

Welcome Back!



PLU Title IX Personnel Training
Summer 2020

Today's Icebreaker

What is your GO TO summer RECHARGE?



Agenda: July 30, 2020

- 9:00 am** Icebreaker - Recap/Q&A from Day 1
- 9:30 am Reviewing the Specific Roles in Title IX Process - Jennifer Childress-White
- 10:15 am Break
- 10:30 am Timeline for Title IX Process - Dr. Eva Frey
- 11:15 am Informal Resolution Process - Jennifer Childress-White
- 12:00 pm Lunch break
- 1:00 pm Not Title IX? - Dr. Eva Frey
- 1:15 pm Q&A / Case Studies - Everyone
- 3:00 pm Dismiss

Recap: Key Conversations

- Final Rules Definition for Title IX
 - Any instance of **quid pro quo** harassment by a school's employee;
 - Any **unwelcome conduct that a reasonable person would find so severe, pervasive, and objectively offensive** that it denies a person equal educational access;
 - **Any instance of sexual assault** (as defined in the Clery Act), dating violence, domestic violence, or stalking as defined in the Violence Against Women Act (VAWA).

Recap Cont...

- Does It Fall Under The Jurisdiction of Title IX
 - Type of Conduct - does it meet the Final Rule definition?
 - Educational Program or Activity?
 - Person in the United States

Recap cont...

- Standard of Evidence - “Clear and Convincing”

STANDARD	MATH. PROB. EST.	DEFINITIONS	TYPES OF CASES WHERE USED	NOTES
Clear and Convincing		Highest evidentiary standard employed in civil proceedings, second only 'beyond a reasonable doubt' in criminal proceedings.		
	70%	A party must present sufficient evidence to produce "in the ultimate factfinder an abiding conviction that the truth of its factual contentions are highly probable."	Used in civil lawsuits where something more than money is at stake, such as civil liberties, e.g., restraining orders, dependency cases (loss of parental rights), probate of wills and conservatorships. Also used in civil commitment cases, libel cases, deportation cases, denaturalization cases.	Use of Substantial Evidence in the context of Clear and Convincing Evidence: There is substantial evidence to support our finding that the clear and convincing standard has been met.
	to	Factfinder need not be absolutely certain, but highly confident, about the fact in issue.		
	75%	Proof "that a particular fact is substantially more likely than not to be true" to produce a firm belief of conviction in the factfinder as to the allegations sought to be established. Existence of fact must be highly probable.		
	Must be more than evidence that simply outweighs or <u>overbalances</u> the evidence opposed to it.			
				Other terms are sometimes used to describe this standard, such as 'clear, cogent and convincing.'
				Some courts have described this standard as requiring proof that there is a high probability that a particular fact is true.

Recap Cont...

- Who might be the “underserved” by the Final Rule regulations?

- Review Meetings
 - General Understanding of the Logistics Involved
 - Individual Roles