REGULATIONS MEAN FOR INSTITUTIONS

- Due process focus (“Presumption of innocence”)
- Notice, notice, notice...
- Narrow and focused involvement by OCR/ED
- More seeming legality to proceedings
- Trained process participants
- Advisors required for hearing
- More time for evidence review (10 days) and report review (10 days)
- Informal option
- Mandatory reporters changed
- Documentation and record-keeping
- More information shared

SCOPE OF PROTECTIONS UNDER TITLE IX

Discrimination on the basis of:

- Sex stereotypes
- Sex characteristics
- Pregnancy or related conditions
- Program access and equity



Sexual Harassment

- Quid pro quo harassment
- Hostile environment harassment
- Sexual assault
- Dating violence
- Domestic violence
- Stalking

PROHIBITED CONDUCT DEFINED

Title IX sexual harassment is a form of sex discrimination and is prohibited conduct on the basis of sex that satisfies one or more of the following three categories:

- 1** **Quid Pro Quo Sexual Harassment**
- 2** **Hostile Environment Harassment**
- 3** **Sex-Based Crimes**



1

Quid Pro Quo Sexual Harassment

Quid Pro Quo Harassment occurs when an employee, agent or other person authorized by the university to provide an aid, benefit or service under the university's educational program or activity, explicitly or implicitly, conditions the provision of an aid, benefit, or service on an individual's participation in unwelcome sexual conduct.





“

§ 106.30 (a) Definition of Sexual Harassment

Unwelcome conduct is determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the university's education program or activity.

3

Sex-Based Crimes

Occur when conduct constitutes “sexual assault,” “dating violence,” “domestic violence,” or “stalking” as defined by Clery and VAWA.

Sexual Assault

includes the sex offenses of Rape, Sodomy, Sexual Assault with an Object, Fondling, Incest, and Statutory Rape.

Dating Violence

means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; and where the existence of such a relationship shall be determined based on consideration of the following factors:

- 1) Length of relationship,
- 2) The type of relationship,
- 3) The frequency of interaction between the persons involved in the relationship.

Domestic Violence

includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction.

Stalking

means engaging in a course of conduct directed at a specific person that would cause a reasonable person to—

- (1) fear for their safety or the safety of others; or
- (2) suffer substantial emotional distress.

DETERMINING “PREPONDERANCE OF THE EVIDENCE”

“

Defining Preponderance of the Evidence

This standard is met if the greater weight of the evidence demonstrates that it is “more likely than not” that a violation has occurred.

DETERMINING “FOR THE PURPOSE OF SEXUAL GRATIFICATION”

“

Defining Sexual Assault

Contact with private body parts is considered to be done for the purpose of sexual gratification **unless**:

1. the contact can be proven inadvertent;
2. the contact is for a **legitimate** medical (or other privileged) purpose and thus is conduct for which consent should have been sought and obtained by the provider;
3. the contact involves a Respondent who is **pre-sexual**, based on maturity/age (thus their intent is not sexual);
4. the contact involves a Respondent who **cannot** developmentally understand sexual contact or that their contact is sexual; or
5. the contact is something like butt-slapping on a team and is both **minimal** and **unlikely** to have sexual motivation or purpose, as shown by the context of the act(s).

§ 106.30 Definition of Actual Knowledge

Officials with Authority to Institute Corrective Measures

- Determining whether an individual is an “official with authority” is a legal determination that depends on the specific facts relating to a recipient’s administrative structure and the roles and duties held by officials in the recipient’s own operations.
 - “Overall, this category is rather narrow and the identity of the relevant employees rests on an institution’s own policies regarding who has the authority to take action to redress sexual violence.”
- Postsecondary institutions have discretion to determine which employees, other than the Title IX Coordinator, have authority to institute corrective measures on behalf of the recipient.

§ 106.30 Definition of Actual Knowledge

Distinction Between Officials with Authority and Employees Who Have a Duty to Report



A Campus Security Authority is an employee at the institution who has crime reporting obligations under the Clery Act.



An Official with Authority is an employee who is given authority by the postsecondary institution to institute corrective measures on behalf of the recipient with respect to sexual harassment or allegations of sexual harassment.

§ 106.30 Definition of Actual Knowledge

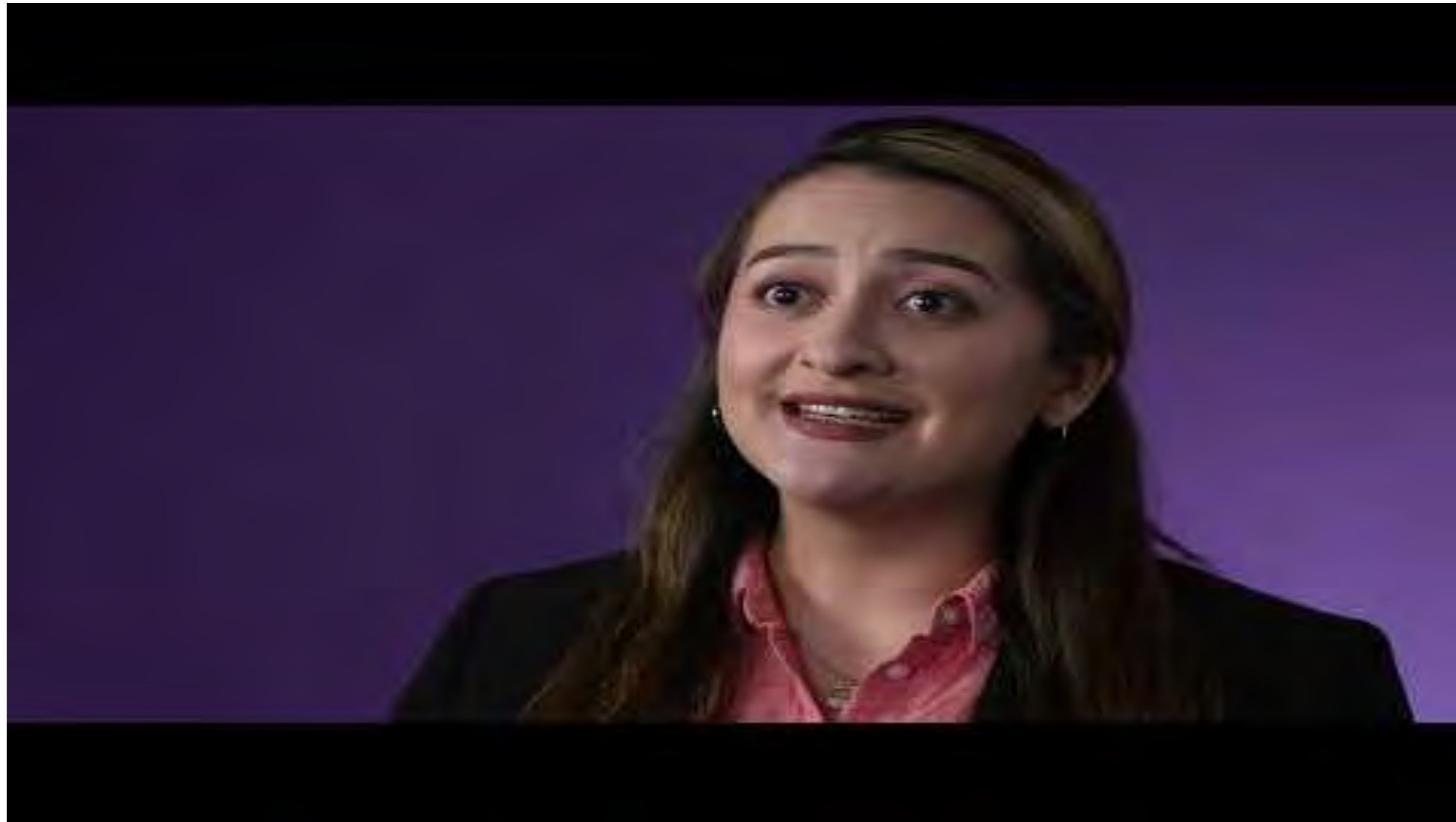
Officials with Authority to Institute Corrective Measures

- The final regulations give postsecondary institutions discretion to decide to authorize certain employees in a manner that makes those employees “officials with authority” as described in § 106.30, and to decide that other employees should remain confidential resources to whom a student at a postsecondary institution might disclose sexual harassment without automatically triggering a report by the employee to the Title IX Coordinator.
- Even if the institution designates certain CSAs as confidential resources for Title IX purposes (and not as officials with authority) CSAs may still be required to report sexual harassment (when the conduct also consists of a Clery crime) for Clery Act purposes.



MYTHS & BIAS

OCR Title IX: Bias & Conflict of Interest



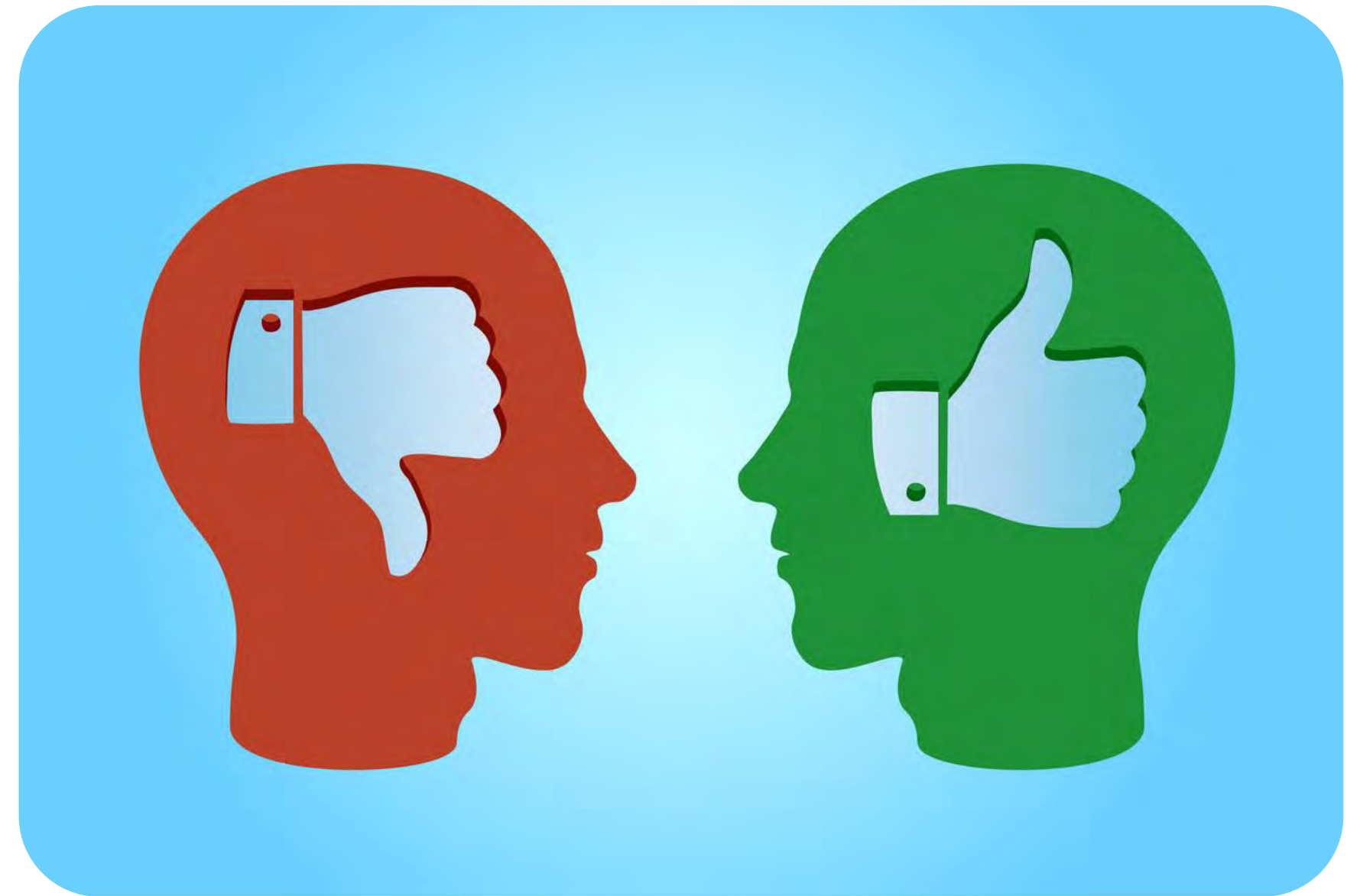
MYTHS

- Myths about sexual assault, dating violence, sexual harassment, discrimination, harassment...etc.
- Myths/biases about complainants and respondents
- Myths and expectations about human behavior
- Myths about alcohol and dress



WHAT IS BIAS?

- Prejudice in favor of or against one thing, person, or group compared with another, usually in a way considered to be unfair
- Cause to feel or show inclination or prejudice for or against someone or something
- A personal and sometimes unreasoned judgement
- Explicit vs. Implicit



WHERE DO WE SEE BIASES?



- Biases about complainants and respondents
- Biases about witnesses, advisors, lawyers, etc.
- Implicit Bias
- Affinity Bias
- Confirmation Bias
- Myths and biases based on gender and identity

CURRENT (2020) REGULATIONS

Require presumption that the Respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.

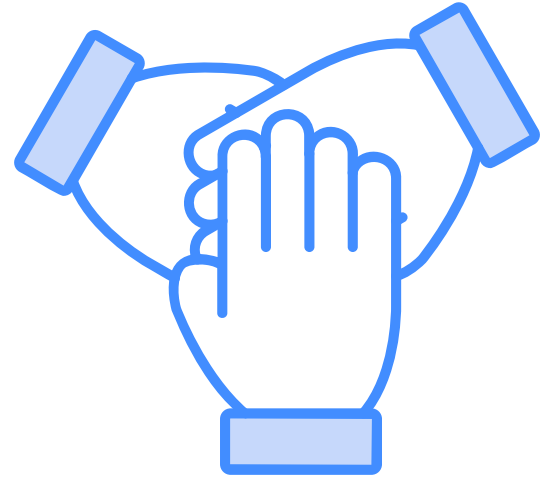
- No Sex Stereotyping
- Conflicts of Interest





ROLES & RESPONSIBILITIES

TITLE IX COORDINATOR & DEPUTIES



The responsibilities of the Title IX Coordinator and/or other Deputy Title IX Coordinators include, but are not limited to, the following:

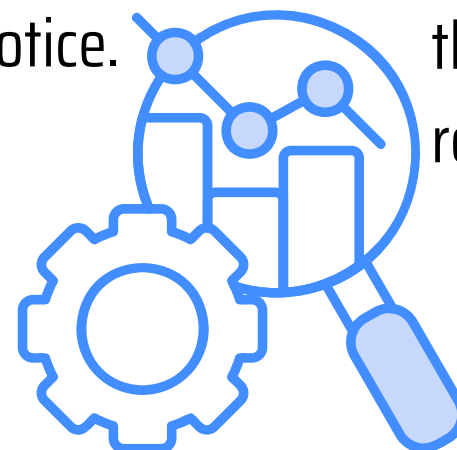
- Oversee compliance with the Title IX statute and implementing regulations, and review University Title IX policies and procedures
- Receive and assess reports of sexual harassment
- Respond to reports of sexual harassment, when the University has actual knowledge, in a way that is not deliberately indifferent
- Coordinate and oversee the administration of all Title IX formal complaints, informal resolution processes, formal grievance processes, and appeals processes
- Oversee the effective implementation of supportive measures, remedies, and disciplinary sanctions
- Coordinate and develop programming and informational initiatives that enable individuals to understand sexual harassment as a form of sex discrimination
- Educate community members about the University Title IX policy and procedures.

The Title IX Coordinator reserves the right to delegate some of the aforementioned responsibilities to other University employees who meet the requirements described in the “Roles of Professionals Involved in the Informal Resolution Process and Formal Grievance Process” section of the RWU Title IX Sex Discrimination and Sexual Harassment Policy & Procedures.

INVESTIGATOR(S)

The responsibilities of the Investigator(s) include the following:

- Conduct unbiased/impartial information gathering interviews of all parties and relevant witnesses.
- The Investigator will contact the parties whose participation is invited or expected for an investigative interview and will provide written notice of the date, time, location, participants, and purpose of the meeting. Parties will be given reasonably sufficient time to prepare to participate.
- The Investigator will make all reasonable efforts to complete the investigative report within 90 business days. This timeline may vary depending on the scope of the formal complaint, the amount of evidence to be considered, the number of persons to be interviewed, and additional factors. If the investigative report is going to take longer than 90 business days to complete, the parties and their advisors will be given notice.
- Prior to the completion of the investigative report, the University will send to each party and the party's advisor, if any, the evidence subject to the parties' inspection and review in an electronic or hardcopy format. (This may be done by the Investigator directly or the Title IX Coordinator). Each party will be given 10 days to submit a written response, which the Investigator will consider prior to completion of the investigative report.
- Either after the Investigator receives the parties' written responses or after the 10-day time limit has expired, the Investigator will create an investigative report that fairly summarizes the relevant evidence.
- At least 10 days prior to the live hearing, the Investigator will send a copy of the investigative report in an electronic or hardcopy format to each party, their advisors, and the Title IX Coordinator. The parties will be given the opportunity to review the investigative report and provide a written response.



ADVISORS

The responsibilities of the Advisors include the following:

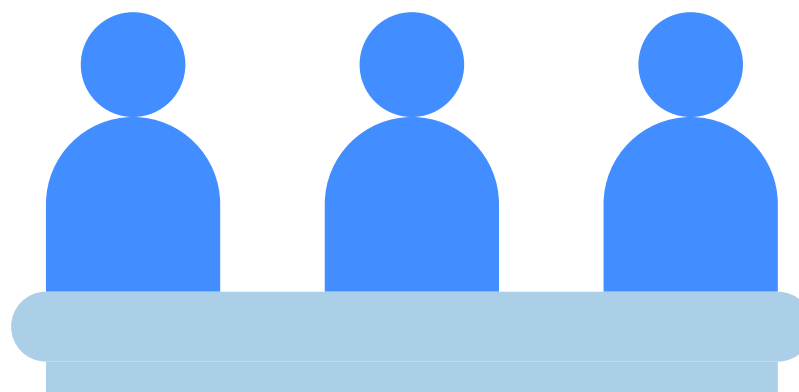
- Parties are entitled to have the advisor of their choice who may accompany them to any meeting during the process, including the live hearing.
- Advisors will provide support and guidance to the University's Title IX policies and procedures.
- Advisors may not speak for or on behalf of any Complainant or Respondent during any meetings and/or investigation interviews, but may confer and will be afforded the opportunity to do that during any meeting or interview.
- Advisors may consult with the Title IX Coordinator (or Deputy) for clarification regarding policies, procedures and/or supportive measures.
- Advisors may assist in reviewing/responding to the investigative report.
- During a live hearing, advisors may engage in cross examination questioning of the parties and witnesses. Questions will be asked directly, orally, and in real-time from the advisors of the parties, not from the parties themselves. Advisors are permitted to ask the other party and witnesses relevant questions and follow-up questions, including those challenging credibility. The advisor may only ask relevant questions to each party and witness. Repetitive questions asked at the Title IX live hearing may be deemed irrelevant. If a party does not have an advisor at the time of a live hearing, the University will provide one for them.
- While advisors primarily assist with navigating the process, they play a crucial role in providing information, support, and advocacy.



DECISION-MAKER(S) / HEARING PANELISTS

The responsibilities of the Decision-Maker(s) include the following:

- Decision-Makers are appointed by the Title IX Coordinator to conduct the live hearing. If more than one Decision-Maker is appointed, the Decision-Makers will work together to make determinations during the live hearing regarding relevancy, responsibility, and sanctions.
- If more than one Decision-Maker is appointed, one will take the lead, serving as “Chair”.
- Prior to the live hearing, the Decision-Maker(s) may schedule a preliminary conference with each of the parties and their advisors to provide an overview of the live hearing procedures.
- Prior to scheduling the live hearing, a Decision-Maker (who will be the Hearing Chair when more than one Decision-Maker is appointed) will contact each party to provide a deadline for which they can submit their written responses to the final investigative report.
- Advisors may assist in reviewing/responding to the investigative report.
- During a live hearing, advisors may engage in cross examination questioning of the parties and witnesses. Questions will be asked directly, orally, and in real-time from the advisors of the parties, not from the parties themselves. Advisors are permitted to ask the other party and witnesses relevant questions and follow-up questions, including those challenging credibility. The advisor may only ask relevant questions to each party and witness. Repetitive questions asked at the Title IX live hearing may be deemed irrelevant. If a party does not have an advisor at the time of a live hearing, the University will provide one for them.
- Responsible for providing the outcome letter and rationale for decisions, delivered simultaneously to both parties.



APPEAL OFFICER

The responsibilities of the Appeal Officer include the following:

- The Appeal Officer will be the Vice President of Student Life or designee, as indicated in the written determination of responsibility.
- Both parties have the option to appeal a dismissal of a formal complaint and/or the determination regarding responsibility (on specific grounds outlined in the policy). All appeals must be submitted in writing to the Appeal Officer within 5 days of receiving the written determination of responsibility.
- Within 7 business days of receiving the written appeal, the Appeal Officer will review the appeal to determine whether it falls within one of the three bases for appeal as described above. If it does, the University will promptly notify the other party when a valid appeal is filed and will implement appeal procedures equally for both parties. If it does not meet the appeal criteria, the appealing party will be notified in writing.
- The other party will be given 5 business days from the date of notification of the appeal to submit to the Appeal Officer a written response to the appeal.
- Either after receiving the other party's written response to the appeal, or after the time for the other party to submit a written response has expired, the Appeal Officer will make a determination regarding the outcome of the appeal within 7 business days. Upon a determination of the outcome of the appeal, the Appeal Officer will provide written notice of the decision to both parties and will make all reasonable efforts to simultaneously notify said parties. This written notice will describe the rationale for the result of the appeal.





UNDERSTANDING THE PROCESS



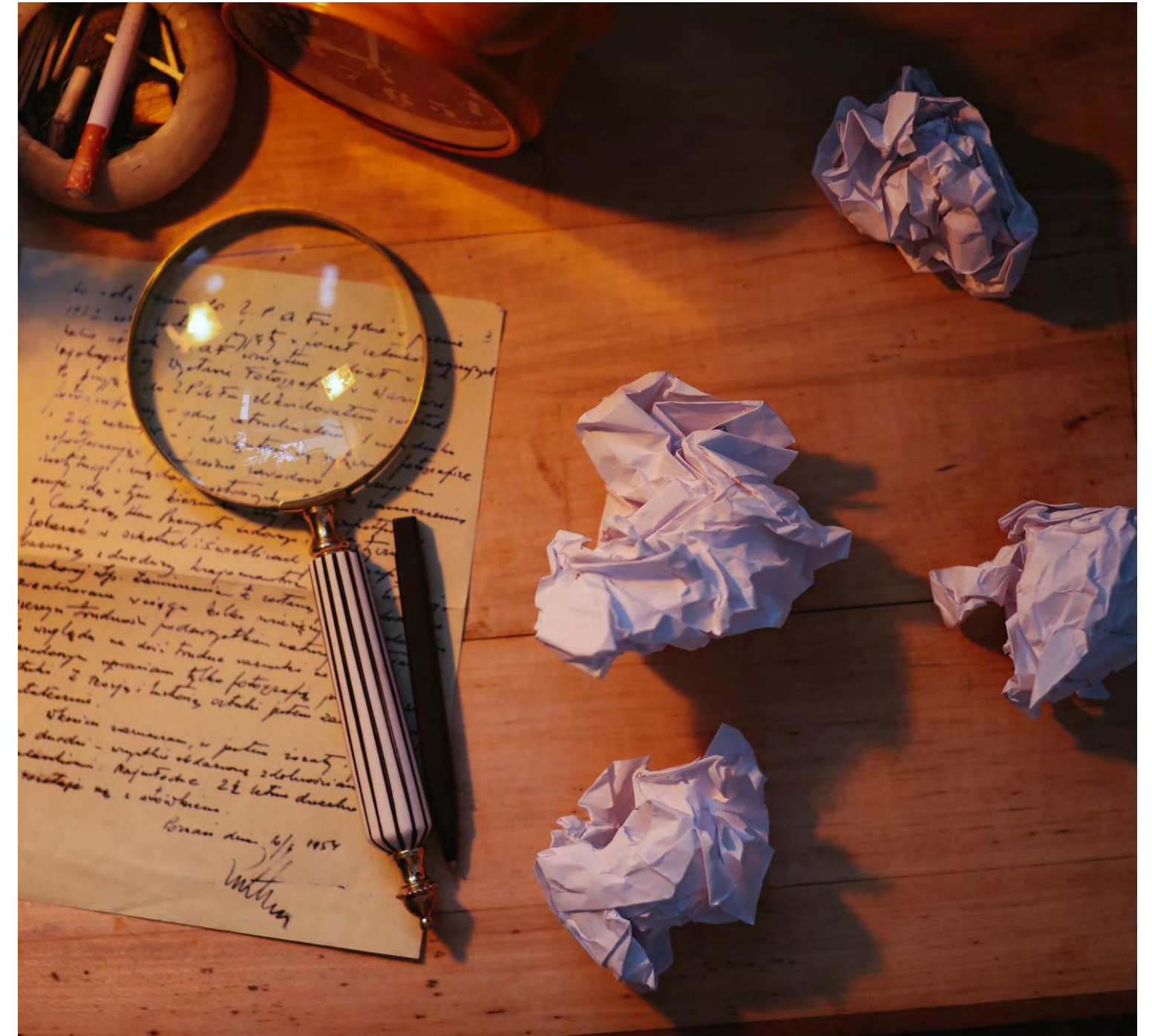
SEXUAL MISCONDUCT REPORTING

- How does a student report an incident of Sexual Misconduct?
- Why might a student wait to report an incident to the University?
- Why might a student choose not to pursue criminal charges through the court system?
- Amnesty
- 3 Main Issues: Force/Coercion, Incapacity, Consent



“BIG I” VS. “little i”

- Levels of Investigations
 - Response
 - Little “i” – Brief or preliminary = assessment of info
 - Big “I” – Full comprehensive investigation



“

§ 106.44(a) Recipient's Response to Sexual Harassment

A recipient with actual knowledge of sexual harassment in an education program or activity of the recipient against a person in the United States, must respond promptly in a manner that is not deliberately indifferent.



Deliberately Indifferent Explained:

- In order to not be deliberately indifferent, §106.44(a) requires that a recipient's response:
 - must be prompt;
 - must consist of offering supportive measures to a complainant; and
 - must ensure that the Title IX Coordinator contacts each complainant to discuss supportive measures, consider the complainant's wishes regarding supportive measures, inform the complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the complainant the process for filing a formal complaint.
- This mandatory, proactive, and interactive process helps ensure that complainants receive the response that will most effectively address the complainant's needs in each circumstance.

FORMAL COMPLAINT



A Formal Complaint is a document signed by a Complainant, alleging sexual harassment against a Respondent and requesting that the University investigate. (Must be submitted in writing). Upon receipt of complaint, the Title IX Coordinator must do an initial assessment and review for mandatory or discretionary dismissal. If dismissed from Title IX, **complaint will be redirected to another University office or process for resolution.**

The notice of formal complaint must be sent to both parties with sufficient details including the identity of the parties, nature and location of the incident, implicated policies, and must include a statement that the respondent is presumed not responsible until the completion of the process.



WHEN THE CONDUCT IS NOT TITLE IX



- **Scope of jurisdiction** – university must have control over the harasser and the context of the harassment. The harassment must occur against a person in the United States (changes how universities address off campus and study abroad complaints).
- Does not meet definition of “prohibited behaviors”
- If known at the time of meeting, explain to Complainant and explain what happens next:
 - If a formal complaint has already been filed, notification of “dismissal” must be sent to both parties. Refer to appropriate office for follow up (HR, Student Conduct, etc.).
 - If a formal complaint has not been filed, refer to appropriate offices (HR, Student Conduct, etc.).

GROUNDS FOR DISMISSAL



- **Mandatory Title IX “dismissal” will occur if:**
 - The alleged harassment would not constitute a Title IX violation because it does not meet or could not meet the definition of Title IX sexual harassment as described by the policy; or
 - The alleged harassment did not occur within the jurisdiction and scope required by Title IX.
- **Discretionary Title IX “dismissal” may occur if:**
 - At any time during the investigation or live hearing a Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the formal complaint or any allegations;
 - The Respondent is no longer enrolled in or employed by the University; or
 - There are specific circumstances that prevent the University from gathering evidence sufficient to reach a determination as to the formal complaint or allegations.
- At any point during the grievance process, a Respondent may choose to voluntarily admit responsibility for the alleged violation(s) and execute a written waiver, at which point the Respondent will be assigned a sanction(s) and the grievance process will be terminated.



DURING THE “INTAKE” MEETING, ASK YOURSELF...

- Do the allegations involve a protected category?
- Are the alleged prohibited behaviors “on the basis of sex?”
- Does the university have authority over the responding party?
- Did the allegations occur on university owned/controlled property or during a university event?
- Would the allegations, if taken as true, meet the criteria for harassment or discrimination?
- What is the role of the parties involved?

SUPPORTIVE MEASURES

Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Cannot implement any supportive measure that puts undue burden on either party.

- Examples include:
 - Counseling support
 - Academic support
 - Housing modifications
 - No Contact / No Trespass Orders



Counseling Center: 401-254-3124
Located on the 2nd floor of the CSD building

Confidential Reporting

Health Services: 401-254-3156
located on the 2nd floor of the CSD building

No Formal Complaint

Offer Supportive Measures
*see examples below

No Further action
unless formal
complaint filed.

Formal Complaint

written or electronic document to Title IX Coordinator

Jen Stanley:
(401) 254-3123
jstanley@rwu.edu

Offer Supportive Measures
*see examples below

Formal Grievance Process

Investigation

Live Hearing

Written Determination

Not Responsible

Responsible

Sanctions

Student
Conduct

Title IX

Human
Resources

Appeals

Alternate/ Informal
Resolution

mediation or other
form of dispute
resolution

Agreement
between
parties

No
Further
action

**Title IX
RWU
Process**

For more information, please visit the RWU Title IX webpage

Supportive Measures
Including but not limited to...

*Academic Modifications

*Protective Measures
ex: increased security,
no contact orders etc

*Off Campus Resources:
Day One, Local Hospitals,
Local Law Enforcement

*Counseling
*Housing Adjustments



TITLE IX FORMAL GRIEVANCE PROCESS OVERVIEW

1

Incident

- Formal Complaint / Notice to TIXC

2

Initial Assessment

- Jurisdiction
- Dismissal
- Supportive Measures
- Emergency Removal
- Referral to Another Process
- Informal / Formal Resolution

3

Formal Investigation

- NOIA
- Interviews
- Evidence Collection
- Draft Report
- Share Draft and Evidence
- Review/Comment
- Final Report

4

Hearing

- Questioning
- Credibility Assessment
- Determination and Rationale
- Sanctions
- Remedies

5

Appeal

- Appeal Grounds
- Determination and Rationale



§106.45(b)(6)(i)

- Only relevant cross-examination and other questions may be asked of a party or witness.
 - Before a complainant, respondent, or witness answers a cross-examination or other question, the decision-maker(s) must first determine whether the question is relevant and explain any decision to exclude a question as not relevant.
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Relevant Cross-Examination and Other Questions

- The ED declines to define “relevant” and states that this term should be interpreted using its plain and ordinary meaning.
- The next slides provide some helpful information/guidelines for making relevancy determinations.



COMPLAINANT'S SEXUAL PREDISPOSITION AND SEXUAL HISTORY

A Complainant's sexual predisposition is
NEVER relevant.

A Complainant's sexual history is ONLY relevant
if questions/evidence about sexual history are
offered to prove:

↓

1) that someone other than the respondent
committed the conduct alleged by the
complainant; OR

↓

2) if 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.

HEARINGS & RELEVANCY

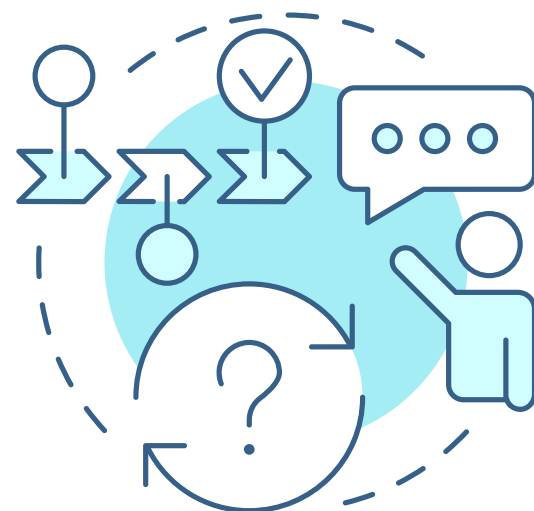
- May not used legally recognized privileged information UNLESS the person holding the privilege has waived the privilege.
- May not use private records UNLESS written voluntary consent is obtained.
- The university may adopt rules of order or decorum to forbid badgering a party or witness, and may fairly deem repetition of the same question to be irrelevant.
- The university is permitted to develop institutional rules and practices to oversee cross-examination to ensure that questioning is relevant, respectful, and non-abusive, so long as those rules and practices apply equally to both parties.



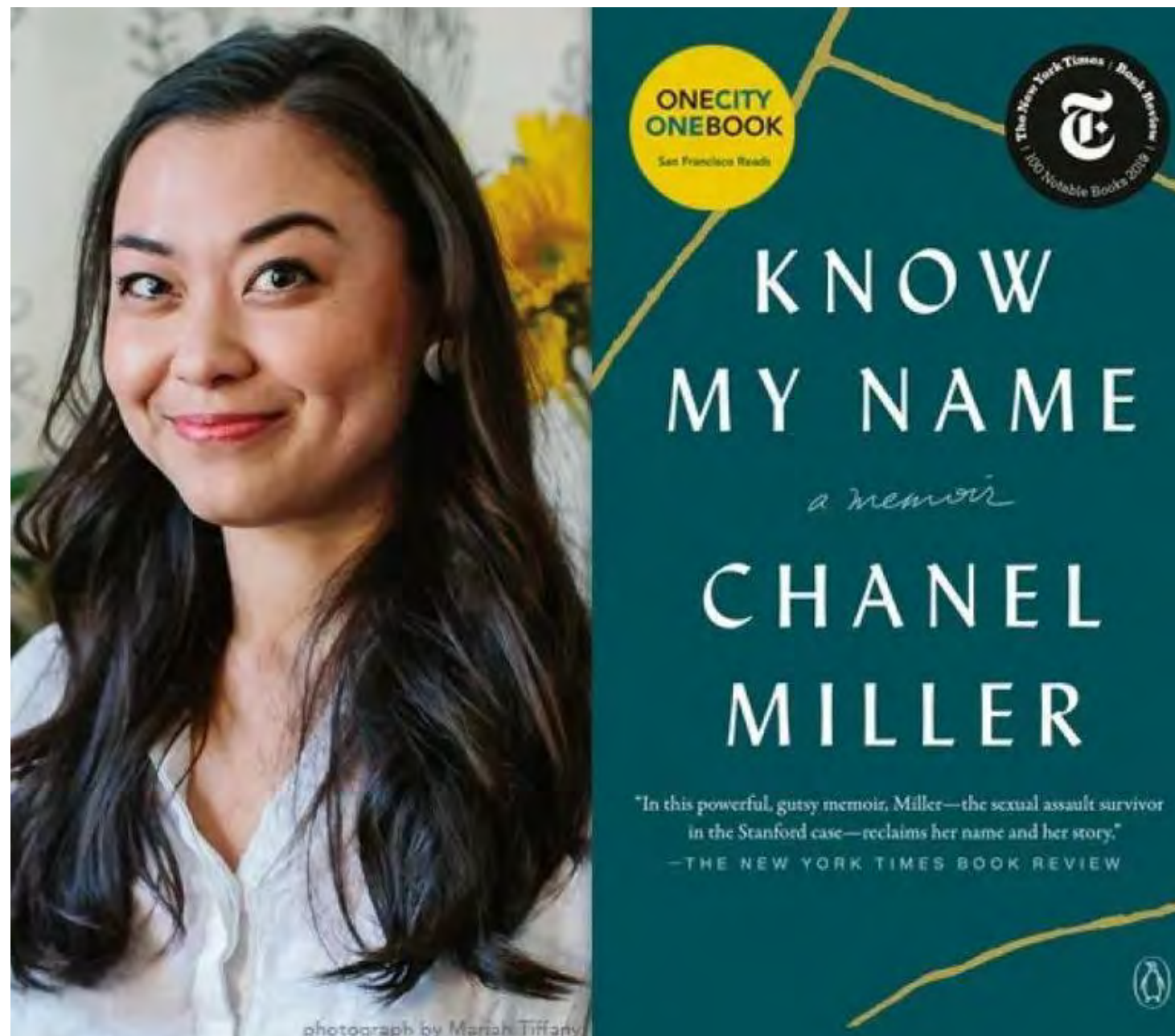
WRITTEN DECISION MUST INCLUDE...



- Identification of the code alleged to have been violated
- Description of the procedural steps taken from receipt of the complaint through determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held
- Findings of fact used to support the determination
- Conclusions regarding the applications of the code of conduct to the facts
- Statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility
- Any sanctions the recipients imposes on the respondent, and any remedies provided by the recipient to the complainant designed to restore or preserve access to the program or activity
- The procedures and bases for an appeal



WHY ALTERNATE RESOLUTION IS IMPORTANT



“When society questions a victim’s reluctance to report, I will be here to remind you that you ask us to sacrifice our sanity to fight outdated structures that were designed to keep us down. Victims do not have the time for this. Victims are also students, teachers, parents, who can’t give up work or education...It is not reasonable to casually demand that victims put aside their lives to spend more time pursuing something they never asked for in the first place...**This is about society’s failure to have systems in place in which victims feel there is a probable chance of achieving safety, justice, and restoration** rather than being retraumatized, publicly shamed, psychologically tormented, and verbally mauled. The real question is not, *Why didn’t she report*, the question is, *Why would you?*”

ALTERNATE RESOLUTION PROCESS



At ANY TIME prior to reaching a determination

- May include mediation
- Does not involve full investigation and adjudication

Must provide parties written notice disclosing:

- Allegations
- Requirements of the alternate resolution process, including the circumstances under which it precludes parties from resuming a formal complaint arising from the same allegations

Must inform parties of the consequences resulting from participating in the alternate resolution process, including the records that will be maintained or could be shared

Obtain parties' voluntary written consent



SOURCES OF CONFLICT

- Conflicts are a sign of unmet needs
- There are three root causes of conflict

1) Power and Control

2) Care and Connection

3) Respect and Recognition



COMMON OFF-RAMPS FOR ALTERNATE RESOLUTION

Any party may request to pursue Alternate Resolution at any point prior to a final determination

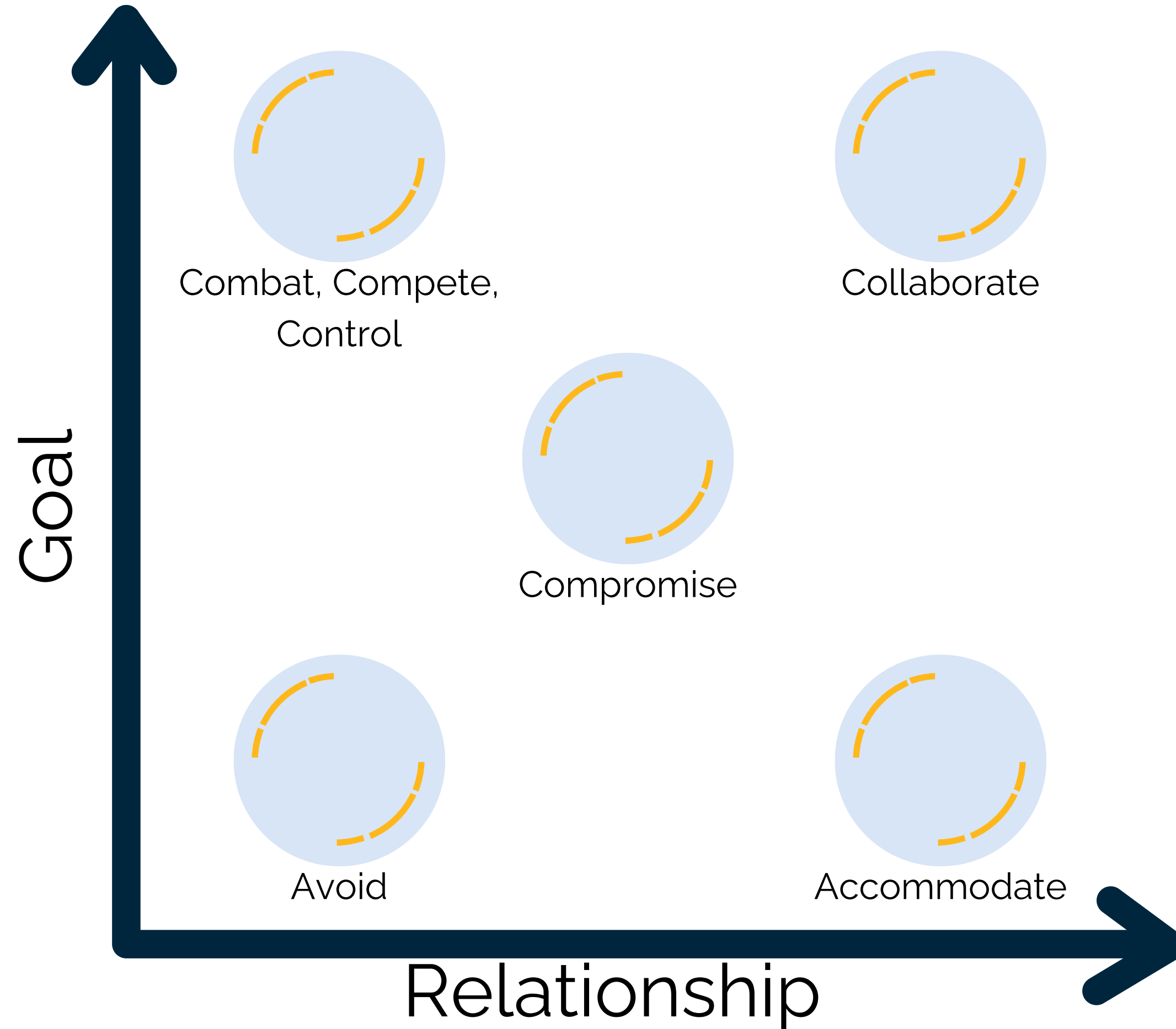
Intake Meeting

**First
Respondent
Meeting**

**First 10-Day
Report Review**

**Final Report
Review**

APPROACHES TO CONFLICT RESOLUTION



ALTERNATE RESOLUTION PROCESS

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graph LR; A[Intake] --> B[Preparation Meetings]; B --> C[Facilitation]; C --> D[Closure];
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Intake

**Preparation
Meetings**

Facilitation

Closure

ALTERNATE RESOLUTION PROCESS



The diagram illustrates the 'Alternate Resolution Process' through three horizontal levels. On the left, a vertical bar is divided into three colored segments: yellow at the top, light blue in the middle, and light purple at the bottom. A large, dark blue curved shape is partially visible on the far left. Each segment of the vertical bar connects to a chevron-shaped box containing a letter: 'P' for Positions, 'I' for Interests, and 'N' for Needs. To the right of each lettered box is a larger, light gray chevron box containing a definition and an example for that level.

P

Positions: specific demands; a chosen stance; a solution upon which a party has decided

Example: "I want the Respondent suspended"

I

Interests: underlying motivations, hopes, concerns, desires, or worries that led a party to their position; what helps a party choose their solution

Example: "I don't want to have classes with the Respondent"

N

Needs: what a party actually must have

Example: safety

IT ALL BOILS DOWN TO THIS...



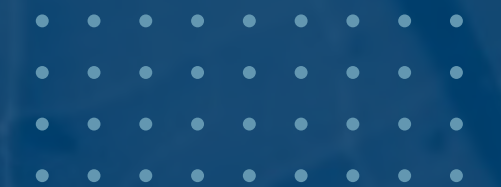
STOP



REMEDY



PREVENT



OTHER CONSIDERATIONS

IMPACT OF DRUGS AND ALCOHOL

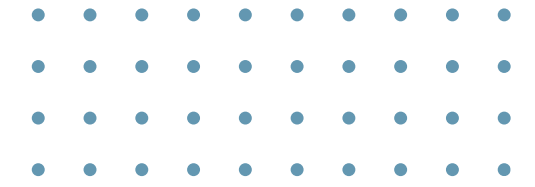


Studies indicate that:

- Alcohol's motor impairments reduce someone's ability to resist effectively
- Alcohol's cognitive impairment reduce the ability of someone to evaluate risk and perceive someone's cues
- Alcohol consumption is associated with aggression and loss of inhibition



RWU'S DEFINITION OF INCAPACITATION



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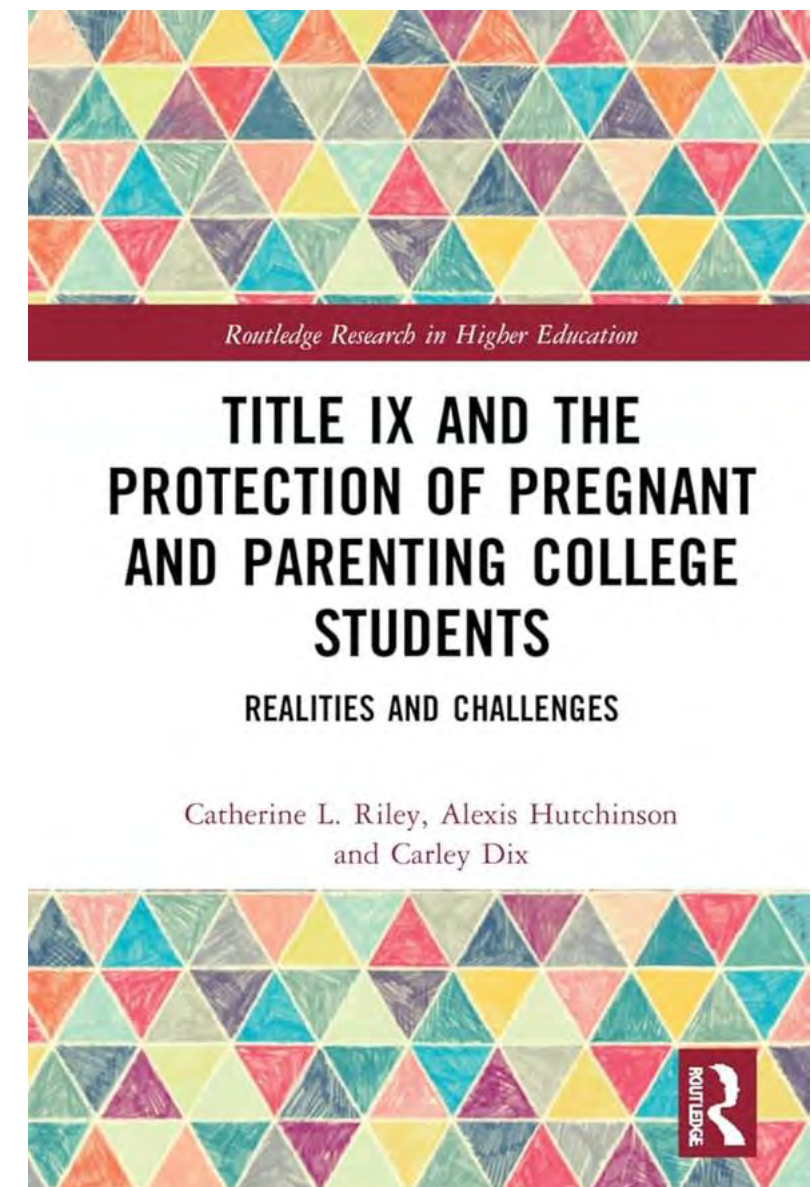
Incapacitation

is a state where an individual is temporarily or permanently impaired to the extent where that person can no longer make a rational and informed decision to consent to sexual activity. Incapacitation may be caused by mental or physical disability, or when a person has consumed alcohol or other drugs, including prescribed medication. Individuals who are asleep or unconscious are incapacitated. A person who does not comprehend the “who, what, when, where, why or how” of a sexual interaction may be incapacitated.

1. Indicators of alcohol-related incapacitation may include, but are not limited to, stumbling or shaky equilibrium, vomiting, slurred speech, bloodshot eyes, smell of alcohol, outrageous or unusual behavior, unconsciousness (for short or long periods of time), elevated blood alcohol level, sleeping, blackout, or loss of memory.

PREGNANCY AND RELATED CONDITIONS

- Policy viewable via Title IX web page and Student Handbook page.
- Employees must provide Title IX Coordinator's contact information and notify the student that the TIXC works to prevent sex discrimination and ensure equal access.
- Reasonable modifications to policies, practices, or procedures:
 - Cannot fundamentally alter the education program or activity.
 - Student can accept or decline each reasonable modification.
 - Cannot require documentation unless necessary to provide modification.
- Student can request a voluntary medical leave of absence.
- Lactation space is required (located in GHH 113)



PREGNANCY DEFINITION



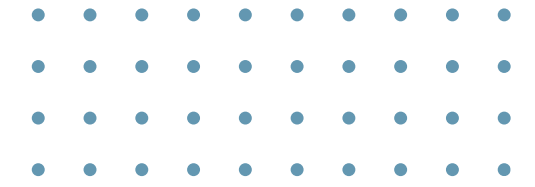
“

Pregnancy or related conditions means:

- Pregnancy, childbirth, termination of pregnancy, or lactation;
- Medical conditions related to pregnancy, childbirth, termination of pregnancy, or lactation; or
- Recovery from pregnancy, childbirth, termination of pregnancy, lactation, or their related medical conditions.

Also important to note: lactation spaces, leaves of absences, accommodations

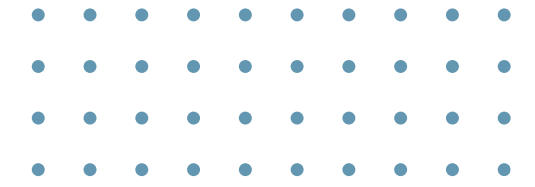
ATHLETICS



- **Provide equitable opportunities for participation.**
- **Ensure equal treatment of female and male student-athletes.**
- **This includes equal access to:**
 - equipment and supplies
 - scheduling of games and practice times
 - travel and daily allowances
 - access to tutoring
 - coaching
 - locker rooms
 - practice and competitive facilities
 - medical and training facilities and services
 - housing and dining facilities and services
 - publicity
 - support services
 - recruitment of student-athletes



SINGLE-SEX PROGRAMS & SCHOLARSHIPS



- Allows for limited exceptions.
- Single-sex programs are permissible if they offer substantially equal opportunities for both sexes or if there is a demonstrated, substantial need for the single-sex program.
 - Sex education classes
 - Sororities / Fraternities
- Institutions can administer scholarships established through wills, trusts, or similar legal instruments that specify a particular sex, provided they use the "**pool and match**" method.
- "**Pool and Match**" involves creating a broader, gender-neutral pool of funds and then matching students to awards based on the donor's specified sex, with institutional funds covering any remaining financial need.

An aerial photograph of a campus, likely a university, featuring several large buildings, parking lots, and green spaces. A body of water is visible on the left side of the image. The entire scene is overlaid with a semi-transparent blue filter. The word "QUESTIONS?" is written in large, white, bold, sans-serif capital letters across the center of the image.

QUESTIONS?



THANK YOU!

