

# TITLE IX TEAM TRAINING

Fall 2022

# Overview of training

- Update on Status of Title IX Regulations (15 minutes)
- Impact of Trauma (15 minutes)
- Trauma-Informed Approach (20 minutes)
- Managing Bias in Hearings (45 minutes)
  - Break (10 minutes)
- Managing Bias as an Advisor (45 minutes)

# UPDATE ON STATUS OF TITLE IX

As of 9.12.2022

Comment period ended 9.12.2022

over 180,000 comments

# What does this mean?

- Current process remains in-place during the review and comment.



# LET'S TALK PROCESS



# Notice

- In order for a report to be managed through the Title IX process, it must meet the criteria as defined and must be presented as a formal, signed complaint to the Title IX Coordinator, a Title IX Deputy, Human Resources, or any individual with the authority to institute corrective measures on behalf of JJC. (if not—not TIX)
- Preliminary inquiry/review to determine if the reported conduct, if true, would be a violation under TIX
  - If not, there is not investigation under TIX—may go through non TIX process
  - If it would be a violation, the TIX Coordinator will initiate the process

# Title IX process

- Notice to both parties
- Supportive measures offered to both parties
- Right to an advisor at all meetings. Must have an advisor for a hearing for the purpose of cross examination
- Option for informal resolution (both parties must agree)
- Investigation-->Investigation Report to TIX Coordinator.
- Report provided to both parties (min. 10 days in advance, allow for written response or preparation)

# Title IX process

- Hearing
  - Notice of hearing date and panel minimum 5 days in advance
  - Hearing Office role
  - Panel role
  - Live, real time, including cross examination
- Determination
  - Simultaneous notification
  - Preponderance of the Evidence standard
- Appeal
  - 4 grounds for appeal



# Non-Title IX process

- Does not meet threshold of TIX
- Expanded jurisdiction
  - A. On College property; or
  - B. 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 a hostile, intimidating, or offensive environment for a member of the College Community.
- May include formal reports or other reports (anonymous, bystander, etc.)

# Non-Title IX process

- Preliminary Investigation
- May participate in voluntary formal resolution
- Investigation
- Determination based on preponderance standard
- Notice to both parties
  
- Hearing is not required/no cross examination allowed

# Key points—Supportive Measures

- Supportive measures to both parties
  - non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge
  - designed to restore or preserve equal access for all parties to their educational program or employment without unreasonably burdening the other party and to protect the safety of all parties, and to deter sexual harassment
  - Suspensions are to be used only in limited situations

# Key points—Jurisdiction

- A. Education program or activity means locations, events, or circumstances where JJC exercises substantial control over both the Respondent and the context in which the sexual harassment or discrimination occurs and also includes any building owned or controlled by JJC.
- B. The requirements of this policy, in accordance with federal regulations, apply only to sex discrimination occurring against a person in the United States.
- C. At the time of filing a formal complaint, a Complainant must be participating in or attempting to participate in the education program or activity of JJC.
- D. Allegations of incidents that take place outside of these parameters but are not able to be considered through the Title IX process may be considered through Board Policy 02.01.01

# Key points--Advisors

- Available to both parties at all meetings
- Must have an advisor at hearing
- Advisor must cross-examine
- May be from JJC or outside of JJC
- Rules are the same for all advisors/will be given a document at the time advisor is determined
- Can't speak for the party—each party must answer for themselves at all phases of process

# Key points—Grievance Process

- Preponderance of the Evidence standard
- Hearing Board provides input
- Determination made by Hearing Officer
- Sanctions (if applicable) determined in conjunction with institutional representative
- Timelines/Notices

# IMPACT OF TRAUMA

Video (copyright-not linked)

# What do we need to be aware of?

- Breaks in conversation
- Flashbacks/reactions
- Non-linear impact
- Assist with chronology/help to organize the different pieces in a non-judgmental way



# TRAUMA- INFORMED APPROACH

Why? What if we didn't  
approach the parties this way?

# Key Considerations

- Equity, dignity and respect in the process
- Managing bias (assumptions on how someone “should” respond, impartial with compassion)
- Creating a safe space
- Way we take notes (paper, computer)/recording
- Avoid appearing impatient. Remain neutral on facts and responses
- Frequent breaks if needed but don’t assume the person will need them
- Be mindful of the location and timing of meetings
- Stay in your lane/remember your role

# Impact of trauma

- Vulnerability, lack of trust
- Refusal to participate
- Response to interviewer
- Response to environment
- Hypersensitivity to noise, touch, environment
- Neurobiology of trauma and its impact
  - Memory gaps, disconnection, affect/presentation
  - May feel threatened again when remembering/  
questioned

What does this mean for...

- Advisors?

- Hearing Board?

# Key actions

- Be aware of impact of trauma/acknowledge the trauma
- Focus on enabling empowerment in the process for reporting party
- Ask what they remember about the incident, tactile memories
- Ask how the experience impacted them
- Be proactive in communication throughout the process but be aware of method of communication and tone
- Consider impact on the responding party as well (shame, anger, suicide risk)

# Concepts in Trauma-Informed Approach

(copyright Academic Impressions)

## Enabling Empowerment

- What are you able to tell me about your experience?
- Where would you like to begin?
- Provide space to allow person sharing to begin where they want-then go back and follow up.
- Do not interrupt-make a note if you need to come back to something

# Resources in community

- Student Wellness Advocates
- Resources in the portal
- Campus Police/Protective Orders
  - [OOP-Order of Protection \(illinoisprotectionorder.org\)](http://illinoisprotectionorder.org)
  - [Domestic Violence Services - Will County State's Attorney \(willcountysao.com\)](http://willcountysao.com)
- The domestic violence agency for Will County is:  
**Guardian Angel Community Services**  
**Groundwork Domestic Violence Program 24 Hour Hotline: (815) 729-1228**

TTY: (815) 741-4643 [www.guardianangelhome.org](http://www.guardianangelhome.org)

# BIAS AND ITS IMPACT



# What is bias and why is it so important to talk about?

- 106.45(b)(iii) provides: any individual designated by an IHE...cannot have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.
- Bias is a preference for or against. The bias itself isn't bad—it is what you do with it/how it influences you that can be a factor.
  - Need to recognize it, determine the impact and address it/mitigate it



# Which is safer?

Are Planes Safer Than Cars? (What the Statistics Say) | EXECUTIVE FLYERS

Bias activity

fill out and then break

discussion after the break

# Common Bias in Title IX Process

(copyright Academic Impressions)

- Affinity Bias
- Anchoring Bias
- Halo Effect
- Confirmation Bias
- Priming
- Authority Bias

# MANAGING BIAS IN HEARINGS

In your breakout group, give an example of how each type of bias might show up in the hearing for a hearing board member or hearing officer.

# MANAGING BIAS AS AN ADVISOR

In your breakout group, give an example of how each type of bias might show up in the advising process

# Best practices

- Equitable is not always equal
- Equal dignity for all
- Advisors must be allowed at all meetings and adequate time must be provided to allow this to happen
  - Role of advisor is specific in the TIX process
- Access to materials and information
  - In TIX process, this is required in advance of hearing
- Cross Examination by Advisors

# Best practices

- Notices in advance—concurrently
- Free from conflicts of interest
  - Parties can bring forward potential conflicts
- Outcome in writing to both parties concurrently, including appeals options
- Supportive measures offered to both parties
- Presumption of innocence for both parties