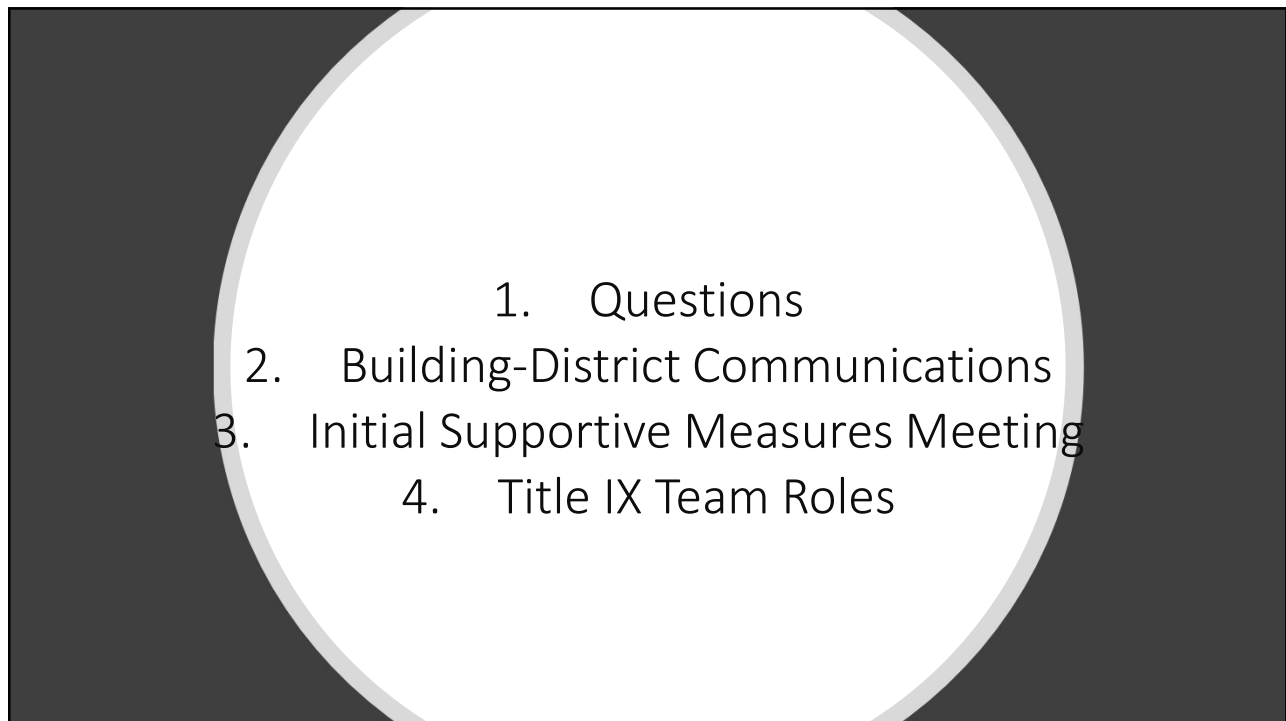


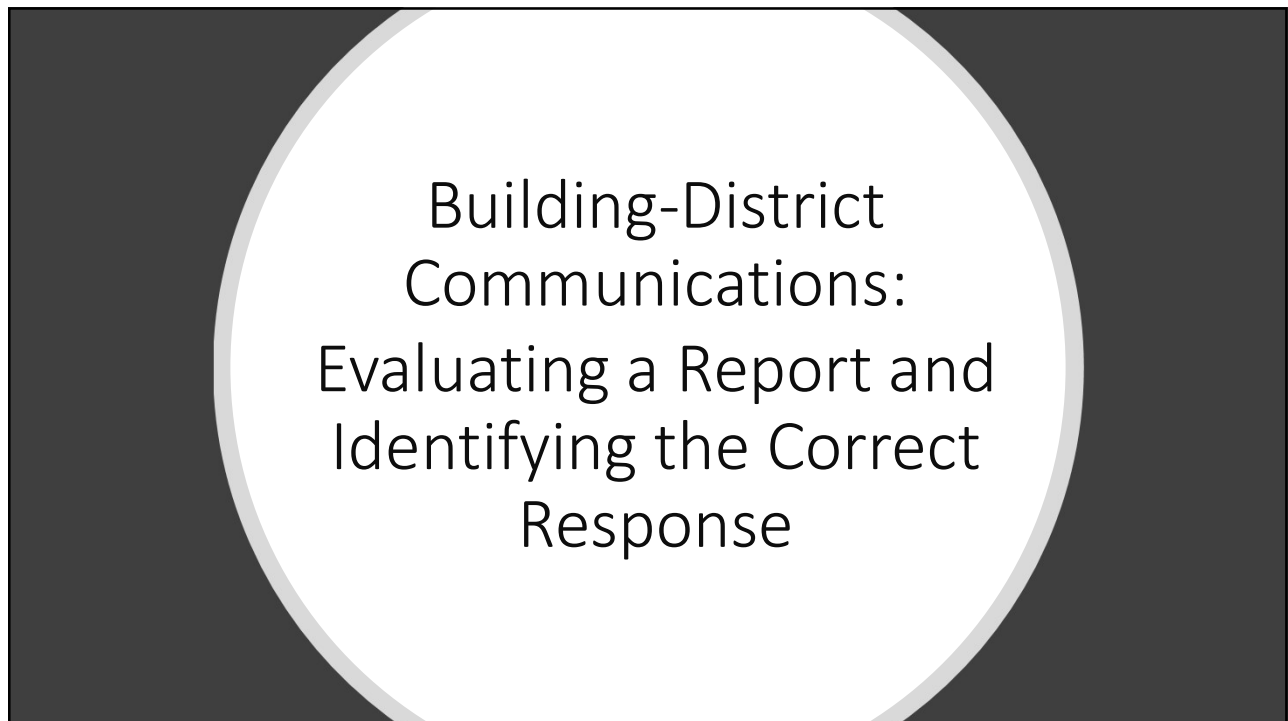
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4

School Response to Report of Sex-Based Conduct

- School staff report to designated building administrator
- Building administrator contact District Title IX Coordinator
- **Review** report
- **Discuss** Title IX Criteria
- **Confirm** if Title IX Sexual Harassment or Not
- **Proceed** under applicable policy



5

If it's not "Title IX Sexual Harassment," what do you do? (best choice)

Tell the dean he can't do anything further because it's not Title IX Sexual Harassment

Tell the dean to consider other policy violations (bullying, code of conduct) at the building level

Tell the dean to follow up with Cameron to seek more information

Ask the dean if she's interested in a new position because you're about to be free....

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6

Initial Supportive Measures

7

Title IX Coordinator Responsibilities

- Must be called Title IX Coordinator
- Must be identified (with name or title, address, phone, and email) in policy and on website
- Must meet with alleged victims of Title IX Sexual Harassment
- Informs Complainant (CP) of availability of supportive measures and formal complaint process
- Coordinates implementation of supportive measures
- Can Delegate Responsibilities

8

Robin's Report

- Email from Dean
- Robin, a first-year soccer player, reported conduct that occurred against Robin's friend, Cameron, also a first-year soccer player

9

Robin's Report

- Soccer orientation week
- Park across street from the school
- Two upperclassmen soccer players vs. Cameron

10

Robin's Report

- Verbal harassment
 - Going to violate your mother
 - Want to "smoke" (understood to mean sexual assault)
- Grabbed Cameron by the neck and bent Cameron over; poked Cameron's anus over the clothes

11

Robin's Report

- Coaches saw the incident
 - Laughed at first
 - Noticed Cameron looked shaken
 - Sternly reprimanded upperclassmen in front of Cameron
 - Told Cameron if it happened again to report it
- Nonetheless, incidents kept occurring

12

Robin's Report

- One (same) coach observed later incident; shook head and walked away
- Last day of orientation
 - Hazing ritual
 - Multiple upperclassmen grabbed Cameron and two other rookies
 - Pulled down pants, poked anus with broomstick

13

Thinking back to the original hypo.... What do you do next?

Contact Robin to obtain names of upperclass students to pull them from class

Contact Robin to offer an opportunity to file a formal complaint and supportive measures

Contact Cameron to offer an opportunity to file a formal complaint and supportive measures

Run and hide as fast as I can!

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14

Title IX Coordinator must promptly, even if no Formal Complaint is filed:

- Contact the Title IX Complainant to discuss the availability of “supportive measures”
- Consider the Title IX Complainant’s wishes with respect to supportive measures
- Inform the Title IX Complainant of the availability of supportive measures with or without the filing of a formal complaint
- Explain the process for filing a Formal Complaint

Initial Response

15

Cameron’s Report

- You tell the Dean to meet with Cameron (**WRITE IT DOWN**)
- Cameron confirms all of the allegations
- Cameron wants the upperclass students removed from the team
- Cameron does not want to file a formal complaint or be named to the upperclass students

16

Can you honor Cameron's confidentiality request?

No, names must always be provided to the Respondent when a Complainant reports Title IX Sexual Harassment

No, because this situation warrants "signing" a formal complaint and Cameron must therefore be named

Yes, because respecting the autonomy and wishes of the Complainant is paramount under the new regulations

None of the above

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17

What Supportive Measure Would You Offer (Order from Best to Worst)

A mutual no contact order (applicable to all students)

Waiver of attendance requirements for lacrosse for Cameron

Counseling for Cameron

A unilateral no contact order (applicable only to the upperclass students)

Increased monitoring or supervision

SEE MORE

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18

Forms/Notices

Initial Contact and Meeting with the CP

Notice to Complainant
of Report of Title IX
Sexual Harassment
(Franczek Notice 1(a))

Summary of Supportive
Measures Meeting
with the Title IX
Complainant
(Franczek Notice 1(b))

Title IX Formal
Complaint (Franczek
Form A)

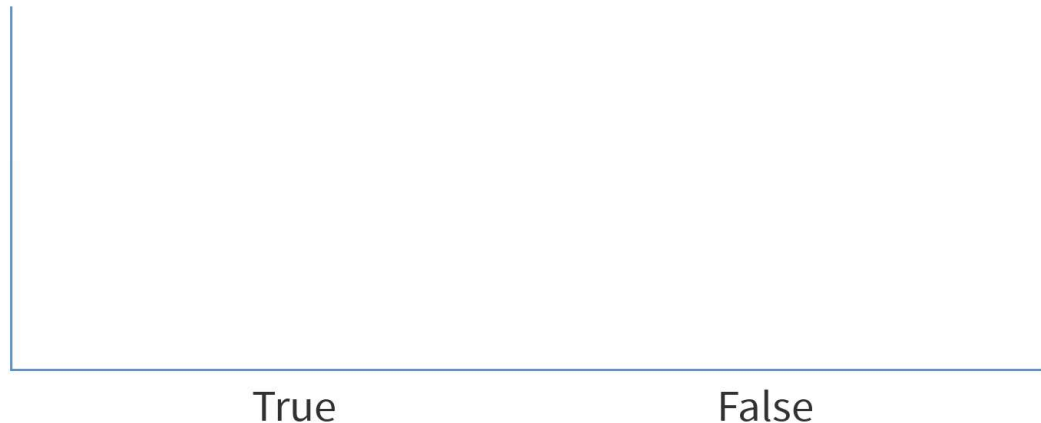
19

- Emergency Removal
- Request for Informal Resolution

**Other
considerations**

20

You can remove the upperclass students from school during the investigation as an "emergency removal"



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21

Forms/Notices

Notice of Emergency Removal

Notice of Title IX
Emergency Removal
of Student
(Franczek Letter 4(a))

Notice of Title IX
Emergency Removal
of Student (Franczek
Letter 4(b))

22

Remember State & Federal Law

- Additional process may be required for emergency removal to occur
 - Student discipline – state laws (e.g., long term suspension, expulsion)
 - Disability rights – federal and state law
 - Employee rights – law, policy, agreements

23

Cameron presents a court order prohibiting the upperclass students from being at school. What do you do?

Ignore it, because removing the students from school would be punitive or disciplinary, and that's not possible until after a determination is made

Enforce it and do not get involved - this is between Cameron and the upperclass students

Enforce it and tell the upperclass students that they should raise any concerns with the court

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24

Cameron suggests that they do a talking circle to address the conduct.

Can this be done?

Yes, because the new Title IX regs now
clearly allow informal resolution

Yes, as long as the talking circle
facilitator has been trained on Title IX

No, because Cameron has not filed a
formal complaint

No, because this severe of sexual
misconduct can never be addressed
through informal resolution

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25

Title IX Team Roles

26



27



28

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