

**TITLE IX TRAINING:  
INFORMAL RESOLUTION  
FACILITATOR & DECISION MAKER**



**PLATT COLLEGE**

— *it's all about your future* —

# TITLE IX TRAINING AREAS

- What is Title IX
- Key Definitions
- Key Roles
- Title IX Coordinator
- Title IX Investigator
- Title IX Advisor
- Informal Resolution Facilitator
- Decision Maker
- Title IX Complaint Process Overview
- Formal Complaint Received by Title IX Coordinator
- Optional Informal Resolution Process
- Investigation
- Live Hearing
- Decision/Sanctions/Remedial Measures
- Appeals
- Record Keeping
- Impartiality, Bias and Conflicts of Interest



**PLATT COLLEGE**  
— it's all about your future —

# WHAT IS TITLE IX

The U.S. Department of Education's Office for Civil Rights (OCR) enforces, among other statutes, Title IX of the Education Amendments of 1972. Title IX protects people from discrimination based on sex in education programs or activities that receive federal financial assistance. Title IX states:

*No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.*

- Final Rule published April 19, 2024
- Effective August 1, 2024



**PLATT COLLEGE**

— it's all about your future —

# KEY DEFINITIONS

***Complainant*** means:

- (1) A student or employee who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX or its regulations; or
- (2) A person other than a student or employee who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX or its regulations and who was participating or attempting to participate in the recipient's education program or activity at the time of the alleged sex discrimination.

***Complaint*** means an oral or written request to the recipient that objectively can be understood as a request for the recipient to investigate and make a determination about alleged discrimination under Title IX or its regulations.

***Disciplinary sanctions*** means consequences imposed on a respondent following a determination under Title IX that the respondent violated the recipient's prohibition on sex discrimination.



**PLATT COLLEGE**

— it's all about your future —

## KEY DEFINITIONS CONTINUED

***Sex-based harassment*** is a form of sex discrimination and means sexual harassment and other harassment on the basis of sex, including on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity, that is:

- (1) ***Quid pro quo harassment.*** An employee, agent, or other person authorized by the recipient to provide an aid, benefit, or service under the recipient's education program or activity explicitly or impliedly conditioning the provision of such an aid, benefit, or service on a person's participation in unwelcome sexual conduct;
- (2) ***Hostile environment harassment.*** Unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from the recipient's education program or activity (i.e., creates a hostile environment). Whether a hostile environment has been created is a fact-specific inquiry that includes consideration of the following:
  - (i) The degree to which the conduct affected the complainant's ability to access the recipient's education program or activity;
  - (ii) The type, frequency, and duration of the conduct;
  - (iii) The parties' ages, roles within the recipient's education program or activity, previous interactions, and other factors about each party that may be relevant to evaluating the effects of the conduct;
  - (iv) The location of the conduct and the context in which the conduct occurred; and
  - (v) Other sex-based harassment in the recipient's education program or activity; or



**PLATT COLLEGE**

— it's all about your future —

## KEY DEFINITIONS CONTINUED

**Relevant** means related to the allegations of sex discrimination under investigation as part of these grievance procedures. Questions are relevant when they seek evidence that may aid in showing whether the alleged sex discrimination occurred, and evidence is relevant when it may aid a decisionmaker in determining whether the alleged sex discrimination occurred.

**Remedies** means measures provided, as appropriate, to a complainant or any other person the recipient identifies as having had their equal access to the recipient's education program or activity limited or denied by sex discrimination. These measures are provided to restore or preserve that person's access to the recipient's education program or activity after a recipient determines that sex discrimination occurred.

**Respondent** means a person who is alleged to have violated the recipient's prohibition on sex discrimination.

**Retaliation** means intimidation, threats, coercion, or discrimination against any person by the recipient, a student, or an employee or other person authorized by the recipient to provide aid, benefit, or service under the recipient's education program or activity, for the purpose of interfering with any right or privilege secured by Title IX or its regulations, or because the person has reported information, made a complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under the Title IX regulations.



**PLATT COLLEGE**

— it's all about your future —

# KEY DEFINITIONS CONTINUED

## Specific offenses

***Sexual assault*** meaning an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation;

***Dating violence*** meaning violence committed by a person:

(A) Who is or has been in a social relationship of a romantic or intimate nature with the victim; and

(B) Where the existence of such a relationship shall be determined based on a consideration of the following factors:

(1) The length of the relationship;

(2) The type of relationship; and

(3) The frequency of interaction between the persons involved in the relationship;

***Domestic violence*** meaning felony or misdemeanor crimes committed by a person who:

(A) Is a current or former spouse or intimate partner of the victim under the family or domestic violence laws of the jurisdiction of the recipient, or a person similarly situated to a spouse of the victim;

(B) Is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner;

(C) Shares a child in common with the victim; or

(D) Commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of the jurisdiction; or



**PLATT COLLEGE**

— it's all about your future —

## KEY DEFINITIONS CONTINUED

Specific offenses continued...

***Stalking*** meaning engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

- (A) Fear for the person's safety or the safety of others; or
- (B) Suffer substantial emotional distress.

***Supportive measures*** means individualized measures offered as appropriate, as reasonably available, without unreasonably burdening a complainant or respondent, not for punitive or disciplinary reasons, and without fee or charge to the complainant or respondent to:

- (1) Restore or preserve that party's access to the recipient's education program or activity, including measures that are designed to protect the safety of the parties or the recipient's educational environment; or
- (2) Provide support during the recipient's grievance procedures or during an informal resolution process.



**PLATT COLLEGE**

— it's all about your future —



# KEY ROLES – TITLE IX COORDINATOR

- The single point of contact for all complaints and issues relating to Title IX issues – discrimination, sexual harassment, and sexual violence
- Responsible for investigating complaints and enforcing school policy

Platt College Title IX Coordinator

**Megan Clifton**

6465 Sycamore Canyon Blvd, Riverside CA 92507

Email: [mclifton@plattcollege.edu](mailto:mclifton@plattcollege.edu) Phone: 951-572-4300



**PLATT COLLEGE**

— it's all about your future —

## KEY ROLE – TITLE IX COORDINATOR DUTIES

- Oversee the school's response to Title IX reports and complaints
- Identify and address any patterns or systemic problems
- Selects and assigns the Informal Resolution Facilitator and/or Decision Maker
- Determines if informal resolution should be utilized
- Coordinates timing and location of Live Hearing
- Implements any remedies as decided by the Decision Maker
- Attends all Informal Resolutions and Live Hearings
- Oversees appeals process
- Ensures all policies and procedures are followed



**PLATT COLLEGE**

— *it's all about your future* —

## KEY ROLES – TITLE IX INVESTIGATOR

- Platt College has determined that the Title IX Coordinator in general, will serve as the Title IX Investigator
- The Title IX Investigator cannot be the Decision Maker or the Informal Resolution Facilitator
- The Title IX Investigator must conduct an impartial investigation to gather the facts from all parties and witnesses
- The Title IX Investigator must put the Decision Maker or the Informal Resolution Facilitator in the best possible position to understand relevant evidence for the Live Hearing



**PLATT COLLEGE**

— *it's all about your future* —

## KEY ROLES – TITLE IX ADVISOR

- Parties have the right to an advisor of their choice
- An Advisor is **required** for a live hearing, if the parties have not selected an Advisor the school will appointment in general, an Academic Dean or Program Director
- While no training is required, all Advisor's will receive training on the Informal Resolution Process and Live Hearing
- All selected Advisor's will be provided guidelines and expectations



**PLATT COLLEGE**  
— it's all about your future —

## KEY ROLES – INFORMAL RESOLUTION FACILITATOR (IRF)

- Platt College has determined that in general, the Human Resource Manager, Director of Student and Academic Affairs, and/or the Director of Student Financial Services will serve as the IRF
  - In cases that involve an employee the Human Resource Manager will be recused from serving as an IRF
- The Title IX Coordinator will appointment one IRF per formal complaint received
- The IRF must be free of bias and any conflicts of interest
- The IRF must be trained on the Informal Resolution Process
- The Title IX Coordinator cannot serve as the IRF



**PLATT COLLEGE**  
— *it's all about your future* —

## KEY ROLES – DECISION MAKER

- Platt College has determined that in general, the Human Resource Manager, Director of Student and Academic Affairs, and/or the Director of Student Financial Services will serve as the Decision Maker. Under no circumstances will the same person serve as both the IRF and Decision Maker for the same formal complaint
  - In cases that involve an employee the Human Resource Manager will be recused from serving as a Decision Maker
- The Title IX Coordinator will appointment one Decision Maker per formal complaint received
- The Decision Maker must be free of bias and any conflicts of interest
- The Decision Maker must be trained on the Live Hearing process
- The Title IX Coordinator cannot serve as the Decision Maker



**PLATT COLLEGE**  
— *it's all about your future* —

# TITLE IX COMPLAINT PROCESS OVERVIEW & GRIEVANCE PROCESS

- Platt College Campus Presidents and Academic Deans have a duty to report prohibited conduct to the Title IX Coordinator when they become aware of such conduct
- Victims of or witnesses of a formal complaint of sexual harassment need to notify the Title IX Coordinator as soon as possible.
- To file a formal complaint the complainant needs to submit their complaint in writing either in person, by mail or electronic mail to the Title IX Coordinator

Platt College Title IX Coordinator

**Megan Clifton**

6465 Sycamore Canyon Blvd, Riverside CA 92507

Email: [mclifton@plattcollege.edu](mailto:mclifton@plattcollege.edu)

Phone: 951-572-4300

- All received formal complaints in writing will be reviewed within five (5) business days and an investigation plan will be established
- At the conclusion of the investigation the formal complaint will be recommend for one of the following options: 1) Dismissed (by either the complainant or the Title IX Coordinator if complaint is unfounded), 2) Recommended for Informal Resolution (must be agreed upon by both parties), or 3) Live Hearing



**PLATT COLLEGE**

— *it's all about your future* —

# FORMAL COMPLAINT RECEIVED BY TITLE IX COORDINATOR – INVESTIGATION

- In response to formal complaints of sexual harassment, the College will conduct an impartial investigation to gather facts. The Title IX Investigator will communicate with both the Complainant and Respondent.
- Both parties will receive equal opportunity to provide information, witness statements, evidence, and other information that may be necessary.
- Both the Complainant and the Respondent will be afforded equitable rights and access during the investigative process. The College may not require a reporting party to participate in a formal investigation that he or she has initiated.
- The investigation will consist of interviewing the Complainant, the Respondent, and any witnesses.
- The Title IX Investigator will, conduct an impartial investigation to gather the facts.
- All information gathered will be given directly to the assigned Informal Resolution Facilitator or Decision-Maker.
- The investigation process will begin within five (5) business days of receipt of the formal complaint.
- The formal complaint will move to either Informal Resolution or Live Hearing, if not dismissed



**PLATT COLLEGE**

— *it's all about your future* —



# OPTIONAL INFORMAL RESOLUTION PROCESS

- The Informal Resolution process can only be utilized after a Formal Complaint has been submitted to the Title IX Coordinator and an investigation has begun
- The Informal Resolution process is discretionary and can only be used as long as both parties give voluntary, informed, written consent to attempt informal resolution
- At any time before resolution, a party can withdraw from the Informal Resolution process and resume the grievance process
- The Informal Resolution process **cannot** be used to resolve allegations that an employee sexually harassed a student
- The Title IX Coordinator determines if informal resolution should be utilized
- Once all parties have agreed in writing to participate in Informal Resolution, they will be provided the rules of process
- Informal Resolution can be technology facilitated, if needed
- Informal Resolution can result in an agreement between the parties
  - Supportive Measures
  - Voluntary acceptance of disciplinary action (Respondent)



**PLATT COLLEGE**

— *it's all about your future* —

# OPTIONAL INFORMAL RESOLUTION PROCESS GOALS

- The goal is to help the Complainant and Respondent to reach an agreement on their terms
  - The IRF should discuss potential resolution terms
- The IRF needs to be compassionate and neutral
  - The IRF cannot take sides
  - The IRF cannot make assumptions



**PLATT COLLEGE**  
— *it's all about your future* —

# LIVE HEARING

- Postsecondary institutions must provide a live hearing, if the parties do not agree to Informal Resolution
- The Live Hearing must include the following:
  - Opportunity for parties' Advisors to examine and cross-examine witnesses, including challenging the credibility of witnesses
  - Examinations must be direct, oral, and in real time (Advisors)
  - Parties may be required to stay in separate rooms with live video + audio connection
  - Only relevant questions may be asked



**PLATT COLLEGE**

— *it's all about your future* —

## LIVE HEARING – CROSS EXAMINATION

- If a party does not submit to cross-examination at a live hearing, the Decision Maker cannot rely on that party's statements in reaching a determination
- Decision Maker also cannot draw an inference regarding responsibility based solely on that party's absence from live hearing



**PLATT COLLEGE**

— *it's all about your future* —

## LIVE HEARING – PRESUMPTION OF INNOCENCE

- Decision Maker ensures that the College does not take action and impose sanctions until the grievance process has been applied
- Does not mean that the Decision Maker should presume that the alleged harassment did not occur
- No prejudgment of the facts at issue



**PLATT COLLEGE**

— *it's all about your future* —

## LIVE HEARING - RELEVANCE

- Determined by Decision Maker (with explanation)
- Evidence is relevant if it is pertinent to proving whether facts material to the allegations are more or less likely to be true
  - Repetition of the same question is irrelevant
- A Complainant's sexual predisposition or prior sexual behavior is not relevant, unless;
  - Offered to provide that someone other than the Respondent committed the alleged conduct; or
  - To prove consent



**PLATT COLLEGE**

— *it's all about your future* —

# LIVE HEARING - EVIDENCE

- **Direct**
  - Evidence that directly links a person to a crime, without the need of any inference (for example, they were seen committing the crime).
- **Circumstantial**
  - Evidence that implies a person committed a crime, (for example, the person was seen running away from the crime scene). There must be a lot of circumstantial evidence accumulated to have real weight.
- **Character Evidence**
  - Evidence that concerns a party's character or prior bad acts
  - Can be considered if relevant
  - Decision Maker must objectively evaluate
- **Inculpatory**
  - Inculpatory evidence is evidence that shows, or tends to show, a person's involvement in an act, or evidence that can establish guilt.
- **Exculpatory**
  - Exculpatory evidence is evidence favorable to the respondent (defendant) that exonerates or tends to exonerate the defendant of guilt.



**PLATT COLLEGE**  
— it's all about your future —

## LIVE HEARING – EVIDENCE LIMITATIONS

- The College cannot use, rely on or seek disclosure of information protected under legally recognized privilege unless party has waived privilege
  - Attorney/Client, Doctor/Patient
  - Medical Records



**PLATT COLLEGE**

— *it's all about your future* —



# LIVE HEARING – RULES & EXPECTATIONS

- All participants are to act professionally at all times
- The Decision Maker will lead the Live Hearing
- Scheduled breaks will be agreed upon prior to the start of the Live Hearing
- Disruptions to the Live Hearing will be strictly prohibited
- Witness badgering is strictly prohibited
- Any party unwilling to comply with the rules and expectations of the Live Hearing will be removed
  - Removed participants will be relocated to a separate room equipped with audio + visual technology, as needed



**PLATT COLLEGE**

— *it's all about your future* —

# DECISION/SANCTIONS/REMEDIAL MEASURES

- It is the Decision Makers responsibility to do the following when making a determination
  - Review the school policy
  - Review the evidence
  - Assess the credibility of evidence and witness statements (assessing the extent to which you can rely on the statement)
  - Assess consistency of the story
  - Evaluate evidence in light of standard of evidence
    - Preponderance of Evidence: Under the preponderance standard, the burden of proof is met when the party with the burden convinces the fact finder that there is a greater than 50% chance the claim is true



**PLATT COLLEGE**

— *it's all about your future* —

## DECISION/SANCTIONS/REMEDIAL MEASURES CONTINUED

- Written Determination will require
- Use of published standard of evidence, preponderance of evidence
- Identify the allegations constituting sexual harassment
- Describe procedure from formal complaint through hearing
- Make findings of fact and conclusions
- Provide a rationale for the outcome on each allegation and imposition of any sanctions
- State the procedures and allowable bases for any appeal
- Must be provide simultaneously to both parties



# DECISION/SANCTIONS/REMEDIAL MEASURES CONTINUED

## Sanctions

- Sanctions are determined by the Decision Maker
- Sanctions are imposed on the Respondent
- Sanctions must be reasonable and based on the severity of the behavior
- Sanctions may be educational
- The Decision Maker must determine what is appropriate based on the case specifics
- The Decision Maker in conjunction with the Title IX Coordinator must take steps to confirm the documented sanctions are enforced
- Sanction Examples include but are not limited to: Warning, Suspension, Termination, No Contact Order, Counseling and Additional Training



**PLATT COLLEGE**

— *it's all about your future* —

# DECISION/SANCTIONS/REMEDIAL MEASURES CONTINUED

## Remedies

- Remedies are required to be provided to the Complainant when a Respondent is found responsible
- The Title IX Coordinator is responsible for implementation of all remedies
- Remedies must be designed to maintain Complainant's equal access to education and may include supportive measures
- Remedies do not need to be non-disciplinary or non-punitive and do not need to avoid burdening the respondent



**PLATT COLLEGE**

— *it's all about your future* —

# APPEALS

- Both Parties have the right to appeal a determination regarding responsibility
- The College's dismissal of a Formal Complaint or any allegations therein if:
  - (1) procedural irregularity affected the outcome of the matter;
  - (2) there is newly discovered evidence that could affect the outcome of the matter; and/or
  - (3) Title IX personnel had a conflict of interest or bias, that affected the outcome of the matter.
- An appeal must be submitted in writing to the Title IX Coordinator within ten (10) days of the delivery of the Written Determination.



# RECORD KEEPING

- All Title IX records must be maintained for seven (7) years
- All records must include basis for conclusion, indicate that response was not deliberately indifferent, and measures taken to restore or preserve equal access to the education program or activity
- Information is shared internally between administrators who need to know in order to complete their job duties. When information must be shared to permit the investigation to move forward, the Parties will be informed.
- Privacy of the records specific to the investigation is maintained in accordance with state law and the federal FERPA statute. Any public release of information needed to comply with the timely warning provisions of the Clery Act will not include the names of Complainant or information that could easily lead to a Complainant's identification. Irrespective of state law or public records access provisions, information about Complainants is maintained privately in accordance with Title IX and FERPA.



**PLATT COLLEGE**

— *it's all about your future* —

# IMPARTIALITY, BIAS AND CONFLICTS OF INTEREST

## **Fair and Impartial Investigation**

- § 106.45 requires recipients to adopt a grievance process where Title IX Coordinators, investigators, decision makers, and persons who facilitate informal resolutions are free from conflicts of interest and bias and are trained to serve impartially without prejudging the facts at issue



**PLATT COLLEGE**

— *it's all about your future* —



# IMPARTIALITY, BIAS AND CONFLICTS OF INTEREST CONTINUED

## **Impartiality**

- Cannot have a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent
- Must avoid prejudgment of the facts at issue
- No one should be automatically believed or not believed
- Objectively evaluate all relevant evidence



**PLATT COLLEGE**  
— *it's all about your future* —

# IMPARTIALITY, BIAS AND CONFLICTS OF INTEREST CONTINUED

## **Conflict of Interest**

- When an individual has competing interests or loyalties
- Potential to reap personal gain from decisions, actions or inaction
- Inclination to filter decision through lens of self-interest



**PLATT COLLEGE**  
— *it's all about your future* —

# IMPARTIALITY, BIAS AND CONFLICTS OF INTEREST CONTINUED

## **Bias**

- Prejudice in favor of or against an individual or situation
- Disproportionate weight in favor or against certain facts that prevents objectivity
- Insensitivity to facts that otherwise would be significant
- Avoid inferences based on whether someone is a Complainant or Respondent



**PLATT COLLEGE**

— *it's all about your future* —

# Questions?



**PLATT COLLEGE**  
— *it's all about your future* —