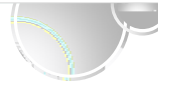


TITLE IX

Abernathy, Roeder, Boyd & Hulme



Compliance Date

Abernathy, Roeder, Boyd & Hulme

August 2020

Friday, Aug 14th 2020



New Terminology

Abernathy, Roeder, Boyd & Hull

New Terminology	
<i>Complainant:</i> Person alleged to be the victim of sexual harassment.	<i>Respondent:</i> Person alleged to be the

A parent may act on behalf of a minor student who is a Complainant or Respondent.



What is Sexual Harassment?

Abernathy, Roeder, Boyd & Hu

OLD DEFINITION

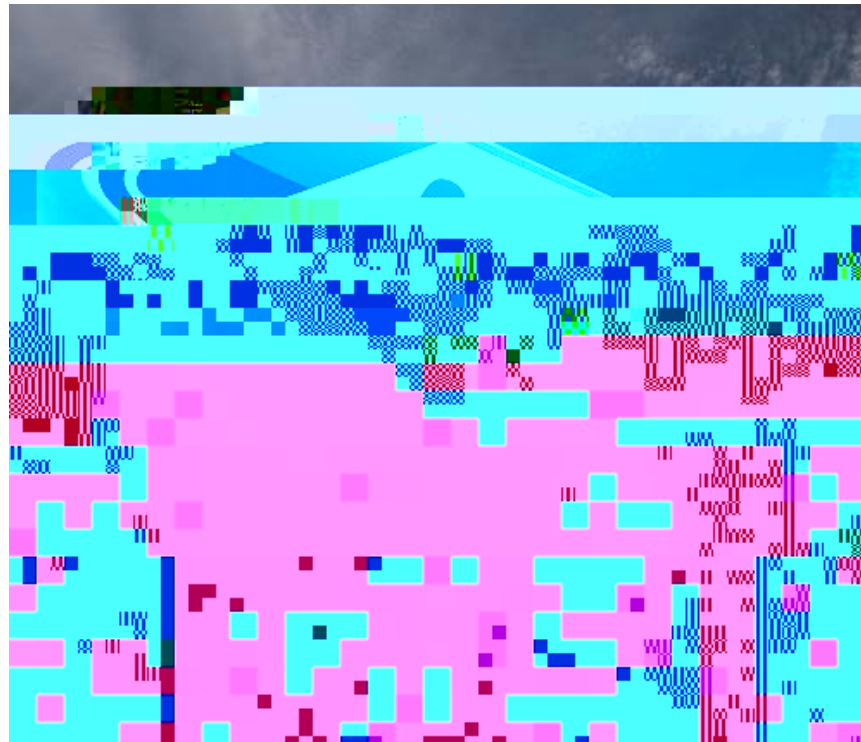
Previously, the regulations described sexual harassment as
“unwelcome conduct of a sexual nature.”





Reasons for Appeal

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Reasons for Appeal - Hypothetical 1

On appeal, the Respondent claims he asked the Investigator to speak to Brandi, another student, because she could provide an alibi for the night of the alleged incident, and she was a witness for a portion of the Respondent's interactions with the Complainant. The Investigator agreed to speak to the witness but failed to do so.

- Was there a procedural issue in this case?



Reasons for Appeal - Hypothetical 2

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- Respondent filed an appeal alleging bias on the part of the Decision Maker. Specifically, the appeal states the Decision Maker posted on twitter last year “Believe Survivors” with a picture of Christine Ford during Judge Kavanaugh’s confirmation. The Respondent believes the decision was biased and looks to have it overturned.









- Everyone has biases, but the Appeals Officer must learn to recognize what those biases are, and ensure they do not influence decision making.
- Social media posts and public comments.
- Be aware of implicit bias.
- Prior work with survivor's rights groups or respondent's rights groups?
- Prior work as a victim advocate?









Bias & Conflict of Interest – Hypothetical

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- You are an Appeals Officer in a Title IX case. You have received the investigative report, the decision and the written responses of the parties. The Respondent filed an appeal.
- The reason for appeal is alleged bias and conflict of interest.
- Respondent stated the Decision Maker included things in his report that were not part of the investigative report. This information was given to the Investigator but was never included in any of the documents. Specifically, the decision stated the Respondent was wearing a shirt that had a picture of a marijuana plant. Additionally, the decision stated the Respondent's actions were consistent with someone who would smoke marijuana.

















THANK YOU!

A | R | B | H

ABERNATHY ROEDER
BOYD HULLETT

————— EST. 1876 —————