

# Title IX Sexual Harassment Training

This training session is for individuals who may receive a report of Title IX Sexual Harassment or who are involved in the investigation or adjudication process.

Developed and presented by  
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# Introduction



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Image Source: <https://www.bravegowns.com/products/hello-my-name-is>



# Agenda

- A. Introduction
- B. Overview of Title IX and Scope of This Training
- C. Definition of Title IX Sexual Harassment
- D. Scope of NAU's Education Program
- E. Requirements of the Investigation
- F. The Formal Grievance Process
- G. Role of Decision-makers and Investigators
- H. Impartiality: Avoiding Bias and Conflicts of Interest
- I. Next Steps
- J. Questions

“No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.”

– Title IX, Education Amendments of 1972



Image Sources: <https://www.vanityfair.com/style/2019/08/serena-williams-leaves-match>; <https://www.hfcc.edu/news/2019/what-lgbtq-pride-month-means>; <https://www.tommys.org/pregnancy-information/calculators-tools-resources>; <https://www.propertycasualty360.com/2019/03/21/sexual-assault-is-there-coverage-for-that-414-151866/?sreturn=20210026194428>; <https://www.naschools.net/Title-IX>



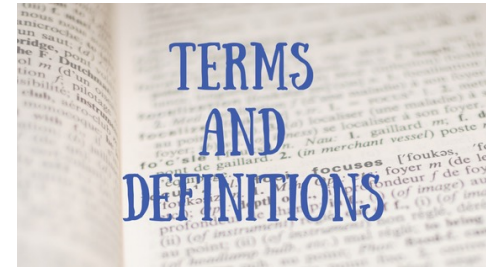
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# Scope of Today's Training

- Only discussing elements related to the requirements of section 106 of the federal regulation
- NAU addresses sexual misconduct not covered by section 106 using a different procedure not covered in this training



# Title IX Sexual Harassment



- Conduct occurring in the United States on the basis of sex that falls in one or more of the following categories:
  1. *Quid pro quo*
  2. Hostile Environment
  3. Sexual assault
    - Dating violence
    - Domestic violence
    - Sexual assault
    - Stalking

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Image Source: <https://gamingforjustice.com/terms-and-definitions/>

# TIX Sexual Harassment: QPQ

- A university employee conditioning a benefit on unwelcome sexual conduct
- This category of sexual misconduct only exists where a university employee is involved

**quid pro quo**  
[kwid' prō kwō']

Image Source: <https://www.csmonitor.com/The-Culture/In-a-Word/2020/0131/A-lighter-side-of-quid-pro-quo>

# TIX Sexual Harassment: Hostile Environment



Image Source: <https://www.tctmd.com/news/hostility-after-accs-linked-all-cause-mortality>

- General (civil rights) use of the term hostile environment
  - Severe; or
  - Pervasive; or
  - Objectively Offensive
- Hostile environment as TIX sexual Harassment
  - Severe;
  - Pervasive; **and**
  - Objectively Offensive



# TIX Sexual Harassment: Sexual Assault

- Domestic violence: A felony or misdemeanor crime of violence committed by: (a) a current or former spouse or intimate partner of the victim, (b) a person with whom the victim shares a child in common, (c) a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner, (d) a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred, or (e) any other person against an adult or youth complainant who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.
- Dating violence: violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the complainant
- Sexual Assault: an offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's UCR program
- Stalking: engaging in a course of conduct directed at a specific person that would cause a reasonable person to (a) fear for the person's safety or the safety of others or (b) suffer substantial emotional distress

1 in 3  
women  
and  
nearly  
1 in 6  
men

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Data Source: *Sexual Citizens: Sex, Power and Assault on Campus* by Hirsch and Khan



# Education Program or Activity

- "Locations, events, or circumstances over which the University exercised substantial control over both the respondent and the context in which the sexual harassment occurs, and also includes any building owned or controlled by a student organization that is officially recognized by a postsecondary institution."
- The complaint must be engaging in or attempting to engage in a program or activity of the university.



# Education Program: Exercises

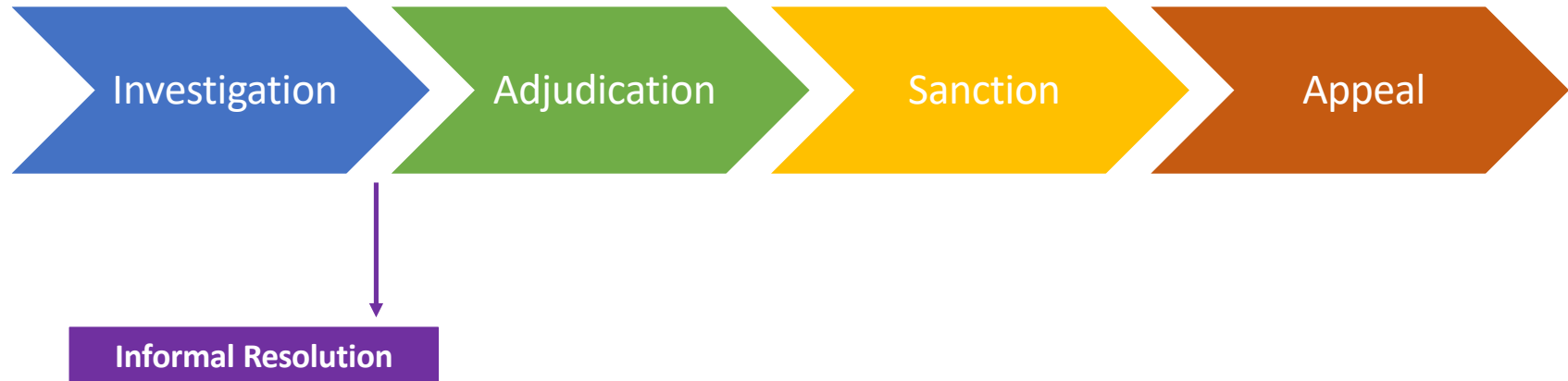
- Student athlete reports experiencing dating violence from another team member while competing at an away game in Boston.
- A visiting faculty member from The College of William and Mary reports experiencing sexually related and offensive insults and "jokes" during his year-long stay at NAU. He files a formal complaint after he returns to Williamsburg. Though he states that it interfered with his ability to teach and research, he says he waited to file for fear of retaliation.
- A high school student who has applied, but not been accepted, to NAU is sexually assaulted in the Honors College during a weekend party not sanctioned by NAU.
- A faculty member accompanying students on a study abroad trip to Morocco reports being fondled by one of the NAU students in the airport.

# TIX Report



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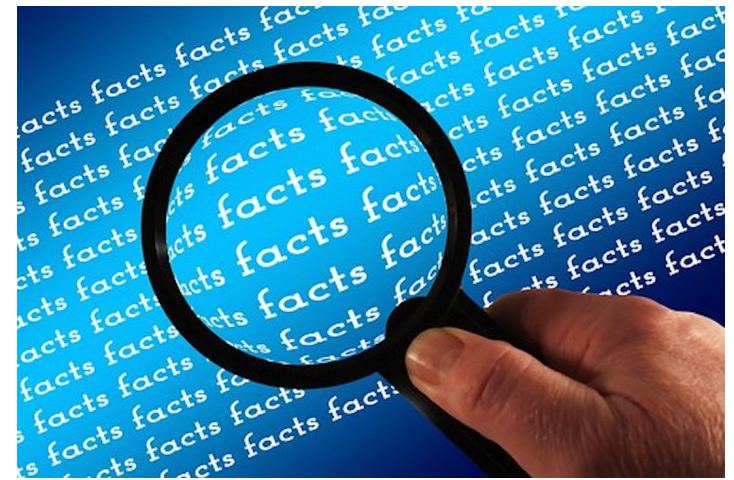
# TIX Formal Complaint Process



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# Investigation

- ***Thorough and Impartial***
- Not proving a case; gathering evidence so decision makers may evaluate whether a policy violation occurred
  
- ***Avoiding Bias & Conflicts of Interests***
  - Self-reflection
  - Disclosures
  - Curable and non-curable



# Adjudication

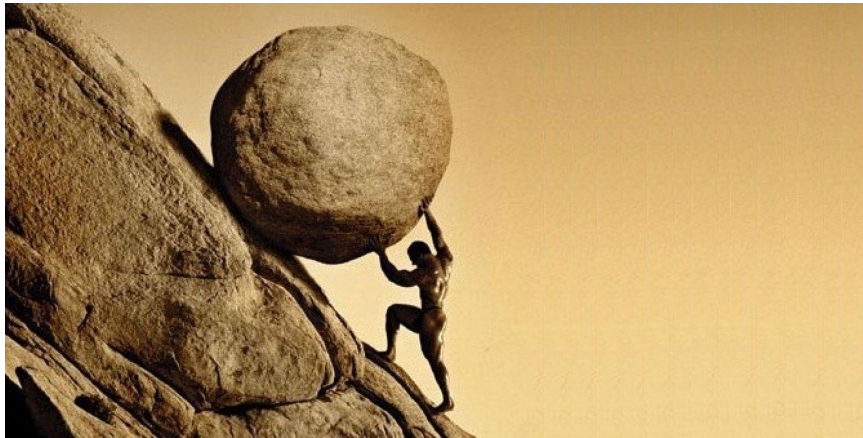
- Title IX Hearing Panel
  - Relevancy
- Prehearing Conference
  - Advisor of Choice/Univ. Appointed Hearing Advisor
  - May not speak on behalf of or supplant the parties
- Live hearing
  - No requirement for a student or employee to participate
  - May not coerce, intimidate, or retaliate against anyone who decides not to participate
  - Cross-examination of parties/witnesses



To quote further from People's Exhibit A, your Twitter feed, "@holdupguy82 I'm in the getaway vehicle with the money and hostages. Where R U?"

Image Source: <https://libguides.law.illinois.edu/c.php?g=699054&p=4999820>

# Sanction



- Designated individuals decide the sanctions:
  - AVP Equity and Access
  - College Deans\*
  - Dean of Students

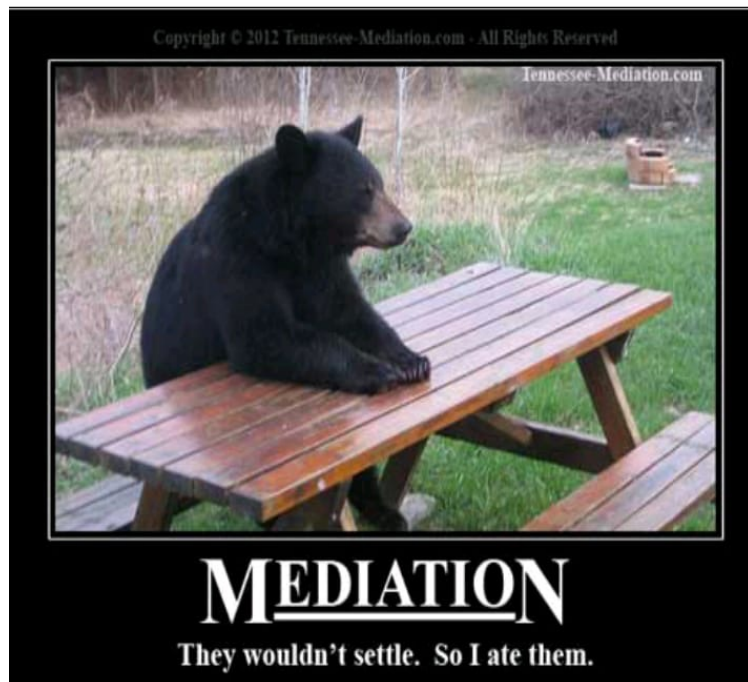


# Appeal

- Finding of responsibility and any sanctions become final after fifteen (15) business days unless the Complainant or Respondent files an appeal
- Procedural irregularity that affected the outcome
- New evidence not reasonably available at the time of the determination that would affect the outcome
- Insufficiency or excessive severity of the sanction
- Decision not reasonably justified by evidence or contrary to law
  - Bias or conflict of interest by the Title IX Coordinator (or any deputies), the investigator(s) or decision makers
  - Appeal Decision Makers:
    - CHRO, Provost, VPSA

BOY WERE  
THEY  
WRONG!

# Informal Resolution



- Only available as an option where the Complainant and Respondent are students
- Thirty (30) business days (or fewer)
  - Complainant or Respondent may request after a formal complaint is signed
  - Both parties must agree to participate in writing
  - Title IX Coordinator must determine, through an initial assessment, that the alleged conduct, if substantiated, would constitute Title IX Sexual Harassment
  - Title IX Coordinator must deem appropriate for informal facilitation

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Image Source: <https://twitter.com/KDRCKenya/status/1275483034729488385>

# Notes and Next Steps

- Notes
  - Embrace your role and only do your role
  - Emphasize policy not law
    - Sexual Misconduct Policy and Title IX Sexual Harassment Procedure are your guiding documents
- Additional training for Complaint Resolution Officers, Title IX Hearing Panelists, decision makers and informal facilitators will occur separately.



# Questions & Discussion



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Image Source: <https://makeithappenmoment.com/tag/powerful-questions/>



# Office of Title IX Compliance & Institutional Response to Sexual Misconduct

- [TitleIX@nau.edu](mailto:TitleIX@nau.edu)
- (928) 523-5434
- PO Box 4116, Flagstaff, AZ 86011-4116
- Old Main, Room 110

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# Thank You

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