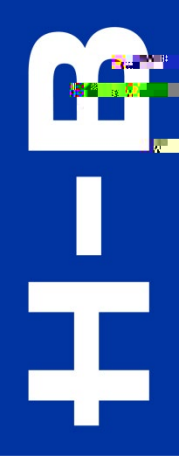
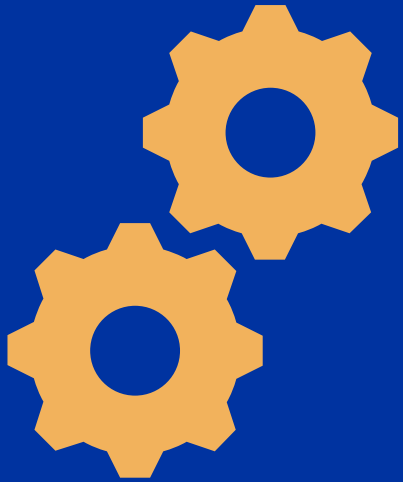


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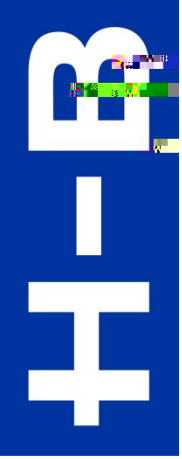


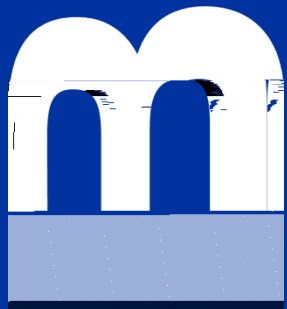


-
- **Recording is not permitted**
 - Change Zoom name to match registration
 - Please list your institution with your name
 - Raise hand or use chat function to ask questions
 - Anticipated break at 3:00 pm
 - Other breaks—take individually as needed



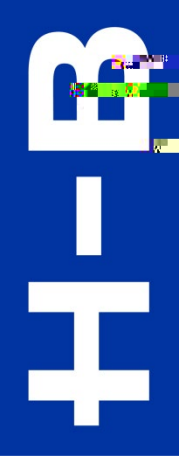
- 4 Scenarios discussed in Breakout Groups
- First group – time to introduce yourselves and select a spokesperson; this will be your group for today's training
- Scenario and questions for each Group
Scenario will be posted in the Chat Box
- Presenters will randomly call on Breakout Groups to provide your responses – be ready!
- Add your institution to your displayed name



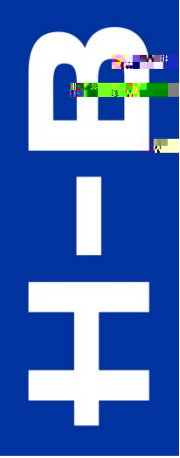


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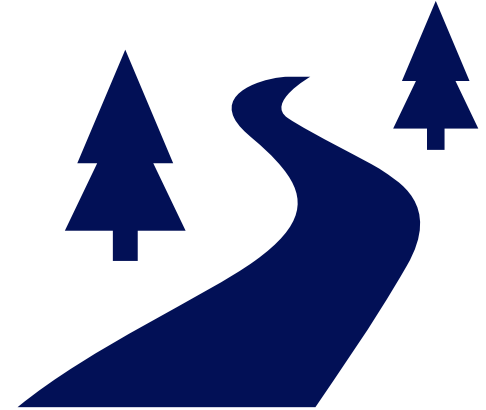


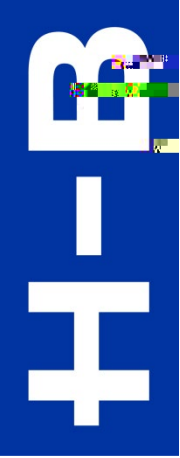


- Fear of retaliation
- Loss of control
- Confusion about what happened
- Lack of knowledge about process
- Concern about reputation
- Fear of friends' responses
- What others?



-
- Whether to report at all
 - Whether to respond to outreach
 - Whether to file a formal complaint
 - Whether to be interviewed
 - Whether to participate in hearing
 - What others?





-
- Institution may never learn of potential sexual harassment
 - Institution may not proceed beyond supportive measures
 - Title IX Coordinator may have to file formal complaint
 - Formal complaint may have to be dismissed
 - Outcome may result in “no violation” finding
 - What others?



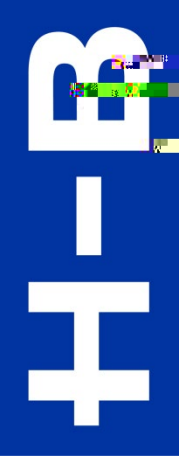
Student makes cursory formal complaint of sexual assault but then is unwilling to meet with investigator. Student requests that the Title IX process “stop” and that student just be provided counseling.



Student makes formal complaint and submits to an interview. But the day before the hearing, the student indicates they will not attend. The respondent adamantly denies the allegations.



- Information
- Advocacy/counseling support
- Time
- No-contact orders and other accommodations
- Others?

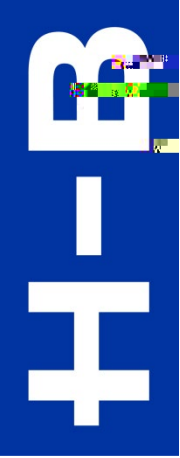


-
- Title IX Coordinator files a formal complaint
 - Institution prosecutes other conduct violations/standards
 - Title VII process (employment-based sexual harassment)
 - Admonishment
 - Training
 - Others?

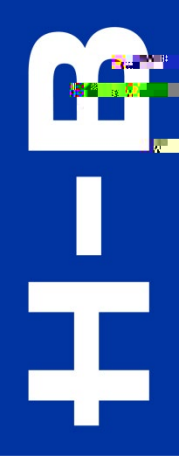


Student A accuses Student B of providing Student A with alcohol and then having sex with Student A after Student A became heavily intoxicated. Student A is a minor. The institution prohibits alcohol in the residence hall where the alleged sexual assault occurred.

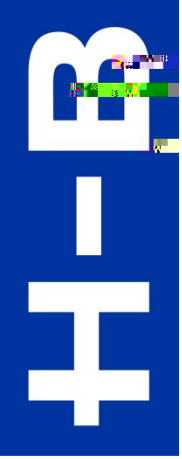
Cameron works in the athletics department and is supervised by




-
- Upon receipt of actual knowledge of sexual harassment, institution must offer supportive measures to putative victim
 - Supportive measures must also be offered to putative respondent when respondent receives notice of report/complaint or otherwise requests them
 - Intended to preserve access to education programs and activities





-
- If institution is aware of danger posed to students or others on its property
 - Institution must act reasonably to protect against danger
 - Considers risk to putative victim and to others




—

 Counseling

 Academic accommodations

 Housing accommodations

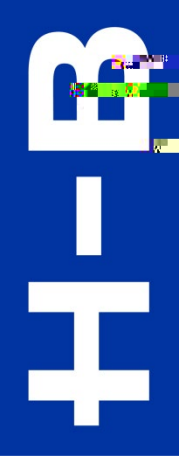
 Security escorts

 Leave of absence

 Increased security or monitoring

 Modified work schedules

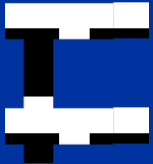
 Mutual no-contact order where implicated by facts

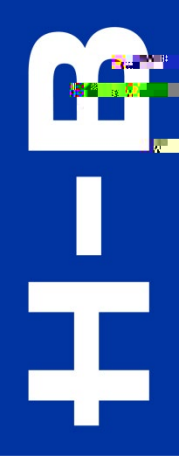


- Cannot be automatically imposed in every case
- May be reasonably necessary where there is a specific concern about ongoing contact or interaction
- Scope of a no contact order can vary substantially depending on the facts





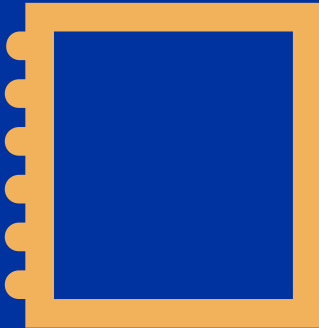




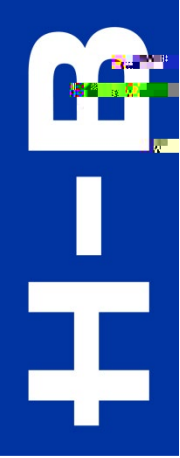
- Students may be removed on emergency basis if:
 - Individualized safety and risk analysis
 - Determines an immediate threat to physical health or safety of any student or other individual arising from the alleged sexual harassment justifies removal
 - Student is given immediate notice and opportunity to contest the removal



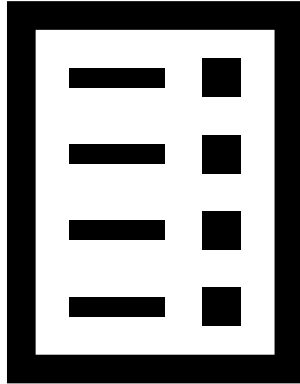
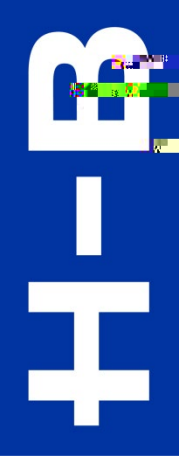
Student A alleges Student B punched and kicked Student A in Student A's residence hall after the two had a disagreement about whether to engage in sexual activity. Student A reports that Student B has been violent at other times in their relationship.



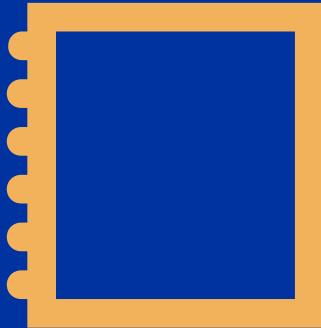
Student accuses faculty member of offering a better grade in exchange for sex. Faculty member did not engage in violence or threaten violence. Student has transferred to another section of the class. Faculty member has no history of Title IX Complaints.



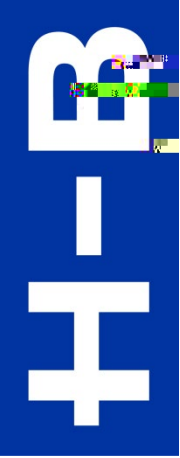
-
- Under Title IX employees can be placed on administrative leave without a showing of physical danger to any person
 - But consider whether contracts and handbooks provide required certain substantive standards or procedural due process to be met



- Civil protective orders
- Criminal referrals
- Group training
- Individual training
- Admonishments
- Others?



Student is sexually assaulted by a non-student romantic partner. Student reports to Title IX Coordinator who determines the encounter happened outside Title IX jurisdiction. Title IX Coordinator refers student to victim advocacy organization that helps student file for a restraining order.

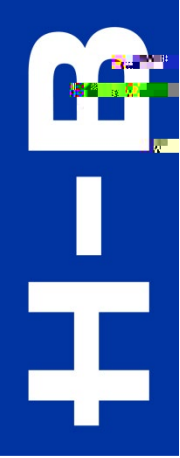


- Alternative to formal grievance procedures
- Voluntary participation by the parties
- Voluntary approval by the institution
- May or may not determine misconduct





- Institution cannot allow informal resolution where employee is

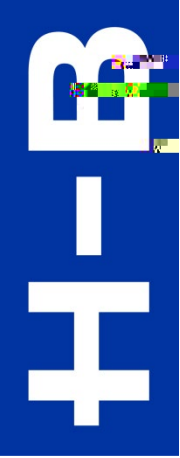


-
- Severity and nature of the conduct
 - Whether respondent is repeat offender
 - Presence of other conduct violations
 - Public perception
 - Confidence in parties' ability to uphold agreement
 - Sufficiency of the terms
 - Others?

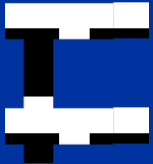




Student A accuses Student B of sexual assault resulting from a sexual encounter where both Student A and Student B were drinking heavily; no witnesses were involved. Student A wants Student B to complete coursework online, and Student B will agree if the institution approves.



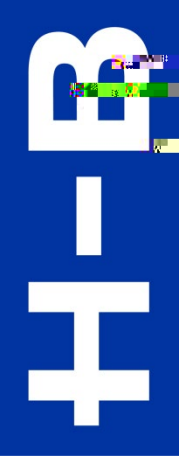
-
- The substantive terms
 - How compliance will be verified
 - The punishment for non-compliance
 - The effect on the pending formal complaint
 - The effect on collateral conduct charges/policy violations
 - Others?







Employee A and Employee B agree to informal resolution for Employee B to receive anti-harassment training and 10 hours of community service. Employee B receives the training but performs only 5 hours of community service.

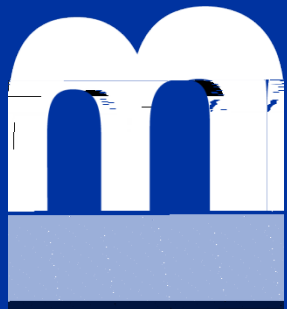


-
- Documented in writing
 - All essential terms in the same document
 - Signed by the parties
 - Dated
 - Indicating institutional approval
 - Indicating closure of grievance procedure



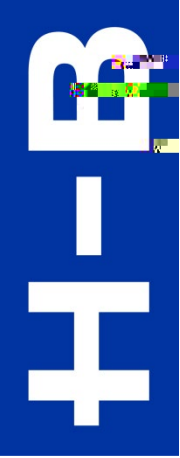
Student A sends email with proposal for informal resolution. Title IX Coordinator forwards to Student B. Student B responds with a modified proposal that Title IX Coordinator forwards to Student A. Student A replies “okay, I agree to that.” Title IX Coordinator prints the emails and puts them in the file.

Poe and Quinn are sophomores who have been romantically involved for 18 months. After a particularly nasty argument in which Quinn was high on drugs and called Poe the “c word,” Poe filed a formal complaint of dating violence, accusing Quinn of being verbally abusive, forcefully grabbing Poe on two occasions in Poe’s dorm room, and isolating Poe from other friends by monitoring Poe’s phone and emails. Poe indicates they have broken up with Quinn and would prefer never to see Quinn again. Quinn indicates they are devastated by the breakup because they love Poe; Quinn asks if Poe will accept an apology and Quinn’s promise to leave Poe alone if that is truly what Poe wants. When the Title IX Coordinator conveys Quinn’s proposal to Poe, Poe is receptive but questions what will happen if Quinn breaks the agreement. Poe then comments they regret filing the formal complaint in the first place and indicate they still care about Quinn “as a person.”

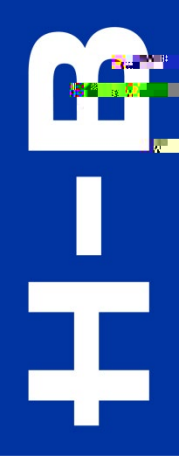


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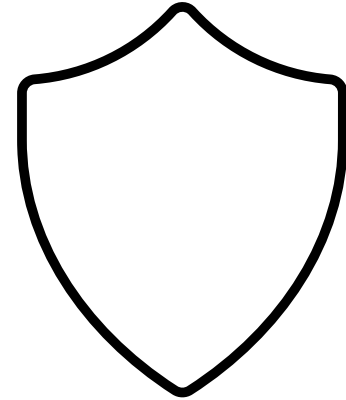




- Effectively implement remedies for the victim if the



- Title IX prohibits retaliation against both parties irrespective of the outcome
- Institution must take not-clearly unreasonable steps to protect against the known risk of retaliation

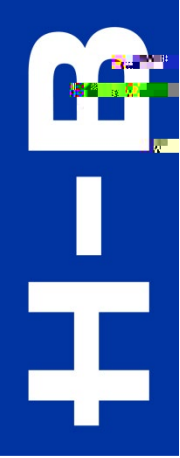




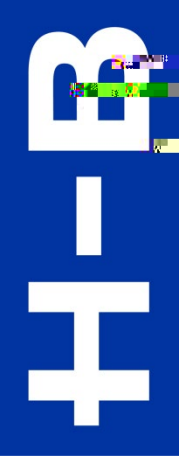
Student A accuses Student B of sexual assault. Hearing panel finds that Student B did not commit sexual assault. After appeal is final, Student B begins to spread rumors that Student A is promiscuous and releases intimate photos that Student B took while the two were in a relationship.



Student A accuses Student B of sexual assault. Hearing panel finds that Student B did not commit sexual assault. After appeal is final, Student



-
- May be required to remedy the effect the sexual harassment had on the victim's participation
 - May be required by the institution's mission and values
 - May be necessary to mitigate the risk of civil liability

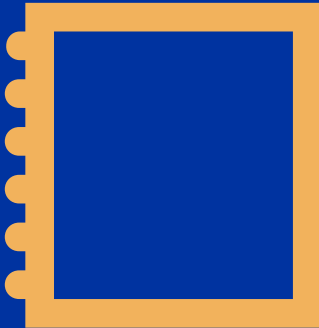


- Course retakes
- Tuition refunds
- Leaves of absence
- Housing moves
- Counseling
- Academic extensions
- Scheduling assistance
- Parking changes
- Others?



Student A alleges Student B





Student A alleges Student B engaged in a single act of fondling at a dance hosted at a Greek house. After a hearing officer finds Student B responsible, Student A requests a refund of on-campus housing charges for the prior academic year.



—



Student A reports that Student B engaged in hostile environment harassment by repeated sexual propositioning. After a hearing officer finds Student B responsible, institution imposes no-communication order for the remainder of Student B's time as a student.



Student alleges custodial employee repeatedly commented on student's body. Employee was reassigned to clean a satellite building with no students during pendency of investigation. After employee is found responsible, institution mandates training and permanently reassigns employee to clean the satellite building.

Oakley complains that Devin sexually assaulted Oakley while Oakley was incapacitated from alcohol. The Title IX Coordinator imposed a mutual no-contact order and restricted Devin from Oakley's residence hall. Devin vigorously denies the complaint and files a counter-complaint, accusing Oakley of making the complaint in bad faith only after Oakley learned that Devin was having sex with someone else. The hearing includes vigorous cross-examination. The hearing officer issues a decision finding a preponderance of the evidence does not support either complaint. After the written decision is issued, the Title IX

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