



## Title IX – Resolution Officers

Mari McGowan

Becca Bradley

Sadia Ahmed

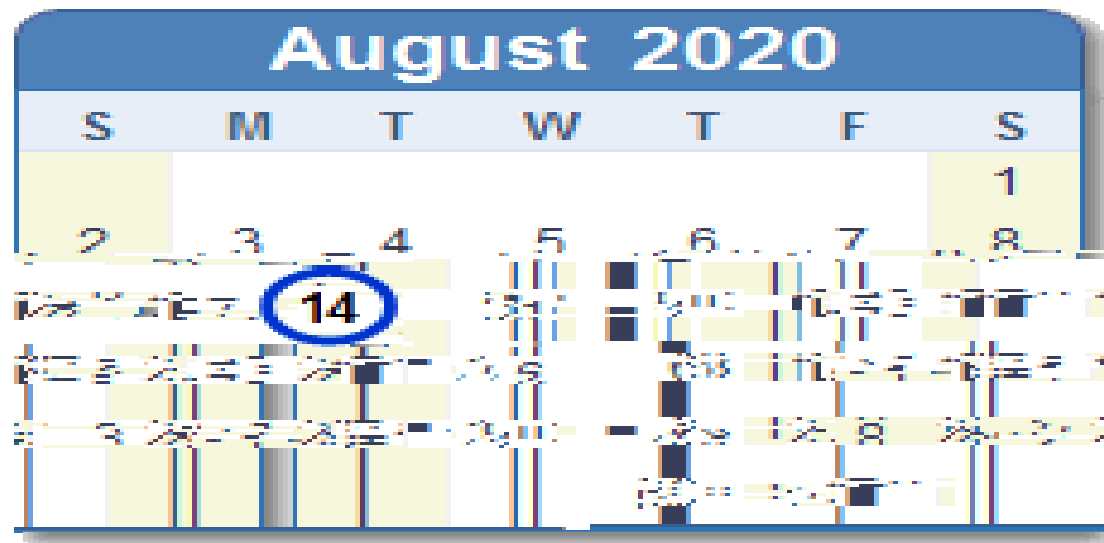
Abernathy, Roeder, Boyd & Hullett, P.C.

1700 Redbud Blvd., Suite 300

McKinney, Texas 75069



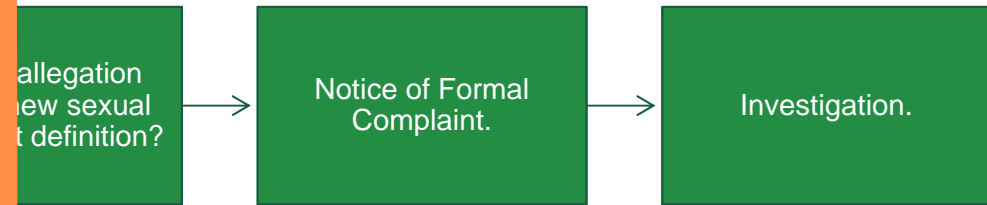
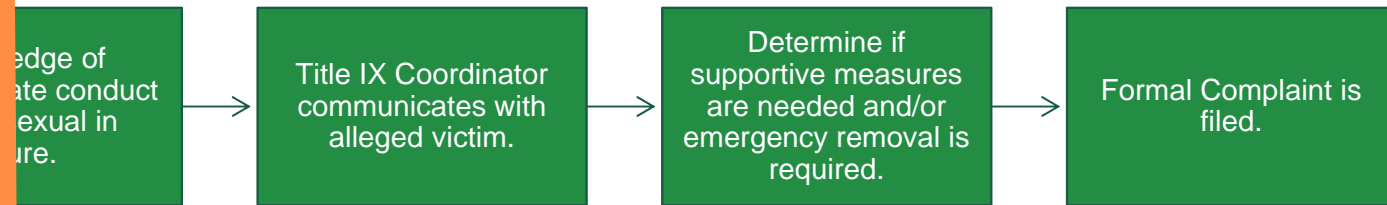
# Compliance Date



**Friday, Aug 14th 2020**

# Flow Chart

Abernathy, Roeder, Boyd & Hull









# Definition – Sexual Harassment

Abernathy, Roeder, Boyd & Hu

The new Title IX regulation provides for a *narrower definition* of sexual harassment that constitutes sex discrimination. The new definition has **(3) types of sex-based conduct** which would constitute sexual harassment:

Sexual assault, dating violence, domestic violence, and stalking;

“Unwelcome conduct that is **so severe, pervasive and objectively offensive** that it effectively denies a person equal educational access;  
AND

An employee conditioning the aid, benefit or service on participation of unwelcomed sexual conduct (Quid pro Quo).

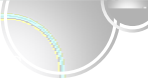








# When?



Informal resolutions are available any time prior to reaching a determination.



# No Informal Resolution

Abernathy, Roeder, Boyd & Hullett, P.C.

'L VWU LFVQ RRW IHU RU  
IDFLOLWDWH DQ LQIRUPDO UHVROXWLRQ  
SURFHVV WR UHVROYH DOOHJDWLRQV  
WKDW DQ HPSOR\HH VH[XDOO\  
KDUDVVHG D VWXGHQW 7KLV













- An Informal Resolution Facilitator has no sides or stake in the outcome.
- Everyone has biases, but an Informal Resolution Facilitator must learn to recognize what those biases are and ensure they do not influence the resolution process.









# Bias/Conflict of Interest – Hypothetical 1

Abernathy, Roeder, Boyd & Hullett, P.C.

<RX DUH WKH GHVLJQDWHG ,QIRUPDO  
5HVROXWLRQ)DRUOLVW'LVWULFW  
<RX UHFHLYH D UHTXHVW IRU DQ LQIRUPDO  
UHVROXWLRQ IURP \RXU 'LVWULFW¶V 7LWOH ,;  
2IILFHU <RX ORRN DW WKH FRPSODLQW DQG  
UHF RJQLJH WKH QDPH RI WKH 5HVSRQG HQW  
IURP DQ LQIRUPDO UHVROXWLRQ \RX ZHUH D  
SDUW RI ODVW \H DU

‡ :KDW VKRXOG \RX GR"

## Bias/Conflict of Interest – Hypothetical 2

You receive a request for an informal resolution. You review the complaint and realize you are familiar with the Respondent's mother. You see each other socially a few times a month but don't maintain an individual friendshi





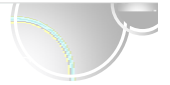




The Title IX regulations do not provide specific guidance as to what informal resolution should look like. Here are some resolution techniques to use for the informal resolution process:

- Provide an overview of the process.
  - The Informal Resolution Facilitator should provide an overview to the parties.
  - This helps set expectations of the process.
  - Consider a script so you don't miss anything.





- Keep the parties separate.
  - Title IX issues can be emotional. Keeping the parties separate during the resolution process may make for a more successful resolution.



















## Documentation - Confidentiality

- The terms of the agreement should be on a need to know basis.
- The agreement should include penalties for a party sharing or publishing the agreement.
- A

r



Questions?



THANK YOU!

A | R | B | H

ABERNATHY ROEDER

BOYD HULLETT

EST. 1876