



Title IX Administrator Resources

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Authority & Attribution

[Title IX of the Education Amendments of 1972 \[https://www2.ed.gov/policy/rights/reg/ocr/edlite-34cfr106.html\]](https://www2.ed.gov/policy/rights/reg/ocr/edlite-34cfr106.html)

[Title IX Regulations Addressing Sexual Harassment \[https://www2.ed.gov/about/offices/list/ocr/docs/titleix-regs-unofficial.pdf\]](https://www2.ed.gov/about/offices/list/ocr/docs/titleix-regs-unofficial.pdf)

[SUNY: Joint Guidance on Federal Title IX Regulations \[https://system.suny.edu/sci/tix2020/\]](https://system.suny.edu/sci/tix2020/)

[POL-U1600.04 \[https://policy.wvu.edu/POL-U1600.04-Preventing-and-Responding-to-Sexual-Harassment-Under-Title-IX.pdf\]](https://policy.wvu.edu/POL-U1600.04-Preventing-and-Responding-to-Sexual-Harassment-Under-Title-IX.pdf)

Title IX administrators include the following:

- The Title IX Coordinator and any deputy coordinators
- All internal and external Title IX investigators
- All decision-makers, including the Student Conduct Officer, Student Conduct Committee, Human Resources Officer
- Any hearing and appeals officers
- Any person who facilitates an informal resolution process
- All University-provided advisors assigned to the parties during Title IX disciplinary proceedings

Training Requirements

Title IX administrators shall perform their duties free from bias, sex or gender-based stereotypes or conflicts of interest. All Title IX administrators shall undergo regular training that is consistent with the 2020 Title IX regulations and Western Policy, and as relevant to their roles and responsibilities. Training for all Title IX administrators at Western shall be based on the below terms and concepts.

Definitions Under New Rule

+ Actual knowledge

+ Complainant

+ Respondent

+ Formal complaint

+ Supportive measures

+ Consent

Sexual Harassment

✗ Three prong definition of sexual harassment

Sexual harassment means conduct on the basis of sex that satisfies one or more of the following:

1. **Quid pro quo.** An employee of the recipient conditioning the provision of an aid, benefit, or service of the recipient on an individual's participation in unwelcome sexual conduct;
2. **Hostile environment.** Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the recipient's education program or activity; or
3. "Sexual assault" as defined in 20 U.S.C. 1092(f)(6)(A)(v), "dating violence" as defined in 34 U.S.C. 12291(a)(10), "domestic violence" as defined in 34 U.S.C. 12291(a)(8), or "stalking" as defined in 34 U.S.C. 12291(a)(30).

+ Sexual assault

+ Nonconsensual sexual intercourse

+ Nonconsensual sexual contact

+ Incest

+ Statutory rape

+ Domestic violence

+ Dating violence

+ Stalking

Required Response to Sexual Harassment

+ General response

+ Title IX jurisdiction

+ Study abroad implications

+ Complainants and respondents must be treated equitably

Conducting Investigations

- + Notice of Allegations
- + Investigation of a formal complaint
- + Issues of relevance to create an investigative report
- + Trauma informed practices

Conducting & Adjudicating Hearings

- + Hearings
- + Cross-examinations process
- + Role of advisors
- + Rape shield protections
- + Issues of relevance of questions and evidence
- + Standard of evidence
- + Technology used in the live hearing
- + Other rules

Trainings Attended

Provider	Title	Topic	Date Attended
Husch & Blackwell	<u>Title IX 2020 (PDF)</u>	Sexual Harassment Grievance Process	September, 2020
Dan Schorr LLC	<u>Title IX Hearings: Ten Potential Challenges to Anticipate</u>	Hearings	September 2020
Association of Title IX Administrators	<u>Title IX Investigator, Level Two</u>	Investigations	November, 2020