



expectations in investigations.

UM SYSTEM TITLE IX & EQUITY
IN-PERSON TRAINING

NOVEMBER 2021

Title IX

600.030



What has already happened? (Title IX, 600.030)

Report has been made ...

Preliminary contact with Complainant complete ...

Supportive measures discussed ...

Formal Complaint (written document filed by a Complainant or signed by the Title IX Coordinator alleging sexual harassment against a Respondent and requesting that the University investigate the allegation of sexual harassment) **filed** ...

[NOTE : The Title IX Coordinator may sign a Formal Complaint when they believe that with or without the Complainant's desire to participate in this process, a non-deliberately indifferent response to the allegations requires an investigation.]

Notice of Allegations has been sent ...

INVESTIGATION – what do the CRRs say?

600.030(L)

- ❑ The investigation of reported **sexual harassment** should be completed expeditiously, normally within thirty (30) business days of the filing of the **Formal Complaint**.
- ❑ All investigations will be thorough, reliable and impartial. All interviews shall be recorded.
- ❑ A Party must receive written notice of a meeting with sufficient time to participate.
- ❑ A Party may present inculpatory/exculpatory evidence; introduce fact and expert witnesses; all evidence must be relevant.
- ❑ A Party may be accompanied by Support person of their choice (can be attorney).

INVESTIGATION – what do the CRRs say?

600.030(L)

LANGUAGE UNIQUE TO TITLE IX INVESTIGATIONS

- ❑ The Parties **shall** be permitted to inspect and review **any evidence** obtained as part of the investigation that is **directly related** to the allegations raised in the Formal Complaint, including:
 - ❑ the evidence upon which the University does not intend to rely in reaching any determination regarding responsibility, and
 - ❑ inculpatory or exculpatory evidence whether obtained from a Party or other source and
 - ❑ copies of recordings of all interviews conducted during the investigation,
- ❑ in sufficient time for the Parties to meaningfully respond to the evidence prior to the conclusion of the investigation.

INVESTIGATION – what do the CRRs say?

600.030(L)

LANGUAGE UNIQUE TO TITLE IX INVESTIGATIONS

- *Prior to completion of the investigative report,*
 - the University will make available to each Party and the Party's Advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and
 - the Parties will have ten (10) business days to submit a written response to the Investigator, which the Investigator **will consider** *prior to completion of the investigative report.*

Is your Office notifying the Parties that the evidence is available for review and written response?

How is your Office making the evidence available for review?

INVESTIGATION – what do the CRRs say?

600.030(L)

LANGUAGE UNIQUE TO TITLE IX INVESTIGATIONS

- The **final investigative report** will fairly summarize the relevant evidence, and prior to a hearing or other time of determination regarding responsibility, the investigator **will send** to each Party and the Party's Advisor, if any, the final investigative report in an electronic format or a hard copy, for their review and written response. If a written response is received from either Party, that response will be shared with the other Party and their Advisor, if any.

How do you include into your final IR a written response that is received from a Party?

Equity

600.040

600.050



What has already happened? (Equity, 600.040/600.050)

Report has been made ...

Preliminary contact with Complainant complete ...

Supportive measures discussed ...

Preliminary Inquiry (gather enough information to make a threshold decision regarding whether the report describes a possible violation of the University's anti-discrimination policies) **conducted** ...

Complaint (document prepared by the Equity Officer after a verbal or written report of alleged discrimination or harassment *becomes known to the University*, or a document filed and signed by a Complainant alleging discrimination or harassment against a Respondent and requesting that the University investigate the allegation) **filed** ...

Notice of Allegations has been sent ...

INVESTIGATION – what do the CRRs say?

600.040(L) / 600.050(M)

- ❑ The investigation of reported **discrimination or harassment** should be completed expeditiously, normally within thirty (30) business days of the filing of the **Complaint**.
- ❑ All investigations will be thorough, reliable and impartial. All interviews shall be recorded.
- ❑ A Party must receive written notice of a meeting, with sufficient time to prepare to participate.
- ❑ A Party may present inculpatory/exculpatory evidence; introduce witnesses; all evidence must be relevant.
- ❑ A Party may be accompanied by **Equity** Support person of their choice (can be attorney).

INVESTIGATION – what do the CRRs say?

600.040(L) / 600.050(M)

LANGUAGE UNIQUE TO EQUITY INVESTIGATIONS

- ❑ The Investigator(s) will make reasonable efforts to:
 - conduct interviews with the Parties and relevant witnesses,
 - obtain available evidence and identify sources of expert information, if necessary.
- ❑ The Investigator(s) will provide an investigative report to the Equity Officer. This report may contain the Investigator's observations regarding the credibility of the Complainant, the Respondent, and any witnesses interviewed.
- ❑ The final investigative report will fairly summarize the relevant evidence.

SUMMARY RESOLUTION – what do the CRRs say?

600.040(L) / 600.050(M)

LANGUAGE UNIQUE TO EQUITY INVESTIGATIONS

- During or upon completion of investigation, the Equity Officer will review the investigation which may include meeting with the Investigator(s).
- The investigative report is not provided to the Parties during Summary Resolution, but is provided to the Parties at either the Administrative Resolution or Hearing Panel Resolution.
- Based on that review, the Equity Officer will make a summary determination whether, based on the evidence gathered, there is a sufficient basis to proceed with the Complaint that the Respondent is responsible for violating the University's Anti-Discrimination Policies.

Scenario 1 -

An anonymous report was received into the Bias Hotline and referred to Title IX and Equity Office that Professor Jones repeatedly asked his female students to fill up his coffee mug during science lab. Professor Jones was also reported to have selected only male students to assist on his research project, despite female students that were just as qualified, having applied for the three vacancies. Professor Jones is known to teach three courses, two undergraduate courses (both with a lab) and one graduate-level course.

Scenario 2 -

Staff member reports that his colleague has made several comments to him about his clothing, hair and “alternative lifestyle.” Staff member indicates that he can’t stand coming into work any longer and wants to work remotely to avoid having to see his colleague. Staff member believes that his colleague has an issue with his (staff member’s) being gay and married.

Scenario 3 -

Employee reported that her supervisor near the end of the day would come to her cubicle to discuss the schedule for the next day. While doing this, he would often ask to view the calendar. As she would pull up the calendar, supervisor would stand behind her and massage her shoulders. Despite her pulling away and telling him that she did not need a massage, the supervisor continued to rub her shoulders while “checking the schedule.”

Scenario 4 -

Email from employee is sent to Title IX and Equity Office complaining about the employee's supervisor. Allegations include that the supervisor made the following statements: that the employees over 50 were "grumpy old men," that the supervisor was building a "team of millennials," and that the supervisor needed to bring in "some young blood." The supervisor was also alleged to tell the employees they needed to "keep up with the millennials" or quit or be fired.

Scenario 5 -

Employee worked in a customer-service position on campus that typically required she stand. Due to her pregnancy causing swelling and back pain, she requested to use a stool when not serving customers and performing other tasks that required standing. Her request was initially granted, but after some customers complained that she was “sitting on the job,” her supervisor advised her that she could no longer use the stool and needed to stand. She provided a doctor’s note to her supervisor advising the need for the stool. The supervisor advised that if she would not agree to stand, she would be terminated. Employee filed a report with your office.

Scenario 6 -

Patient was at the University Hospital for surgery. It is reported by a nurse that was in the pre-opt room with the Patient that after the Doctor walked in and saw the Patient, who appeared to be Asian-American, that he would be unable to perform the surgery; that the Doctor was too angry at the Chinese due to the COVID pandemic and that the Patient would have to find a different doctor.

Scenario 7 -

Student made a report online to the Title IX and Equity Office about a faculty member that touched him inappropriately during office hours. Student did not name the faculty member in the online report. After your office reached out to the student, the student advised that he was not comfortable giving you the name of the faculty member, but alleged that many other students have said the same thing of this faculty member. Student has also said he is going to put his allegations on social media if they are not investigated.

Scenario 8 -

Student made a report online to the Title IX and Equity Office about a faculty member that called him the N-word during office hours. Student did not name the faculty member in the online report. After your office reached out to the student, the student advised that he was not comfortable giving you the name of the faculty member, but alleged that many other students have said the same thing of this faculty member. Student has also said he is going to put his allegations on social media if they are not investigated.