

REFRESH & RESET

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



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#aiTIXCoordinator

**CONSIDERATIONS FOR PROCESSING
STUDENT VS. FACULTY/STAFF CASES**

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CHAT

SHARE OUT & DISCUSS!

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



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PHILOSOPHICAL QUESTION

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



It's complicated.



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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 (?)

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POLL

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

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■ 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

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■ 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

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■ 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

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■ 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



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QUESTIONS