

WAICU Title IX Training

June 23, 2020
Via Microsoft Teams

WAICU Title IX Training Planning Committee:

Andy Luptak, Concordia University Wisconsin

Shaniqua Crawford, Lawrence University

Cara Hardin, Marquette University

Kristen Kreple, Marquette University

Katie Kassulke, Medical College of Wisconsin

Michele Wittler, Ripon College

Lori Evans, St. Norbert College



Notice

7KH LQIRUPDWLRQV SURYLGHG LQ WKH LQRV
LQWHQG HG WR FRQVWLWXWH OHJDO DG
FRQWHQW DQG PDWHULDORV DYDLODEOH
WUDLQLQJ SXUSRHV DQG JHQHUDO LQIR

Overview

.DWLH .DVVXONH
7LWOH , ; &RRUGLQDWRU
0HGLFDO &ROOHJH RI :LVFRQV
..DVVXON#PFZ HGX



Welcome and Agenda

- y 7RS ,; 'XWLHV IRU WKH 7LWOH ,; &RRUG
- y 7KH UROH RI WKH DGYLVRU
- y 6XSSRUWLYH PHDVXUHV
- y)RUPDO FRPSODLQWV
- y 'LVPLVDOV
- y &RQIOLFWV RI LQWHUHVW DQG ELDVHV
- y ,QIRUPDO UHVROXWLRQ
- y *ULHYDQFH SURFHVV XQGHU
 - f ,QYHVWLJDWLRQ
 - f +HDULQJ SURFHVV
 - f \$SSHDOV
- y 5RDGPDS WR FRPSOLDQFH
- y 4 \$

The Expanded Role of the Title IX Coordinator

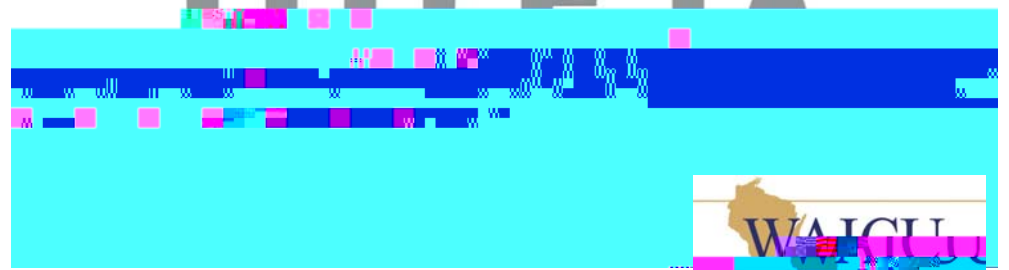
&DUD +DUGLQ
7LWOH , ; 'HSXW\ &RRUGLQDWR
0DUTXHWWH 8QLYHUVLW\
FDUD KDUGLQ#PDUTXHWWH HG



Title IX Coordinator – Role and “IX” Duties

† □ RI WKH ILQDO UHJXODWLRQV UHTXL
GHVLJQDWH DQG DXWKRULJH DW OHDVW R
7LWOH , ; & RRUGLQDWRU DQG FRRUGLQDW
FRPSO\ ZLWK WKH ILQDO UHJXODWLRQV

TITLE IX



, 1RWLI\LQJ DSSOLFQWV IRU DGPI
HPSOR\PHQW VWXGHQWV HPSOR\
XQLRQV RU SURIHVVLQRQDO RUJDQ
KROGLQJ FROOHFWLYH EDUJDLQLG
SURIHVVLQRQDO DJUHHPHQWV ZLWK
†

‡ 7KH QDPH DQG FRQWDFW LQIRUPDWLRQ
&RRUGLQDWRU

‡ 7KDW DQ\SHUVRQ PD\UHSRUW VH[GLVF
WR WKH 7LWOH , ; &RRUGLQDWURU LQ SHU
RWKHU PHWKRG †DW DQ\ WLP



, 1RWLI\LQJ DSSOLFQWV IRU DGPL
HPSOR\PHQW VWXGHQWV HPSOR\
XQLRQV RU SURIHVVLQRQDO RUJDQ
KROGLQJ FROOHFWLYH EDUJDLQLG
SURIHVVLQRQDO DJUHHPHQWV ZLWK

†

‡ 7KDW WKH VFKRRO GRHV QRW GLVFULPL
ZLWKLQ LWV SURJUDPV DQG DFWLYLWLH
DQG HPSOR\PHQW DQG WKDW WKH VFKR
QRW WR GLVFULPLQDWH† LQ ~~E~~XFK D PDQ

‡ 7KDW TXHVWLRQV DERXW WKH DSSOLFQW
5HJXODWLRQV PD\ EH UHIHUHG WR WKH
WKH \$VVLVWDQW 6H†FUHW~~E~~U\ RU ERWK

, 1RWLI\LQJ DSSOLFQWV IRU DGPL
HPSOR\PHQW VWXGHQWV HPSOR\
XQLRQV RU SURIHVVLRQDO RUJDQ
KROGLQJ FROOHFWLYH EDUJDLQLG
SURIHVVLRQDO DJUHHPHQWV ZLWK

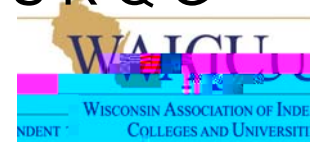
†

‡ 3URYLGH QRWLFH RI WKH VFKRRO†V JULH
JULHYDQFH SURFH†V LQFOXGLQJ

f +RZ WR UHSRUW RU ILOH D FRPSODLQW RI

f +RZ WR UHSRUW RU ILOH D IRUPDO FRPSO
DQG

f +RZ WKH UHFLSLHQW ZLOO UHVSRRG



,, (QVXUH WUDLQLQJV SURYLGHG W
DUH SXEOLVKHG RQ 7LWOH ,; ZHEV
† E ' ,

6FKRROV PXVW SXEOLVK WUDLQLQJ PD
UHIOHFW WKH ODWHVW WUDLQLQJ SUHR
IRU \HDUV

7LWOH ,; SHUVRQQHO LQFOXGH WKH 7L
LQYHVWLJDWRU DQ\ GHFLVLRQ PDNHU
DQ LQIRUPDO UHVROXWLRQ VXFK DV P

2 & 5

KWWSV ZZZ HG JRY DERXW RIILFHV C

, , ,

5HVSRQGLQJ WR UHSRUWV D
RI VH[XDO KDUDVVPHQW

³\$FWXDO NQRZOHGJH' RI VH[XDO KDUD
GXW\ IRU WKH VFKRRO 7LWOH , ; &RRUC

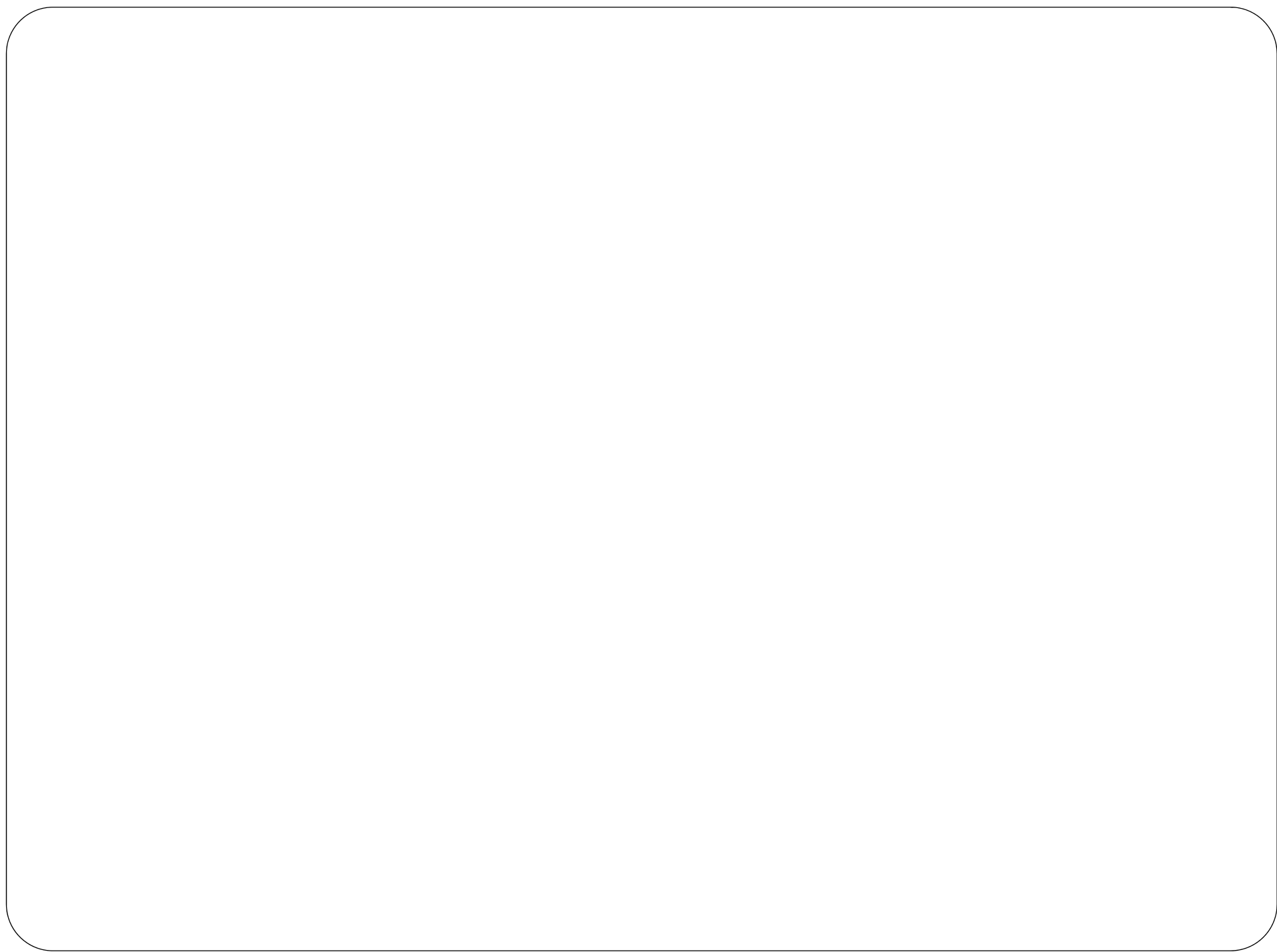
† D



, , ,

5 H V S R Q G L Q J W R U H S R U W V D C
R I V H [X D O K D U D V V P H Q W

y



9, 5XOHV RQ 'LVPLVVDOV RI)RUP
&RPSODLQWV



9, , 2YHUVHHV *ULHYDQFH 3URFHV

&RRUGLQDWHV DQG PRQLWRUV KHDULQJ



\$SSRLQWV DSSHDO RIILFHU DQG FRRUGL



,I D ILQGLQJ RI UHVSQRVLELOLW\ RRRUC
ERWK VXSSRUWLYH PHDVXUHV DQG UHPH

9 , , , 5 H F R U G . H H S H U

7 K H V F K R R O P X V W P D L Q W D L Q U H F R U G V I R U
† E



- † ' H W H U P L Q D W L R Q U H J D U G L Q J U H V S R Q V L E
- † \$ X G L R R U D X G L R Y L V X D O U H F R U G L Q J R U
S U R F H V V
- † ' L V F L S O L Q D U \ V D Q F W L R Q V L P S R V H G R Q
- † 5 H P H G L H V J U D Q W H G W R W K H F R P S O D L Q D
- † \$ S S H D O D Q G G H F L V L R Q R Q D S S H D O
- † \$ Q \ L Q I R U P D O U H V R O X W L R Q D Q G U H V X O V
- † 6 X S S R U W L Y H P H D V X U H V R U Z K \ Q R W G H
- † ' R F X P H Q W D W L R Q W K D W U H V S R Q V H Q R W
W K D W V F K R R O K D V W D N H Q P H D V X U H V W I
D F F H V V W R S U R J U D P V D Q G D F W L Y L W L H V



, ; (Q V X U H V F R P S O L D Q F H Z L W K R W
J X L G D Q F H R Q V H [E D V H G P L V F R C

& U H D W H V D Q G R Y H U V H H V S R O L F \ U H O D W
V W X G H Q W V - X Q H ' & /

0 R Q L W R U V H T X L W \ Z L W K L Q D W K O H W D D W
- X Q H 0 D U - X O \ - X O \ F

(Q V X U H Q R Q V H [G L V F U L P L Q D W R U \ K L U L C

& R Q V X O W D Q W L Q W K H F U H D W L R Q R U O F R C
S U R J U D P V &) 5 &) 5 D Q G 0 D



Defining the Role of Advisor

‡ (DFK SDUW\ KDV D ULJKW WR DQ DGYLVR
ZKR PD\ RU PD\ QRW EH DQ EWWR%UQH\

‡ 6FKRRO PD\ QRW OLPLW WKH FKRLFH RU
IRU HLWK+HU SDUEW\ %

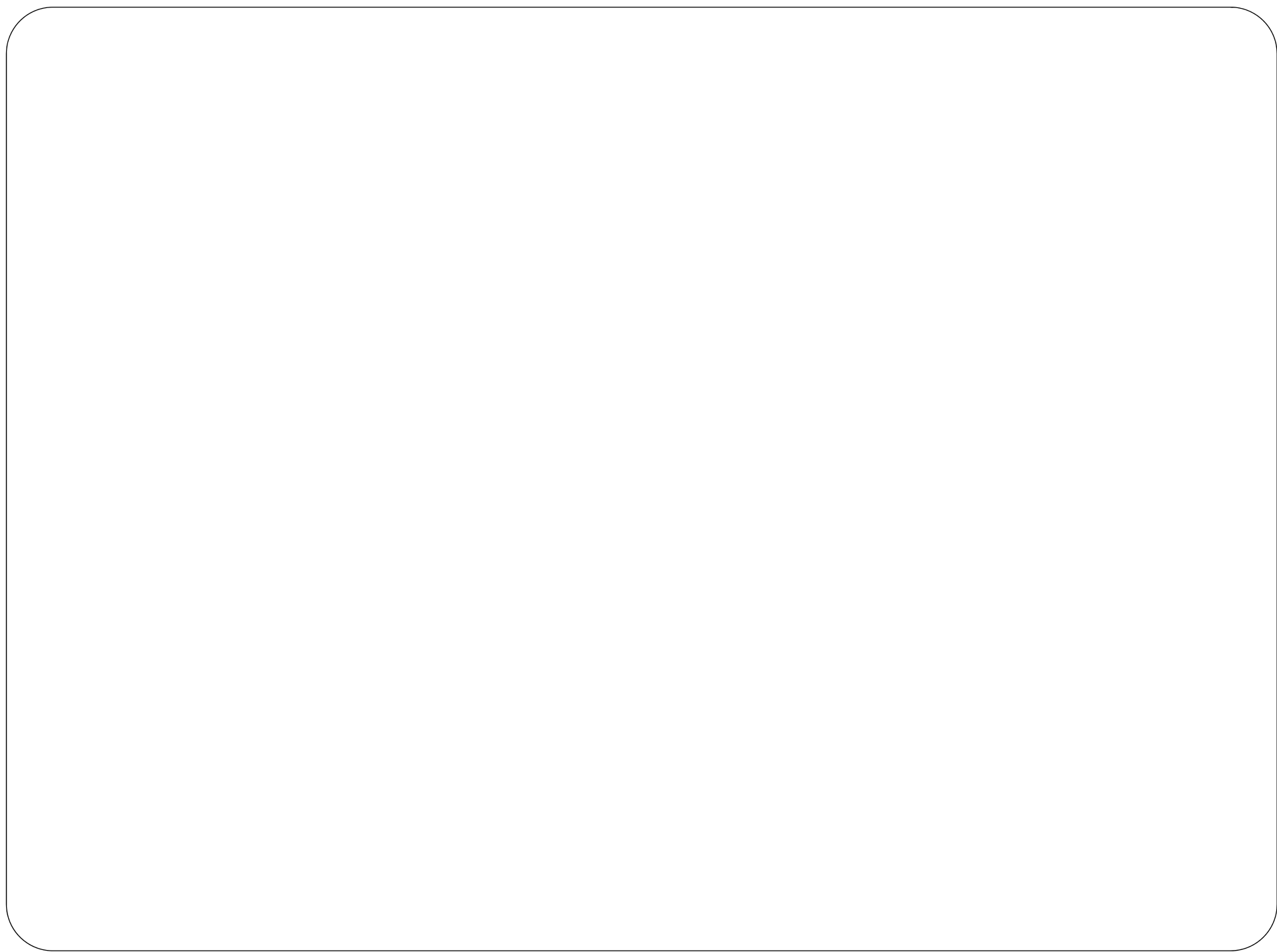
‡ \$GYLVRUV QHHG QRW EH IUHH RI ELDV R

‡ 5HVWULFWLRQV PD\ EH HVWDEOLVKHG U
DGYLVRU¶V SDUWLFLSDWLRQ LQ WKH JUI
DV UHVWULFWLRQV SURYLGHG HTXDOO\ V

Supportive Measures – an Element of the Mandatory Response Obligations

y 6FKRROV PXVW RIIHU VXSSRUWLYH PHD
FRPSODLQDQW VXSSRUWLYH PHDVXUHV
UHVSRQGHQW

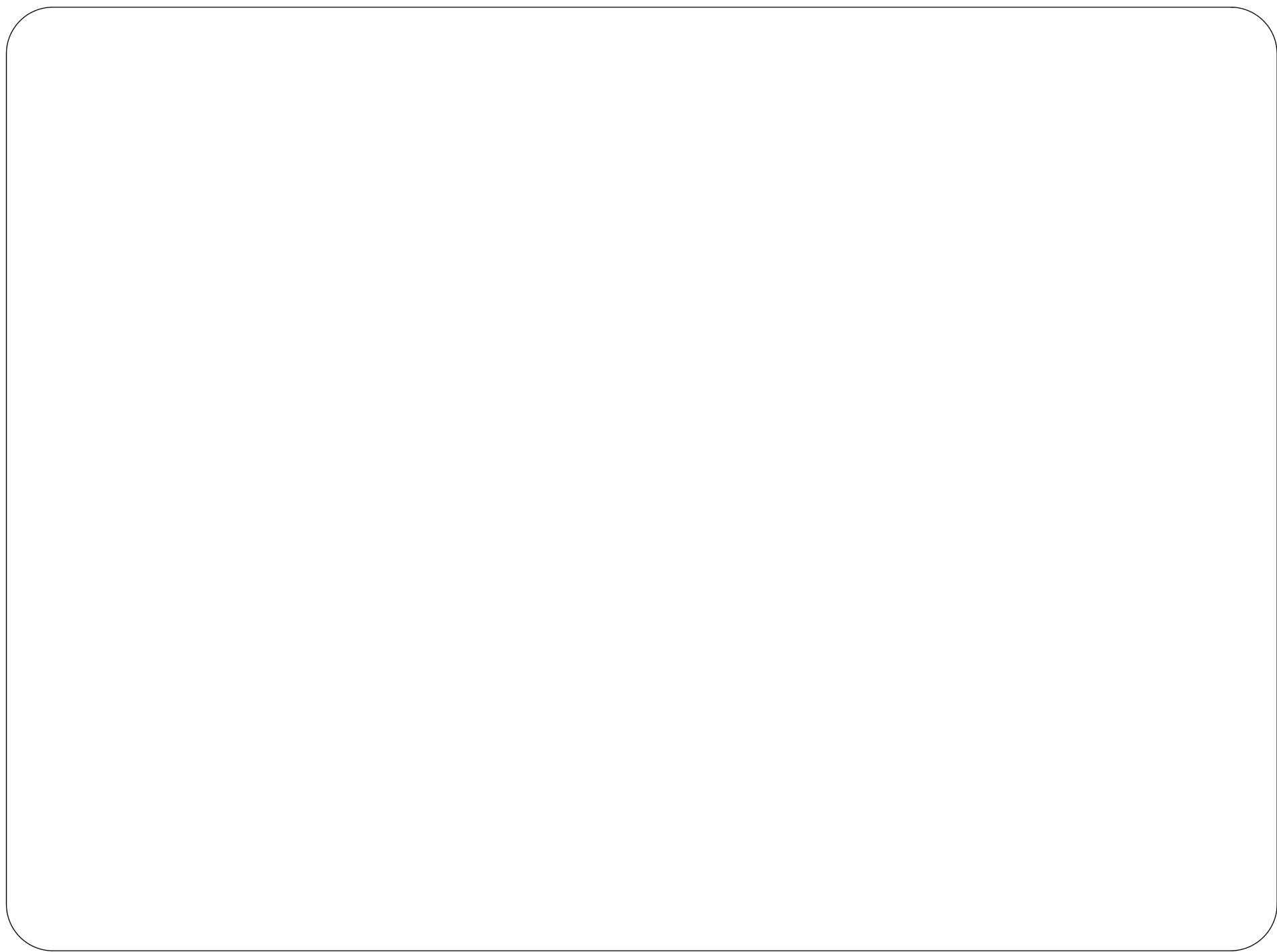
y 7LWOH ,; &RRUGLQDWRU PXVW
f FRQWDFW WKH FRPSODLQDQW UHJDODLQJ



Formal Complaint

y \$ VFKRRO PXVW LQYHVWLJDWH VH[XDO
DQ\ IRUPDO FRPSODLQW ZKLFK FDQ EH
RU VLJQHG E\ D 7LWOH , ; &RRUGLQDWR

y \$ FRPSODLQDQW¶V ZLVKHV ZLWK UHVSH
LQYHVWLJDWHV VKRXOG EH UHVSHFWH
&RRUGLQDWRU GHWHUPLQHV WKDW VLJ



Resource

y 7LWOH ,; 8SGDWH ZHELQDU -XQH
IURP \$7 ,; \$ 71 *

Dismissals

6KDQLTXD &UDZIRUG - '
7LWOH , ; &RRUGLQDWRU
/DZUHQFH 8QLYHUVLW\
VKDQLTXD O FUDZIRUG#ODZUHQF



What are the Grounds for Dismissal?

ODQGDV

≠ †

E L

'LVFUHW

≠ †

E LL

Mandatory Grounds: §106.45(b)(3)(i)

, I WKH FRQG XFW DOOHJHG LQ WKH IRUPD
FRQVWLWXWH VH[XDO KDU†DVVPHYQW DM G
SURYHG GLG QRW RFFXU «

y , Q WKH UHFLSLHQW¶V HGXFDWLRQ SURJ
y 'LG QRW RFFXU DJDLQVW D SHUVRQ LQ V
y 7KH UHFLSLHQW PXVW GLVPLVV WKH IRU
7 + \$Q Ađ r r H- 6, l, t R, 5 -ÄÄQ 1đ" " `6 WQØU DHQW PXV

Discretionary Grounds: §106.45(b)(3)(ii)

7KH UHFLSLHQW PD\ GLVPLVV WKH IRUPDO
DOOHJDWLRQV WKHUHLQ LI DW DQ\ WLP
KHDULQJ

y :ULWWHQ 5HTXHVW EW &RWFSDYLODQHW,;
&RRUGLQDWRUWKUHD)RUPDO &RPSODLQW
DOOHJDWLRQV WKHUHLQ

y 7KH HVSRQGLQWRQJHU RUERORHGG
WKH UHFLSLHQW 25

y 6SHFLILF FLUFXPVW WKH UHFLSLHQW IURP
JDWKHULQJ HYLGHWRUHD)FLKFDHQHWHUP
IURP WKH)RUPDO &RPSODLQW RU DOOH

Preamble Dive for More Understanding

- y 1R GLVPLVVDO IRU IULYRORXV RU PHUL
- y 5HFLSLHQW PXVW RIIHU ERWK SDUWL
GLVPLVVDO RI D IRUPDO FRPSODLQW R
WKHUHLQ
- y

Additional Important Checklist Items for Equity and Fairness

y & R Q I O L F W R I , Q W H U H V W 6 F U H H Q V

y & K H F N L Q J \ R X U % L D V H V D Q G X Q G H U V W
E D U U L H U V

y 0 L F U R D J J U H V V L R Q V



\$QG\ /XSWDN
7LWOH ,; &RRUGLQDWRU
&RQFRUGLD 8QLYHUVLW\ :LVFR
DQG\ OXSWDN#FXZ HGX



Who Can Be an Informal Resolution Facilitator

7KH)DFLOLWDWRUV PXVW

y EH IUHH IURP FRQIOLFWV RI LQWHUHVW D

f >7@KH 'HSDUWPHQW OHDYHV UHFLSLHQWV
WR LPSOHPHQW WKH SURKLELWLRQ RQ FRQ
LQFOXGLQJ ZKHWKHU D UHFLSLHQW ZLVKH
SDUWLHV WR DVVHVVH DLQWURJHQWV
LQYHVWLJDWLRQ S



Who Can Be an Informal Resolution Facilitator

y PXVW UHFHLYH WKH VDPH WUDLQLQJ DV U
LQYHVWLJDWRUV DQG GHFLVLRQ PDNHUV

f WKH GHILQLWRQ RI VH[XDO KDUDVPHQW

f WKH VFRSH RI WKH XUDLQV LQ SWRUDP RU DFW

f KRZ WR FRQGXFW LQIRUPDO UHVROXWLRQ SU

f KRZ WR VHUYH LPSDUWLDOO\ LQFOXGH QWWDY
DW LVVXH FRQIOLFWV RI LQWHUHV RU ELD

y FRQGXFW WKH SURFHVV LQ UHDFRQDEO\ S

Process Requirements

- x 7KH LQLWLD O ZULWWHQ QRWLFH RR XDVOH
LQFOXGH LQIRUPDWLRQ DERXW DQ\ LQIR
WKH UHFLSLHQW KDV FKR VHQ WR PDNH D
- x 5HJV H[SUHVVVO\ VWDWH WKDW D UHFLSL
UHVROXWLRQ XQOHVV D IRUPDO FRPSOD
- x &DQQRW IRUFH HLWKHU SDUW\ LQWR DQ
- x 7KH 'HSDUWPHQW QRW'HV WKDW QURWILQJ
DQ LQIRUPDO UHVROXWLRQ SURFHVV WR
FRQIURQLQJ HDFK RWKHU RU HYHQ EHL
URRP S

Process Requirements

- x \$Q LQIRUPDO UHVROXWLRQ SURFHVV LQ
SDUWLFLSDWH PD\ HQG LQ DQ DJUHHPHO
UHVSRQGHQW DJUHHV WR D GLVFLSOLQD
FRQVHTXHQFH ZLWKRXW WKH UHFLSLHQW
SURFHVV IRRQRWH S
- x \$Q\ SDUW\ PD\ ZLWKGUDZ IURP LQIRUPDO
SULRU WR DJUHHLQJ WR D UHVROXWLRQ
JULHYDQFH SURFHVV S
- x 5HFLSLHQW PXVW x XV ð Q p Ø € L È'‰ @\,v KL!W " H

Process Requirements

- x 5HF LSLHQW ¶ V 1R 1RV \$ UHF LSLHQW L
- f UHTXLULQJ VWXGHQWV RU HPSOR\HHV WR ZD
JULHYDQFH SURFHVRIDHVQDFFRQGHLOWRRQU HPSO
HQMR\PHQW RI DQ\ RWKHU ULJKW
- f UHTXLULQJ WKH SDUWLHV WR SDUW SURESDW H
- f RIIHULQJ LQIRUPDO UHVROXWLRQ XQHOLHWKH D
SDUW\ KDV WKH ULURW LVQRZLPDIOGUBVZRFKH D L
JULHYDQFH SURFHVEH DRW HD QV WHLPLQJ D UHVR
- f RIIHULQJ RU IDFLDLOW D WVRQXVQLRQDSUHRFHVV
DOOHJDWLRQV WKDXD DQ\HKPSODRVMHGVB[VWXG

Process Requirements

‡ :LWK UHVSHFW WR LQIRUPDO UHVROXWL
VHUYLQJ DV ZLWQHVVHV LQ VXEVTXHQ
SURFHVVHV ZH OHDYH WKLV SRVVLELO
>'2(H[SHFWV FOHDU GLVFORVXUH WR W

Models of Informal Resolution

‡ ,QIRUPDO UHVROXWLRQ PD\ HQFRPSDVV D
UHVROXWLRQ VWUDWHJLHV LQFORGLQJ
PHGLDWLRQ RU UHVWRUDWLYH MXVWLFH

‡ 7KH 'HSDUWPHQW H[SHFWV LQIRUPDO UHV
WUHDWHG DV FRQWUDFW WKH SDUWLHV
WHUPV RI WKH DJUHHPHQW DQG RQFH HQ
ELQGLQJ DFFRUGLQJ WR LWV WHUPV S

Models of Informal Resolution

x 5HVWRUDWLYH1-RXWMLLQFJLQ >WKH UHJXODW
UHFLSLHQWV IURP XVLQJ UHVWRUDWLYH
SURFHVV WR DGGUHV VHXDO PLVFRQGXI

f \$ UHFLSLHQW FRXOG XVH D after VWRUDWLYH
GHHUPLQDWLRQ IRU QGHVSRUWLSRLOGLHQW UH
QRWKLQJ LQ WKH ILQDO UHJXODWIDRUV GLF
VDQFWLRQ D UHFLSLHQW PD\ RU PXVW LPS

x 0HGLDWL>R@KHUH D UHFLSLHQW EHOLHYKL

Models of Informal Resolution

x 1 H J R W L D W H G 5 H X S W D X M L V R Q H U P \$ Q L Q I R
U H V R O X W L R Q P D \ U H V X O W L Q G L V F L S O L Q I
7 K H ' H S D U W P H Q W Q R W H V W K D W
' E U H T X L U H V D Q L Q I R U P D O U H V R O X Y
L Q Y R O Y H W K H S D U W L H V F R Q I U R Q W L Q J H D
S U H V H Q W L Q W K H V D P H U R R P S

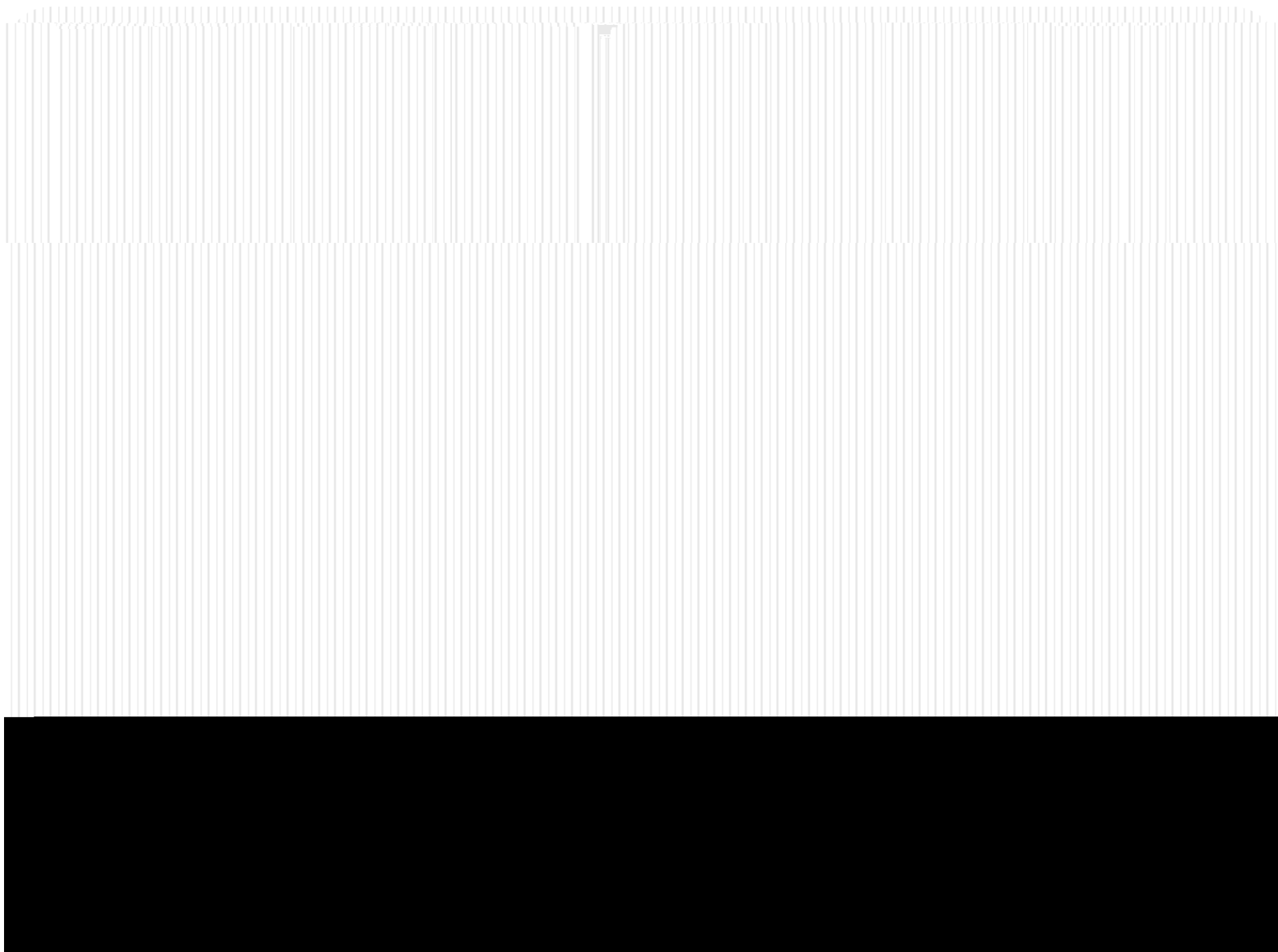
Resources

Mediation is Making an Impact on College Campuses

E\ -DQH &XWOHU *UHHQVSDQ DQG 3HWHU)
+LJKHU (GXFDWLRQ

The Benefits of Using External Adjudicators for Campus Sexual Assault Proceedings

E\ -DQH *UHHQVSDQ 7KH \$PHULFDQ %DU \$
-\$06 -XGLFLDO \$UELWUDWLRQ DQG 0HGLD



Grievance Process for Formal Complaints - the Investigation

/RUL (YDQV
'LUHFWRU RI 6WXGHQW -XGLFLD
6W 1RUEHUW &ROOHJH
/RUL HYDQV#VQF HGX



Notice of Allegation †106.45(b)(2)(i)(B)

y 0XVW EH LQ ZULWLQJ DQG LQFOXGH

f 1RWLFH RI DOO DOOHJDWLRQV RI 6H[XDC
VXIILFLHQW GHWDLOV NQRZQ LQFOXGLQ

f \$ VWDWHPHQW WKDW WKH UHVSRRGHQW
QRW UHVSRRQVLEOH IRU WKH DOOHJHG FR

f 1RWLFH WKDW HDFK PD\ KDYH DQ DGYLVI

f 1RWLFH WKDW HDFK PD\ LQVSHFW DQG U

f ,QIRUPDWLRQ UHJDUGLQJ SROLF\ WKDW
IDOVH VWDWHPHQWV RU IDOVH LQIRUPDV

y 6XIIILFLHQW WLPH PXVW EH JLYHQ WR
5HVSRRGHQW WR SUHSDRUDQD LQHWLSDOO
LQWHUYLHZ



Process Advisors †106.45(b)(5)(iv)

y ,W PD\ EH KHOSIXO WR RIIHU D SURFHVV
SHUVRQ DW WKH VWDUW RI DQ LQYHVV
RIIHU WR ERWK

f 6WXGHQWV W\SLFDOO\ IHHO PRUH VXSSRU

f \$GYLVRUV PD\ DVVLVW Q3RI p0@ VÀ 3€ Q5p;

Process Advisors

- y 7KH SDUWLHV KDYH DQUDGKVVWRB SDMVH
LQWHUYLHZV ZKR PD\ RU PD\ QRW EH D
† E LY
- y OD\ HVWDEOLVK UHVWULFWLRQV UHJDUC
WKH DGYLVRU PD\ SDUWLFLSDWH LQ WK
HTXDO



Investigative Interviews

y 0XVW SURYLGH ZULWWHQ QRWLFH RI GD
SDUWFLSDQWV DQG SXUSRVH WR DQ L
PHHWLQJV ZLWK VXIILFLHQW ~~W~~LPH YWR

y ,QYHVWLJDWRUV PXVW SURYLGH HTXDO
WR SUHVHQW ZLWQHVVHV LQFOXGLQJ
DQG RWKHU LQFXOSDWRU\ DQG H[FXOS
† E LL

y ,QYHVWLJDWRU PD\ GHFOLQH WR LQWH
SURYLGH UHOHYDQW LQIRUPDWLRQ ,G
LQWHUYLHZLQJ FKDUDFWHU ZLWQHVVH
LQIRUPDWLRQ UHJDUGLQJ WKH DOOHJD

Investigative Interviews

y

Investigative Interviews

y \$IWHU WKH , QYHVWLJDWRU LQWHUYLHZ
5HVSRRGHQW DQG ZLWQHVVHV LW LV
WUDQVFULSW RU VXPPDU\ RI WKH LQWH
DSSURYDO

y , QYHVWLJDWRUV PD\ 127 UHVWULFW WK
GLVFXVV WKH DOOHJDWLRQV RU JDWKH
HYLGHQFH E LLL

Investigatory Report

y , QYHVWLJDWRU PXVW FRPSLOH DOO LQ
VXPPDULHV WUDQVFULSWV DQG HYLGH
ILOH GUDIW WKH LQYHVWLJDWRU\ UHS
UHSRUW ZLWK HDFK SDUW\ LQ HOHFWUR

y 7KH &RPSODLQDQW DQG 5HVSRQGHW
GD\V WR UHYLHZ DQG VXEPLW D ZULW

† E YL

Investigatory Report

y \$IWHU ERWK SDUWLHV KDYH UHYLHZHG
ZULWLQJ WR WKH GUDIW UHSRUW , QYH
LQYHVWLJDWLYH UHSRUW WKDW IDLUO
HYLGHQFH DQG VXEPLWV WKH UHSRUW
, ; &RRUGLQDWRU†IRU DSSURYLO



.ULVWHQ .UHSON
0DUTXHWWH 8QLYHUVLW\
7LWOH ,; &RRUGLQDWRU
NULVWHQ NUHSON#PDUTXHWWH

Pre-Hearing Preparation

7LWOH , ; &RRUGLQDWRU ZLOO

‡ \$SSRLQW GHFLVLRQPDNHU V ± RQH KHDU
‡ 3URYLGH ZULWWHQ QRWLFH RI KHDULQJ
ORFDWLRQ SDUWLFLSDQEWV SXUSRVH

f 1RWLFH PXVW EH SURYLGHG DW OHDVW
† E YL

f \$OORZ ERWK SDUWLHV a KRXUV WR REM
GHFLVLRQPDNHU V RQ JURXQGV RI SHUFH
LQWHUHVW

f 'HFLGH ZKHWKHU WR UHSODFH GHFLVLRQP
KDYH DOWHUQDWHV

Pre-Hearing Preparation

+HDULQJ 2IILFHU RU +HDULQJ 3DQHO ZLOO

‡ 5HDG WKH , QYHVWLJDWLYH 5HSRUW DQG

‡ 'HWHUPLQH ZKLFK ZLWQHVVHV QDPHG LC
5HSRUW WKH\ ZDQW WR TXHVWLRQ

+HDULQJ &RRUGLQDWRU ZLOO

‡ \$VN WKH SDUWLHV ZKLFK ZLWQHVVHV QD
5HSRUW WKH\ ZDQW WR EH TXHVWLRQH HG

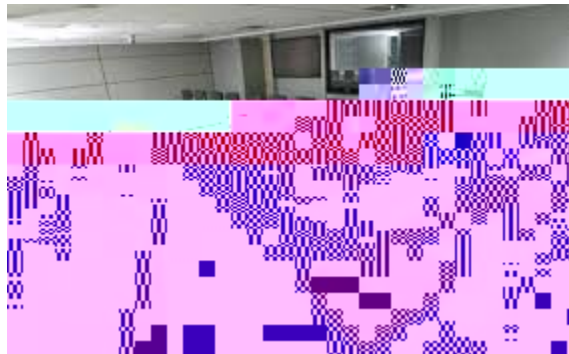
‡ \$UUDQJH IRU DOO QDPHG ZLWQHVVHV WI
KHDULQJ

Basic Hearing Logistics

- ‡ 8VH D TXLHW FRQIHUHQFH URRP ZLWK D V
GHFLVLRQPDNHU V FDQ VLW DFURVV IUR
DYRLG FHQWUDOO\ ORFDWHG URRPV LQ
- ‡ +DYH DQRWKHU VSDFH SUHSDUHG IRU HD
YLUWXDOO\
- ‡ , UHFRPPHQG SUHSDULQJ KHDULQJ ELQGI
GHFLVLRQPDNHU V WKDW LQFOXGH WKH
, QYHVWLJDWLYH 5HSRUW DQG WKH HYLGI
- ‡ , I WKH SDUWLHV ZLOO ERWK SDUWLWLS DW
VWDII PHPEHU HQVXUH WKDW WKH\ GRQ

Basic Hearing Logistics

- ‡ <RX PXVW SURYLGH WHFKQRORJ\ WKDW Z
DQG KH DU ZKDW V KDS SHQLQJ LQ WKH K
† E L
- ‡ <RX PXVW UHFRUG WKH KHDULQJ DQG SU
WUDQVFULSW WR WKH SDUWLHV WR UHYL
- ‡ 7UDLQ WKH GHFLVLRQPDNHUV DQG KHDUL
WHFKQRORJ\ \RX XVH DQG EH VXUH WR W
KHDULQJ



Hearing Process

- ‡ 'HFLVLRQPDNHU RU +HDULQJ &RRUGLQDWW
WKH SURFHVV DQG H[SHFWDWLRQV IRU S
- ‡ &RPSODLQDQW DSSHUV ILUVW DFFRPSD
WKH GHFLVLRQPDNHU V ¶ TXHVWLRQV 5H
DGYLVRU REVHUYHV IURP DQRWKHU ORF
- ‡ 5HVSRRGHQW¶V DGYLVRU FURVV H[DPLQH
GHFLVLRQPDNHU GMW¶X¶WQIH UZKMWKHU HI
LV UHOHYDQW EHIRUH WKH ‡ &RPSODLQDQW

Hearing Process

‡ 5HVSRQGHQW DSSH DUV VHFRQG DFFRPS
DQVZHU WKH GHFLVLRQPDNHU V † TXHVW
DFFRPSDQLHG E\ DGYLVRU REVHUYHV IU

‡ &RPSODLQDQW † V DGYLVRU FURVV H[DPLQ
GHFLVLRQPDNHU G M W P X V W Q I H U Z K M W K H U H
LV UHOHYDQW EHIRUH WKH † &RPSODLQDQW

^ØÓ D LpL Q H U V H0 €F
G † F L ǒ ~ • cl#—• ‡



Hearing Process

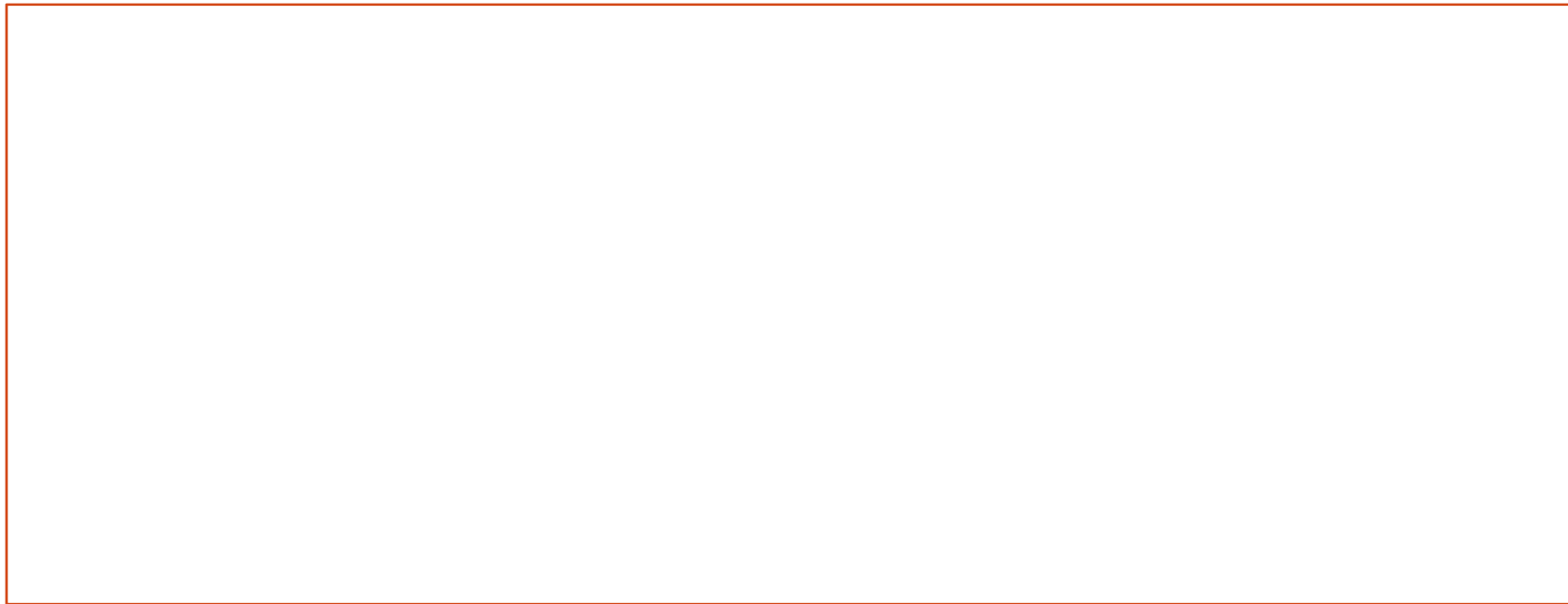
‡ 'HFLVLRQPDNHU V PD\ UHFDOO SDUWLFL TXHVWLRQLQJ

‡ <RX FDQ SHUPLW SDUWLHV WR SURYLGH WR OLPLW WKHLU OHQJWK

‡ 'HFLVLRQPDNHU RU +HDULQJ &RRUGLQDV WLPHIUDPH IRU WKH RXWFRPH DQG DGMP



Cross-Examination †106.45(b)(5)(vi)



Cross-Examination



Cross-Examination

‡ \$GYLVRU DFWV DV SDUW\¶V 3 5HURPE G K U L G
S LV QRW UHSUH 3 UHQDPLEQJHS SDUW\

‡ 3 WKH UHTXLUHPHQW IRU D SDUW\¶V DGY
H[DPLQDWLRQ QHHG QRW EH PRUH H[WH
WKH SDUW\¶V GHVL 3 H 3 DTXEHOW S R Q V

‡ 4 XHVWLRQV DERXW &RPSODLQDQW¶V VH
EDUUHG XQOHVV DVNHG WR SURYH WKD
5HVSRRQGHW FRPPLWWHG WKH FRQGXFV
§ E L

Cross-Examination

‡ , I D Q D G Y L V R U U H I X V H V W R F U R V V H [D P I
D Q R W K H U W R H Q V X U H F U R V V H [D P I

‡ ³ V X E P L W W R F U R V V H [D P L Q D W L R Q ' P H D G
T X H V W L R U H D P E O H S D U W L H V P D \ Q R W ³ Z D
T X H V W L R U H D P E O H S

‡ ' H Y H O R S U X O H V D Q G S U D F W L F H V W K D W
W R H Q V X U H F U R V V H [D P L Q D W L R Q L V U H C
D E X V L R U H D P E O H S

Cross-Examination

'HFLVLRQPDNHU V PXVW QRW UHO\ RQ WK
ZLWQHVV ZKR GRHV QRW VXEPLW WR FURV

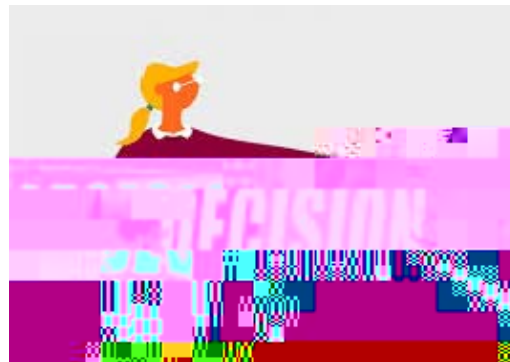
‡ ³ 6WDWHPHQW ~~any~~ ~~LOW~~ ~~W~~ ~~GH~~ ~~H~~ ~~Q~~ ~~W~~ PDGH E\ D S
ZLWQHVV WKURXJKRXW WKH LQYHVWLJD
UHSRUWV 6\$1(UHSRUWV DQG PHGLFDO
VXEPLWV WR FURV ~~3~~ ~~U~~ ~~H~~ ~~D~~ ~~P~~ ~~E~~ ~~Q~~ ~~E~~ ~~S~~ L R Q

'HFLVLRQPDNHU V PXVW QRW GUDZ DQ\ L
SDUW\ ~~1~~ V IDLOXUH WR DSSHDU RU VXEPLW

‡ E L

Decisionmaker(s) Determination

- ‡ 'HFLVLRQPDNHU V FDQ GHOLEHUDWH UL
DW DQRWKHU GDWH VRRQ DIWHU WKH KH
- ‡ \$OWKRJK LW V HDVLHU WR XVH RQH KH
UHFPPHQG XVLQJ D SDQHO VR WKH\ FD
- ‡ 'HFLVLRQPDNHU V PXVW SURYLGH WKHL
ZULWLQJ WR WKH 7LWOH , ; &RRUGLQDW
WKH SDUWLHV VLPXOWDQHRXVO\



Decisionmaker(s) Determination

7KH ZULWWHQ GHWHUP†QDWLEEQ PXLVW LQF

† 7KH DOOHJDWLRQV RI VH[XDO KDUDVVF

† \$ GHVFULSWLRQ RI WKH SURFHGXUDO V
WKH IRUPDO FRPSODLQW WKURXJK GHV
WR SDUWLHV LQWHUYLHZV ZLWK SDUW

f 7KLV SURFHGXUDO LQIRUPDWLRQ VKR
LQYHVWLJDWLYH UHSRUW

Decisionmaker(s) Determination

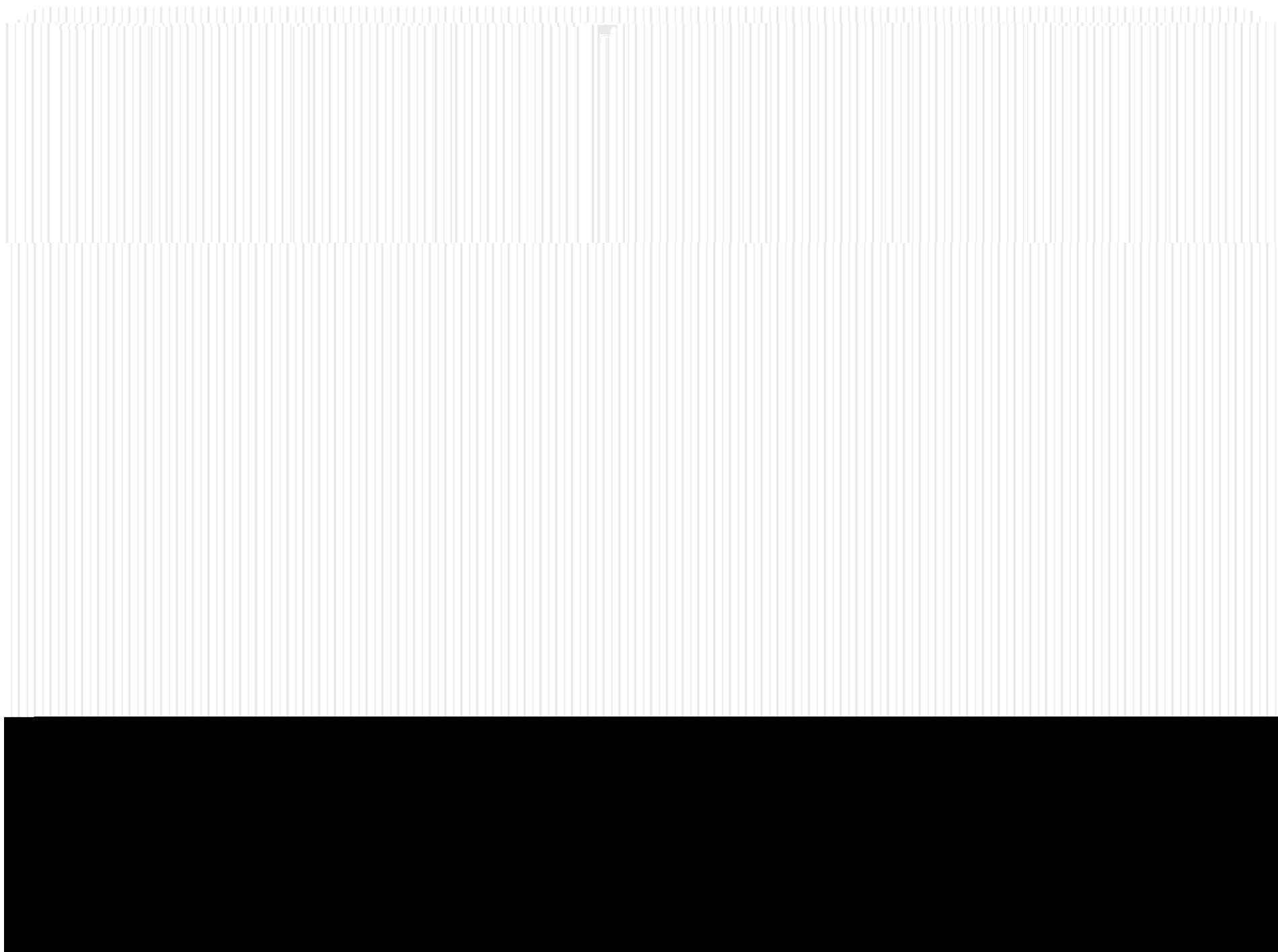
7KH ZULWWHQ GHWHUP†QDWLEEQ PXLVW LQF

†)LQGLQJV RI IDFW ZKDW KDSSHQHG"

† &RQFOXVLRQV RI ODZ DSSO\ \RXU SRO

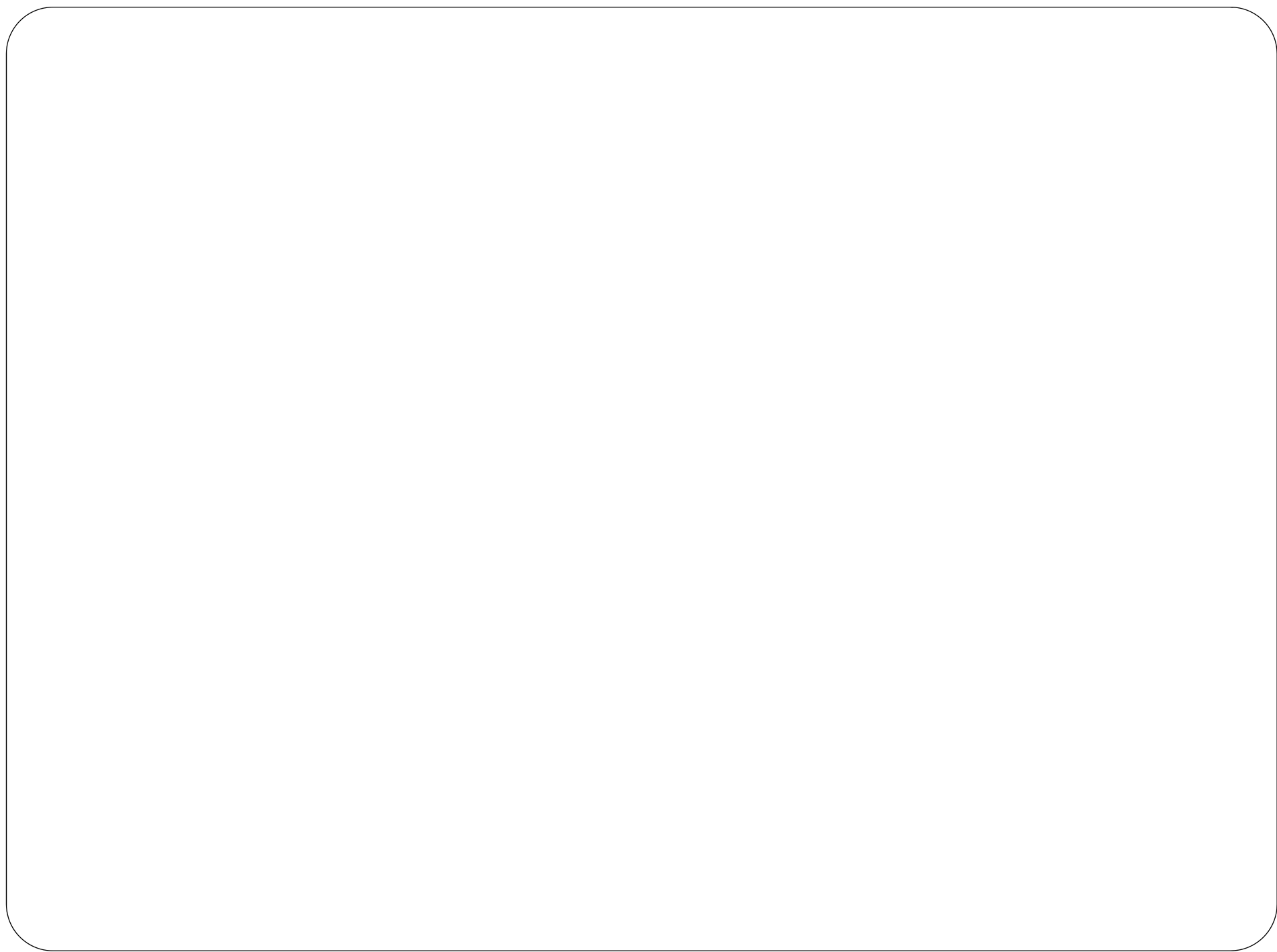
† 7KH UHVXOW RI HDFK DOOHJDWLRQ DG
5HVSRRGHQW†V UHVSRRVLELQW\ WK
IRU WKH &RPSODLQDQW

† 3URFHVV DQG JURXQGV IRU DSSHDO



Mandatory Appeals: §106.45(b)(8)

y \$ UHFLSLHQW PXVW RIIHU ERWK SDUWL
GHW H UPLQDWLRQ UHJDUGLQJ UHVS RQV
UHFLSLHQW ¶ V GLVPLVVDO RI D IRUPDO
DOOHJDWLRQV WKHUHLQ



Preamble Additional Information

y 3URFHGXUDO ,UUHJXODULW\ SJ

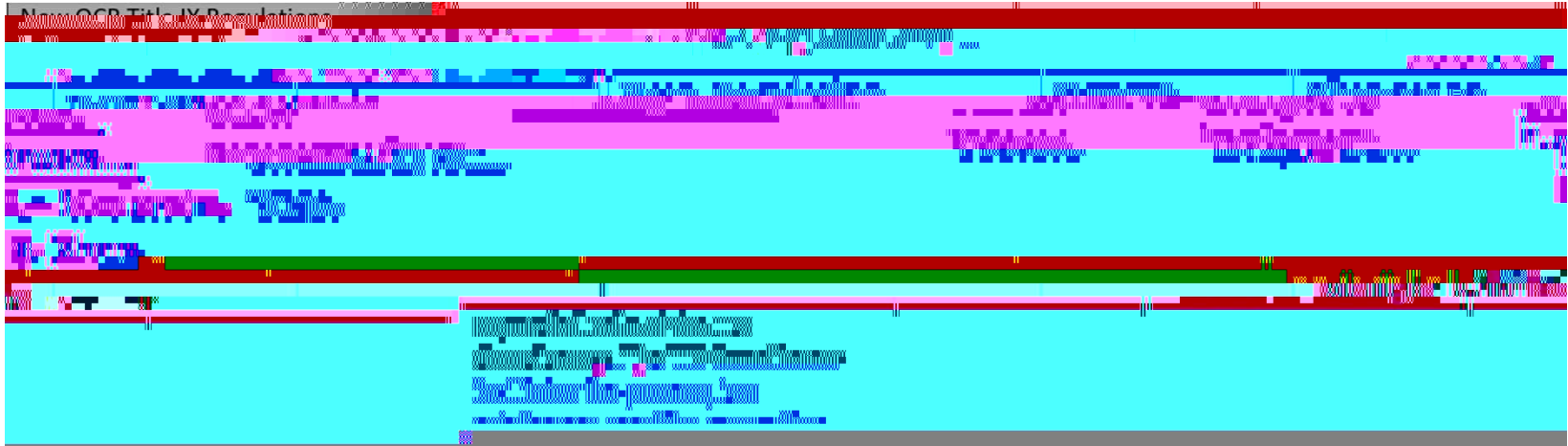
y (UURQHRXV 5HOHYDQF\ 'HWHUPLQDWLR

Final Thoughts and Wrap Up

.DWLH .DVVXONH
7LWOH , ; &RRUGLQDWRU
0HGLFDO &ROOHJH RI :LVFRQV
..DVVXON#PFZ HGX



Roadmap to Compliance



Decisions

y &UHDWLRQ RI RQH SROLF\ RU WZR"

y 6WDQGDUG RI HYLGHQFH

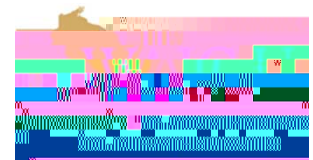
y /LYH +HDULQJ ORGHO

y \$FWXDO .QRZOHGJH

y \$GYLVRUV

y :KDW H[WHUQDO UHVXRUFHV WR XVH"

y 7UDLQLQJ SODQ IRU 7,; &RRUGLQDWRU
2IILFHU 3DQHO 2IILFLDOV ZLWK DXWKR
FRPPXQLW\



Wrap Up



Resources

y KWWSV ZZZ HG JRY DERXW RIILFHV OL VW
XQRIILFLDO SGI

y 7LWOH ,; 5HJXODWLRQV \$GGUHVVLQJ 6H[XD
&RS\3') 0

y 7LWOH ,; 8 6 'HSDUWPHQW RI (GXFDWLRQ
2YHUYBHZ .

y 7LWOH ,; 6XPPDU\ RI 0DMRU 3URYLVLRQV R
(GXFDWLRQ¶V 7LW3H ,;).LQDO 5XOH

y 7LWOH ,; 6XPPDU\ RI 0DMRU 3URYLVLRQV R
(GXFDWLRQ¶V 7LWOH ,;)LQDO 5XOH DQG &F
13503' .

y 2&5 :HELQDWOH ,; 5HJXODWLRQV \$GGUHVVL
+DUDVPHQW /HQJWK

Resources

y 5RDGPDS WR &RPSOLDQFH

y 'RFXPHQW RQ ELDVHV DQG PLFURDJJUHVVVL

y \$7,;\$1V 3UHSRQGHUDQFH RI (YLGHQFH Y &C
ZKLWH SDSHU KWWZNEVEVWQ DWGLD RUVLID
FRQWHQW XSORDGV \$7,;\$ 3RVL
RQ \$GRSWLQJ WKH 3UHSRQGHUDQFH RI WKH
3URRI)LQDO SGI





‡ On June 15, 2020, the U.S. Supreme Court ruled that Title VII protects gay and transgender workers from workplace discrimination on the basis of sexual orientation and gender identity.

‡ Likely Title IX implications to this ruling. Title VII often informs the interpretation of Title IX within civil litigation.