

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

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/
 - 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/
 - 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?

Scenarios

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

Call us!

Call a colleague!

Questions?

Thank you!

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