

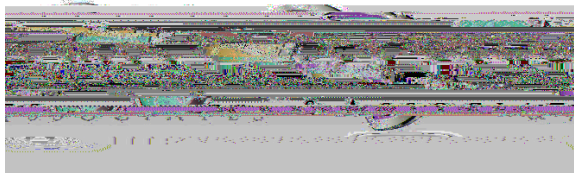
Sexual Misconduct Decision Maker Class

Presented by:

A D. Stafford & Associates

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For virtual classes





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Ann Todd
Consultant, Equity Compliance and Civil Rights Investigations

Ann Todd, Esq is a seasoned civil rights investigator in higher education for D. Stafford & Associates (DSA). Ms. Todd is a graduate of Davidson College with a degree in psychology and holds a JD from the University of Nebraska. Prior to joining DSA, she practiced law in Charlotte, NC, specializing in employment and civil rights and worked for a number of non-profit organizations. She returned to her alma mater (Davidson College) in 2008 and worked there through March of 2016 serving as the Assistant Director of Human Resources with the responsibility of managing employee relations and the learning and development function.

Ms. Todd joined the DSA in 2015 and currently serves as the Consultant, Equity Compliance and Civil Rights Investigations. She is the Senior Investigator for the DSA Title IX Investigation Team. She conducts external investigations on behalf of colleges and universities, specializing in investigating student allegations of sex discrimination, sexual assault, intimate partner violence, and stalking. Additionally, she brings a strong Human Resources

background to investigating a range of employee misconduct from performance issues to discrimination.

In addition to conducting investigations, Ms. Todd is a frequent speaker and consultant on Title IX investigations, conducting 20-30 courses every year on best practices for investigating sex discrimination and sex crimes on campus. She works with



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Name

Role on Campus

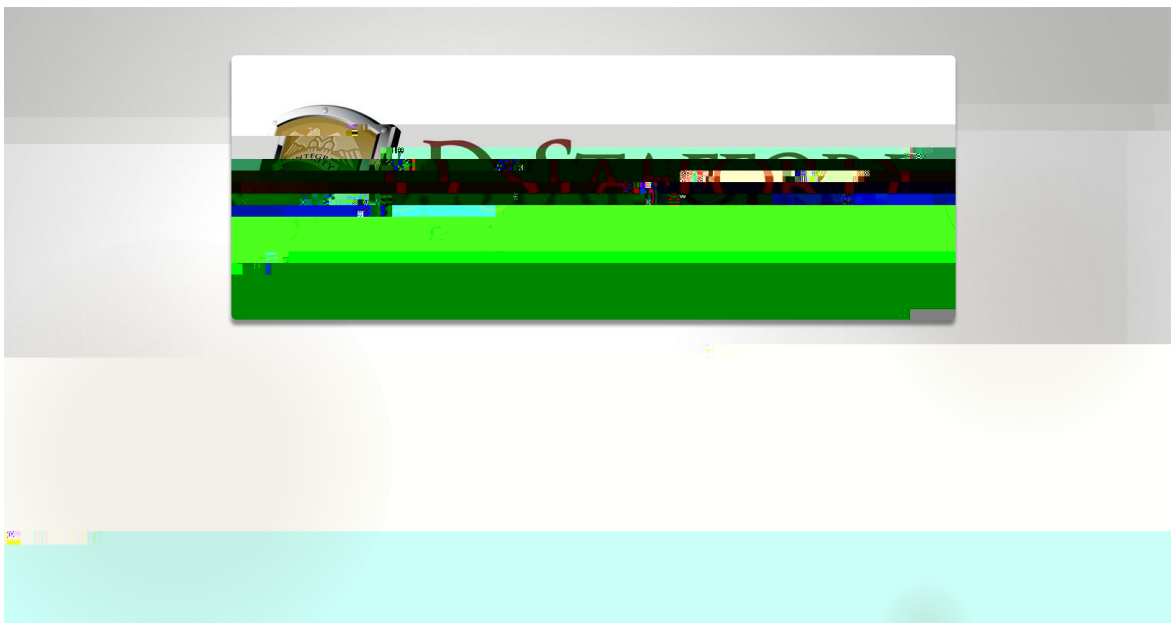


Camera

Breaks

Interact

Attendance



5



The Title IX Grievance Process

Legal Overview

Definitions

Jurisdiction

Hearing Basics

Conflict of Interest and Bias

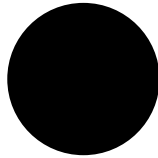
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Law



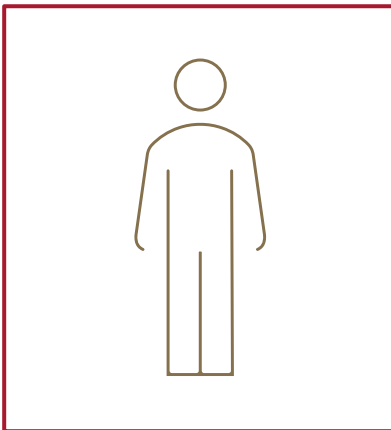
Regulations

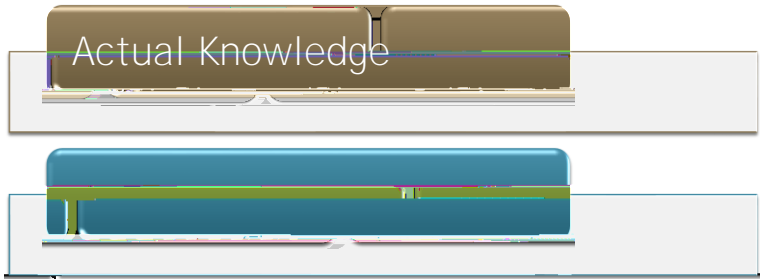


Substantive
guidance



Case law







Must be an employee (not volunteer, visitor, student)



"This for that" harassment

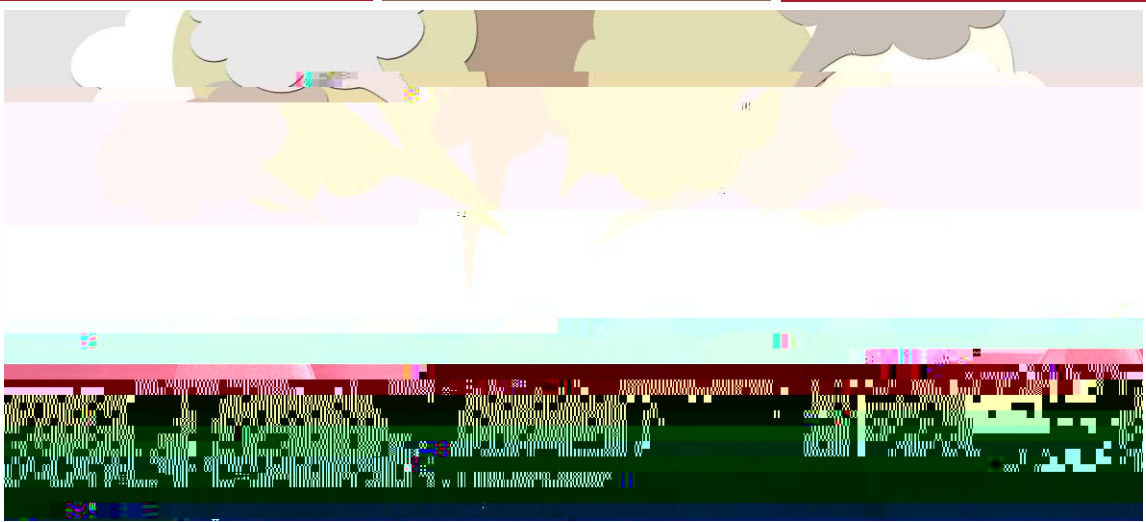


When favorable professional or educational treatment is conditioned on a sexual activity



Sexual Assault

- Rape
- Fondling
- Incest
- Statutory Rape



Definitions/consent/jurisdiction at your institution:
Where do the non-Title IX sexual misconduct cases go?

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First Amendment



Retaliation



Bias/Conflict of
Interest

State Laws

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Formal Complaint



Informal Resolution



Formal Resolution



Notice



Investigation



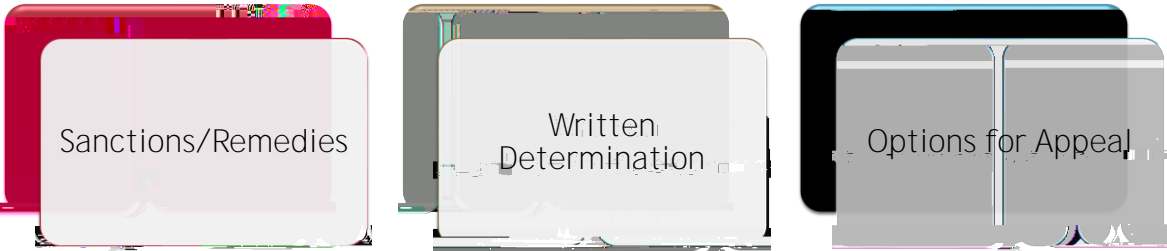
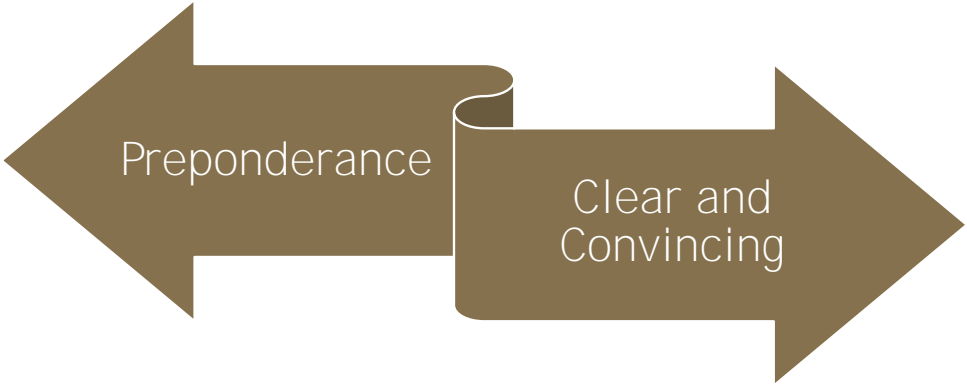
Hearing



May Consolidate



May Dismiss





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Roles on campus



Volunteering



Interactions with parties

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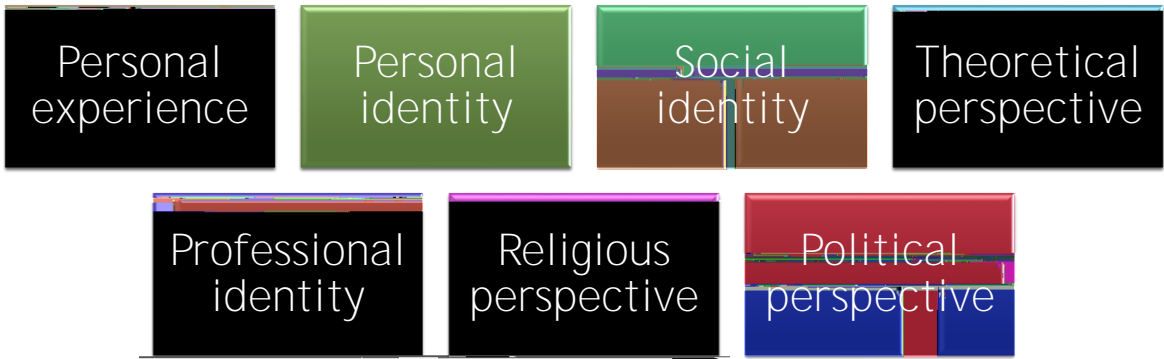


Bias against Complainants or Respondents

Bias against THIS Complainant or Respondent

Sex Stereotyping

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Training



Acknowledgements



Party-identified
Conflict



Decision-maker-
identified Conflict

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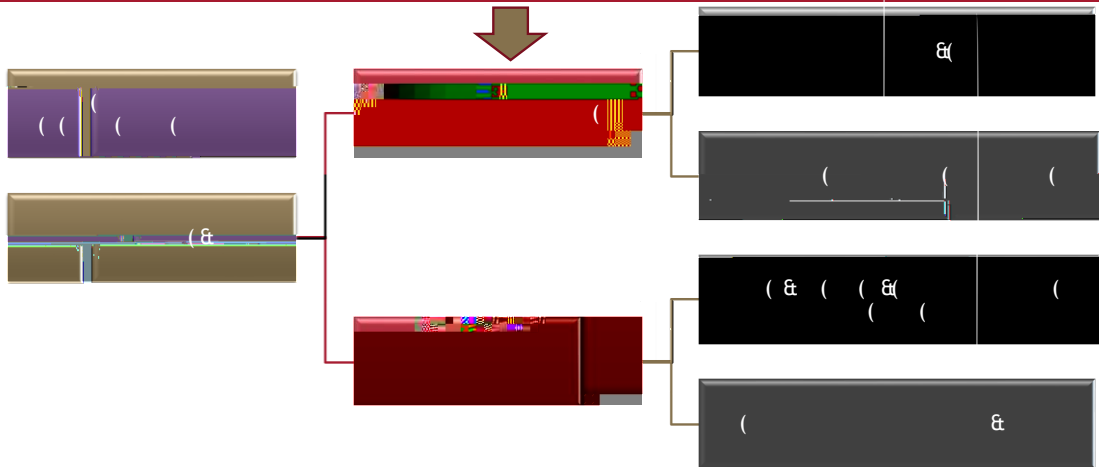
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Title IX Case Flowchart Post Outreach

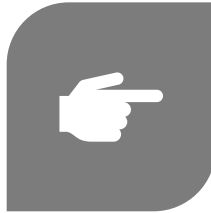


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Formal Process



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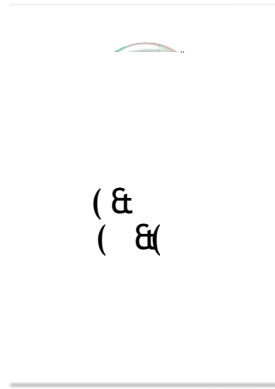
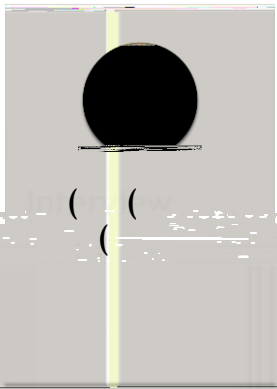
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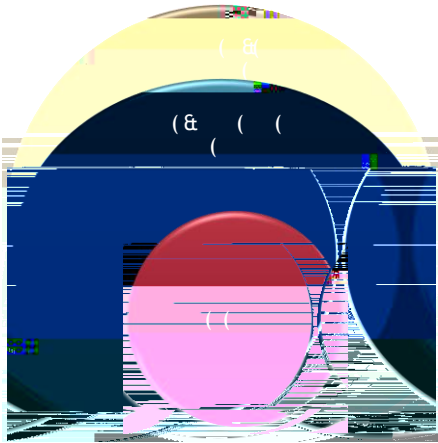
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Investigation Steps



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Ability to Utilize Evidence



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Versions of the Report



Preliminary Report:

(& ((Evidence Obtained



Final Report:

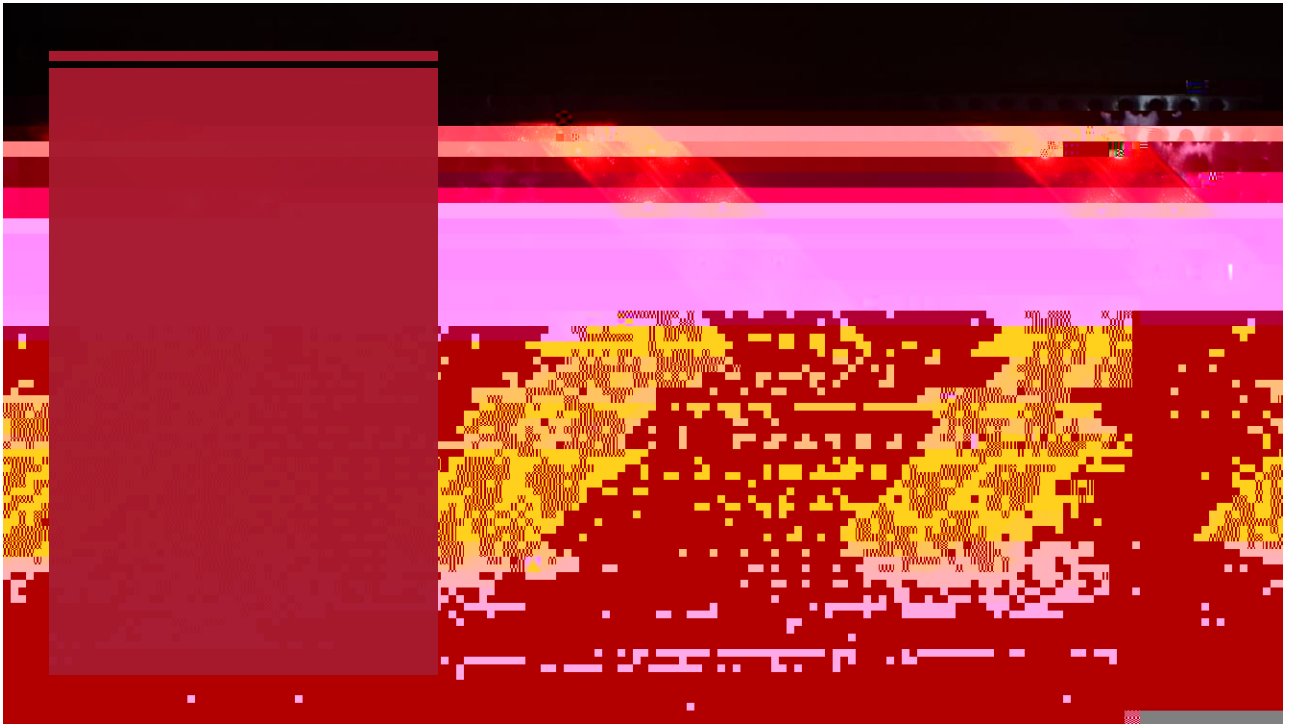
(& (((& (Summary of Relevant Evidence



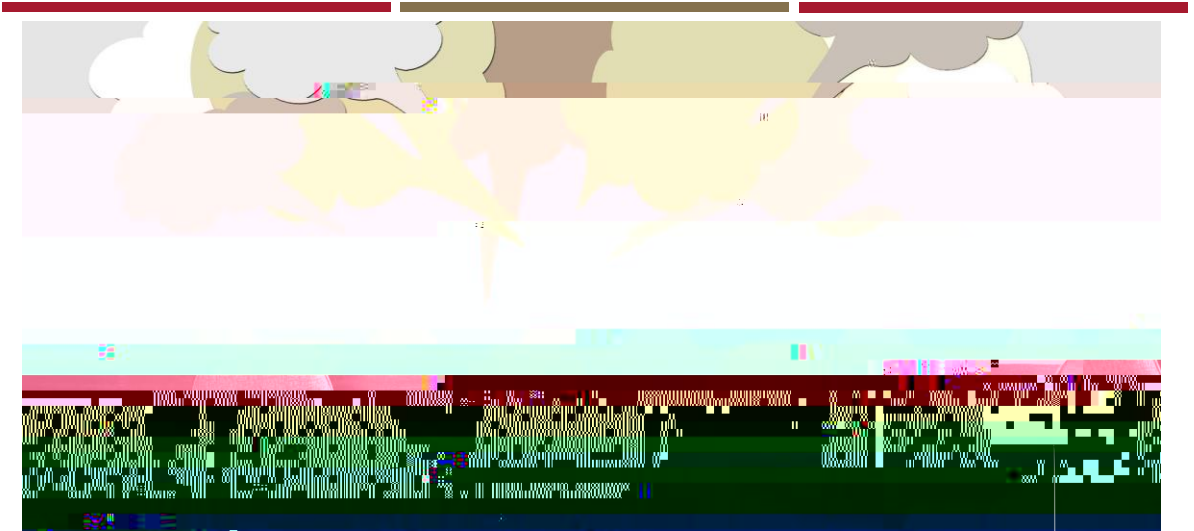
Written Determination:

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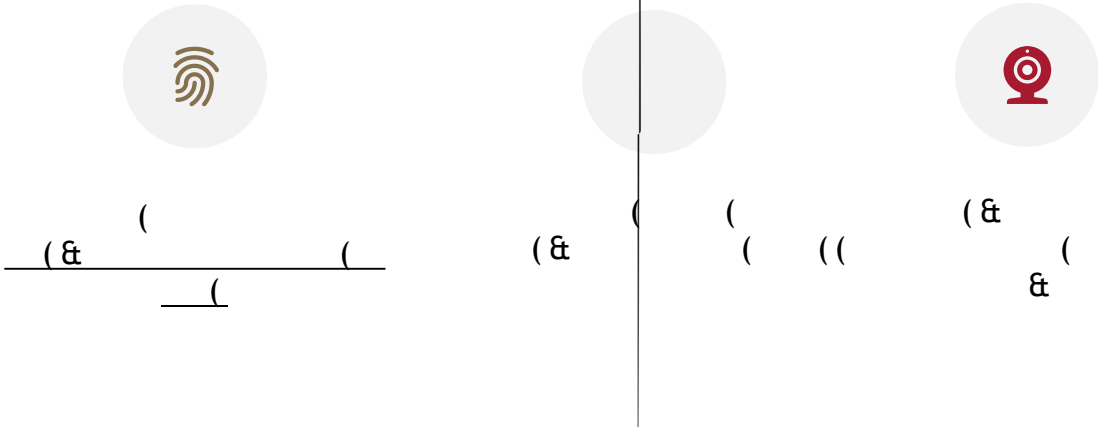
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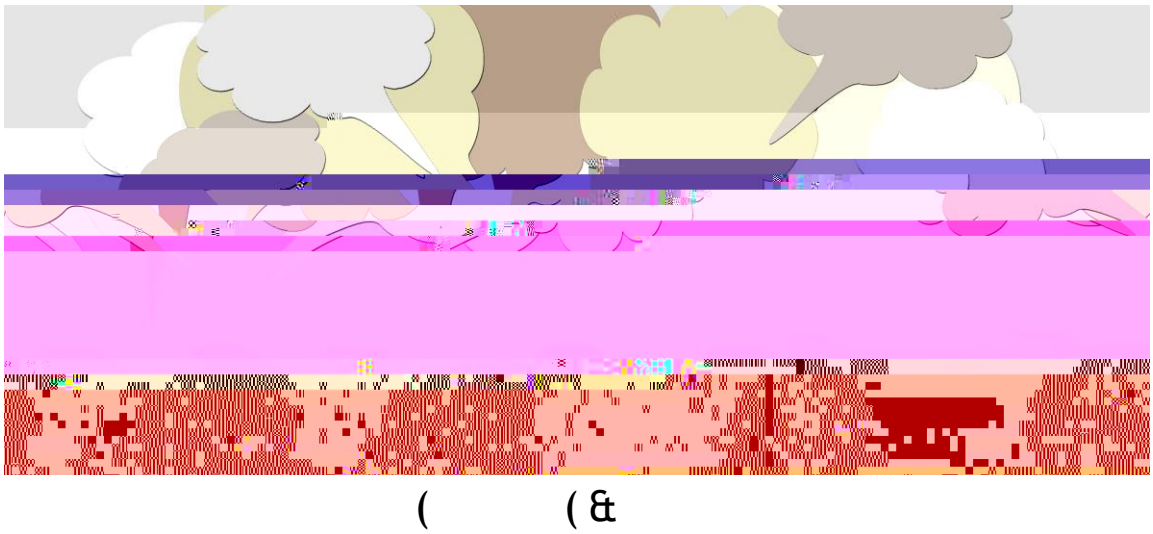
Decision-maker Rules



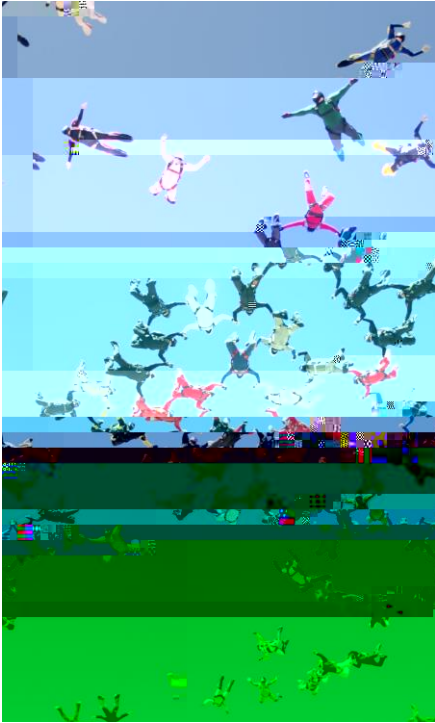
Hearing - LIVE



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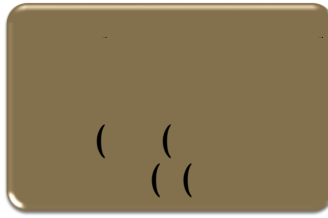
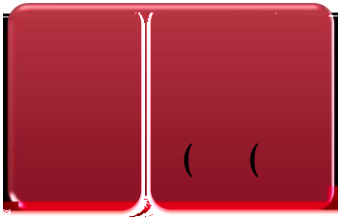


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Rules and Process (from the Regs)

Decision-maker Determinations on Evidence



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Decision-
maker
Questions

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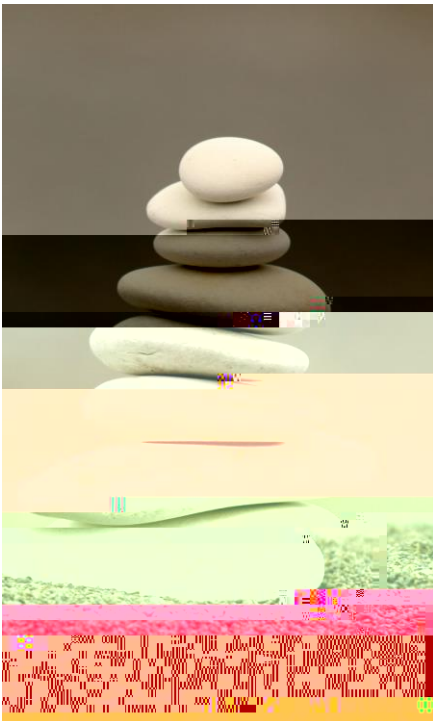




Welcome to the Show

The Hearing, the Findings, and the Appeal

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Agenda

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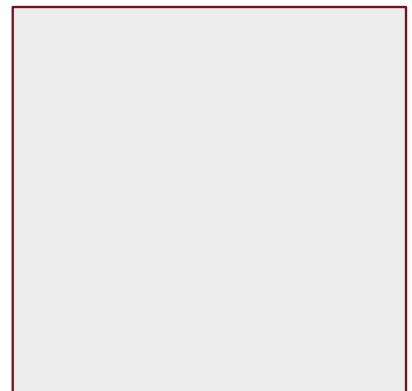
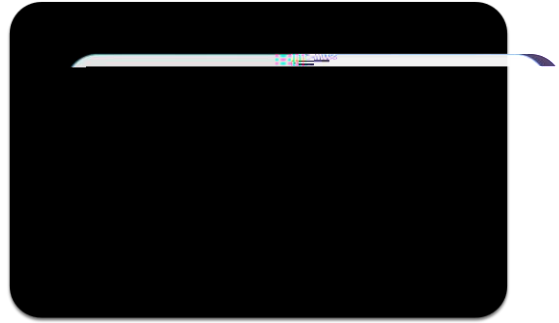
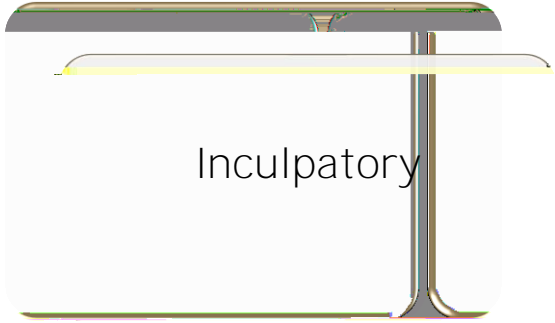
EVIDENCE & RELEVANCY

Types of Evidence





Evidence



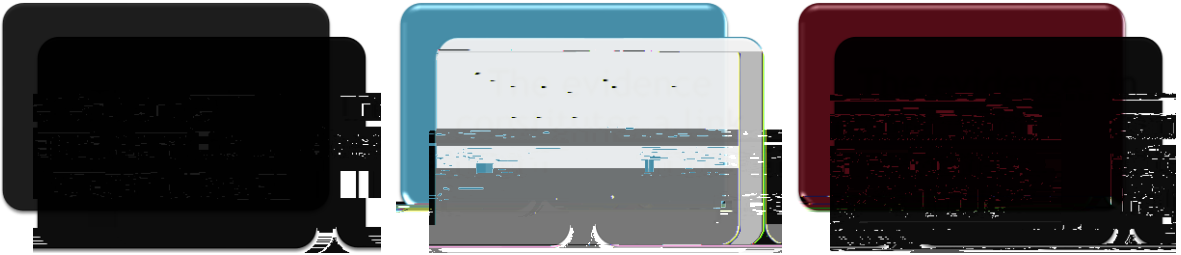
Evidence Collection



What Does Relevancy Mean?



Other Ways to Put It...



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Relevancy Examples



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Relevancy Examples

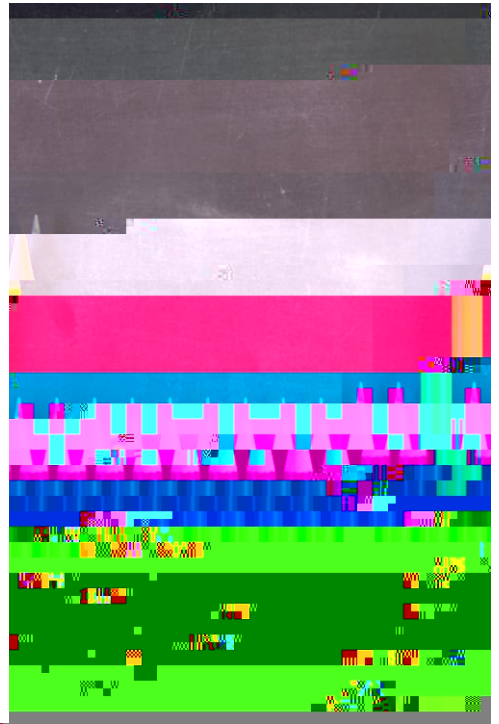
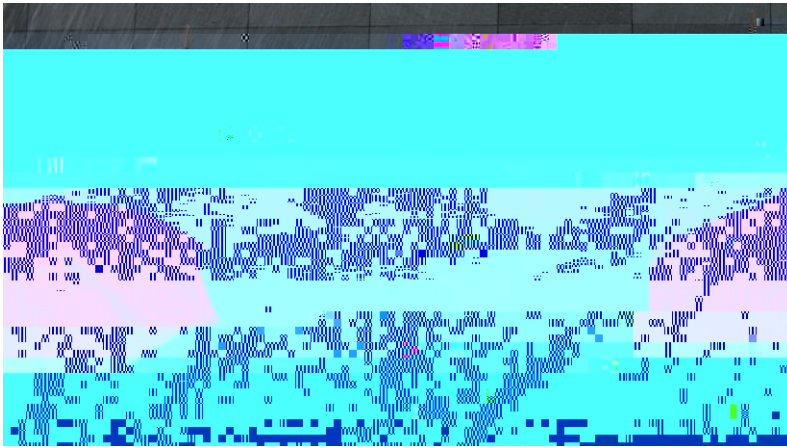


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Relevant Examples



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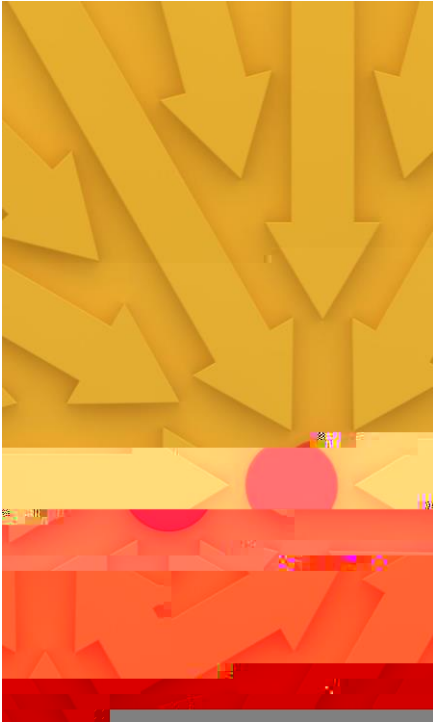


WHAT IS NOT RELEVANT?



Not Applying Federal Rules of Evidence





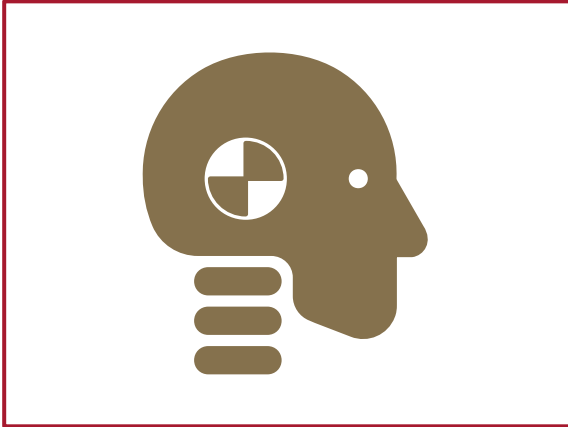
STAYING ON POINT

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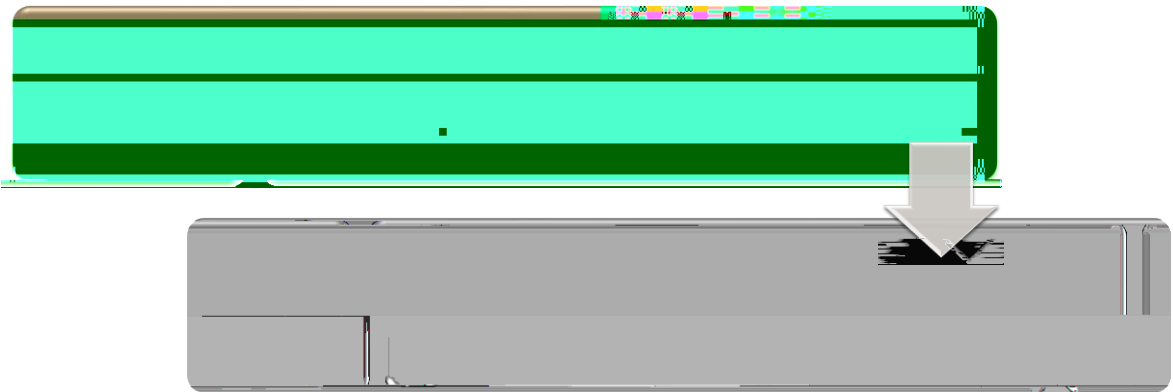
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Relevancy Determination



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Advisor

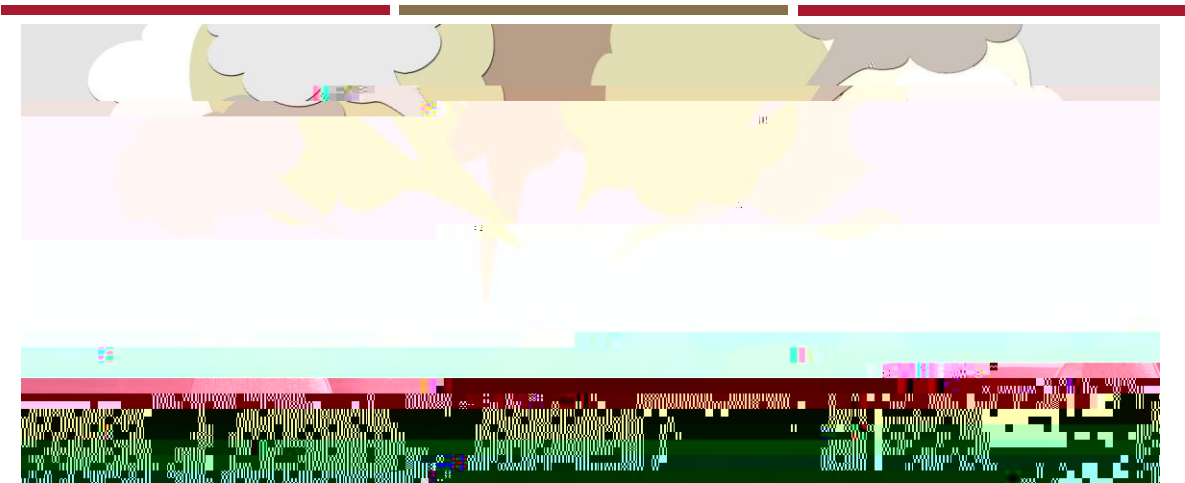


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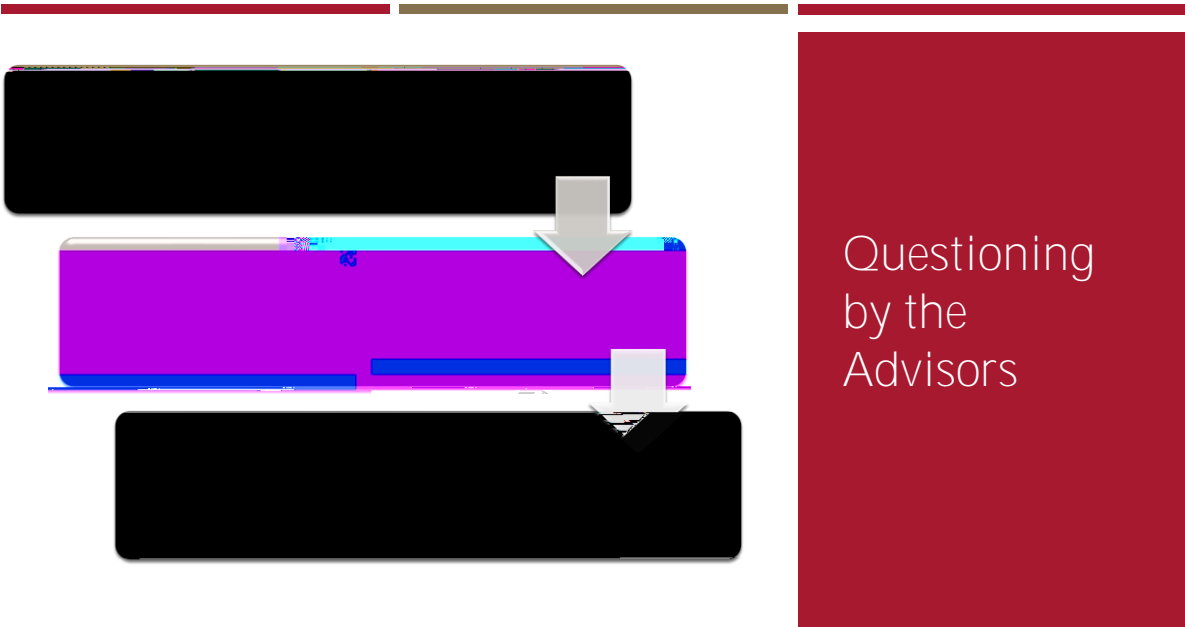
Cross-examination – The Preamble

Role of the Decision-maker





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RELEVANCY
DETERMINATIONS



Relevancy and
Admissibility
Determinations

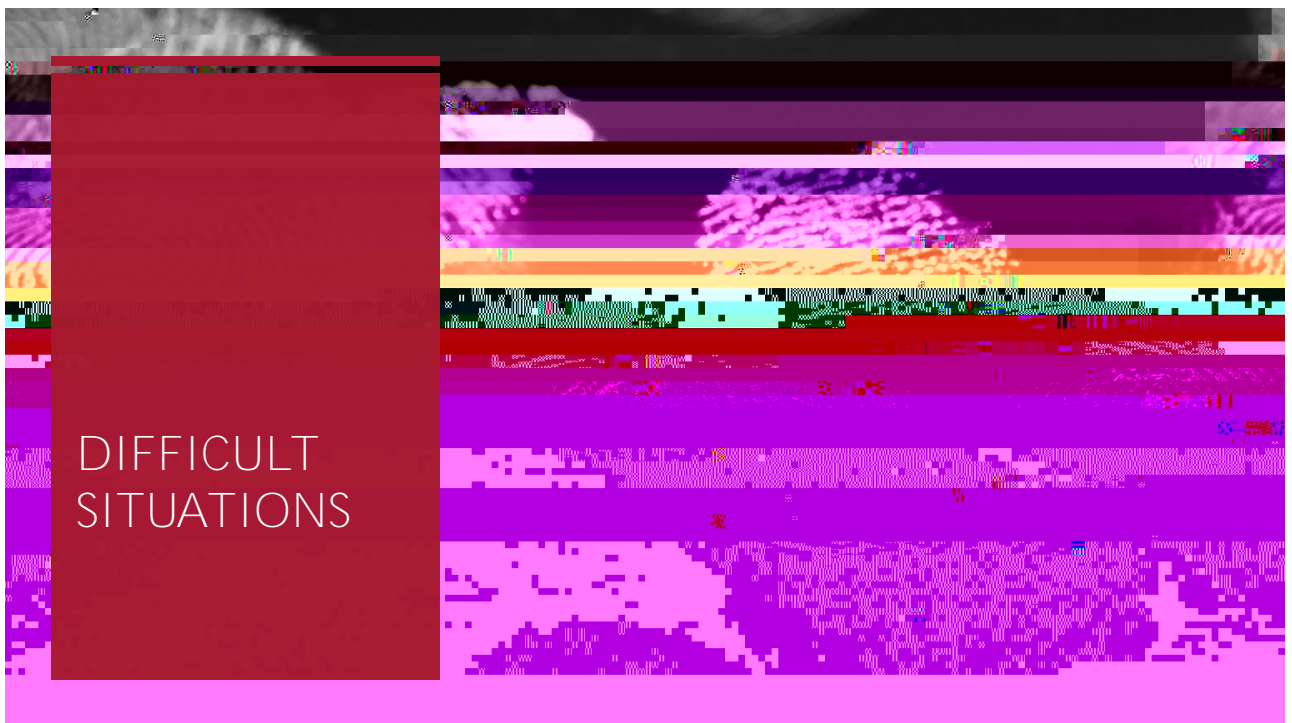


Reason for Relevancy Determination

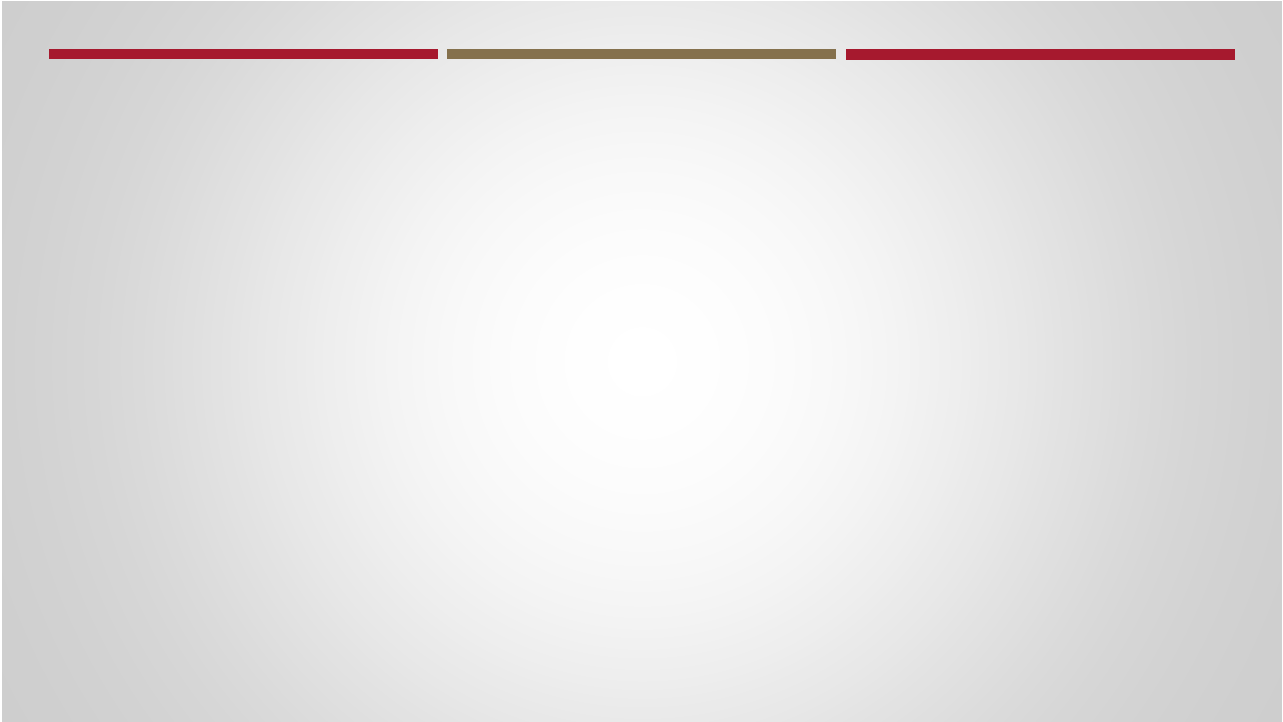
Decision-maker Questions



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Attendance



Decision-maker issues (appeal grounds)



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Situational issues

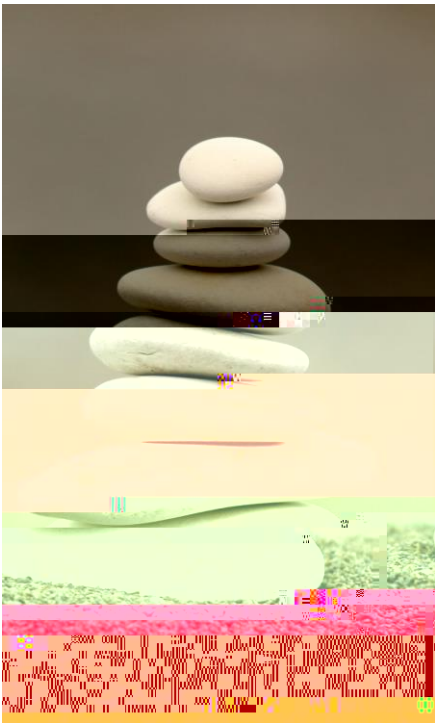


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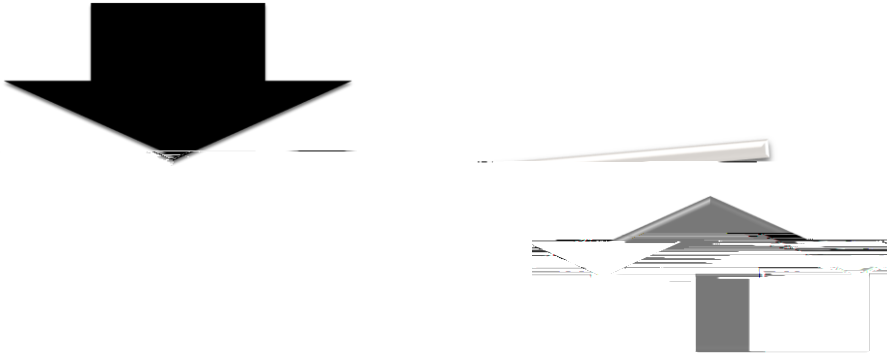


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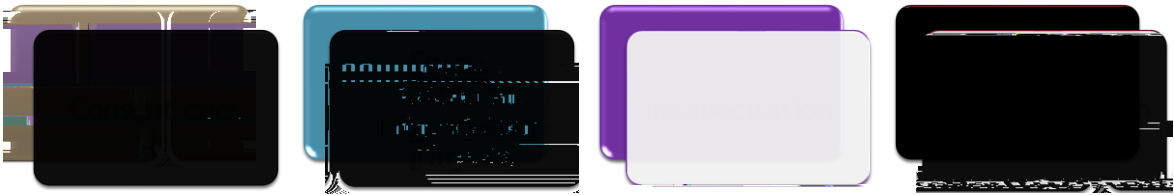
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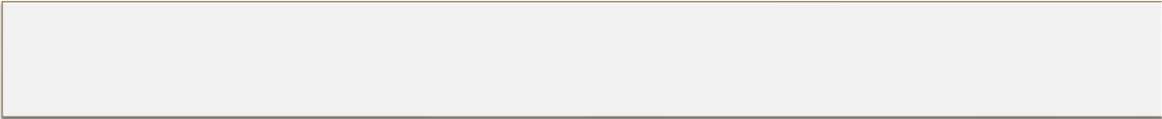
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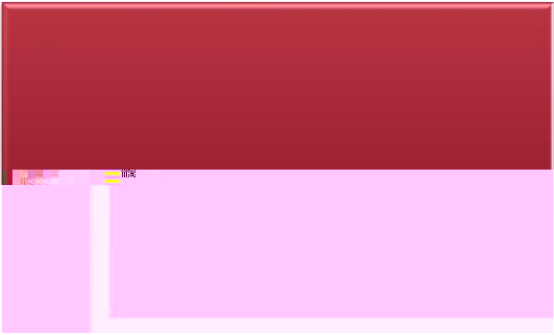


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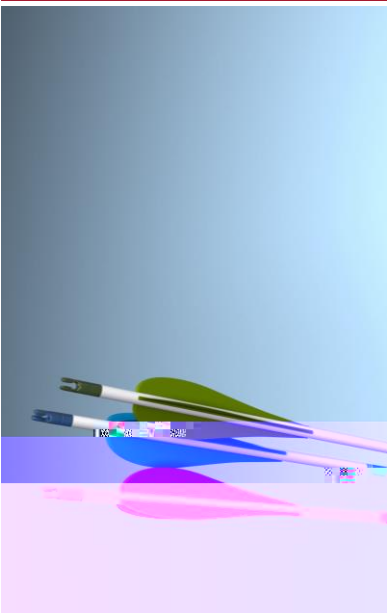


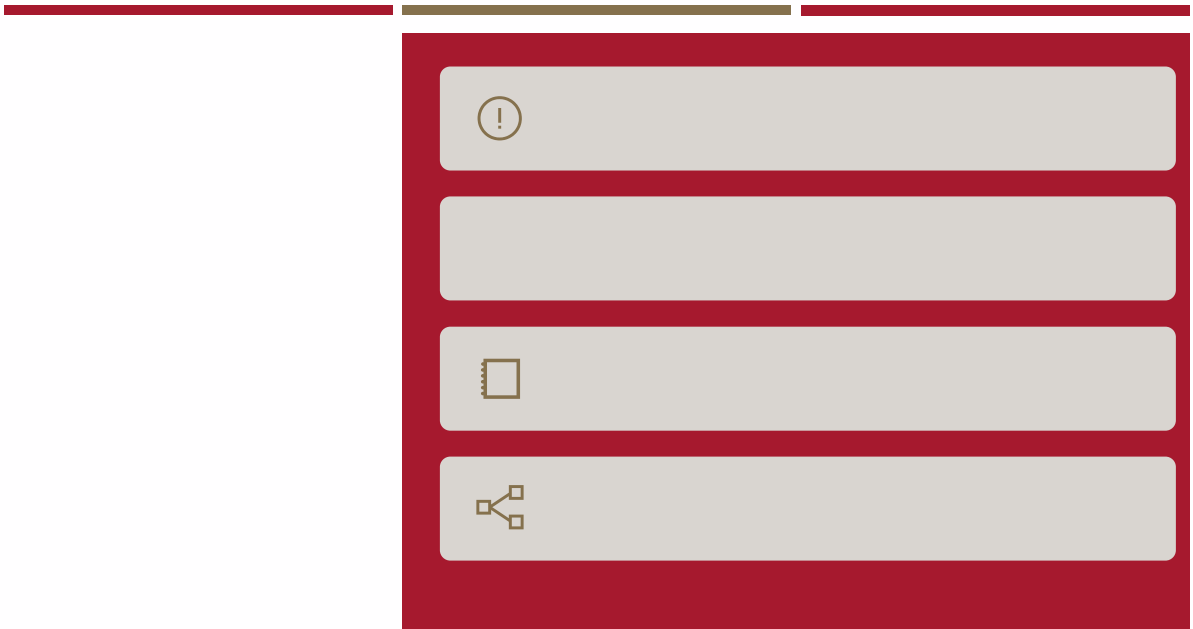


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