Title IX Coordinator
Review & Resources

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Agenda

Overview

• 2020 Title IX Rules
• 2023 20-A M.R.S. 12981 et seq.
• Federal Regulations Required Roles – TIX Coordinator, Informal Resolution Facilitator, Investigator, Advisor, Decision Maker, Appeal Decision Maker
• State Law Roles – Confidential Resource Advisor, Confidential Resource Advisor Liaison, MECASA Liaison
• Policy 202
• Procedure 202.2
  • Definitions
  • Jurisdiction

MCCS Resources

• Training Materials
• Complaint Checklist
• Report Intake Form
• Template Letters
• Live Hearing Rules
• Upcoming Trainings

Scenarios
Overview

- 2020 Title IX Rules
  - Effective August 14, 2020
  - Specifies roles
  - Narrows jurisdiction
  - Includes VAWA offenses
  - Makes Informal Resolution available for student/student allegations
  - Requires live hearing with cross-examination
Overview

• Roles

• Title IX Coordinator – responsible for administering the policy and procedure.
• Informal Resolution Facilitator – as necessary, mediates resolution between parties.
• Investigator – as necessary, investigates allegation by interviewing parties, witnesses, and gathering evidence. Drafts investigation report.
• Advisor – as necessary, conducts cross examination at live hearing.
• Decision Maker – as necessary, conducts hearing and issues determination of responsibility and sanctions.
• Appeal Decision Maker – as necessary, issues final determination.
Overview

- **2023 State Campus Sexual Assault Law**
  - Effective August 9, 2022 and July 1, 2023
  - Policy/Procedure duplicates VAWA and TIX
  - Wide jurisdiction – on & off campus, international, outside of institution control
  - State definitions for sexual assault, IPV, stalking – including trafficking and dissemination of images
  - Ongoing awareness campaigns
  - Annual training for TIXC, Campus Security Personnel
  - CRAs
  - MOUs with Sexual Assault Support Centers, Domestic violence Centers

TIXC Review & Resources – 7/19/23
Overview

• Roles

• Confidential Resource Advisor – individual to whom complainants can reach out if they do not wish to speak with TIXC. CRA can request interim supportive measures for complainants through CRA Liaison.

• CRA Liaison – a College employee who is empowered to receive calls from CRA and implement interim supportive measures.

• MECASA Liaison – a MECASA employee who will work with Colleges and CRAs on training, ease of communications, etc. MECASA Liaison will also develop ongoing awareness campaigns as detailed by statute.
Overview

- **Policy 202 – Sexual Harassment**
  - [https://mymccs.me.edu/ICS/MCCS_Policies/](https://mymccs.me.edu/ICS/MCCS_Policies/)
  - Maine Human Rights Commission
  - Title IX of the Education Amendments Act of 1972
  - Complaints and Investigation
  - Retaliation
  - False Reports
Overview

• Procedure 202.2 – Sexual Harassment/Misconduct/Assault Procedure
  • [https://mymccs.me.edu/ICS/MCCS_Policies/](https://mymccs.me.edu/ICS/MCCS_Policies/)
    • Definitions
    • Prohibited Conduct
    • Reports versus Formal Complaints
      • Mandatory and Discretionary Dismissal
    • Supportive Measures
    • Grievance Procedures
      • Notice
      • Emergency Removal
      • Informal Resolution
      • Formal Resolution
        • Investigation
        • Live Hearing
        • Findings
        • Appeal
MCCS Resources

• Training Materials

• Must be posted publicly
• https://www.mccs.me.edu/about-mccs/system-info/consumer-information/

• MCCS Title IX Training for TIX Coordinators and Investigators
  MCCS Title IX Coordinator Training
  MCCS Title IX Investigator Training
  MCCS Title IX Appeal Decision Maker Training
  MCCS Title IX Informal Resolution Facilitator Procedures Training
  MCCS Title IX Decision Maker Training

Thompson Coburn LLP Title IX Training Videos
SUNY Joint Guidance on Federal Title IX Regulations
MCCS Resources

- Process Checklist
  - In 7/18/23 Email
MCCS Resources

- **Intake Form**
  - In 7/18/23 Email
  - Gathers all necessary data to initiate process

- **Template Letters**
  - In 7/18/23 Email
  - Compliant letters for each step of the process

- **Live Hearing Rules**
  - Has not changed
  - Details what can/cannot happen during the live hearing
Scenarios
Scenarios

Scenario 1:

An employee submits a report to the TIX Coordinator. It states:

• Complainant (student) disclosed being a victim of a “sexual assault” by Respondent (student) at an off-campus apt “last semester.”

Initial thoughts? Next steps?
Scenarios

Scenario 1:

Now you’ve learned:

• Complainant (student) disclosed being a victim of a “sexual assault” by Respondent (student) at an off-campus apt “last semester.”
• Complainant wants “no investigation.”
• Two previous reports of alleged “sexual assault” in the past year against same Respondent.

Thoughts? Next steps?
Scenarios

Scenario 1:
Consider:

1. Is there an opportunity to meet with the 3 Complainants (individually) & explore options again?
2. What are the specific circumstances of the alleged sexual assaults? Any predatory behaviors alleged?
3. What are the impacts or risks for filing a Formal Complaint without any of the Complainant’s support or cooperation.
4. Is there case precedent? Similar cases like this in the past?
Scenarios

Scenario 2:

An employee submits a report to the TIX Coordinator. It states:

• Complainant (student) disclosed being the victim of “sexual blackmail” by Respondent (student) via multiple texts and emails: Accused of threatening to post sexually explicit content of the Complainant “if the Complainant doesn’t talk to the Respondent.”

• Complainant and Respondent were in a previous romantic/sexual relationship; currently not together.

Initial thoughts? Next steps?
Scenario 2:

Now you’ve learned:

• Complainant (student) disclosed being the victim of “sexual blackmail” by Respondent (student) via multiple texts and emails: Accused of threatening to post sexually explicit content of the Complainant “if the Complainant doesn’t talk to the Respondent.”

• Complainant and Respondent were in a previous romantic/sexual relationship; currently not together.

• Complainant told reporting employee “no investigation.”

• Complainant has history of academic probation and withdrawals.

Thoughts? Next steps?
Scenarios

Scenario 2:
Consider:

1. Is there an opportunity to meet with the Complainant and discuss warning signs of “stalking”, safety tips, supportive measures for academic impacts, & explore other options with them? Explain the Title IX procedure, including Informal Resolution which could preclude an investigation?

2. Might this be referred to the Code of Conduct?
Scenarios/Actual Events

Refer to Procedures 202.2
Refer to Procedure Tracking

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Call a colleague!
Questions?

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