

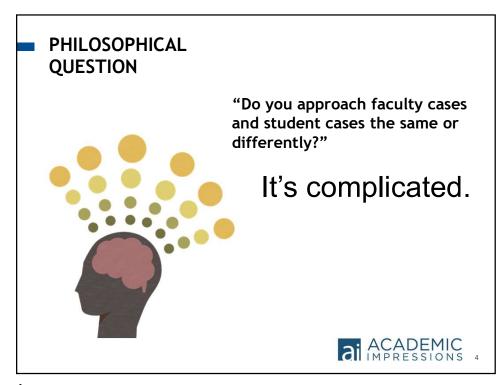


SHARE OUT & DISCUSS!

What have been some of your greatest challenges managing faculty/staff cases vs. student cases?



3



SIMILARITIES

- Title IX Applicability
 - Notices
 - Evidentiary Standard
 - Other Regulatory Requirements
- Other Laws
 - Clery/VAWA (constituent group irrelevant)
- Investigatory Approach
- · Care, Dignity, Privacy, Respect, Etc.
- Universal Institutional Policies/Procedures (?)



5



POLL

Does your institution currently maintain the same Title IX procedures for students and faculty/staff?



DIFFERENCES

- Title IX Specifics
 - Education Program or Activities v. Employment
 - Quid Pro Quo (employees only)
 - Compelled Investigations
 - No Informal Resolution for Sexual Harassment by an Employee
 - Emergency Removal v. Administrative Leave
 - Supportive Measures and Remedies
 - Retaliation



7

DIFFERENCES (CONTINUED)

- Other Laws
 - Title VII (employment only; preemption circuit split)
 - FERPA (students only)
 - State and Local Employment Laws (N/A for students)
 - ADA, Section 504 (different parts)
- Contractual Considerations
 - Code of Conduct v. Employee/Faculty Handbooks
 - Collective Bargaining Agreements



DIFFERENCES (CONTINUED)

- · Key Partnerships, Practical Considerations
 - For employees, stakes include livelihood, professional reputation, future employment prospects
 - Student Affairs v. Human Resources v. Faculty Administration
 - Decision-Makers, Appeals
- Training/Education
 - Venues, Approach/Focus, Delivery
 - "Responsible Employees"/Mandatory Reporting



9

5 KEY PREPARATORY CONSIDERATIONS AT THE INSTITUTIONAL LEVEL

- Policy/Procedural Framework
- 2) Tailoring Communications
- 3) Mitigating Power Dynamics
- 4) Preparing Investigative Staff
- 5) Preparing Decision-Makers and Appellate Decision-Makers





