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FOUNDATIONAL TRAINING FOR HIGHER EDUCATION TITLE IX TEAM MEMBERS

July 9, 2024 & July 11, 2024

Emily P. Bothfeld
ebothfeld@robbins-schwartz.com

Holly E. Jacobs
hjacobs@robbins-schwartz.com

Chicago
190 South LaSalle St, Suite 2550
Chicago, IL 60603
p 312.332.7760
f 312.332.7768

Champaign
301 North Neil St, Suite 400
Champaign, IL 61820
p 217.363.3040
f 217.356.3548

Collinsville
510 Regency Centre
Collinsville, IL 62234
p 618.343.3540
f 618.343.3546

Lisle
550 Warrenville Rd, Suite 460
Lisle, IL 60532
p 630.929.3639
f 630.783.3231

Rockford
2990 North Perryville Rd, Suite 4144B
Rockford, IL 61107
p 815.390.7090

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Robbins Schwartz 2024 Title IX Compliance Training

- **Part 1 – Foundational Training**
  - Tuesday, July 9 from 1:00-3:00
  - Thursday, July 11 from 9:00-11:00
- **Part 2 – Implementing the Title IX Grievance Procedures (Section VII.A)**
  - Monday, July 15 from 1:00-2:30
  - Tuesday, July 16 from 9:00-10:30
- **Part 3 – Implementing the Title IX Grievance Procedures (Section VII.B)**
  - Tuesday, July 23 from 9:00-10:30
  - Thursday, July 25 from 1:00-2:30
- **Part 4 – Pregnancy and Parenting Requirements**
  - Tuesday, July 30 from 1:00-2:30
  - Thursday, August 1 from 9:00-10:30
- **Part 5 – Illinois Preventing Sexual Violence in Higher Education Act**
- Tuesday, August 6 from 9:00-10:30
- Thursday, August 8 from 1:00-2:30

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Although the information contained herein is considered accurate, it is not, nor should it be construed to be legal advice. If you have an individual problem or incident that involves a topic covered in this document, please seek a legal opinion that is based upon the facts of your particular case.

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Foundational Training – Agenda

- The Title IX Team
- Relevant Laws & College Policies
- Title IX Coordinator's Role
- Key Definitions
- Application
- Options for Assistance Following an Incident
- Reporting and Notification Requirements
- College Response to Allegations
- Grievance Procedures
- Informal Resolution
- Recordkeeping Requirements

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The Title IX Team



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The Title IX Team

- Title IX Coordinator
- Investigator
- Decisionmaker
- Appellate Decisionmaker
- Impartial Employee (Supportive Measures Challenges)
- Informal Resolution Facilitator
- Advisor*

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Relevant Laws and College Policies



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Relevant Laws

- Title IX of the Education Amendments of 1972 ("Title IX")
- Title VII of the Civil Rights Act of 1964 ("Title VII")
- Illinois Human Rights Act ("IHRA")
- Illinois Preventing Sexual Violence in Higher Education Act ("PSVHEA")
- Violence Against Women Act of 1994 ("VAWA")
- Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act ("Clery Act")

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Policy Prohibiting Sex Discrimination

- Formerly "Policy Prohibiting Sex-Based Misconduct"
- Policy and implementing Procedures prohibit all forms of sex discrimination, including sex-based harassment.
  - Incorporate all requirements of relevant laws cited on prior slide.
  - Applicable to everyone in College's education programs and activities, including students, faculty and staff, applicants for admission and employment, and third parties.
  - Procedures govern College's response to reports of alleged sex discrimination, including grievance procedures and informal resolution procedure.

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Title IX Coordinator's Role



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Designation of Title IX Coordinator

- Title IX Regulations require the College to designate and authorize at least one employee to coordinate its efforts to comply with Title IX.
- If there is more than one Title IX Coordinator, the College must designate one of its Coordinators to retain ultimate oversight and ensure compliance.

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Responsibilities of Title IX Coordinator

- Coordinating the College's efforts to comply with its responsibilities under Title IX and 34 C.F.R. Part 106, and other applicable laws and regulations, to provide an educational and employment environment that is free from sex discrimination
- Ensuring that students, employees, applicants for admission and employment, and unions and professional organizations holding collective bargaining or professional agreements with the College are appropriately notified of the College's prohibition on sex discrimination.
- Overseeing the College's response to all sex discrimination reports and complaints and identifying and addressing any patterns or systemic problems revealed by such reports or complaints.
- Ensuring the prompt and thorough investigation of all sex discrimination complaints.
- Offering and coordinating appropriate supportive measures and ensuring the effective implementation of any remedies.

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Responsibilities of Title IX Coordinator

- Ensuring that appropriate protocols are in place for working with law enforcement and coordinating services with local victim advocacy organizations and services providers, including rape crisis centers.
- Ensuring that adequate training is provided to students, faculty and staff on Title IX and related issues.
- Monitoring students' participation in academic programs and extracurricular activities, including athletics, to identify and proactively address issues related to possible sex discrimination.
- Collaborating with appropriate College officials to assess the campus climate regarding Title IX through surveys and other instruments and to analyze the data collected through such surveys and instruments.
- Maintaining appropriate records of sex discrimination reports and complaints.

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Key Definitions



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Sex Discrimination

- Includes discrimination based on:
  1. Sex stereotypes
  2. Sex characteristics
  3. Pregnancy or related conditions
  4. Sexual orientation
  5. Gender identity

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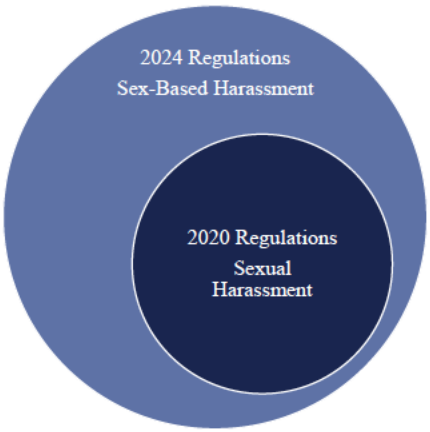
Sex-Based Harassment

- Includes:
  - Quid pro quo harassment
  - Hostile environment harassment
  - Sexual assault
  - Dating violence
  - Domestic violence
  - Stalking
  - Sexual violence



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Types of Sex-Based Harassment

Quid Pro Quo

When an **employee, agent, or other person** authorized by the College to provide an aid, benefit or service **explicitly or implicitly** conditions that aid, benefit or service on a person's participation in unwelcome sexual conduct.

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Types of Sex-Based Harassment

Hostile Environment

Unwelcome sex-based conduct that, based on the totality of the circumstances, is **subjectively and objectively** offensive and is so severe **or** pervasive that it **limits or denies** a person's ability **to participate in or benefit from** the recipient's education program or activity.

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Types of Sex-Based Harassment

Sexual Assault

An offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.

See https://www.fbi.gov/how-we-can-help-you/more-fbi-services-and-information/ucr.

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Types of Sex-Based Harassment

Dating Violence

Violence committed by a person:

1) Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
2) Where the existence of such a relationship shall be determined based on a consideration of:
   a) The length of the relationship;
   b) The type of relationship; and
   c) The frequency of interaction between the persons involved in the relationship.

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Types of Sex-Based Harassment

Domestic Violence

Felony or misdemeanor crimes committed by a person who:

1) Is a current or former spouse or intimate partner of the victim under the family or domestic violence laws of the State of Illinois, or a person similarly situated to a spouse of the victim;
2) Is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner;
3) Shares a child in common with the victim; or
4) Commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of the State of Illinois.

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Types of Sex-Based Harassment

Stalking

Engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

1) Fear for the person's safety or the safety of others; or
2) Suffer substantial emotional distress.

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Types of Sex-Based Harassment

Sexual Violence

Physical sexual acts attempted or perpetrated against a person's will or when a person is incapable of giving consent, including without limitation rape, sexual assault, sexual battery, sexual abuse, and sexual coercion.

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Consent

A freely given agreement to sexual activity.

The following do **not** constitute consent:

- A person's lack of verbal or physical resistance or submission resulting from the use or threat of force;
- A person's manner of dress;
- A person's consent to past sexual activity does not constitute consent to future sexual activity;
- A person's consent to engage in sexual activity with one person does not constitute consent to engage in sexual activity with another.

A person cannot consent to sexual activity if that person is unable to understand the nature of the activity or give knowing consent due to circumstances, including without limitation the following: (1) the person is incapacitated due to drugs or alcohol; (2) the person is asleep/unconscious; (3) the person is under age; or (4) the person is incapacitated due to a mental disability.

A person can withdraw consent at any time.

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Retaliation

Peer Retaliation

Intimidation, threats, coercion, or discrimination against any person by the College, a student, or an employee or other person authorized by the College to provide an aid, benefit, or service under the College's education program or activity, **for the purpose of interfering with any right or privilege secured by Title IX**, or because the person has reported information, made a complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under Title IX, including in an informal resolution process, in grievance procedures, and in any other actions taken by the College.

Peer retaliation means retaliation by a student against another student.

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Application

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Application

- Procedures Section II
- Policy Prohibiting Sex Discrimination applies whenever alleged sex discrimination occurs:
  - On College property or any property owned or controlled by a College-recognized student organization;
  - Off College property if:
    - The conduct was in connection with a College or College-recognized program or activity; or
    - The conduct may have the effect of creating or contributing to the creation of a hostile environment for a member of the College community; or
  - Otherwise within the College's disciplinary authority for students or employees.

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Application

The College has an obligation to address a sex-based **hostile environment in its education program or activity in the United States,** even where the sex-based harassment contributing to the hostile environment occurred outside the education program or activity or outside the U.S.



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Options for Assistance Following an Incident



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Options for Assistance



- Procedures Section IV
- Emergency Services
  - On-campus law enforcement or security
  - Off-campus law enforcement
- Crisis Response Services
  - On-campus Confidential Employees
  - Off-campus confidential resources
  - *Note which resources are Confidential Advisors (PSVHEA – training requirement)
- Medical Services
  - On- and off-campus healthcare facilities and providers
  - *Note which facilities/providers provide medical forensic services (rape kits) and/or Sexual Assault Nurse Examiners

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Reporting and Notification Requirements

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Making a Report

- Procedures Section V
- Who can report?
  - Anyone – including students, employees, and third parties
    - Does not need to be the person alleged to be the victim of the misconduct
- Reporting Options
  - The Title IX Coordinator
  - Responsible Employees
  - Confidential Employees
  - Other College Employees
  - Electronic/Anonymous Reporting
- Public Awareness Events
- Knowingly False Reporting

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Employee Notification Requirements

Employee Category	Requirement
Responsible Employee	Notify TIXC
Confidential Employee	Explain confidential status, how to contact TIXC and make a complaint, and that TIXC may be able to offer and coordinate supportive measures, as well as initiate informal resolution process or investigation under grievance procedures
Other Employee	Notify TIXC **or** provide TIXC contact information and information about how to make a complaint (and document such in writing)

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Confidentiality of Reports

- Under the Procedures Implementing the Policy Prohibiting Sex Discrimination, reports of alleged sex discrimination will be kept confidential to the greatest extent possible, subject to the College's duty to investigate and maintain an educational program or activity that is productive, respectful, and free of sex discrimination.

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Electronic Reporting and Anonymous Reports

- Required under PSVHEA
- Where reporting party chooses to include identity and contact information, College must respond with copy of written notification of rights and options within 12 hours.



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College Response to Allegations of Title IX Sex Discrimination



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Title IX Coordinator Response

- Procedures Section VI
- Upon receipt of report, Title IX Coordinator should analyze the allegation(s) to determine whether the conduct as alleged could constitute sex discrimination.
- Title IX Coordinator should consider whether action under any of the following policies is required, either in lieu of or in addition to any action under Policy Prohibiting Sex Discrimination:

  Policy Prohibiting Harassment

  Nondiscrimination Policy

  Code of Conduct

  Ethics Policy

  Equal Employment Opportunity Policy

  Any other applicable policy

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Title IX Coordinator Response Obligations

See documents A, B, C, G

Title IX Coordinator must take the following steps upon being notified of conduct that reasonably may constitute sex discrimination:

(1) Treat complainant and respondent equitably.	(5) In response to a complaint, initiate grievance procedures or informal resolution process.
(2) Offer and coordinate supportive measures to complainant and respondent (if applicable).	(6) In absence of complaint or informal resolution process, determine whether to initiate a complaint of sex discrimination if necessary to address conduct that may constitute sex discrimination.
(3) Notify complainant of the College's grievance procedures and informal resolution process, including information regarding the complainant's rights and options pursuant to the Procedures.	(7) If the Title IX Coordinator initiates a complaint, notify the complainant prior to doing so and appropriately address reasonable concerns about the complainant's safety or the safety of others, including by providing supportive measures.
(4) If complaint is made, notify respondent of grievance procedures and notify parties of informal resolution process.	(8) Regardless of whether a complaint is initiated, effectuate remedies provided to the complainant and take other prompt and effective steps to ensure that sex discrimination does not continue or recur.

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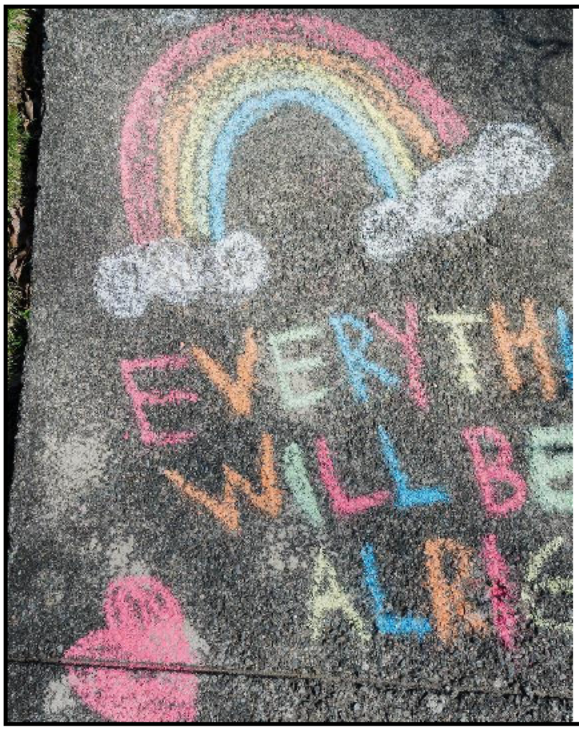

Supportive Measures

- Title IX Coordinator is responsible for the offering and coordination of supportive measures
- May not unreasonably burden either party and must be designed to:
  - Protect the safety of the parties;
  - Protect the recipient's educational environment; and/or
  - Provide support during the recipient's grievance procedures or informal resolution process.
- May not be imposed for punitive or disciplinary reasons.

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Supportive Measures

- May vary depending on what the College deems reasonably available.
- Examples:
  - Counseling and mental health support
  - Extensions of deadlines and other course-related adjustments
  - Campus escort services
  - Increased security and monitoring of certain areas of campus
  - Restrictions on contact applied to **one or more parties**
  - Leaves of absence
  - Changes in class, work, housing, or extracurricular or any other activity, **regardless of whether there is or is not a comparable alternative**
  - Training and education programs related to sex discrimination

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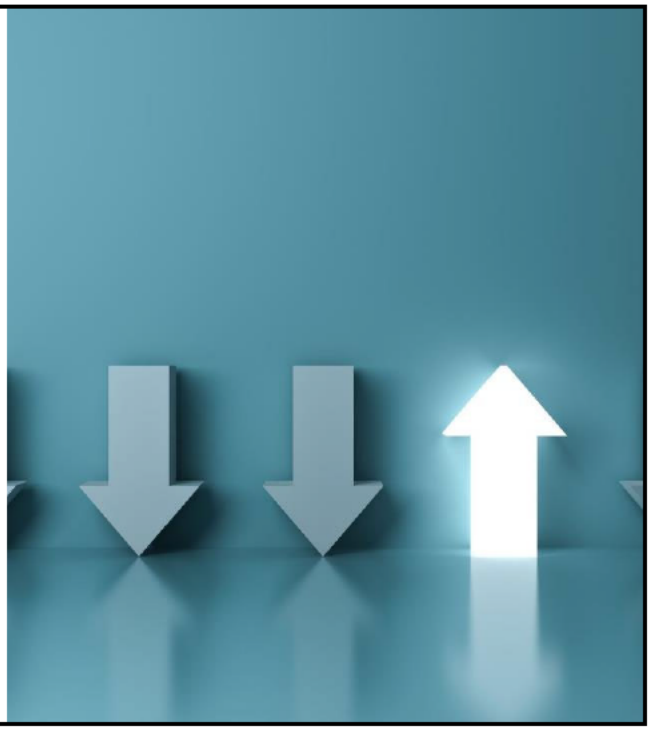
Supportive Measures

- May be modified or terminated at conclusion of resolution process.
- Either party may challenge any decision to provide, deny, modify or terminate supportive measures applicable to that party.
- Challenge must be reviewed by impartial employee with ability to modify or reverse original decision.
- See document F



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Emergency Removal of Respondent

- Prior to initiating/completing grievance procedures or informal resolution, or in the absence of a complaint, the College may remove a respondent from the College's education program or activity.
- College must first determine that, based on an individualized safety and risk analysis, that an **imminent and serious threat** to the health or safety of the complainant or other students, employees, or persons exists.
- College must provide the respondent with notice and an opportunity to challenge the decision immediately following the removal.

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Administrative Leave

- If respondent is identified and is a non-student employee, the College may consider whether to place employee respondent on administrative leave in accordance with Title IX, relevant College policies and procedures, and any applicable collective bargaining agreements.



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Grievance Procedures



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Who can initiate a complaint?

- Procedures Section VII
- A complainant
- A parent, guardian, or other authorized legal representative
- The Title IX Coordinator, in certain circumstances
- For complaints of sex discrimination other than sex-based harassment, in addition to the above:
  - Any student or employee
  - Any person other than a student or employee who is participating in or attempting to participate in the College's education program or activity at the time of the alleged sex discrimination

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Determining When to Initiate a Complaint

Title IX Coordinator must weigh the following factors:	
(1) Complainant's request not to proceed with initiation of the complaint.	(5) Age and relationship of the parties, including whether the respondent is an employee of the College.
(2) Complainant's reasonable safety concerns regarding initiation of the complaint.	(6) Scope of the alleged sex discrimination.
(3) Risk that additional acts of sex discrimination would occur if a complaint is not initiated.	(7) Availability of evidence to assist a decisionmaker in determining whether sex discrimination occurred.
(4) Severity of the alleged sex discrimination.	(8) Whether the College could end the alleged sex discrimination and prevent is recurrence without initiating the grievance procedures.

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Complaint Evaluation

- When complaint is filed, Title IX Coordinator must evaluate whether to investigate or dismiss the complaint.
  - Similar to pre-complaint analysis of allegations
- Where Title IX Coordinator determines that alleged conduct could constitute sex discrimination, Title IX Coordinator should initiate the grievance procedures.
- Where Title IX Coordinator determines that alleged conduct would not constitute sex discrimination, Title IX Coordinator should dismiss the complaint.
  - See Document H

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General Guidelines

- Equitable treatment of both parties
- Employees serving in designated roles must be trained
- No conflicts of interest or bias
- Presumption of non-responsibility
- No discipline imposed on the respondent until a determination has been made
- Reasonable steps to protect privacy of all parties
- Objective evaluation of evidence
- Impermissible evidence will not be accessed, considered, disclosed, or otherwise used
- Credibility determinations will not be based on a person's status as a complainant, a respondent, or a witness
- Prompt and equitable implementation of all grievance procedures, including appeal procedures
- Description of range of supportive measures and list/description of range of possible disciplinary sanctions.

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Confidentiality

- College must take reasonable steps to prevent and address the parties' (and their advisors') unauthorized disclosure of information and evidence obtained solely through the grievance procedures.



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Notice of Allegations

- Must include:
  - Grievance procedures
  - Informal resolution process, if any
  - Identities of parties
  - Description of alleged conduct, including dates and locations (if known)
  - Prohibition on retaliation
  - Equal opportunity to access and respond to the investigation report* and the relevant and not otherwise impermissible evidence
  - Statement that prior to a determination being made, the parties have an opportunity to present evidence to an impartial and trained Decisionmaker
  - Statement that the respondent is presumed not responsible for the conduct alleged
  - *Statement that the parties may have an advisor of their choice
  - *Statement that knowingly making false statements is prohibited by the Code of Conduct
- See document G

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Consolidation of Complaints

- Consolidation of complaints is permitted when the allegations arise out of the same facts or circumstances.
  - Can consolidate complaints made by more than one complainant against one or more respondents
  - Can consolidate complaints made by one party against the other party



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Dismissal of Complaint/Allegations

- Dismissals permitted (but not required) when:
  - College unable to identify respondent after taking reasonable steps to do so
  - Respondent no longer enrolled in or employed by College
  - Complainant voluntarily withdraws any or all complaint allegations
    - *Note:* College must receive complainant's withdrawal in writing
  - Alleged conduct would not constitute sex discrimination, if proven
- Upon dismissal, Title IX Coordinator must offer supportive measures to complainant and/or respondent, as appropriate.
- Either party may appeal dismissal decision.
- See document H

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Complaint Investigation

- Burden is on the College to gather sufficient evidence to determine whether sex discrimination occurred
- Must provide party with written notice of investigative interview with sufficient time for the party to prepare
  - See Document I
- Must allow parties to be accompanied to any meeting/interview by an advisor of their choice* – may restrict advisor's participation as long as restrictions apply equally
- College has discretion to allow parties to present expert witnesses during investigation
- Must allow reasonable extension of timeframes on a case-by-case basis for good cause with written notice

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Complaint Investigation

- Must provide equal and reasonable opportunity for parties to:
  - Provide fact witnesses and evidence
  - Access relevant and not otherwise impermissible evidence in the form of an investigation report and notice of right to access the evidence
  - Respond to investigation report* and/or evidence gathered
- Parties must be allowed to respond to the to evidence before the final determination is made
- Must take reasonable steps to prevent and address parties' unauthorized disclosure of information/evidence obtained solely through the College's grievance procedures
- See Documents J and K

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Questioning Parties and Witnesses

Live Hearing or Questioning Proceeding

- For complaints other than sex-based harassment complaints involving a student party, College must provide process for Decisionmaker to question parties and witnesses to assess their credibility, if relevant and in dispute.
  - Process in discretion of Decisionmaker.
- For sex-based harassment complaints involving a student party, College must provide a process to allow the parties to propose and ask relevant and not otherwise impermissible questions and follow-up questions of any party or witness, including questions challenging credibility.
  - Option 1: Live Hearing
    - See Document L(a)
  - Option 2: Questioning Proceeding
    - See document L(b)

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Questioning Parties and Witnesses

Live Hearing or Questioning Proceeding

- Before any question is asked, Decisionmaker must review to determine if it is permissible and relevant, and if it is unclear or harassing
  - If the question is excluded because it is **not permissible and/or relevant**, the Decisionmaker must explain their decision to exclude the question
  - If the question is excluded because it is **unclear or harassing**, the Decisionmaker must explain their decision to exclude the question and give the party and opportunity to clarify or revise the question
- If a party or witness refuses to respond to relevant and permissible questions, the Decisionmaker can choose to place less or no weight upon that party's or witnesses' statements
  - However, cannot draw an inference regarding whether sex discrimination and/or sex-based harassment occurred based solely on the refusal to answer questions

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Written Determination

- Must notify both parties simultaneously of the determination as to whether sex discrimination occurred
- Determination must include:
  - Statement that the College used the preponderance of the evidence standard
  - Description of the alleged conduct
  - Information about the policies and procedures used to evaluate the allegations
  - Rationale for the determination
  - Procedures and permissible bases for appeal
  - Disciplinary sanctions for respondent (must notify complainant)
  - Whether remedies will be provided for complainant (must not notify respondent of specific remedies unless necessary to implement)
- See Document M

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Appeals

- Appeal process must, at minimum, be the same as the appeal process offered in all other comparable proceedings
- Either party may appeal by submitting a written request to the TIXC
- Appeal must be based on one of the following grounds:
  - Procedural irregularity that would change the outcome
  - New evidence now available that would change the outcome but that was not reasonably available at the time of the determination
  - TIXC or Investigator/Decisionmaker had a conflict of interest or bias that would change the outcome
  - For sex-based harassment complaints involving a student party only: the sanction is disproportionate to the violation
- Upon receipt of appeal, TIXC must notify both parties in writing that an appeal has been filed and forward all relevant materials to the Appellate Decisionmaker.
- See Document N

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Appeals

- Parties must be given a reasonable opportunity to make statement in support of, or challenging, the outcome.
- Appellate Decisionmaker must not be the same person as the TIXC or the Investigator/Decisionmaker
- Must affirm, reverse, or modify the written determination and provide written notification of the appeal determination to both parties simultaneously
- Determination is final on either:
  - Date on which an appeal is no longer timely
  - Date the Appellate Decisionmaker provides written notice of the appeal decision
- See Document O



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Informal Resolution



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Informal Resolution

- Permitted whenever the College receives complaint of sex discrimination **or has information about** conduct that reasonably may constitute sex discrimination.
- Participation must be voluntary.
- College cannot require parties to waive the right to investigation and determination as condition on participation in informal resolution.
- Not permitted in K-12 employee-on-student cases.
- See Documents C and D.

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Informal Resolution

- Overseen by Informal Resolution Facilitator who cannot be the same person as the Investigator or the Decisionmaker.
- Parties may withdraw at any point prior to agreement.
  - If either party withdraws, any grievance procedure that was pending will resume.
- Agreement precludes the parties from initiating grievance procedures arising from the same allegations.
- Potential terms: restrictions on contact, restrictions on the respondent's participation in a program/activity, disciplinary sanctions, etc.
- See Document E

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Recordkeeping Requirements

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Recordkeeping

- College must maintain for a period of <u>at least seven years:</u>
  - Informal resolution process records (and outcome)
  - Records of grievance procedures (and outcome)
  - Records of actions taken to meet obligations to respond to information about conduct that reasonably may constitute sex discrimination for each notification TIXC receives
  - All materials used to provide TIX training



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EMILY P. BOTHFELD

PARTNER, CHICAGO

312.332.7760

ebothfeld@robbins-schwartz.com



Emily Bothfeld counsels higher education institutions and K-12 school districts on various issues, including student discipline, Title IX, free speech and expression, student disability rights, board governance, and policy development. In her role leading the firm's Title IX practice, Emily performs extensive work with educational institutions to ensure compliance with Title IX and related laws in all aspects of employment and education, including recruitment, admissions, academic programs, counseling, financial assistance, athletics and extracurricular activities, and facilities access. Emily was instrumental in Robbins Schwartz's development of policies, procedures, and training materials for school districts and higher education institutions in response to the United States Department of Education's 2020 amendments to the Title IX regulations, and Emily has significant experience working closely with Title IX Coordinators and administrators tasked with investigating and adjudicating sexual harassment reports and complaints.

Emily also represents both educational institutions and private companies in matters related to student privacy. She regularly advises school districts regarding privacy considerations and compliance requirements associated with the use of educational technology platforms. She has significant experience negotiating data privacy agreements and education-related service agreements on behalf of schools and organizations. In 2020, Emily co-drafted the Illinois addendum to the National Data Privacy Agreement ("NDPA"), a standardized agreement used by school districts and educational technology vendors throughout the United States to streamline the contracting process and establish a consistent framework for protecting and managing student data. The NDPA is currently being utilized by approximately 750 school districts in Illinois and over 11,000 nationally to facilitate compliance with state and federal student privacy and security laws.

Emily has extensive experience representing educational institutions in responding to complaints filed with the U.S. Department of Education's Office for Civil Rights, Illinois State Board of Education, Office of the Illinois Attorney General, and Illinois Department of Human Rights. Emily regularly defends educational entities in state and federal court in defending against constitutional, civil rights, and breach of contract claims.

Before joining Robbins Schwartz, Emily represented students with disabilities in special education matters. Emily attended the George Washington University Law School, where she was a member of the George Washington International Law Review and the GW Law Moot Court Board. Prior to attending law school, Emily taught high school mathematics and science in Hangzhou, China.

PRACTICE AREAS

Education Law
Higher Education
Special Education
Student Discipline

EDUCATION

J.D., *with honors*, George Washington University Law School

B.S., *cum laude*, Vanderbilt University

ADMITTED TO PRACTICE

U.S. Court of Appeals for the Seventh Circuit

U.S. District Court for the Northern District of Illinois

Supreme Court of Illinois

ORGANIZATIONS

Trustee, Associated Colleges of Illinois

Chicago Bar Association

Illinois Council of School Attorneys

National Council of School Attorneys

RECENT PUBLICATIONS

"College Admissions Under Fire as Top Court Takes Affirmative Action Case," *Chicago Daily Law Bulletin* (2022)

"Disabled Athlete Can't Support ADA Claims," *Chicago Daily Law Bulletin* (2018)

RECENT PRESENTATIONS

Best Practices for Safeguarding Data in an Increasingly Digital World, SecurED Schools: K-12 Data Privacy and Cybersecurity Conference (January 2023*)*

Legal Gymnastics in the Age of COVID and Other Challenges, Illinois Council of Community College Presidents Retreat (January 2022)

Making Sense of the Alphabet Soup: FERPA, COPPA, SOPPA, ISSRA, MHDDCA, and PIPA and Strategies for Compliance, Secured Schools K-12 Data Privacy and Cybersecurity Conference (January 2022)

Robbins Schwartz
One Team. Making Your Mission Ours.

HOLLY E. JACOBS

ASSOCIATE, CHICAGO

312.332.7760

hjacobs@robbins-schwartz.com



Holly counsels employers on many aspects of labor and employment law, including employee discipline, internal investigations, federal and state employment discrimination matters, labor relations, and Title IX investigations and compliance. She represents both private and public sector employers and advises school districts, municipalities, and institutions of higher education.

Prior to joining Robbins Schwartz, Holly clerked at a private higher education firm, interned with the Equal Employment Opportunity Commission and Chicago Public Schools, and served as a judicial extern for the Honorable Judge Virginia M. Kendall of the United States District Court for the Northern District of Illinois. She received her Juris Doctor from Loyola University Chicago, where she also completed a master's degree in Cultural and Educational Policy Studies. Her master's thesis focused on legal reparations and decolonization efforts regarding Indigenous boarding schools in Canada and the United States. During law and graduate school, she served as the Editor-in-Chief of the Loyola International Law Review, and published articles at Loyola University Chicago and Columbia University. Prior to law school, Holly taught English as a Second Language in Nordhorn, Germany.

Holly is a member of the American Educational Research Association, which is a national research society dedicated to advancing knowledge about education and promoting the use of research to improve education and serve the public good. She was selected as a peer reviewer for research paper submissions to AERA's 2024 Annual Meeting.

AWARDS

American Educational Research Association - selected reviewer for submissions to AERA 2024 Annual Conference; Panels reviewed: De/Colonization and Transformative Curriculum Studies; Legal and Judicial Issues for Equity and Access; Decolonial, Postcolonial, and Anti-Colonial Studies in Education; Indigenous Peoples of the Americas; and Law and Education.

RECENT PUBLICATIONS

Jacobs. H (2023). Decolonizing a Settler Colonial State: How Canada and the United States Have Approached Investigations into Indigenous Boarding and Residential Schools

PRACTICE AREAS

Labor & Employment

EDUCATION

J.D., *cum laude*, Loyola University Chicago

M.A., Loyola University Chicago

B.A., *magna cum laude,* University of Montana

ADMITTED TO PRACTICE

Supreme Court of Illinois

ORGANIZATIONS

Member, American Educational Research Association