

Colorado Christian University
Title IX
Coordinator and Deputy
Coordinator Refresher
Training/Discussion

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January 2023

Regardless of which process (A or B) is applicable, when a complaint is received, the TIXC will do the following initially:

- **Determine appropriate supportive measures**
- **Assess jurisdiction**
- **Violence Risk Assessment with assessment team**
- **Determine applicable Process (A or B)**
- **Provide procedural options:**
 - **Supportive and remedial response**
 - **Informal resolution option**
 - **Formal investigation and grievance process**
- **Determine applicability, if any, of Dismissal (mandatory or discretionary)**

Interim and/or Supportive Measures

- Interim Measures provided in writing
- Support/advocacy/intake functions are separate from investigative/adjudicative functions.
- Options for, available assistance in, and how to request changes to:
 - Academic
 - Living
 - Extracurricular
 - Transportation
 - Working
 - Protective Measures
- If requested by the Complainant and if reasonably available
- **Regardless of whether the Complainant chooses to file a formal report with the University or law enforcement.**

*Supportive measures and assistance beyond interim measures may be provided to both parties. These are non-punitive and non-disciplinary individualized services. These are meant to preserve each party's access to education program or activity pending the outcome of an investigation.

TIX Coordinator Determines Jurisdiction

- As long as one of the parties is a CCU student, faculty, or staff, the TIXC can provide reasonable assistance and possible opportunity of process.
- Basic Jurisdiction Steps:
 - Overall TIX assessment (1. role 2. type of conduct 3. TIX/Non-TIX - US, programs/activities)
 - Example: Complainant is an CCU student; Respondent is not – no jurisdiction
- Complainant is offered support when affiliated with the University regardless of whether formal process occurs.
- Protections potentially apply to: faculty, staff, students, visitors.
- Assess location of incident and whether tied to CCU program/activity (Title IX vs. Non-Title IX prohibited conduct) to determine appropriate process options.
- For grievance process options, Respondent must be affiliated with CCU.

Title IX 2020 Regulations Jurisdiction Assessment

- 2020 Regulations
 1. In the United States
 2. Conduct within University's programs and activities –
 - location, at an event, or in a circumstance where the University exercises substantial control over both RP and the context in which the conduct occurs OR
 - In any building owned or controlled by a student organization recognized by the University.

Scope of CCU's educational programs or activities – Understanding TIX Sexual Harassment

- An Employee conditions the provision of an aid, a benefit, or a service on another Employee's or a Student's participation in unwelcome sexual conduct (i.e., Quid Pro Quo sexual harassment); or
- A Student, Employee, or Third Party (to the extent applicable) engages in unwelcome conduct on the basis of sex that would be determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies another person equal access to the University's programs or activities; or
- A Student, Employee, or Third Party engages in Sexual Assault, Domestic Violence, Dating Violence, or Sexual and/or Gender-based Stalking; and
 - The alleged conduct was perpetrated against a person in the United States; and
 - The conduct took place within the University's programs and activities. Conduct takes place within the "University's programs and activities" when that conduct occurs:
 - in a location, at an event, or in a circumstance where the University exercises substantial control over both the respondent and the context in which the conduct occurs; or
 - in any building owned or controlled by a student organization recognized by the University. Events that occur off campus or in locations with no connection to the University are unlikely to be considered a University program or activity.

TWO PROCESS OPTIONS:

Process A – Qualifying allegations of sexual harassment (including sexual assault, dating violence, domestic violence, and stalking) involving students, staff, administrator, or faculty members.

- In the United States
- Conduct within University's programs and activities –
 - location, at an event, or in a circumstance where the University exercises substantial control over both RP and the context in which the conduct occurs OR
 - In any building owned or controlled by a student organization recognized by the University.

Process B – Other policies and beyond jurisdictional scope of Process A

- Example: Outside of United States at study abroad program.

*Note: Both processes have informal and formal procedural options.

Procedural Options Offered under Process A:

Informal Resolution –

- When the parties agree to resolve the matter through an alternate resolution mechanism including mediation, restorative practices, etc;
- When Respondent accepts responsibility for violating policy, and desires to accept a sanction and end the resolution process; or
- When the TIXC can resolve the matter informally by providing supportive measures to remedy the situation.

Alternate Resolution – informal process, including mediation or restorative practices

Formal Grievance Process – involves an investigation and hearing

Procedural Options Offered under Process B:

Informal/Alternate Resolution (supportive/remedial response)

– less serious offenses and only when all parties agree to Alternate Resolution, or when the Respondent is willing to accept responsibility for violating policy, or when the TIXC can resolve the matter informally by providing remedies to resolve the situation.

Administrative Resolution – investigation of policy violation(s) and recommended finding, subject to a determination by a TIXC and the opportunity to appeal to an Appeal Panel or an Appeal Decision maker.

Informal Resolution* or Alternate Resolution** (Informal/Restorative Options)

Steps a school can take to limit the effects of the alleged sexual violence and prevent its recurrence **without initiating formal action** against the Respondent. Examples:

- Providing increased monitoring, supervision, or security at locations or activities where the misconduct occurred
- Providing training and education materials for students and employees
- Changing and publicizing the school's policies on sexual harassment
- Conducting climate surveys regarding sexual violence
- Putting a respondent on notice of allegations of harassing behavior

* All parties and TIXC must agree on responsibility, sanctions, and/or remedies. Not appealable.

** Voluntary and remedies-based resolution option. All parties and TIXC must agree to alternate resolution for this option to be used.

Questions



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