

Title IX Training

Definition of Sexual Harassment



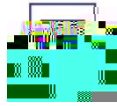
Sexual harassment means conduct on the basis of sex that satisfies one or more of the following

1. 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. 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;
3. "Sexual assault" as defined in 20 U.S.C. 10331(9)(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)(3).

Title IX Jurisdiction – Activity/Location



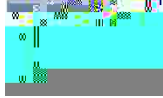
Report vs. Formal Complaint



Actual Knowledge (Report)--Next Steps



§10630 Actual Knowledge



Definition Supportive Measures



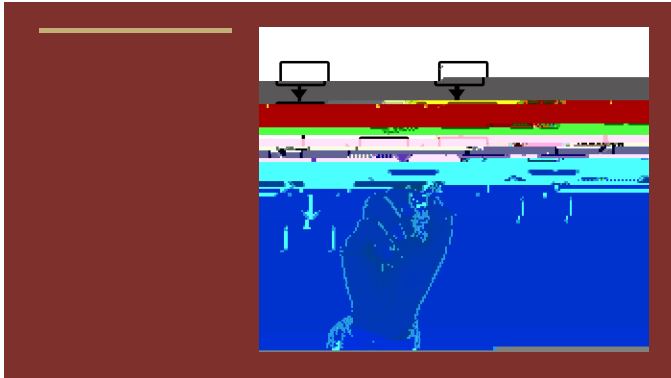
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Supportive Measures



Emergency Removal and Administrative Leave







§10630
Formal Complaint

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Post-Notice Timeline





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From the Regs..

“must objectively evaluate all relevant evidence (inculpatory and exculpatory) but retains discretion to which the Department will defer, with respect to how persuasive a decision maker finds particular evidence to be”

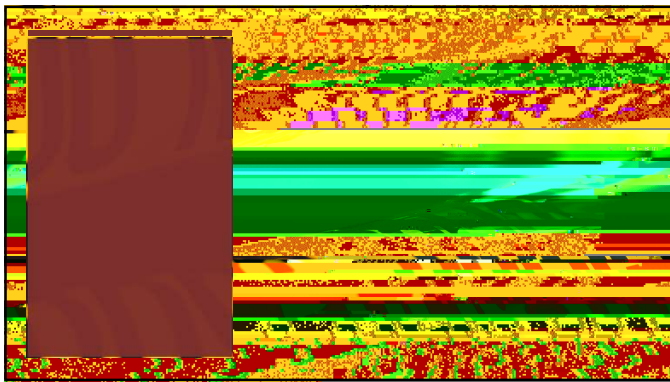
Fact Considerations



Written Determination



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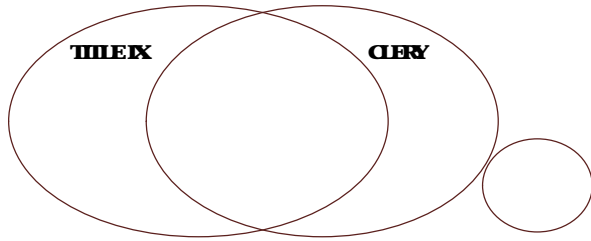


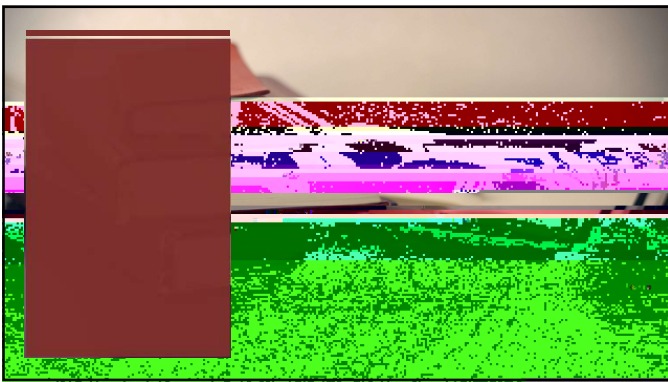
Key Cley Act Requirements (part 1)





Overlapping Conduct Allegations





Definition of Sexual Harassment



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PRONG 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

**PRONG 2 Hostile Environment:
(The Davis Standard)**



PRONG 3 The VA



“Sexual assault” as defined in 20 U.S.C. 1092(f)(6)(A)(v), “domestic 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)(5).

Sexual Assault (part 1)

Rape

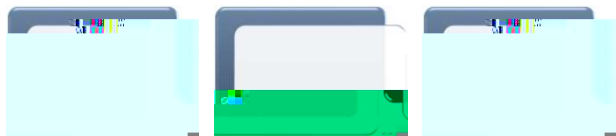
Consent



Consent cannot be given due to..



Physical Force



Intimidation

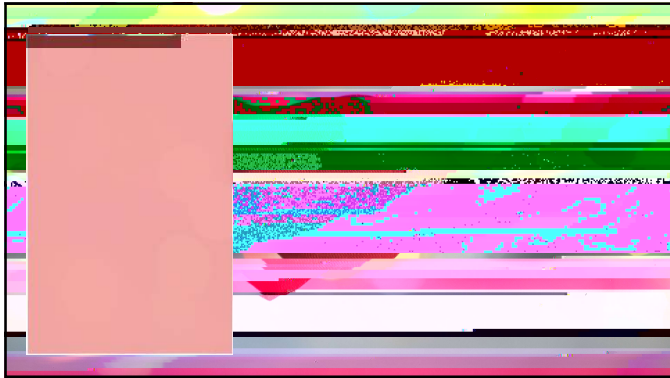


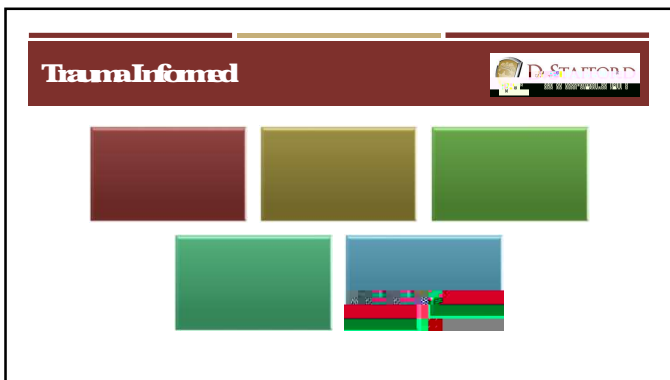
Threats

Incapacitation

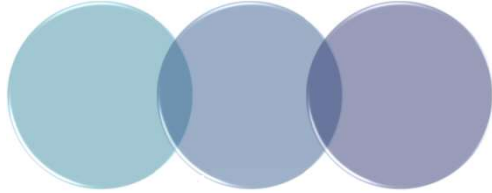
Levels of Consumption













Bias

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Bias

D. STAFFORD

Types of Bias

- Confirmation Bias
- Availability Bias
- Hindsight Bias
- Forecast Bias
- Identity Bias
- Personal Experience Bias

Avoiding Prejudgment of Facts



