REFRESH & RESET
Based on what you learned yesterday, what resonated with you the most and why?

CONSIDERATIONS FOR PROCESSING STUDENT VS. FACULTY/STAFF CASES
SHARE OUT & DISCUSS!
What have been some of your greatest challenges managing faculty/staff cases vs. student cases?

“Do you approach faculty cases and student cases the same or differently?”

It’s complicated.
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 (?)

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

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

5 Key Preparatory Considerations
At the Institutional Level

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