



UNIVERSITY OF
ADVANCING
TECHNOLOGY

Title IX

Coordinator, Investigator, Hearing and Appeal Officer

Training

Welcome to Title IX Training

Title IX protects students, employees, and the broader UAT community from sex discrimination, including sexual harassment and sexual violence.

Your role is critical in ensuring that all reports are handled **promptly, fairly, and with respect for all parties involved.**

This training provides the foundational knowledge and role-specific guidance required for all individuals involved in administering UAT's Title IX process.

It ensures that every participant understands how to uphold federal compliance, protect the rights of all parties, and maintain fairness and integrity throughout the Title IX grievance process.

This training works in conjunction with the annual Title IX Training and Mandatory Reporter Training.

Sexual Harassment under Title IX includes any of the following:

Understanding Sexual Harassment under Title IX

be able to recognize what conduct qualifies as sexual harassment under federal Title IX regulations (34 C.F.R. §106.30(a)).

▶ **Quid Pro Quo:**

When an employee conditions an educational benefit, aid, or service on participation in unwelcome sexual conduct.

Example: A supervisor or professor implying a reward or benefit in exchange for a date or sexual favor.

▶ **Hostile Environment:**

Unwelcome conduct based on sex that is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to education or employment.

Example: Repeated sexual jokes, comments, or advances that make someone feel unsafe or excluded.

▶ **Clery/VAWA Offenses:**

Sexual assault, dating violence, domestic violence, or stalking as defined by federal law.

Why it Matters

Understanding what qualifies as sexual harassment ensures:

- Complaints are properly classified
- UAT responds consistently and lawfully
- All parties receive fair and equal treatment

ACTIVITY: Read each scenario and decide whether it meets the Title IX definition of sexual harassment.

1. A faculty member sends flirtatious messages to a student but stops when asked.
2. A student group repeatedly targets another student online with sexual comments.
3. Two employees begin a consensual romantic relationship.

Answers

1. **Probably not.** The conduct stopped when requested, so it's unlikely to meet the threshold of "severe, pervasive, and objectively offensive."
2. **Yes.** Repeated, targeted online harassment based on sex may create a hostile environment denying equal access.
3. **No.** A consensual relationship, without coercion or unwelcome behavior, does not meet the Title IX definition.

Scope of UAT's educational program or activity

Title IX applies to all current and prospective students, employees, volunteers, interns, vendors (including their employees), independent contractors, visitors, and institution-affiliated organizations.

The jurisdiction applied to Sexual Misconduct that occurs within the United States:

- On university-controlled property
- At university-sponsored events
- School programs or activities off-campus
- Where the conduct has continuing adverse effects on any member of the UAT community in any UAT program or activity, even if it occurs outside of an academic term or when the student is not currently enrolled at the university.

Scope of UAT's educational program or activity

Title IX *Does Not* Apply When:

The conduct occurs completely outside the university's education programs or activities.

- Example: a private, off-campus event with no university involvement.

However, other university policies (e.g., Code of Conduct, HR harassment policies) may still apply.

Did the university have substantial control over the respondent and the context in which the conduct occurred?

Key Question to Ask:

Did the university have substantial control over the respondent and the context in which the conduct occurred?

ACTIVITY: Match each scenario to whether it falls under Title IX jurisdiction:

1. A student is harassed by a faculty member during a university-sponsored internship at a local business.
2. An employee is harassed by a former co-worker at a private social event unrelated to the university.
3. A student is targeted with sexual comments in a university-managed online course discussion.

Answers

1. **Covered.** The university has substantial control over the program (internship) and participants.
2. **Not covered under Title IX.** The incident occurred outside university control, but other policies may apply.
3. **Covered.** The conduct occurred within a university-controlled online learning environment.

The Title IX Investigation Process

Outlines UAT's process for receiving, investigating, and resolving reports of sexual harassment or sex-based discrimination in compliance with Title IX regulations.

Reporting

- **Who may report:** any member of the UAT community may report Sexual Misconduct as soon as the incident occurs but complaints may be made at any time.
- **How to report:** Reports can be made in writing and should be brought to the attention of the Title IX Coordinator or a Responsible Employee.
- **Mandatory reporting:** Responsible Employees - Title IX Coordinators, Investigators, Student Services Advisors, UAT Leadership Group, Resident Assistants, Founder's Hall Management Team, and Campus Safety Staff - are required to forward any report of sexual harassment or sex discrimination to the Title IX Coordinator.
- **Immediate safety and support:** Upon receiving a report, the university assesses safety risks and ensures the availability of supportive measures for all parties.

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Initial Assessment and Dismissals

- **Assessment:** The Coordinator makes an immediate assessment of any risk of harm to individuals or to the campus community; takes steps necessary to address those risks; and assesses whether the allegations meet the definition of "Sexual Harassment" under the Policy and applicable Title IX regulations.
- **Jurisdiction review:** The Coordinator determines whether the reported conduct falls under Title IX policy—considering whether it occurred within the educational program or activity and within the United States.
 - Does it meet one of the definitions of Title IX sexual harassment?
 - Does the activity cover both the complainant and respondent?
 - Does UAT have control over context of the harassment?
- **Dismissals:**
 - Mandatory dismissal occurs when the allegations do not meet the Title IX definition of sexual harassment or do not meet jurisdictional criteria.
 - Discretionary dismissal may occur when the complainant withdraws the complaint, the respondent is no longer affiliated with the university, or evidence becomes unavailable.
 - Notice of dismissal: Both parties receive written notice of dismissal, including the reason and the right to appeal that decision.

The Title IX Investigation Process cont.

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Informal Resolution

- **Voluntary participation:** Informal resolution (e.g., mediation, facilitated dialogue, restorative process) is available only when both parties voluntarily agree, and a formal complaint has been filed.
- **Appropriate cases:** Informal resolution may be used when the alleged conduct does not involve an employee accused of harassment of a student.
- **Process overview:** A trained facilitator assists both parties in reaching a mutually acceptable resolution without a hearing.
- **Right to withdraw:** Either party may withdraw from informal resolution at any time prior to agreement and proceed with the formal grievance process.
- **Documentation:** Any resolution reached is documented and binding once agreed upon.

The Title IX Investigation Process cont.

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Supportive Measures

- **Definition:** Non-disciplinary, non-punitive services offered to restore or preserve equal access to education or employment.
- **Examples include:**
 - Counseling or employee assistance services
 - Academic or workplace accommodations
 - Schedule or housing modifications
 - No-contact orders or safety planning
- **Availability:** Supportive measures are offered regardless of whether a formal complaint is filed.
- **Confidentiality:** The university maintains confidentiality to the extent possible while implementing supportive measures effectively.

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Investigation Procedures

- **Assignment of investigator:** A trained, impartial investigator is assigned once a formal complaint is accepted.
- **Notice of allegations:** Both parties receive written notice describing the allegations, the identities of the parties, the specific policy sections implicated, and their rights under the process.
- **Evidence collection:**
 - The investigator interviews both parties and relevant witnesses.
 - Parties may present witnesses, documents, and other evidence.
 - Evidence must be directly related to the allegations.
- **Determine the facts based on relevant evidence:**
 - Relevant evidence is evidence or questions that are pertinent to proving whether facts material to the allegations are more or less likely to be true.
- **Review period:** Each party and their advisor receive the evidence and are given at least 10 days to review and respond before the report is finalized.
- **Investigative report:** The investigator prepares a report that fairly summarizes all relevant evidence, without conclusions about responsibility. The report is shared with both parties prior to the hearing.

The Title IX Investigation Process cont.

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Hearing Procedures

- **Purpose:** The live hearing provides each party the opportunity to present their case, submit relevant evidence, and ask questions through their advisor.
- **Format:** Hearings may occur in person or virtually, using technology that allows all parties to see and hear each other simultaneously.
- **Advisors:** Each party must have an advisor for cross-examination. If a party lacks one, the university provides one free of charge.
- **Cross-examination:** Only advisors may question the other party or witnesses, and questions are limited to relevant issues.
- **Recording:** The hearing is recorded or transcribed and made available for inspection by both parties.

Hearing Officer

- **Role:** The Hearing Officer serves as a neutral decision-maker who oversees the hearing, ensures procedural fairness, and determines relevance of questions and evidence.
- **Responsibilities:**
 - Maintain order and decorum during the hearing.
 - Rule on relevance of questions before they are answered.
 - Ensure all parties are treated equitably.
 - Base findings solely on evidence presented at the hearing.

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Pre-Hearing Communications

- **Scheduling:** The Hearing Officer coordinates with both parties to schedule the hearing with sufficient notice.
- **Pre-hearing materials:** Parties may submit witness lists, exhibits, or evidentiary objections before the hearing.
- **Clarifications:** The Hearing Officer may hold pre-hearing conferences to clarify issues, procedures, or expectations.

Hearing Procedures

- **Opening statements:** Each party may make a brief statement summarizing their position.
- **Presentation of evidence:** The investigator's report is reviewed first, followed by testimony and cross-examination.
- **Relevance:** Questions about a complainant's sexual predisposition or prior sexual behavior are not permitted, except in limited cases where they prove someone else committed the conduct or show consent between the parties.
- **Closing statements:** Parties may provide brief concluding remarks.
- **Deliberation:** The Hearing Officer deliberates privately and issues a written determination.

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Final Resolution

- **Determination of responsibility:** The Hearing Officer issues a written decision that includes:
 - The allegations considered
 - Procedural steps taken
 - Findings of fact and rationale
 - Policy provisions violated (if applicable)
 - Sanctions and remedies (if applicable)
 - Information on the right to appeal
- **Standard of evidence:** Determinations are made using the university's established standard (typically preponderance of the evidence).
- **Notification:** Both parties receive the written decision simultaneously.

Notifications of Sanctions and Decisions

- **Timing:** The written outcome is delivered promptly to both parties.
- **Contents:** The decision includes sanctions (if any), remedies offered to the complainant, and the rationale for each.
- **Confidentiality:** Sanctions are shared only to the extent necessary to implement the decision or as required by law.

The Title IX Investigation Process cont.

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Appeals

- **Eligibility:** Either party may appeal a dismissal or final determination. Appeals must be made in writing within 10 days of the final disposition.
- **Grounds for appeal include:**
 - Procedural irregularity that affected the outcome.
 - New evidence that was not reasonably available at the time of the determination.
 - Conflict of interest or bias by the Title IX personnel that affected the outcome.
- **Appeal Officer role:** The Appeal Officer reviews written submissions from both parties and may uphold, modify, or overturn the original decision.
- **Finality:** The appeal decision is final and issued in writing to both parties.

Additional Complaints

- **Subsequent reports:** If additional allegations arise involving the same parties, the Title IX Coordinator may consolidate complaints.
- **Ongoing duty:** The Coordinator may reopen an investigation if new evidence becomes available or if patterns of behavior emerge.
- **Follow-up:** Parties are reminded of available support resources and protection from retaliation.

Understanding each step of the Title IX grievance process ensures fair and compliant handling of complaints.

Principles to Uphold:

- **Fairness:** Equal opportunity to present information
- **Transparency:** Clear communication at each stage
- **Neutrality:** Avoid bias or assumptions
- **Documentation:** Record all actions and emissions

ACTIVITY: Reporting & Initial Assessment

A student reports that they were sexually harassed at an off-campus party hosted by another student. The incident occurred during the semester but not at a university-sponsored event.

QUESTION:

Should this report be handled under the university's Title IX policy?

ANSWER OPTIONS:

A. Yes, it automatically qualifies under Title IX.

B. No, Title IX does not apply to any off-campus conduct.

C. Possibly - the Title IX Coordinator must first assess whether the conduct occurred within the university's educational program or activity.

Answers

Correct Answer: C

The Coordinator must determine whether the university had substantial control over the location or the parties involved. If not, the conduct may fall outside Title IX jurisdiction but could still be addressed under another university policy.

ACTIVITY: Supportive Measures

An employee reports harassment by a coworker but doesn't want to file a formal complaint.

QUESTION:

What should the Title IX Coordinator do next?

Answer Options:

- A. Take no action since no formal complaint was filed.
- B. Immediately begin a formal investigation.
- C. Offer supportive measures and explain the process for filing a formal complaint.

Answers

Correct Answer: C

Supportive measures are available to all parties regardless of whether a formal complaint is filed. The Coordinator must also explain how to initiate a complaint and the complainant's rights.

ACTIVITY: Investigative Procedures

During an investigation, a respondent submits several text messages that they claim are relevant to the case. The investigator believes some are unrelated or duplicative.

QUESTION:

What should the investigator do?

ANSWER OPTIONS:

- A. Include all text messages, regardless of relevance.
- B. Review and include only evidence that is directly related to the allegations.
- C. Reject all the respondent's evidence since it's self-serving.

Answers

Correct Answer: B

Investigators must objectively evaluate all evidence submitted and include in the investigative file any evidence *directly related* to the allegations, even if they don't plan to rely on it. However, unrelated materials can be excluded.

ACTIVITY: Hearing & Relevance

During a live hearing, the respondent's advisor asks the complainant detailed questions about their prior sexual relationships with other people.

QUESTION:

What should the Hearing Officer do?

ANSWER OPTIONS:

- A. Allow the questions to ensure fairness.
- B. Stop the questioning and explain that such questions are not relevant except in narrow circumstances.
- C. End the hearing immediately.

Answers

Correct Answer: B

Under Title IX regulations, questions about a complainant's sexual predisposition or prior sexual behavior are not relevant except to show that another person committed the conduct or to establish consent between the parties.

ACTIVITY: Appeals & Additional Complaints

After a case concludes, the complainant discovers new evidence that was not available during the original investigation.

QUESTION:

What is the appropriate next step?

ANSWER OPTIONS:

- A. No action - the case is final once decided.
- B. The complainant may submit an appeal based on new evidence.
- C. The Title IX Coordinator should automatically reopen the investigation.

Answers

Correct Answer: B

New evidence that was not reasonably available at the time of the original determination is valid grounds for appeal under Title IX regulations. The Appeal Officer reviews whether the new evidence could affect the outcome.

Serving Impartially

Identify and avoid bias, conflicts of interest, and prejudgement

Impartiality Means:

- Remaining objective and neutral.
- Avoiding preconceived notions about credibility or outcomes.
- Disclosing any real or perceived conflicts of interest.

Examples of Bias to Avoid:

- Assuming a complainant is always truthful or that respondents are always guilty.
- Letting personal values, stereotypes, or past experiences influence decisions.
- Treating one party more favorably than another.

Tips to Ensure Impartiality:

- Check your assumptions before reviewing each case.
- Use structured decision-making criteria.
- Seek guidance from another coordinator or compliance officer if unsure.

Reflection: *Think of a time you had an initial reaction to a situation that changed after you learned more. How can you apply that awareness in your Title IX role?*

ACTIVITY:
Bias or Neutral?

Determine whether each statement reflects impartial behavior or bias.

- A. "I've seen cases like this before, and the respondent is usually at fault."
- B. "I will wait to review all the evidence before making any judgements."
- C. " I always believe complainants; it's safer that way."
- D. " I will use the same criteria to evaluate credibility for both parties."

Answers

- A. **Bias.** Prejudgement based on prior experience.
- B. **Neutral.** Demonstrates objectivity.
- C. **Bias.** Assumes credibility without evidence.
- D. **Neutral.** Applies fairness and consistency.

Hearing Officer Training

Manage hearing effectively, apply relevance rules, and use technology to ensure a fair and respectful process.

Technology and Hearing Management:

- Ensure all participants can participate equally, even remotely.
- Use secure, university-approved platforms.
- Prohibit unauthorized recording or attendees.
- Prepare backup plans for technical difficulties.

Relevance of Questions and Evidence:

- Only consider evidence that directly relates to a fact at issue.
- Exclude irrelevant or duplicative questions.
- Provide clear rationale on the record for excluding any question or evidence.

Hearing Officer Training

Manage hearing effectively, apply relevance rules, and use technology to ensure a fair and respectful process.

Limits on Questions About Sexual History:

- Generally not relevant unless:
 - a. To prove someone other than the respondent committed the conduct.
 - b. To show prior consensual interactions between the complainant and respondent related to consent.

Professional Conduct During Hearings:

- Maintain decorum and respect.
- Prevent intimidation or harassment through questioning.
- Ensure equal opportunity for each side to present evidence.

ACTIVITY:

Relevance Decisions

*You're the Hearing Officer. For each example, decide whether the question or evidence is **relevant** under Title IX rules.*

- A. The complainant's prior relationships with other students.
- B. Text messages between the complainant and respondent the night of the incident.
- C. The respondent's history of disciplinary actions for academic misconduct.
- D. A witness statement describing the events leading up to the alleged incident.

Answers

- A. **Not Relevant.** Prior sexual behavior is excluded except under narrow expectations.
- B. **Relevant.** Directly relates to facts and potential consent.
- C. **Not Relevant.** Unrelated to sexual misconduct allegations.
- D. **Relevant.** Provides context and corroboration of events.

Appeal Officer Training

Evaluate appeals fairly and within the limits of the appeals process.

Grounds for Appeal:

- Procedural error affecting the outcome.
- New evidence not available during the original decision.
- Conflict of interest or bias of any involved Title IX personnel.

How to Review an Appeal:

- Review the case record—not conduct a new investigation.
- Only evidence presented at hearing is reviewed - new evidence may be reviewed that was not available during original decision.
- Ensure due process was followed.
- Apply the same standards for both parties.

Writing the Appeal Decision:

- Clearly state the appeal outcome.
- Summarize the rationale for the decision.
- Indicate whether the finding is upheld, modified, or overturned.

ACTIVITY:
**Is This a Valid
Ground for Appeal?**

Read each statement and determine if it meets the grounds for appeal under Title IX.

- A. "The Hearing Officer misunderstood one of my statements."
- B. "New evidence has surfaced that wasn't available during the hearing."
- C. "I don't like the outcome; I think it was unfair."
- D. "The investigator had a prior friendship with the complainant."

Answers

- A. **Not valid by itself.** A misunderstanding is not a procedural or bias-based ground unless it led to procedural error.
- B. **Valid.** New, previously unavailable evidence meets appeal criteria.
- C. **Not Valid.** Personal dissatisfaction is not grounds for appeal.
- D. **Valid.** Conflict of interest or bias is an accepted ground for appeal.

Investigator Training

Conduct thorough, neutral investigations and produce fair, comprehensive reports.

▶ Best Practices for Investigations:

- Maintain neutrality throughout.
- Gather all relevant evidence - both supporting and contradicting the allegations.
- Conduct balanced interviews, allowing all parties to share their perspectives.
- Keep detailed documentation of all evidence and communications.

▶ Relevance and Evidence Handling:

- Include only relevant evidence in reports.
- Exclude sexual history unless it meets Title IX's limited exceptions.
- Avoid including opinions or credibility judgments.

Investigator Training

Conduct thorough, neutral investigations and produce fair, comprehensive reports.

▶ The Investigative Report:

- Summarize all relevant evidence objectively.
- Use neutral language.
- Share a draft with both parties for feedback before finalizing.
- Address any responses in the final version.

▶ Confidentiality and Professionalism:

- Do not share case details outside authorized channels.
- Communicate factually and respectfully at all times.
- Use trauma-informed practices to minimize harm and build trust.

ACTIVITY:
**Is This Relevant or
Not ?**

Determine whether the following types of evidence should be included in the final investigative report.

- A. The complainant's social media posts from the night of the incident.
- B. The respondent's unrelated academic record.
- C. A text from a witness confirming the respondent was present at the location.
- D. A rumor circulating among students about the parties involved.

Answers

- A. **Relevant.** May provide context about the timeline or environment.
- B. **Not Relevant.** Unrelated to the allegation.
- C. **Relevant.** Directly supports fact-finding.
- D. **Not Relevant.** Hearsay or unverified rumor without supporting evidence.

Final Reflections

Through this training, you've strengthened your understanding of how to ensure that every Title IX process is conducted with fairness, integrity, and respect for all individuals involved.

<http://www.uat.edu/uat-catalog>

Find UAT's complete Title IX Policy in the Course Catalog, along with more information on:

- ▶ **Complaint Investigation Process**
- ▶ **Student Grievance Policy**
- ▶ **Title IX Grievance Policy**