TITLE IX OF THE EDUCATION AMENDMENTS OF 1972

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

~ 20 U.S. Code §1681
RESPONSIBLE EMPLOYEES

• A Responsible Employee is an Official with Authority at the University or a duty to respond and/or report sexual discrimination, sexual harassment, sexual violence and retaliation to the Title IX Coordinator.

• This includes faculty.
RESPONSIBLE EMPLOYEE (CONT)

• If as a Responsible Employee you receive information regarding an act of sexual violence involving a student, you are responsible for contacting the Title IX Office to provide the details on the information they received in a memorandum to the Title IX Coordinator.

• The memorandum should contain the details revealed by the student and should be forwarded promptly to the Title IX Coordinator.

• You do NOT have any obligation beyond the memo!
FILING A FORMAL COMPLAINT

at Hampton University
STEP 1

FILE A FORMAL COMPLAINT

File a Formal Complaint by:

• Submitting a signed document via email (digital signature) or in person to the Title IX Office indicating “that the Complainant is the person filing the complaint and requests that the Title IX Office at Hampton University investigate the allegations” (Title IX Policy, pg 16).

• Reports can be filed online with the TIPS Incident Report at the top of the Hampton University web page, and with the HUPD.

• *Note – we cannot investigate anonymous reports per federal guidelines
STEP 2

SCHEDULE AN INTAKE INTERVIEW

• PROVIDE the Title IX Policy and procedures
  • Explain the process
  • Implement Supportive Measures

• EXPLAIN how the investigative process works
  • Impartial fact finder …only gather evidence
  • write an investigative report
  • sent to the Sexual Discrimination and Misconduct Committee (SDMC) for adjudication
Supportive Measures, include:

- Academic Accommodations
- Safety Plan
- Housing changes
- Class schedule modifications
- Referral to counseling at the Student Counseling Center
- Referral to the Student Health Center for medical services
- A list of helpful Resources in the City of Hampton community
- No Contact Orders
- Other measures specific to the case and deemed appropriate by the Title IX Coordinator
STEP 3

INVESTIGATIVE REPORT

• The investigator is to:
  – Write a comprehensive investigative report fully summarizing the investigation (pg 31),
  – Provide a draft to the parties
    • Parties have a 10 business day review and comment period to respond to evidence (Parties may elect to waive the full ten days).
    • Relevant feedback will be incorporated in the final report, then shared with parties at least 10 days prior to a hearing.
  • FINAL report is then provided to the SDMC for adjudication
APPEALS

• Requirement in the process now.

• A “Request for Appeal” may be filed by either party.
  – Must be filed 3 days after delivery of the Notice of Outcome

• Grounds for an appeal
  – A Request for Appeal is limited to the following grounds:
    • A. Procedural Irregularity
    • B. New evidence that was not reasonably available
    • C. Conflict of Interest or bias

• An appeal is not a rehearing of the case, it is a review of the record!
ADVISORS

• A party can NOW have an Advisor throughout the entire grievance process
  – MUST allow the advisor to be present at all meetings, interviews, hearings
• Advisor MUST be present at the Hearing.
• If a party does not have an Advisor, one must be provided by the institution (and it need not be an attorney)
ADVISORS OBLIGATIONS

• *If you are interested in being on a list of Advisors, please email me.*

• Under U.S. Department of Education regulations under Title IX, a form of indirect questioning is required during the hearing but must be conducted by the parties’ Advisors.
  - The parties are not permitted to directly question each other or any witnesses.
  - If a party does not have an Advisor for a hearing, Hampton University will appoint a trained Advisor for the limited purpose of conducting any questioning of the other party and witnesses.
ADVISORS OBLIGATIONS (CONT)

- Members of the Pool are trained annually by the Title IX Coordinator in all aspects of the resolution process, including:
  - A review of Recipient policies and procedures,
  - A review of applicable federal and state laws and regulations so that they are able to appropriately address allegations,
  - How to conduct investigations and hearings that protect the safety of Complainants and Respondents and promote accountability
  - Reporting, confidentiality, and privacy requirements
  - How to uphold fairness, equity, and due process
  - How to conduct questioning
  - Impartiality and objectivity
  - Types of evidence
  - How to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes
  - Issues of relevance of questions and evidence
ADVISORS

• *If you are interested in being on a list of Advisors, please email me.*