

ROLES IN THE TITLE IX PROCESS



TITLE IX

Title IX of the Education Amendments Act of 1972

"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."

20 U.S.C. § 1681 (1972).



WHO IS INVOLVED IN THE TITLE IX PROCESS?

Title IX
Coordinator

Alternative
Resolution
Facilitator

Investigator

Advisor of
Choice

Hearing
Advisor

Hearing
Officer

Appeal
Officer

TRAINING REQUIREMENTS

Title IX coordinators, investigators, decision-makers, and “any person who facilitates an informal process” must receive training on:

- The definition of sexual harassment in the regulations
- The scope of the institution’s education program or activity
- How to conduct an investigation and grievance process
- How to serve impartially
- Any technology to be used at a live hearing
- Training materials must be made publicly available on website
- Training materials “must not rely on sex stereotypes” and must be maintained for seven years.

TRAINING REQUIREMENTS (CONT.)

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WHY SO MANY PEOPLE?



TITLE IX COORDINATOR

Designation of Coordinator,
Dissemination of Policy, and
Adoption of Grievance Procedures

“Each recipient must designate and authorize at least one employee to coordinate its efforts to comply with its responsibilities under this part, which employee must be referred to as the Title IX Coordinator.”

Responsible for ensuring the institution's compliance with the regulations:

- Ensure that the Title IX policy is disseminated
- Grievance process is properly staffed by people with appropriate training
- Grievance process complies with the regulations
- Records are maintained
- Prohibition against retaliation
- Complying with state and federal laws that intersect with Title IX

TITLE IX COORDINATOR'S ROLE

Oversight of:

Response to reports
of sex discrimination
& harassment

Coordinating
supportive measures

Institutional
compliance with
regulations

Resolution processes

Implementing
remedies

Record retention

ALTERNATIVE RESOLUTION FACILITATOR

- Process is optional under regulations
- Facilitates voluntary process
- Assists parties in reaching a resolution
- May include mediation, facilitated conversation, restorative practices, or other processes
- Flexible under regulations
- Ensure appropriate training for the process they are overseeing



INVESTIGATOR



Conducts
investigation

Gathers and
summarizes
evidence

Party &
witness
interviews

Cannot be
hearing or
appeal officer

ADVISOR OF CHOICE

- May attend all meetings, interviews, and the hearing
- Chosen by each party
- May be friend, attorney, mentor, etc.
- Provides support, but not advocacy/participation in process



HEARING ADVISOR



- Conducts questioning at hearing
- Required for each party
- Can be same or different person as the advisor of choice
- Institution must provide one, if needed

No required training, but recommended for institutionally appointed advisors

HEARING OFFICER OR DECISION MAKER

Cannot be
Title IX
Coordinator or
Investigator

Answers
procedural
questions

Rules on
relevance

Maintains
decorum

Makes findings
of fact

Determines
responsibility

Determining
sanctions and
remedies

Prepares
written
determination

APPEAL OFFICER

Cannot be Title IX
Coordinator,
Investigator, or
Hearing Officer



Reviews appeals
Dismissal or Determination

Reviews record

Issues written decision

WRAP UP

- Roles have distinct responsibilities
- Training is required for many roles
- Overlapping assignment prohibited for many roles
- Maintain impartial and fair processes





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