



D. STAFFORD
& ASSOCIATES

Title IX Coordinators and Investigators: A Practitioner's Primer Under the New Regulations

Presented by:

Adrienne Murray

Vice President, Equity Compliance and Civil Rights Services

Dolores A. Stafford

President and CEO

D. Stafford & Associates, LLC
179 Rehoboth Avenue, #1121
Rehoboth Beach, DE 19971
302-344-5809

Dolores@DStaffordandAssociates.com

www.dstaffordandassociates.com



NACCOP Title IX & Equity Alliance

The Alliance is a dedicated affinity group through which Title IX and Equity Professionals, and the practitioners who support and/or supervise them, can benefit from NACCOP's expertise in complying with the Clery Act, Title IX, and other civil rights laws that affect their work.

BENEFITS OF JOINING THE ALLIANCE

- **Access to NACCOP's annual 9 on IX webinar series at no additional cost (a \$710 value)**
 - These 60-minute succinct webinars will offer legal insight and practical guidance on Title IX topics from experts who have served or are currently serving as active practitioners on college and university campuses.
- **Alliance-Exclusive Professional Development Opportunities such as the Title IX & Equity Open House Discussion Series**
 - An Alliance-exclusive virtual open house will be held bi-monthly (every other month, 6 sessions annually) to engage with experts from NACCOP's partner organization, D. Stafford & Associates, as well as other invited guests, to discuss current trends and issues. Each open house will focus on a specific topic for discussion and participants will be encouraged to engage in the conversation.
- **Access to Alliance-Exclusive Whitepapers regarding Title VI, VII, and IX**
- **Connect and collaborate with other Title IX and Equity Professionals via an Alliance-restricted Listserv**
- **Discounted Professional Development Opportunities**
 - Coffee and Conversations webinar series and individual webinars focused on Title IX & Equity compliance issues
- **A 50% discount on the Title IX Notice Document Library developed by NACCOP's Partner Organization, D. Stafford & Associates (a \$335 value)**

Join the Alliance

Eligible individuals must have Institutional, Professional, or Committee Membership with NACCOP.

Cost: \$425 for 1 year subscription

(The first year of enrollment will be pro-rated to match the NACCOP membership expiration date.)

Request to Join: <https://naccop.memberclicks.net/join-the-alliance>

Questions? Contact us at info@naccop.org or 302-344-1068.



TITLE IX

Copyright

(Limited permission is granted to each attendee of this class to make training materials available per the requirements outlined in the Title IX Regulations published on April 29, 2024)

These materials are copyright of D. Stafford & Associates, LLC © 2024 D. STAFFORD & ASSOCIATES. All rights reserved.

Any distribution or reproduction of part or all of the contents in any form is prohibited other than the following:

- As required by 34 C.F.R. § 106.8(f)(3), this material in its entirety may be made available upon request for inspection by members of the public in the presence of the Title IX Coordinator or their designee. This does not include providing copies as part of any request.*

You may not post the materials on any website or provide copies of the materials.

You may not, except with our express written permission, distribute or commercially exploit the content. Nor may you transmit it or store it in any website or other form of electronic retrieval system.



ISSUANCE OF CERTIFICATES FOR COMPLETION

To receive a certificate, attendees must attend the majority of the class and have paid class invoice in full. This applies to both in-person classes and virtual classes. We understand that attendees may need to miss class for a legitimate reason for longer periods of time or may need to leave the room during a class for a few minutes to take a phone call or attend to other business. If an attendee misses a significant amount of the class (depending on the length of the class) or they miss an attendance poll, they will not be issued a certificate of completion for the class.

Attendees should report each absence using the online form provided (each class has its own unique form that is sent to all attendees via email prior to class). Attendees should complete the form twice for each absence: once to record their departure, and again to record their return. Attendees should complete the form immediately before leaving class and as soon as practicable upon their return. If an attendee signs out but does not sign back in, they will be marked absent for the remainder of the day.

The criteria for receiving a certificate is determined based on missed class time and participation in the Attendance Polls that will be launched throughout each day of class. Attendance polls are left up for approximately 5 minutes and the instructor notifies the attendees that a poll is being launched to ensure that everyone who is present can respond to the poll. If an attendee is unable to respond to the attendance poll, the attendee would need to **immediately post "I am here"** in the chat feature within the Zoom platform. That way we can give the attendee credit for being in attendance for that specific poll. Notifying us after the attendance poll has been closed will not allow us to give the attendee credit for being in class during the poll.

Some of our classes may qualify for credit toward a Master's Degree at New England College (and regardless if you decide to seek credit or not, accreditation requirements mandate that we follow the same standards for all class attendees), so we have strict attendance standards that we follow for issuance of a certificate. For DSA & NACCOP, issuance of a Certificate of Completion is verification of attendance.



D. STAFFORD
& ASSOCIATES

P.O. Box 1121
Rehoboth Beach, DE 19971
Phone: (202) 438-5929
dolores@dstaffordandassociates.com

Adrienne Meador Murray, Vice President, Equity Compliance and Civil Rights Services



In January 2014, Adrienne Meador Murray joined D. Stafford & Associates where she currently serves as the Vice President, Equity Compliance and Civil Rights Services after having been affiliated with D. Stafford & Associates as a part-time Associate since 2012 and the National Association of Clery Compliance Officers & Professionals (NACCOP) where she currently serves as Director of Training and Compliance Activities. Murray began her career in municipal law enforcement as a civilian employee with the City of Richmond Police Department (Virginia). She graduated from the Virginia Commonwealth University Police Training Academy and began her career as a sworn police officer for the University of Richmond (UR) Police Department (Virginia). At UR, Murray progressed through the ranks from a night shift patrol officer to Operations Lieutenant (overseeing criminal investigations, crime prevention and patrol) over the span of a decade before becoming the Chief of Police at Davidson

College in North Carolina. Most recently, Murray served as Chief of Police at Trinity Washington University (in Washington, D.C.).

As the Executive Director, Equity Compliance and Civil Rights Services for DSA, Murray builds on her 17-year career in law enforcement in which she became a nationally recognized expert in the field of best practice postsecondary institutional response to the sexual victimization of college women in the United States and in Canada. She is also a trained civil rights investigator and is well respected throughout the country for her ability to aid institutions in understating how to do best practice criminal and civil rights investigations concurrently. She is well known for her work in having provided support, advocacy and criminal investigative services for victims of sexual assault, stalking and intimate partner violence and is a sought-out speaker and investigator. She has expertise in the construction of best practice law enforcement standard operating procedures and training police officers to respond in best practice and trauma-informed ways to victims of sexual assault and intimate partner violence. In her current role, Murray coordinates curriculum development and instruction for national classes, including basic and advanced sexual misconduct investigation classes; an investigation of dating violence, domestic violence and stalking class; and a Title IX Coordinator/Investigator class offered through D. Stafford & Associates. To date, Murray has trained more than 3,500 criminal and civil rights investigators throughout the U.S.

Drawing on her experiences as a trained criminal and civil rights investigator, Murray also oversees independent investigations of complex sexual misconduct cases; conducts audits of Title IX/VAWA



D. STAFFORD & ASSOCIATES

P.O. Box 1121
Rehoboth Beach, DE 19971
Phone: (202) 438-5929
dolores@dstaffordandassociates.com

Compliance; drafts institutional sexual misconduct policies and procedures; and conducts campus-based trainings pertaining to the resolution of sexual misconduct offenses on college and university campuses. Murray frequently presents at regional and national conferences on topics such as the *Sexual Victimization of College Women*, *Understanding Consent and Incapacitation*, and *Responding to Sexual Assault on Campus: Clery Act and Title IX Implications*. Murray also conducts provincially specific sexual misconduct trainings throughout Canada.

Murray is a graduate of the University of Richmond, where she received her Bachelor's Degree in Applied Studies in Human Resource Management and of New England College, where she received her Master's Degree in Campus Public Safety Administration. Murray is also a graduate of the 235th session of the prestigious FBI National Academy where she was awarded a graduate certificate in Criminal Justice from the University of Virginia. She has authored numerous journal articles.

TITLE IX COORDINATORS AND INVESTIGATORS: A PRACTITIONER'S PRIMER UNDER THE NEW REGULATIONS



© 2024 D. Stafford & Associates



COPYRIGHT

(Limited permission is granted to each attendee of this class to make training materials available per the requirements outlined in the Title IX Regulations published on April 29, 2024)

These materials are copyright of D. Stafford & Associates, LLC

© 2024 D. STAFFORD & ASSOCIATES. All rights reserved.

- Any distribution or reproduction of part or all of the contents in any form is prohibited other than the following:
 - As required by 34 C.F.R. § 106.8(f)(3), this material in its entirety may be made available upon request for inspection by members of the public in the presence of the Title IX Coordinator or their designee. This does not include providing copies as part of any request.
- **You may not post the materials on any website or provide copies of the materials.**
- You may not, except with our express written permission, distribute or commercially exploit the content. Nor may you transmit it or store it in any website or other form of electronic retrieval system.

© 2024 D. Stafford & Associates

A NOTE ON TRAINING



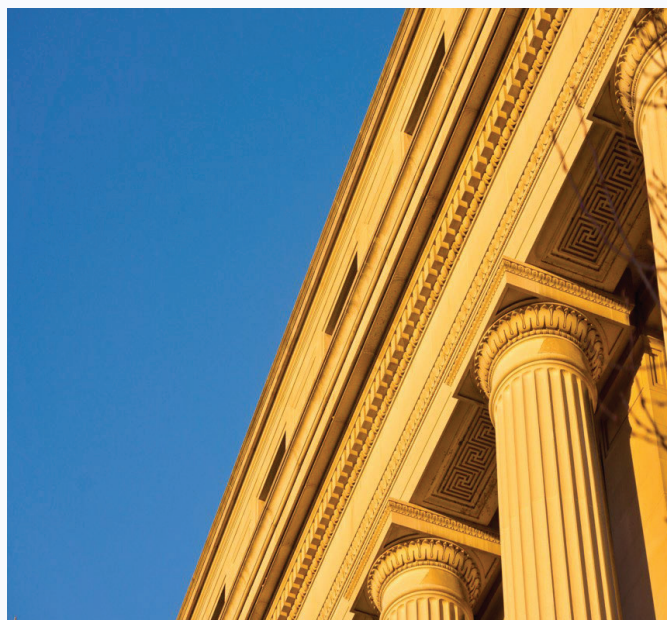
**This is not legal advice,
consult your lawyer!**



AGENDA

- The Law
 - Subpart A: Introduction
 - Subpart B: Coverage
 - Subpart C: Admission & Recruitment
 - Subpart D: Educational Programs or Activities
 - Subpart E: Employment
 - Subpart F: Retaliation
 - Clery Act (VAWA) Procedural Requirements
-

THE LAW



FEDERAL LAW



Statutes

20 U.S.C.D.
§ 1681-1689



Regulatory Guidance

34 C.F.R. § 106



Sub-Regulatory Guidance

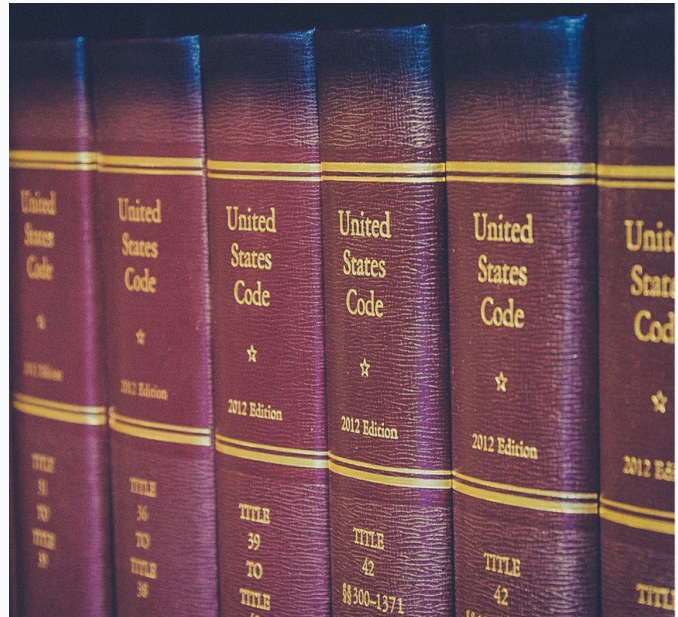
DCLs
Preamble to Regs
Executive Orders
OCR Website



Case Law

Circuit courts
District courts

STATUTES



TITLE IX, EDUCATION AMENDMENTS OF 1972, 20 U.S.C. § 1681

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.

§ 1681(a) – EXCEPTIONS

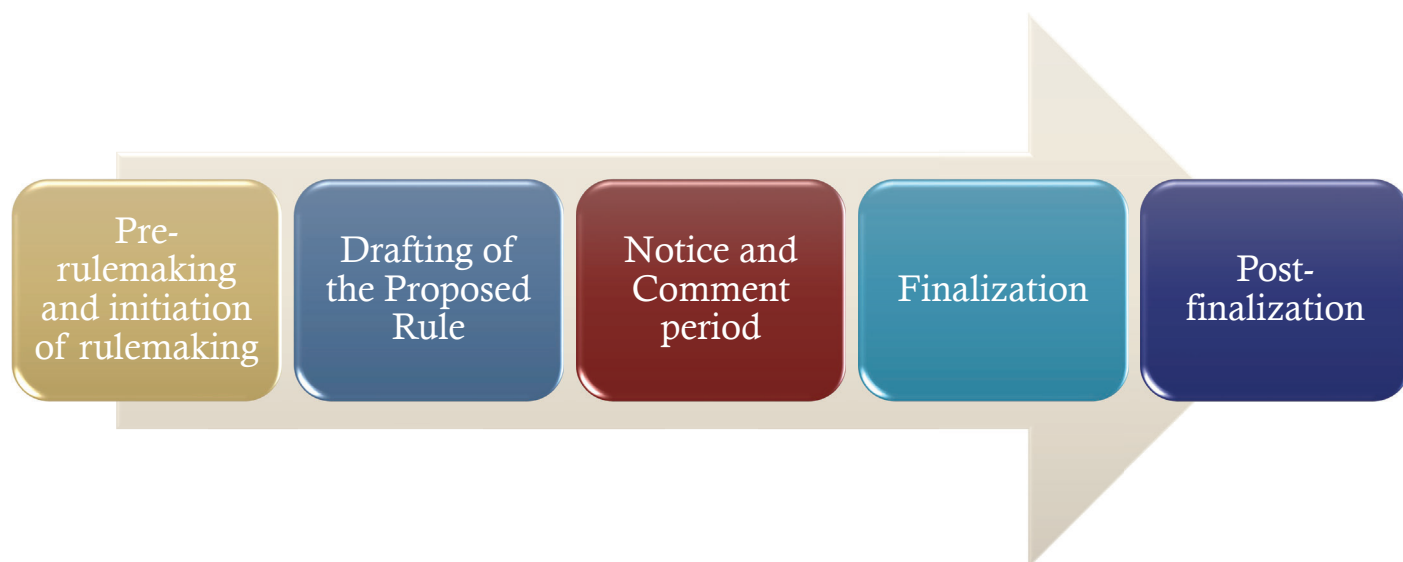
- Admission policies
- Institutions changing from single-sex status
- Religious institutions
- Military services or merchant marines
- Public traditional single-sex institutions
- Social fraternities or sororities
- Voluntary youth organizations
- Boy or girl conferences
- Father-son/mother-daughter activities
- “Beauty” pageants
- Housing

REGULATIONS



This Photo by Unknown Author is licensed under [CC BY-SA](#)

REGULATORY PROCESS



REGULATORY PROCESS



SUB- REGULATORY GUIDANCE



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE FOR CIVIL RIGHTS

THE ASSISTANT SECRETARY

April 4, 2011

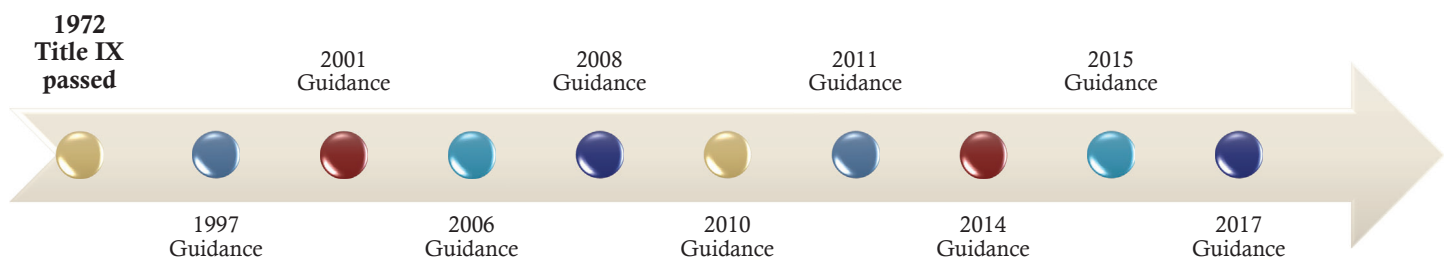
Dear Colleague:

Education has long been recognized as the great equalizer in America. The U.S. Department of Education and its Office for Civil Rights (OCR) believe that providing all students with an educational environment free from discrimination is extremely important. The sexual harassment of students, including sexual violence, interferes with students' right to receive an education free from discrimination and, in the case of sexual violence, is a crime.

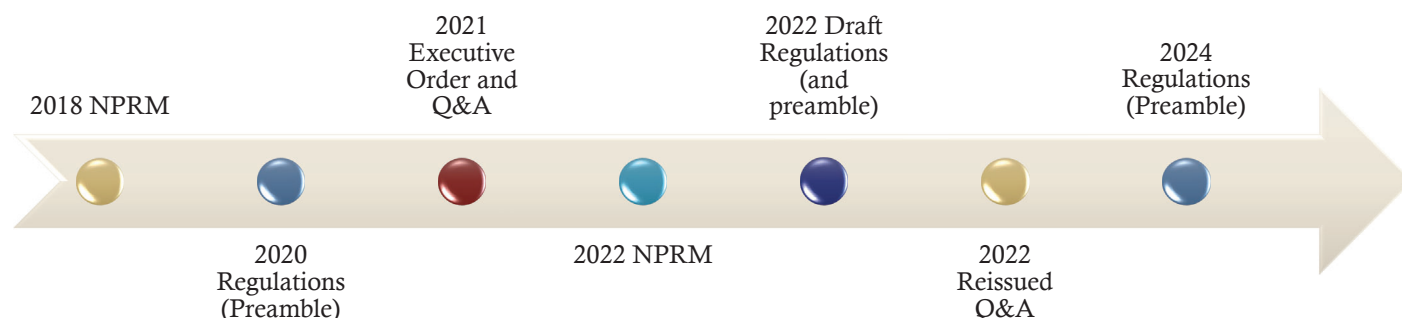
Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. §§ 1681 *et seq.*, and its implementing regulations, 34 C.F.R. Part 106, prohibit discrimination on the basis of sex in education programs or activities operated by recipients of Federal financial assistance. Sexual harassment of students, which includes acts of sexual violence, is a form of sex discrimination prohibited by Title IX. In order to assist recipients, which include school districts, colleges, and universities (hereinafter "schools" or "recipients") in meeting these obligations, this letter¹ explains that the requirements of Title IX pertaining to sexual harassment also cover sexual violence, and lays out the specific Title IX requirements applicable to sexual violence.² Sexual violence, as that term is used in this letter, refers to physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent due to the victim's use of drugs or alcohol. An individual also may be unable to give consent due to an intellectual or other disability. A number of different acts fall into the category of sexual violence, including rape,

¹ The Department has determined that this Dear Colleague Letter is a "significant guidance document" under the Office of Management and Budget's Final Bulletin for Agency Good Guidance Review, 77 Fed. Reg. 34933.

SUB-REGULATORY GUIDANCE



SUB-REGULATORY GUIDANCE



2024 REGULATIONS RELEASE



Overview



Fact Sheet



Resource

2024 REGULATIONS



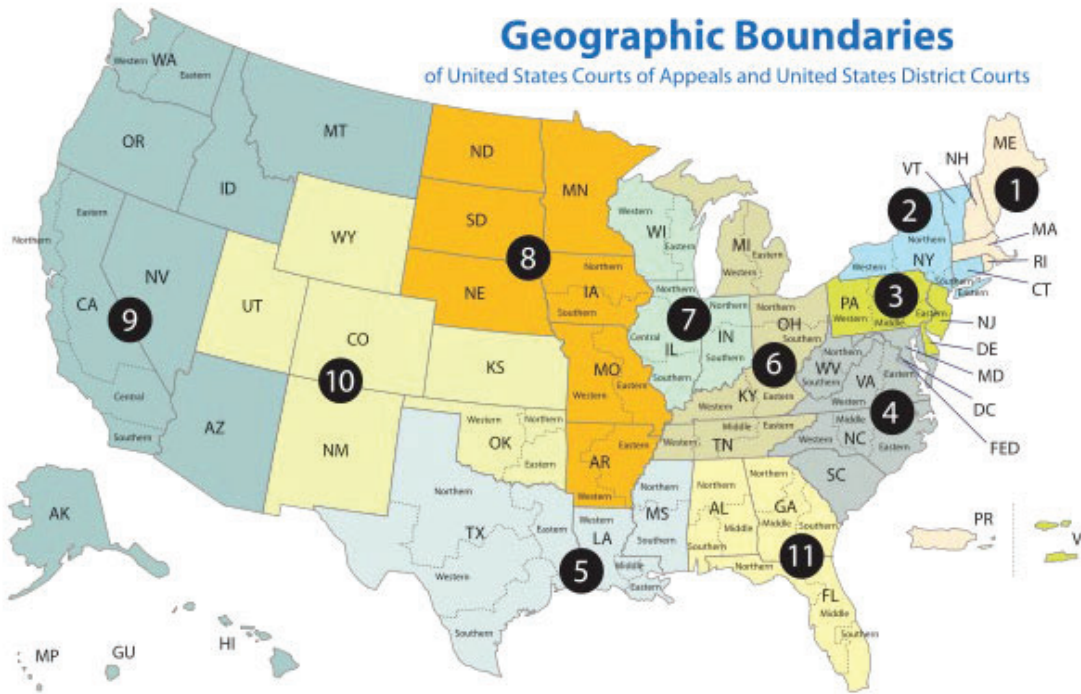
Amendments to
Regulations: 15 pages



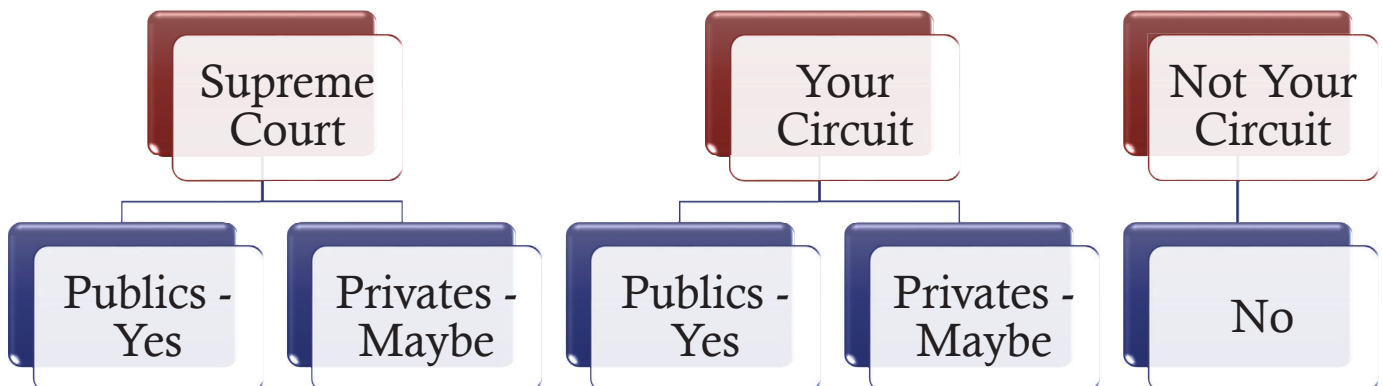
Amendments and
Preamble: 423 pages

CASE LAW

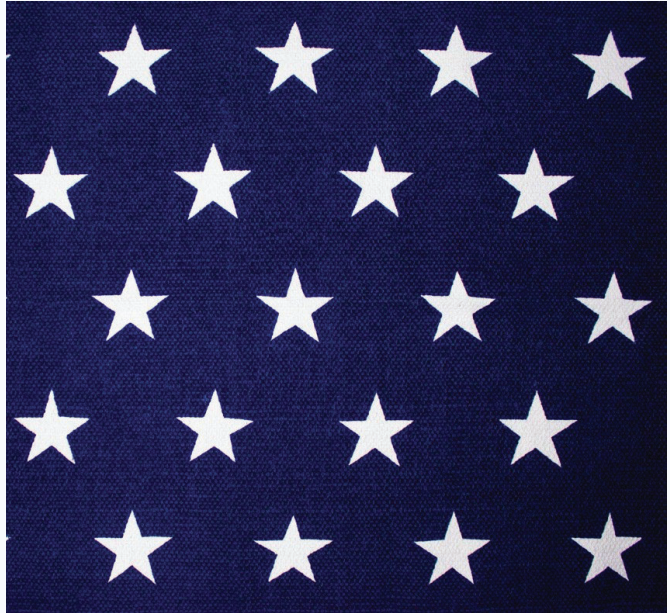




WHEN CASE LAW DECISIONS IMPACT YOU



STATE LAWS



STATE LAWS AND THE REGULATIONS

§ 106.6(b) Effect of State or local law or other requirements. The obligation to comply with Title IX and this part is not obviated or alleviated by any State or local law or other requirement that conflicts with Title IX or this part.

OVERVIEW OF THE 2024 TITLE IX REGULATIONS



© 2024 D. Stafford & Associates

23

Sex Discrimination

Sex-Based Harassment

- Sexual Assault
- Dating/Domestic Violence
- Stalking
- Hostile Environment
- Quid Pro Quo

Sex Discrimination

- Sex stereotypes
- Sex characteristics
- Pregnancy or related conditions
- Sexual orientation
- Gender identity

Applies in . . .

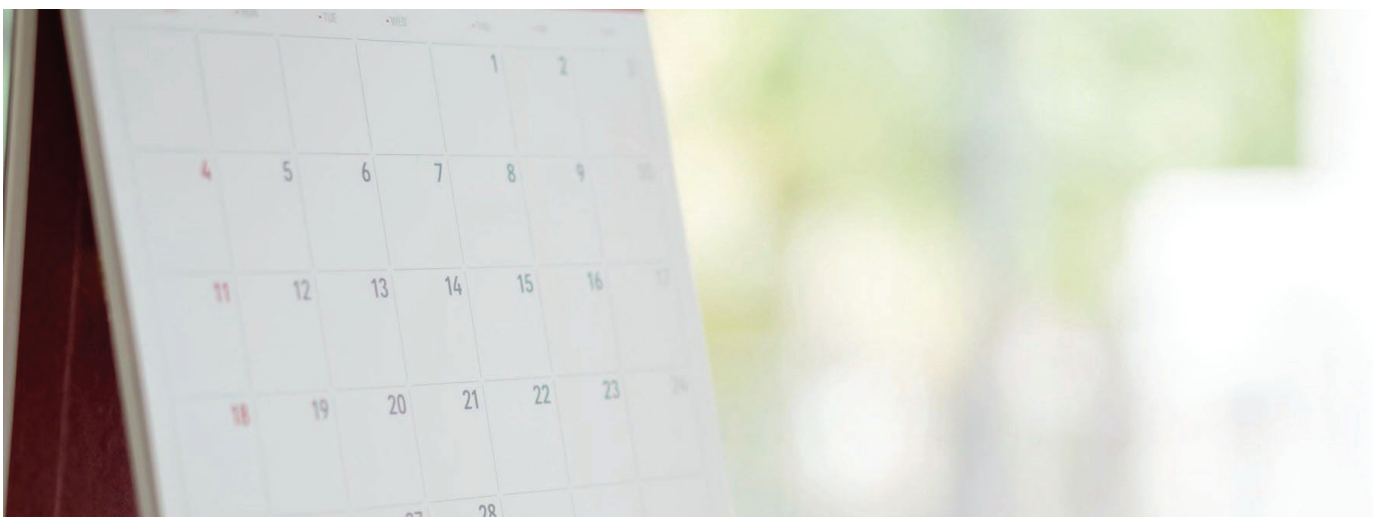
Admission, Employment, Educational Programs, and Activities



MISCONCEPTIONS



IMPLEMENTATION DATE: AUGUST 1, 2024



TECHNICAL ASSISTANCE FROM THE DEPARTMENT

Office for Civil Rights (To assist with compliance)

<https://ocrcas.ed.gov/contact-ocr>

Student Privacy Policy Office (FEPPA Questions)

<https://studentprivacy.ed.gov/?src=fpco>



FIRST AMENDMENT

§ 106.6(d) Constitutional protections.
Nothing in this part requires a recipient to:
(1) Restrict any rights that would otherwise
be protected from government action by the
First Amendment of the U.S. Constitution

34 C.F.R. § 106 – SUBPARTS

Subpart A: Introduction (106.1 – 106.9)

Subpart B: Coverage (106.11 – 106.18)

Subpart C: Admission and Recruitment (106.21 – 106.24)

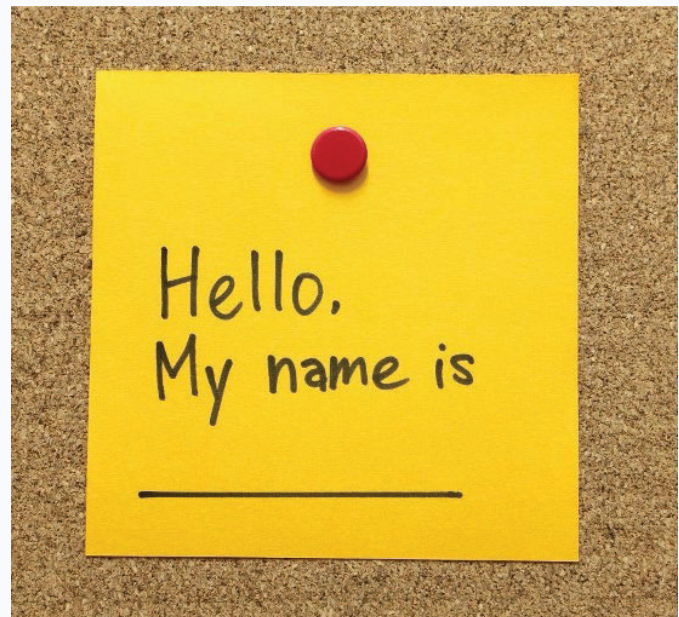
Subpart D: Education Programs/Activities (106.31 – 106.46)

Subpart E: Employment (106.51 – 106.62)

Subpart F: Retaliation (106.71 – 106.72)

Subpart G: Procedures (106.81 – 106.82)

SUBPART A: INTRODUCTION



SUBPART A: A FEW FYIs...



§ 106.2
Definitions



§ 106.3(a)
Remedial Action



§ 106.3(b)
Affirmative Action

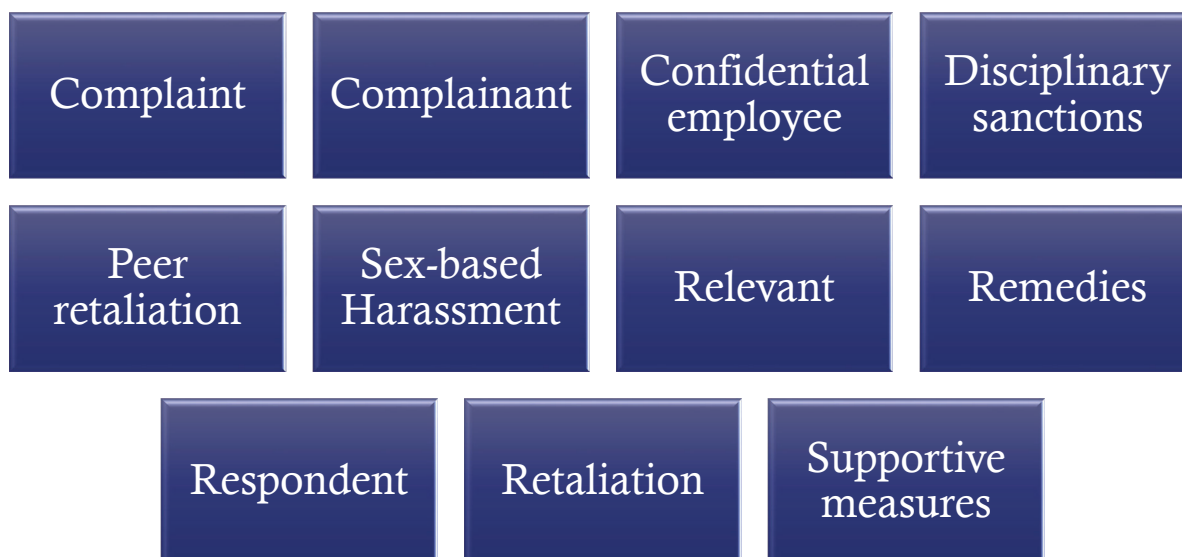


§ 106.6
Preservation of rights

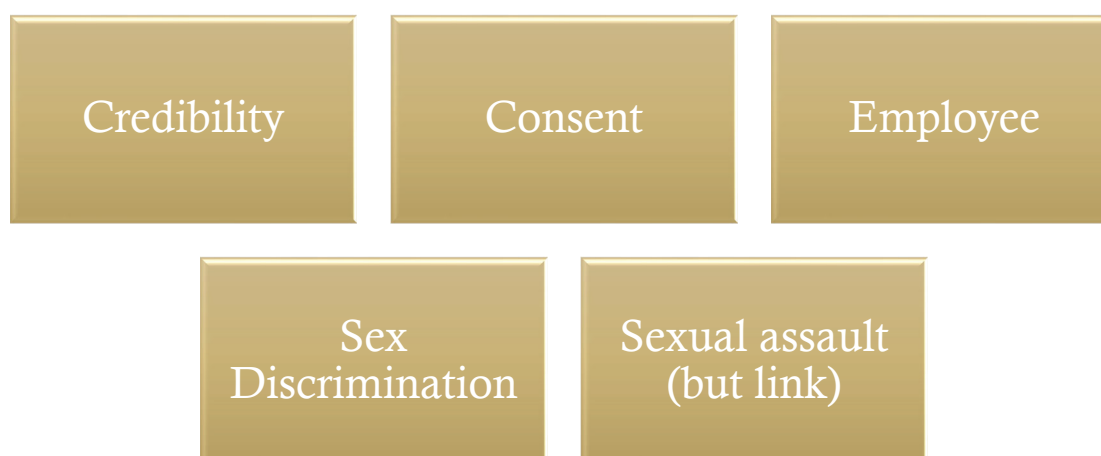
§ 106.2 – DEFINITIONS

Admission	Applicant	Party
Postsecondary institution	Pregnancy or related conditions	Program or activity
Recipient	Student	Student with a disability

§ 106.2 – DEFINITIONS



NOT DEFINED



§ 106.2 – DEFINITIONS: PARTIES

Complainant

- A student or employee, or
- Non-student/employee who was participating/attempting to participate at the time of the alleged sex discrimination

Respondent

- A person who is alleged to have violated the recipient's prohibition on sex discrimination

Party

- A complainant or respondent

35

SEX-BASED HARASSMENT DEFINITIONS



§ 106.2 – SEX-BASED HARASSMENT

Sex-based harassment prohibited by this part is a form of sex discrimination and means sexual harassment and other harassment on the basis of sex, including on the bases described in § 106.10, that is:

1. *Quid pro quo*

2. *Hostile Environment*

3. *Specific offenses*

RECOMMENDED LANGUAGE

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

1. *Quid pro quo*

2. *Hostile Environment*

3. *Specific offenses*

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.

§ 106.2

QUID PRO QUO NOTES



Unwelcome



Explicit and
implicit



Aid, benefit, or
service



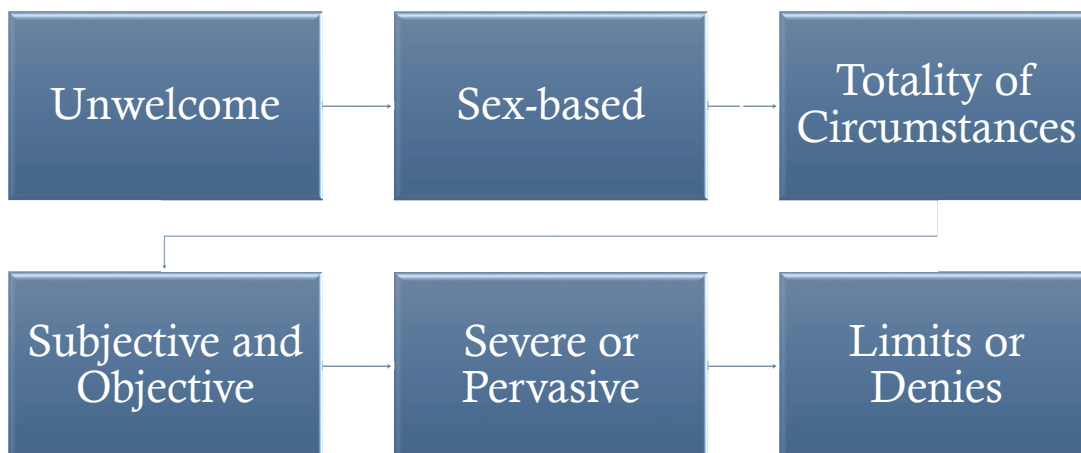
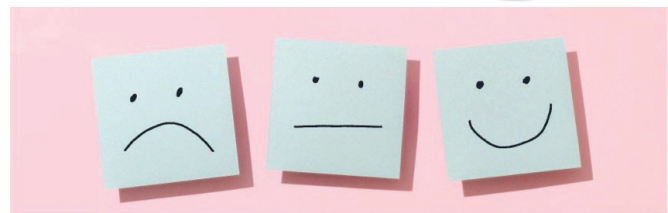
Employee, agent,
or other person

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:...”

§ 106.2

UNPACKING HOSTILE ENVIRONMENT



HOSTILE ENVIRONMENT “FACT-SPECIFIC INQUIRY”



Degree affected
educational
access



Type, frequency,
duration



Parties' ages,
roles, previous
interactions,
other factors



Location and
context in which
occurred



Other sex-based
harassment in
educational
setting

HOSTILE ENVIRONMENT NOTES



Jurisdiction



Beyond Sexual Harassment

SPECIFIC OFFENSES

Sexual assault

Dating violence

Domestic
violence

Stalking

§ 106.2

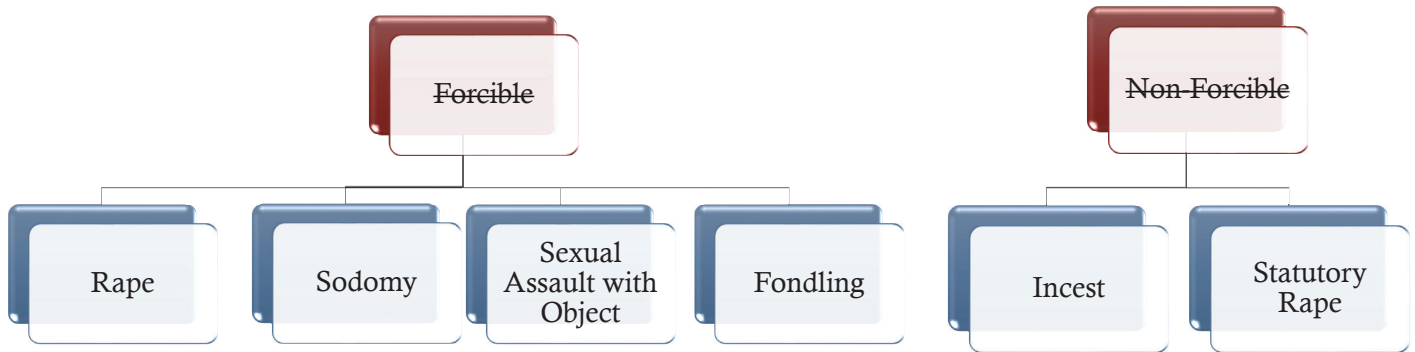


SEXUAL ASSAULT

“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”

§ 106.2

SEXUAL ASSAULT



NON-CONSENSUAL SEXUAL PENETRATION

Rape - (Except Statutory Rape) The carnal knowledge of a person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity

Sodomy - Oral or anal sexual intercourse with another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity

Sexual Assault With An Object - To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity

FBI, Uniform Crime Reporting Program: National Incident-Based Reporting System (2018)

NON-CONSENSUAL SEXUAL TOUCHING

Fondling - The touching of the private body parts of another person for the purpose of sexual gratification without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity

FBI, Uniform Crime Reporting Program: National Incident-Based Reporting System (2018)

INCEST AND STATUTORY RAPE

Incest - Nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law

Statutory Rape - Nonforcible sexual intercourse with a person who is under the statutory age of consent

FBI, Uniform Crime Reporting Program: National Incident-Based Reporting System (2018)

DATING VIOLENCE

Dating violence means 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

§ 106.2

DOMESTIC VIOLENCE

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

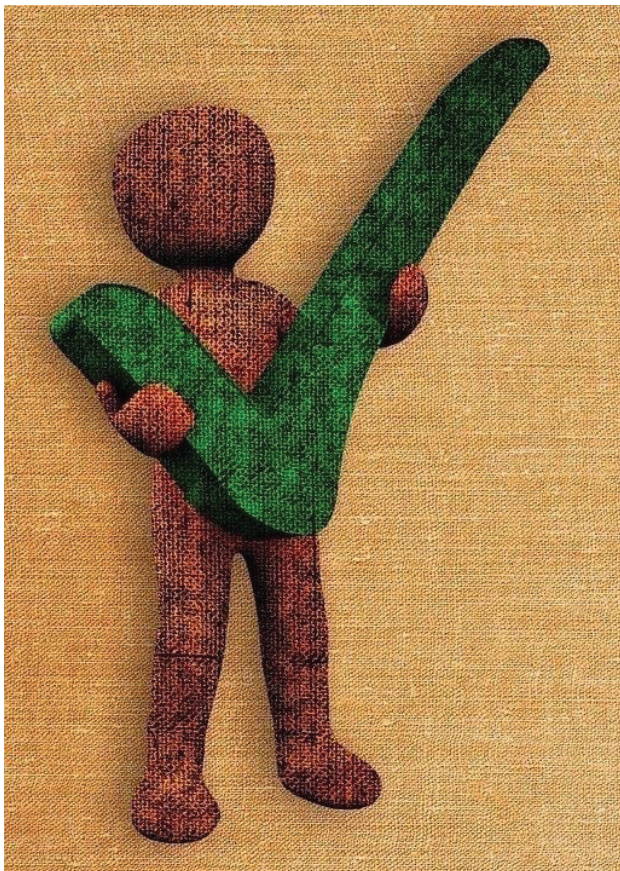
§ 106.2

STALKING

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.

§ 106.2



NOTE ON CONSENT

The Assistant Secretary will not require a recipient to adopt a particular definition of consent, where that term is applicable with respect to sex-based harassment.

§ 106.2

TITLE IX COORDINATOR AND NOTICE OF POLICIES



§ 106.8(a)(1)-(a)(2) – DESIGNATION OF COORDINATOR

Designate	“Designate and authorize” at least one employee
Delegate	May delegate “specific duties”
But...	One person must retain “ultimate oversight”

§ 106.8(b)(1) – NONDISCRIMINATION POLICY



§ 106.8(b)(2) – GRIEVANCE PROCEDURES



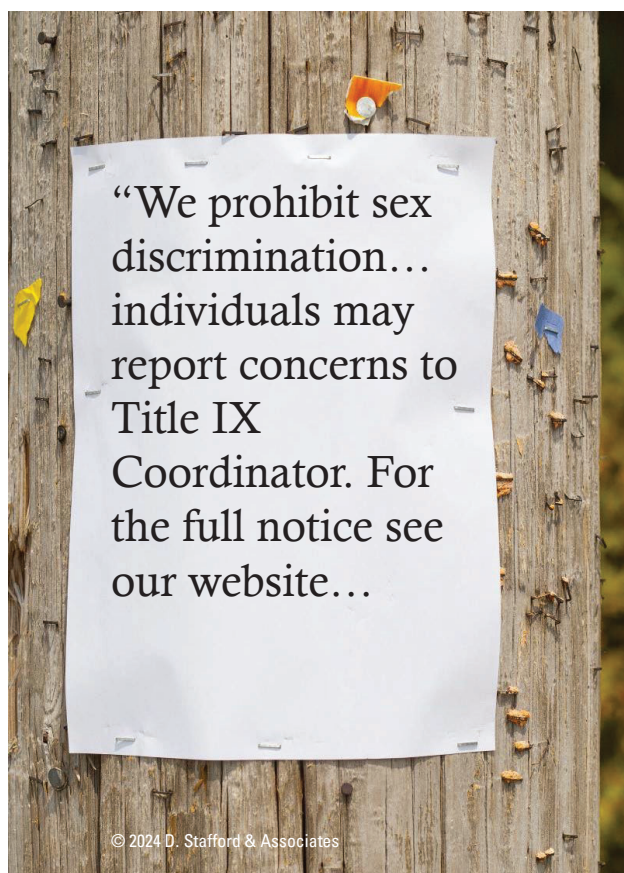
§ 106.8(c) – NOTIFICATION OF NONDISCRIMINATION

Who [§ 106.8(c)]

- Students
- Parents, guardians, legal reps (K-12)
- Employees
- Applicants for admission or employment
- Unions and professional organizations

What [§ 106.8(c)(1)(i)]

- Does not discriminate
- Inquiries to Title IX or OCR
- Name **or** title, office, email, telephone
- How to locate policy and procedures
- How to report or make a complaint



§ 106.8(c)(2) – PUBLICATIONS

- Website
- Each handbook, catalog, announcement, bulletin and application form for recruitment
- One sentence option
- Cannot say people are treated differently on the basis of sex

§ 106.8(d)(1) ALL EMPLOYEE TRAINING REQUIREMENTS

*“promptly upon hiring or
change of position that alters
duties under Title IX and
annually thereafter”*

© 2024 D. Stafford & Associates



ALL EMPLOYEE TRAINING



Prohibit Sex
Discrimination



Prohibited Conduct



Duty to provide contact
info to pregnant students



Duty to report or
provide contact info

PREVENTION PROGRAMS FOR STUDENTS

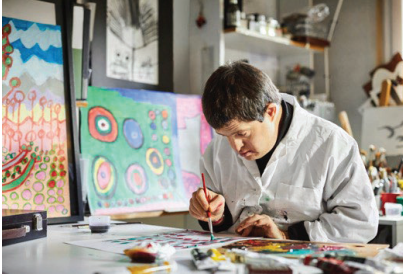
- Not required under Title IX
- Is required under Clery/VAWA
- May be required by
 - State law
 - NCAA (if athletics)

The Clery Act (VAWA Amendments)

34 CFR § 668.46(j) “*primary prevention and awareness programs for all incoming students and new employees*”

§106.8(d)(2)-(4) – TRAINING PERSONS WHO ARE RESPONSIBLE FOR IMPLEMENTING PROCEDURES

- Title IX Coordinator and Designees
- Investigators
- Decisionmakers (including appeals of determination and dismissal)
- Informal Resolution Facilitator
- Person with authority to modify/terminate Supportive Measures
- Others?



§106.8(e) – STUDENTS WITH DISABILITIES

- An individual with a disability, as defined in the Rehabilitation Act of 1973 or a child with a disability, as defined in the Individuals with Disabilities Education Act
- The Title IX Coordinator may consult, as appropriate, with the individual or office designated to support students with disabilities to determine compliance with disability law.

SUBPART B: COVERAGE



TITLE IX'S COVERAGE OF SEX DISCRIMINATION



§ 106.10 – SCOPE

“Discrimination on the basis of sex includes discrimination on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity.”



§ 106.11 – APPLICATION

- Sex discrimination in education program or activity
- Sex-based hostile environment even when some contributing conduct occurred off campus
- Could be broadened by “disciplinary authority”

§ 106.12 – EDUCATIONAL INSTITUTIONS CONTROLLED BY RELIGIOUS ORGANIZATIONS

May submit in writing seeking assurance of the exemption

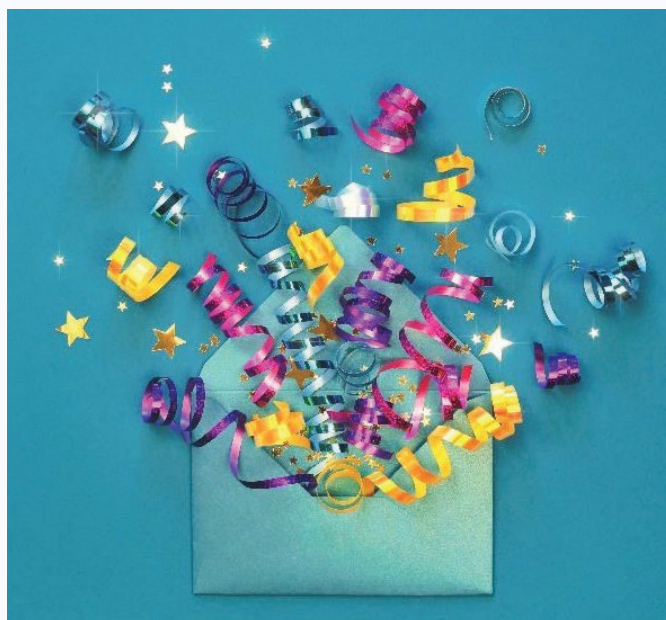
Must identify the provision and explain how it conflicts with a specific tenet

Not required to seek assurance

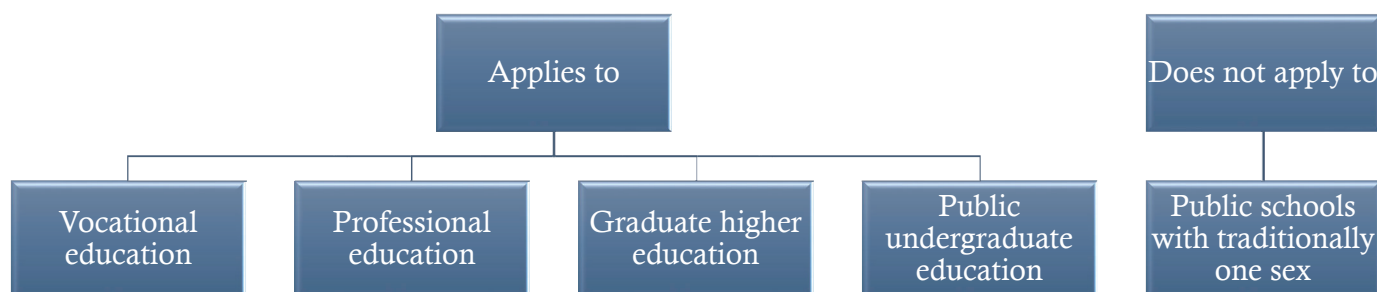
May raise its exemption at any time

SUBPART C:

ADMISSION & RECRUITMENT



§ 106.15 – ADMISSIONS (EXCEPTIONS AND COVERAGE)



Discrimination and Admissions

- **Subpart B (Exceptions):** Undergraduate private institutions can discriminate
- **Subpart C (Admissions):** Everyone else cannot discriminate in admissions
- **Subpart D (Programs or Activities):** Once they are in, discrimination is prohibited, except, again with admissions...



§ 106.21 & § 106.23 – ADMISSION & RECRUITMENT

No limits or
proportions

No ranking
separately

Testing cannot
have adverse
effect

Pregnancy

Parenting or
marital status

Recruitment
from single-sex
high schools

Can ask
gender but...

SUBPART D:

EDUCATION PROGRAMS OR ACTIVITIES



§ 106.31(a)(2) – EDUCATION PROGRAMS OR ACTIVITIES

- (1) *“Except as provided elsewhere...no person, on the basis of sex...*
- (2) *“in the limited circumstances...this part permits different treatment ...on the basis of sex, ...must not carry out such different treatment or separation in a manner that discriminates on the basis of sex by subjecting a person to more than de minimis harm, except as permitted Adopting a policy or engaging in a practice that prevents a person from participating...consistent with the person’s gender identity subjects a person to more than de minimis harm on the basis of sex.”*

"EXCEPT AS PERMITTED BY..."



Religious exemption

Military and merchant marine educational institutions

Fraternities and sororities

YMCA/YWCA/Girl Scouts/Boy Scouts/Camp Fire Girls

Voluntary youth service organization

Undergraduate private admissions

Sex-separate housing

Sex-separate athletic teams

§ 106.31(a)(2) & § 106.31(a)(3)

© 2024 D. Stafford & Associates

77



PERMISSIBLE DIFFERENT
TREATMENT CAN'T CAUSE
MORE THAN "DE MINIMIS
HARM"



© 2024 D. Stafford & Associates

78

§ 106.31(b) – SPECIFIC PROHIBITIONS

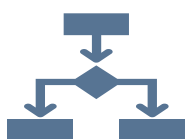


Aid, Benefit, or Service
Requirement or Condition
Provide or deny
Right or privilege
Advantage or opportunity



Academic, Extracurricular,
Research, Occupational Training
Eligibility for instate tuition
Rules of behavior, sanctions

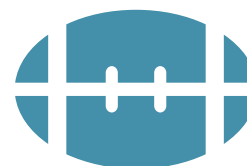
§ 106.37 – FINANCIAL ASSISTANCE



§ 106.37(a) – Can't
discriminate in
financial assistance



§ 106.37(b) Exceptions
to rule that can't have
single-sex scholarships



§ 106.37(c) – Athletic
scholarships allocated
proportionally based on
participation numbers

§ 106.31(b)(4) – EQUITY IN DISCIPLINE

Rules of Behavior

Sanctions

§ 106.32 – HOUSING

A recipient shall not, on the basis of sex, apply different rules or regulations, impose different fees or requirements, or offer different services or benefits related to housing, except as provided in this section (including housing provided only to married students).

§ 106.33 – COMPARABLE FACILITIES

A recipient may provide separate toilet, locker room, and shower facilities on the basis of sex, but such facilities provided for students of one sex shall be comparable to such facilities provided for students of the other sex.

§ 106.40 – PARENTAL, FAMILY, OR MARITAL STATUS; PREGNANCY OR RELATED CONDITIONS (STUDENTS)

No policies, practices, or procedures treating a student's current, potential, or past parental, family, or marital status differently
§ 106.40(a)

No discrimination against students on the basis of pregnancy or related conditions
§ 106.40(b)(1)

Responsibility to provide Title IX Coordinator's contact and other information
§ 106.40(b)(2)

§ 106.40(b)(3) – SPECIFIC ACTIONS

Information about the institution's obligations

Reasonable modifications

Provide voluntary access to separate and comparable portion of program or activity

Voluntary leaves of absence

Lactation space

Limitation on supporting documentation

§ 106.40(b)(4-5) – COMPARABLE TREATMENT AND CERTIFICATIONS

Must treat in the same manner and under the same policies as any other temporary medical conditions

Must not require a certification from a healthcare provider or any other person that the student is physically able to participate



§ 106.41(a) – ATHLETICS

No person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, be treated differently from another person or otherwise be discriminated against in any interscholastic, intercollegiate, club or intramural athletics offered by a recipient, and no recipient shall provide any such athletics separately on such basis.

87

§ 106.41 – ATHLETICS



Applies to intercollegiate,
club, & intramural



Separate Teams are
permitted



© 2024 D. Stafford & Associates

§ 106.41(c) – EQUAL OPPORTUNITY

1. Accommodate the interests
2. Equipment and supplies
3. Scheduling (games and practice)
4. Travel and per diem
5. Coaching and tutoring
6. Assignment and compensation for above
7. Locker room and other facilities
8. Medical and training services
9. Housing and dining services
10. Publicity

89

§ 106.44 RESPONSE TO SEX DISCRIMINATION



© 2024 D. Stafford & Associates

90

§ 106.44 – RESPONSE

- § 106.44(a) General
- § 106.44(b) Barriers to reporting
- § 106.44(c) Notification requirements
- § 106.44(d) Confidential employee requirements
- § 106.44(e) Public awareness events
- § 106.44(f) Title IX Coordinator requirements
- § 106.44(g) Supportive measures
- § 106.44(h) Emergency removal
- § 106.44(i) Administrative leave
- § 106.44(j) Prohibited disclosures of PII
- § 106.44(k) Discretion to offer informal resolution

§ 106.44(a) – GENERAL (RESPONSE)

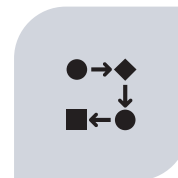
If knowledge of conduct that reasonably may
constitute sex discrimination



Promptly



Effectively



Compliantly

§ 106.44(c)(2)(ii) – NOTIFICATION REQUIREMENT

(A) Notify the Title IX Coordinator when the employee has information about conduct that reasonably may constitute sex discrimination under Title IX...

(B) Provide the contact information of the Title IX Coordinator and information about how to make a complaint of sex discrimination...

REPORTING REQUIREMENTS

2001 Guidance

Responsible Employees: Employee with authority to take action; given the duty of reporting misconduct; or student would reasonably believe has this authority

2020 Regulations

Officials with Authority to institute corrective measures

2024 Regulations

Employees with authority to take corrective action or responsibility for administrative leadership, teaching, or advising. (BUT ALL NON-CONFIDENTIAL MUST DO SOMETHING!)

§ 106.44(c)(2) – NOTIFICATION REQUIREMENTS

Type of Employee	Notify Title IX	Provide Title IX contact and how make complaint
Confidential Employee	No	Yes (and more!)
Category 1: Employee with ability to institute corrective measures OR responsible for administrative leadership, teaching, or advising	Yes	
Category 2: All other employees	Either or (SCHOOL DECIDES)	



STUDENT EMPLOYEE REPORTING REQUIREMENTS

“A postsecondary institution must reasonably determine and specify whether and under what circumstances a person who is both a student and an employee is subject to [the reporting requirements]...”

§ 106.44(c)(3)

§ 106.2 – CONFIDENTIAL EMPLOYEES DEFINED



Privileged
(in role)

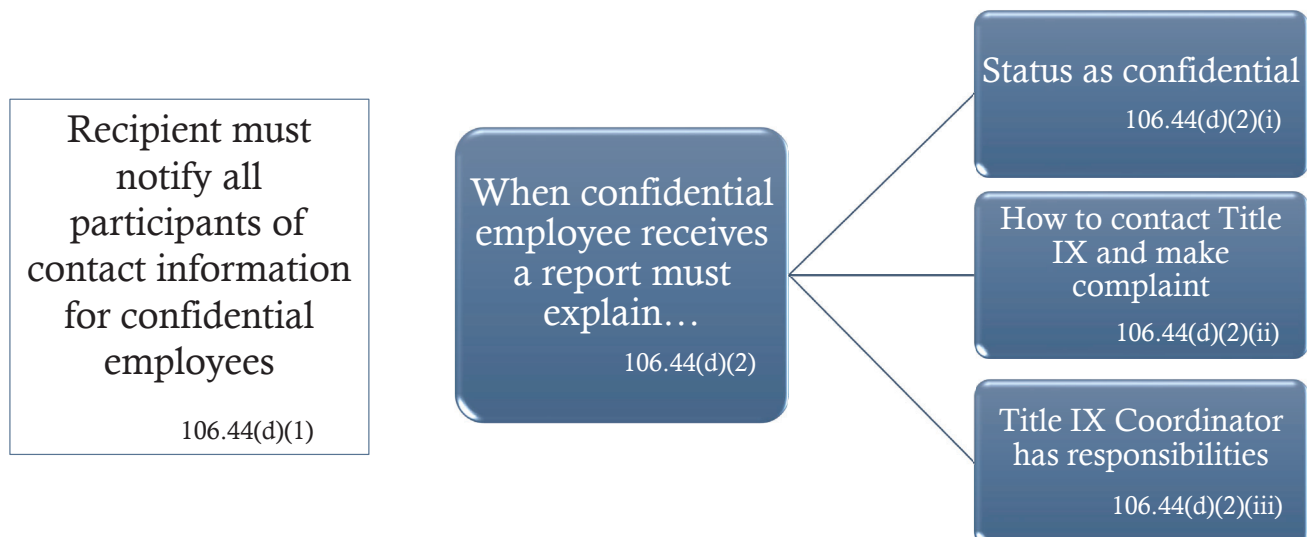


Designated
(when providing services)

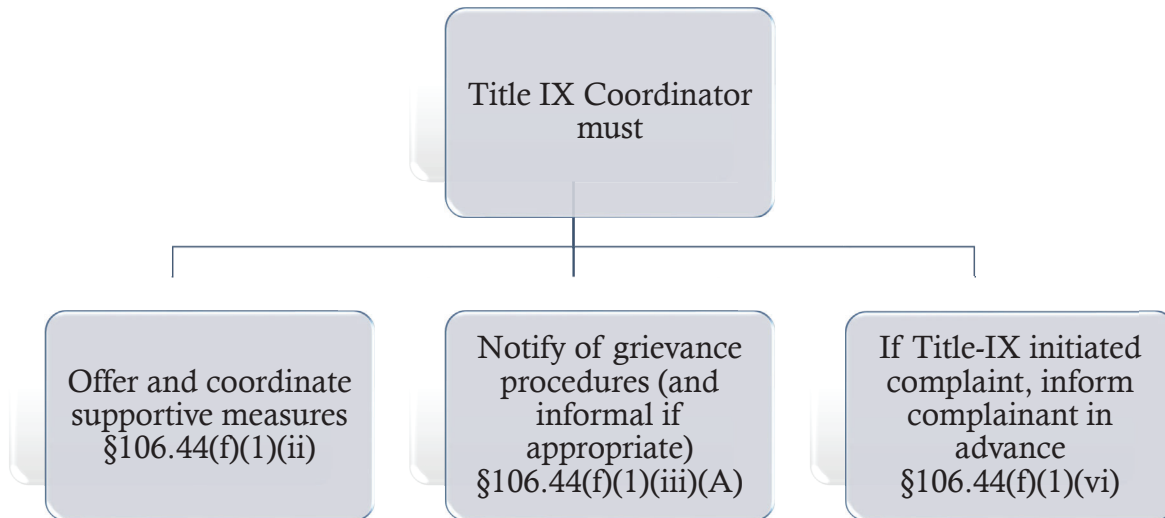


Human-subjects research
on sex discrimination

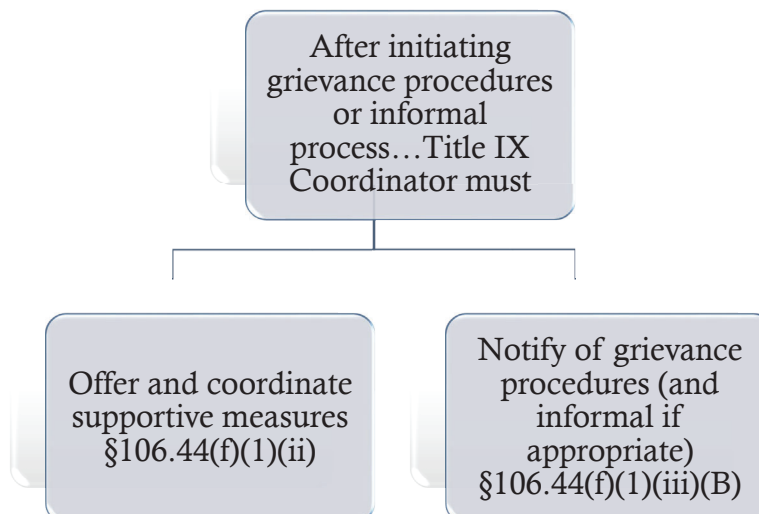
§ 106.44(d) – CONFIDENTIAL EMPLOYEE REQUIREMENTS



TITLE IX COORDINATOR OUTREACH DUTIES TO COMPLAINANT



TITLE IX COORDINATOR OUTREACH DUTIES TO RESPONDENT



§ 106.44(f)(1) – Title IX Coordinator Requirements



Treat both parties equitably
106.44(f)(1)(i)



If requested, initiate
grievance procedures or
informal process
106.44(f)(1)(iv)



Determine if need to initiate
grievance procedures in
absence of complaint
106.44(f)(1)(v)



Take other appropriate
prompt and effective steps
106.44(f)(1)(vii)

§ 106.44(f)(1)(v) – TITLE IX-INITIATED COMPLAINTS

In the absence of a complaint or the withdrawal of any or all of the allegations in a complaint, and in the absence or termination of an informal resolution process, determine whether to initiate a complaint of sex discrimination

(A) To make this fact-specific determination, the Title IX Coordinator must consider, at a minimum, the following factors:

EIGHT FACTORS TO CONSIDER

Complainant's
request

Safety
concerns

Risk of
additional acts

Severity of
allegation

Age and
relationship

Scope and
pattern

Evidence

Alternatives to
resolve

§ 106.44(f)(1)(v)(A)

THRESHOLD DETERMINATION

If, after considering these
and other relevant factors,
the Title IX Coordinator
determines the conduct as
alleged...

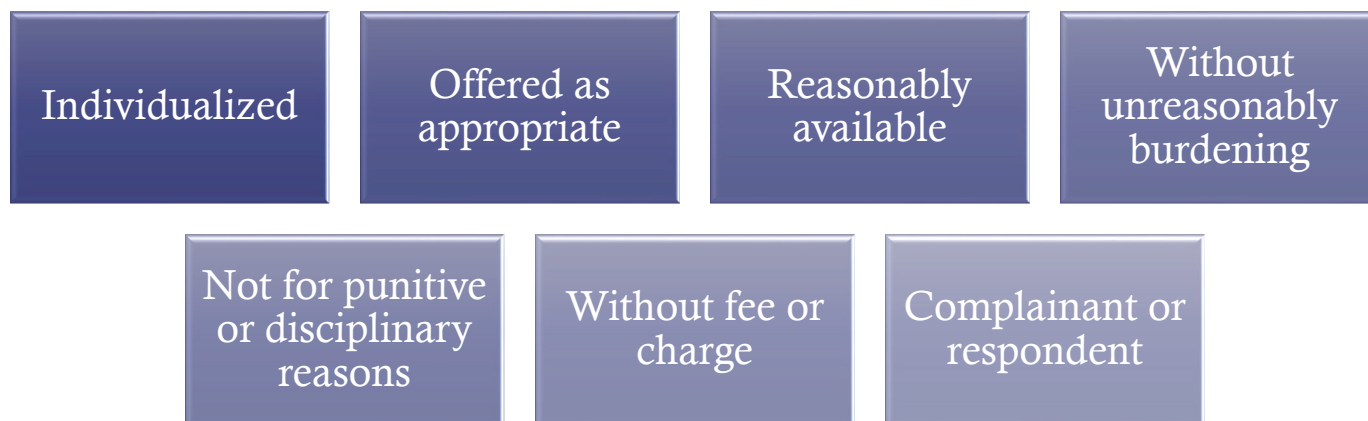
presents an imminent and
serious threat to the health
or safety of the complainant
or other person, OR

prevents the recipient from
ensuring equal access...to its
education program or activity

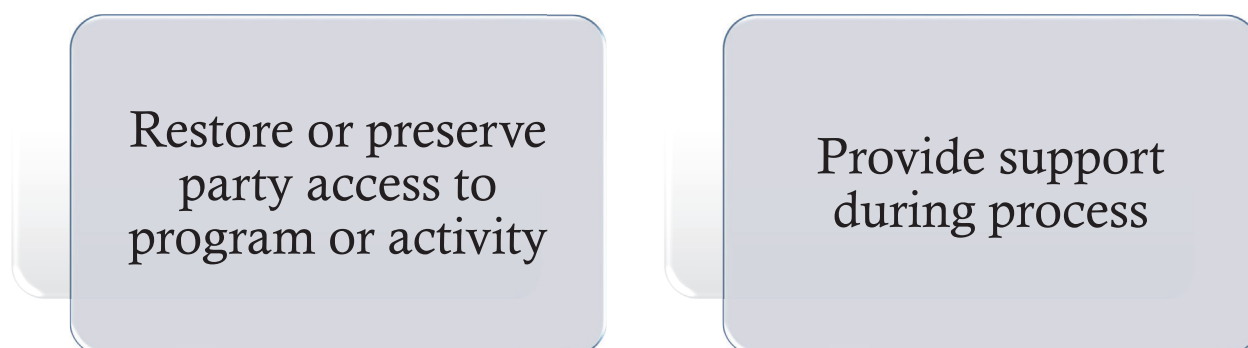
the Title IX Coordinator
may initiate a complaint

§ 106.44(f)(1)(B)

§ 106.2 – SUPPORTIVE MEASURES DEFINITION



SUPPORTIVE MEASURE GOALS



§ 106.44(g)(1) – SUPPORTIVE MEASURE EXAMPLES

Counseling

Extensions of deadlines and other course-related adjustments

Campus escort services

Increased security and monitoring of certain areas of the campus

Restrictions on contact applied to one or more parties

Leaves of absence

Changes in class, work, housing, extracurricular or other

Training and education



106.44(g)(2) – SUPPORTIVE MEASURES EXPLAINED

- Must not unreasonably burden either party
 - Must be designed to
 - protect safety of parties or
 - safety of educational environment or
 - Provide support during grievance procedures or informal process
 - Must not be imposed for punitive or disciplinary reasons
-

OTHER CONSIDERATIONS FOR SUPPORTIVE MEASURES

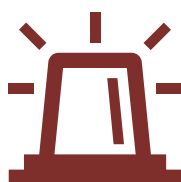
§106.44(g)(3) May modify, terminate, or continue at conclusion of grievance procedures or informal process.

§106.44(g)(4) Must provide timely opportunity to challenge supportive measure decision

§106.44(g)(5) Must not disclose unless need to provide measure, restore/preserve access or exception applies

§106.44(g)(6)(ii) Title IX may consult with disability office when implementing

LEAVE OPTIONS



Emergency removal



Administrative leave

§ 106.44(h) – EMERGENCY REMOVAL



Imminent and serious threat to the health or safety of any persons



Arises from the allegations



Provide notice and opportunity to challenge immediately following the removal



Cannot modify any rights under IDEA, Section 504, or the ADA

§ 106.44(k) – INFORMAL RESOLUTION



Allowed for employee/student in postsecondary



Discretion to offer or decline



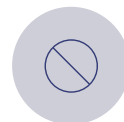
Voluntary for parties



Provide notice



Facilitator must not be investigator or decisionmaker



Can include restrictions

§ 106.44(k)(3) – INFORMAL NOTICE

Allegations

Requirements

Right to withdraw

Cannot initiate or
resume grievance
procedures once
final

Potential terms

Information that
will be maintained

ADDITIONAL RESPONSE REQUIREMENTS



Monitor for Barriers
to reporting
§ 106.44(b)(1)



Take steps to Remove
Barriers
§ 106.44(b)(1)



Response to
disclosures at Public
Awareness Events
§ 106.44(e)



Prohibited
Disclosures of PII
§ 106.44(j)

§ 106.45 GRIEVANCE PROCEDURES FOR SEX DISCRIMINATION



© 2024 D. Stafford & Associates

115

§ 106.45 – GRIEVANCE PROCEDURES

- § 106.45(a)(1) General
- § 106.45(a)(2) Complaint
- § 106.45(b) Basic requirements for grievance procedures
- § 106.45(c) Notice of allegations
- § 106.45(d) Dismissal of a complaint
- § 106.45(e) Consolidation of complaints
- § 106.45(f) Complaint investigation
- § 106.45(g) Questioning parties and witnesses
- § 106.45(h) Determination whether sex discrimination occurred
- § 106.45(i) Appeals
- § 106.45(j) Additional provisions
- § 106.45(k) Informal resolution
- § 106.45(l) Provisions limited to sex-based harassment complaints

§ 106.45(a)(2) – COMPLAINT

Sex discrimination other than sex-based harassment

- Complainant
- Parent or other
- Title IX Coordinator
- Any student or employee
- Other person participating

Sex-based harassment

- Complainant
- Parent or other legal representative
- Title IX Coordinator

§ 106.45(b) – BASIC REQUIREMENTS FOR GRIEVANCE PROCEDURES

Treat complainants and respondents equitably

Free of bias and conflict of interest

Presumption of not responsible

Reasonably prompt timeframes with extensions for good cause

Reasonable steps to protect privacy

Objective evaluation of all evidence that is relevant

Exclude certain evidence as impermissible

Articulate consistent principles for applying grievance procedures



TITLE IX PERSONNEL

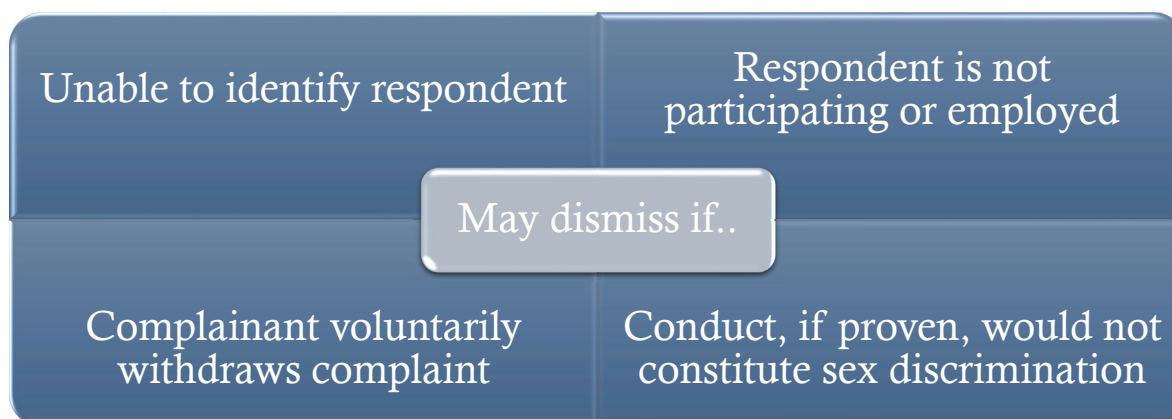
The decisionmaker may be the same person as the Title IX Coordinator or investigator.

§ 106.45(b)(2)

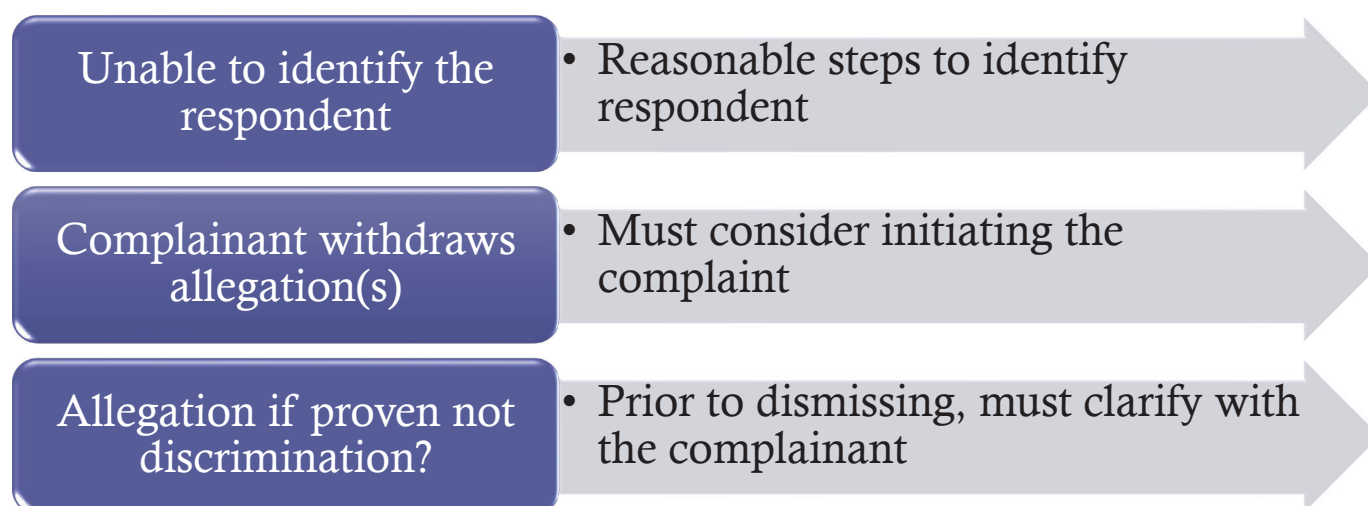
§ 106.45(c)(2) – Additional Allegations

If decided to investigate additional allegations, must provide notice of to parties whose identities are known.

§ 106.45(d)(1)(i-iv) – DISMISSAL OF A COMPLAINT



DUTIES BEFORE DISMISSAL



ADDITIONAL DISMISSAL NOTES



Notice



Appeal



Support



Stop

§ 106.45(e) – CONSOLIDATION OF COMPLAINTS



Multiple
respondents

More than one
complainant
against one or
more respondent

One party
against another
party

§ 106.45(b)(7) – RELEVANT AND NOT OTHERWISE IMPERMISSIBLE EVIDENCE



Privileged information



Physician/psychologist
records



Complainant's sexual
interest or prior sexual
conduct

PROTECTING THE PRIVACY OF PERSONS

§ 106.44(j)

- Must not disclose personally identifiable information obtained except...
 - With prior written consent
 - To carry out the purposes of this part

§ 106.45(b)(5)

- Take reasonable steps to protect the privacy of the parties and witnesses
- Steps cannot restrict the ability of the parties to:
 - Obtain and present evidence, including by speaking to witnesses
 - Consult with their family members, confidential resources, or advisors
 - Otherwise prepare for or participate in the grievance procedures

PROTECTING THE PRIVACY OF INFORMATION

§ 106.44(k)(3)

- Before the initiation of an informal process, provide notice that explains...
 - What information will maintain
 - How the institution could disclose for use in grievance procedures

§ 106.45(f)(4)(iii)

- Take reasonable steps to prevent and address the parties' unauthorized disclosure of information and evidence solely through the grievance procedures

§ 106.46(e)(6)(iii)

- Parties' and their advisors' unauthorized disclosure



MINIMUM REQUIREMENTS UNDER § 106.45



§ 106.45(f) – COMPLAINT INVESTIGATION



ADMISSIBILITY OF WITNESSES

Always admissible



Fact Witness

§ 106.45(f)(2)

Discretionary admissibility



Expert

§ 106.46(e)(4)



Character

Preamble

§ 106.45(f)(4) – Access to evidence

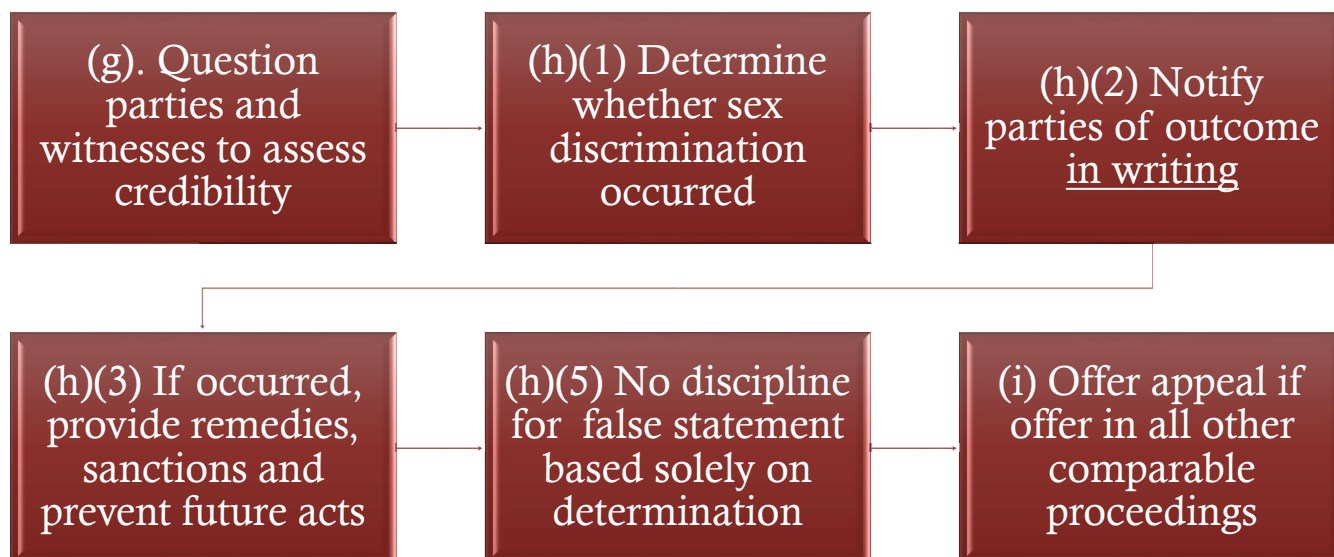


Evidence Option

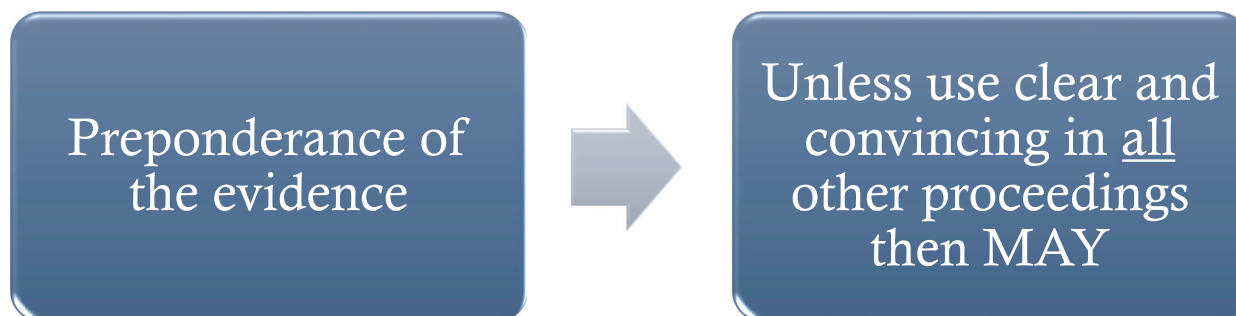


Description Option

§ 106.45(g)-(h) – DECISIONMAKERS



§ 106.45(h)(1) – STANDARD OF PROOF



WRITTEN DETERMINATION

Notify the parties in writing of the determination whether sex discrimination occurred under Title IX or this part including the rationale for such determination, and the procedures and permissible bases for the complainant and respondent to appeal, if applicable

§ 106.45(h)(2)

FINAL POLICY NOTES ON § 106.45

Written Policy/Procedures

Single-investigator model is an option

Informal resolution option before or after complaint

If harassment - range of supportive measures

If harassment - list of sanctions

§ 106.46 GRIEVANCE PROCEDURES SEX-BASED HARASSMENT INVOLVING STUDENTS



§ 106.46 – SEX-BASED HARASSMENT INVOLVING STUDENTS

§ 106.46(a) General

§ 106.46(b) Student employees

§ 106.46(c) Written notice of allegations

§ 106.46(d) Dismissal of a complaint

§ 106.46(e) Complaint investigation

§ 106.46(f) Questioning parties and witnesses

§ 106.46(g) Live hearing procedures

§ 106.46(h) Written determination

§ 106.46(i) Appeals

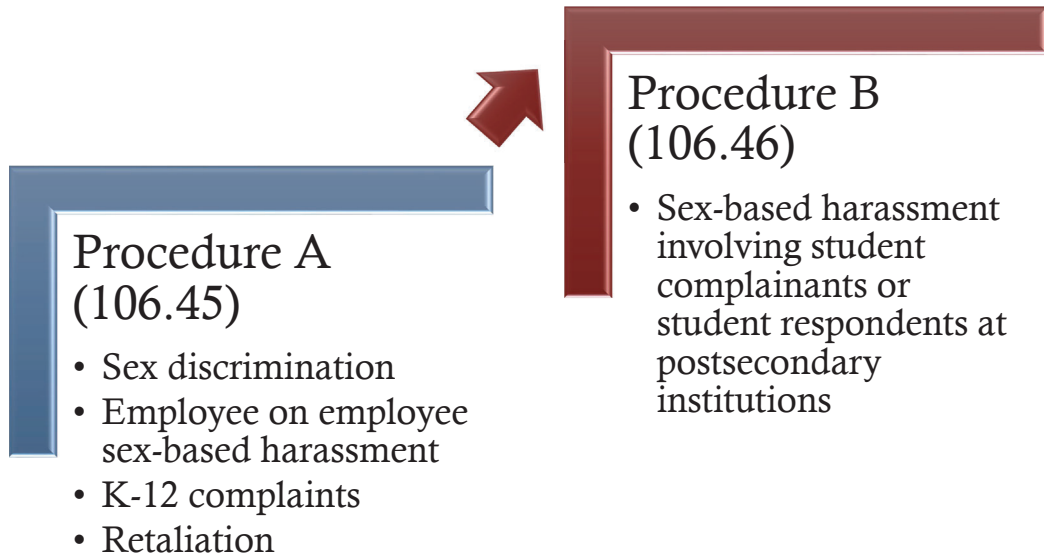
§ 106.46(j) Informal resolution



§ 106.46(b) – STUDENT EMPLOYEES

“When a complainant or a respondent is both a student and an employee...must make a fact-specific inquiry to determine whether the requirements of this section apply.”

TWO GRIEVANCE PROCEDURES



COMPARING NOTICE

	§106.45(c) not required to be in writing	§106.46(c) required to be in writing
Grievance Procedures	YES	YES
“Sufficient information” (parties, conduct, date, location)	YES	YES
Statement that retaliation prohibited	YES	YES
Access to relevant evidence	YES	YES
Respondent is presumed not responsible		YES
Right to advisor of choice		YES
Prohibition on false statements		YES

§ 106.46 TWEAKS

AMENDED
NOTICE:
Must be in writing
§106.46(c)(2)

NOTICE:
May reasonably delay
providing notice if
safety concern
§106.46(c)(3)

DISMISSAL:
Written simultaneous
notice of dismissal of
a complaint
§106.46(d)(1)

DISMISSAL:
Obtain complainant's
voluntary withdrawal
in writing
§106.46(d)(2)

§ 106.46(e) COMPLAINT INVESTIGATION

1

>

2

>

3

>

4

>

5

>

6

Must
provide
notice of
meetings,
time to
prepare

Must
allow
advisor of
choice

May allow
a support
person

May allow
expert
witness

Must allow
reasonable
extensions
of time

Must
provide
party and
advisor
access to
relevant
evidence

ADVISOR OF CHOICE



May be but is not required to be an attorney
106.46(e)(2)



May accompany to any meeting or proceeding
106.46(e)(2)



Institution may restrict participation
106.46(e)(2)



Receives access to relevant evidence
106.46(f)(ii)(B)



May conduct cross-examination at hearing if allowed
106.46(1)(f)(ii)(B)

§ 106.46(e)(6)(i) – Access to evidence



Evidence Option



Investigative Report Option

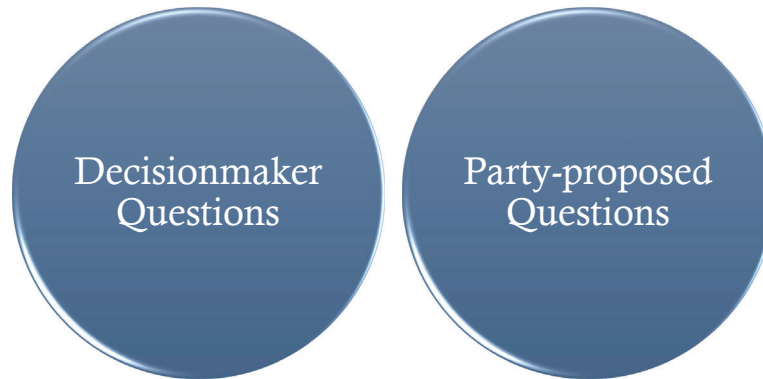
REVIEW AND RESPOND TO EVIDENCE

A postsecondary institution must provide the parties with a reasonable opportunity to review and respond to the evidence or the investigative report...

§ 106.46(e)(6)(ii)

ASSESSING CREDIBILITY

§ 106.46(f)(1) – PROCESS FOR QUESTIONING PARTIES AND WITNESSES



FORMATS FOR CREDIBILITY ASSESSMENT



Individual meetings
§106.46(f)(1)(i)



Hearing with
decisionmaker asking
proposed questions
§106.46(f)(1)(ii)(A)



Hearing with cross-
examination by advisors
§106.46(f)(1)(ii)(B)



© 2024 D. Stafford & Associates

§ 106.46(f)(1)(i) – NON-HEARING OPTION

- Must hold individual meetings with the complainant, respondent, and any witnesses
 - The investigator or decisionmaker may ask relevant and permissible questions
 - Each party may propose relevant and permissible questions to be asked by the investigator or decisionmaker
 - Provide each party with the recording or transcript with an opportunity to propose follow-up questions
 - There could be several rounds of meetings
-

149



© 2024 D. Stafford & Associates

§ 106.46(f)(1)(ii) – HEARING OPTION

- The decisionmaker may ask relevant and permissible questions
 - Each party may propose relevant and permissible questions to be asked by the decisionmaker
 - No questions may be asked directly by a party
 - If the institution uses advisor-conducted questioning and a party does not have an advisor, the institution must provide one without charge (cannot be a confidential employee)
-

150

LIVE HEARING

The decisionmaker must determine whether a proposed question is relevant ... prior to the question being posed and must explain any decision to exclude a question as not relevant or otherwise impermissible.

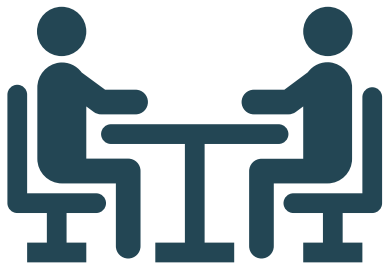
... must not permit questions that are unclear or harassing

... must give a party an opportunity to clarify or revise a question that ... is unclear or harassing

... may also adopt and apply other reasonable rules regarding decorum, provided they apply equally to the parties.

§ 106.46(f)(3)

§ 106.46(g) – LIVE HEARING PROCEDURES



REFUSAL TO RESPOND TO QUESTIONS

A decisionmaker may choose to place less or no weight upon statements by a party or witness who refuses to respond to questions deemed relevant and not impermissible. The decisionmaker must not draw an inference about whether sex-based harassment occurred based solely on a party's or witness's refusal to respond to such questions.

§ 106.46(f)(4)

§ 106.46(g) – LIVE HEARING PROCEDURES



Audio



Video

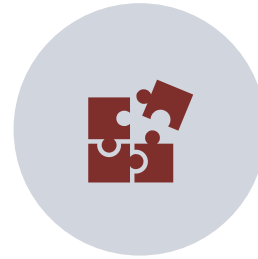


Transcript

SANCTIONS AND REMEDIES



Disciplinary Sanctions
*“consequences ...following a
determination”*



Remedies
“Restore or preserve access”

§ 106.2

§ 106.46(h) – DETERMINATION REGARDING RESPONSIBILITY

Description of alleged sex-based harassment

Policies and procedures used to evaluate allegations

Evaluation of evidence and determination

Disciplinary sanctions or remedies if sex-based harassment occurred

Appeal procedures

§ 106.46(i) – APPEALS

Must offer the parties an appeal from a determination whether sex-based harassment occurred and from a ... dismissal of a complaint or any allegation therein, on the following bases:

Procedural irregularity that would change the determination of whether sex-based harassment occurred

New evidence that would change the outcome of the matter and that was not reasonably available at the time the determination of whether sex-based harassment occurred or dismissal was made

Title IX Coordinator, investigator, or decision-maker had a conflict of interest or bias that would change the outcome

§ 106.47 – ASSISTANT SECRETARY REVIEW OF SEX-BASED HARASSMENT COMPLAINTS

The Assistant Secretary will not deem a recipient to have violated this part solely because the Assistant Secretary would have reached a different determination in a particular complaint alleging sex-based harassment than a recipient reached under § 106.45, and if applicable § 106.46, based on the Assistant Secretary's independent weighing of the evidence.

SUBPART E: EMPLOYMENT



§106.51-61 – EMPLOYMENT

§ 106.7 Effect of
employment
opportunities

§ 106.51
Employment

§ 106.52
Employment
criteria

§ 106.53
Recruitment

§ 106.54
Compensation

§ 106.55 Job
classification and
structure

§ 106.56 Fringe
benefits

§ 106.57 Marital
or parental status

§ 106.58 Effect of
other laws

§ 106.59
Advertising

§ 106.60 Pre-
employment
inquiries

§ 106.61 Sex as a
bona-fide
occupational
qualification

§ 106.57 – PARENTAL, FAMILY, OR MARITAL STATUS; PREGNANCY OR RELATED CONDITIONS (EMPLOYMENT)

No policies, practices, procedures, or take any employment action concerning parental, family or marital status

No policies, practices, procedures, or take any employment action based on head of household or principal wage earner

Must not discriminate on the basis of current, potential, or past pregnancy or related conditions

Comparable treatment to other temporary medical conditions

Voluntary leaves of absence

Lactation time and space



§ 106.60 – PRE- EMPLOYMENT INQUIRIES

- Must not make a pre-employment inquiry as to marital status, including whether an applicant is “Miss or Mrs.”
- May ask an applicant to self-identify their sex, but only if this is asked of all applicants and if the response is not used as a basis for discrimination

SUBPART F: RETALIATION



§ 106.2 – RETALIATION DEFINITION

Retaliation means intimidation, threats, coercion, or discrimination against any person for the purpose of interfering with any right or privilege secured by Title IX or this part, 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 this part...

WHO CAN RETALIATE?



Recipient



Student



Employee



Other

§ 106.2 – PEER RETALIATION

Peer retaliation means retaliation by a student against another student.

§ 106.71 – RETALIATION

A recipient must prohibit retaliation, including peer retaliation, in its education program or activity. When a recipient has information about conduct that reasonably may constitute retaliation ... the recipient is obligated to comply with § 106.44. Upon receiving a complaint alleging retaliation, a recipient must initiate its grievance procedures under § 106.45, or, ... an informal resolution

RETALIATION NOTES

Interference
clause

Participation
clause

Employee
participation

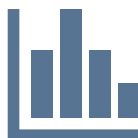
False
statements and
retaliation

Adverse
Action

§106.8(f) – RECORDKEEPING (7 YEARS)



Process and Outcome for
Complaints



Actions taken for
Reports

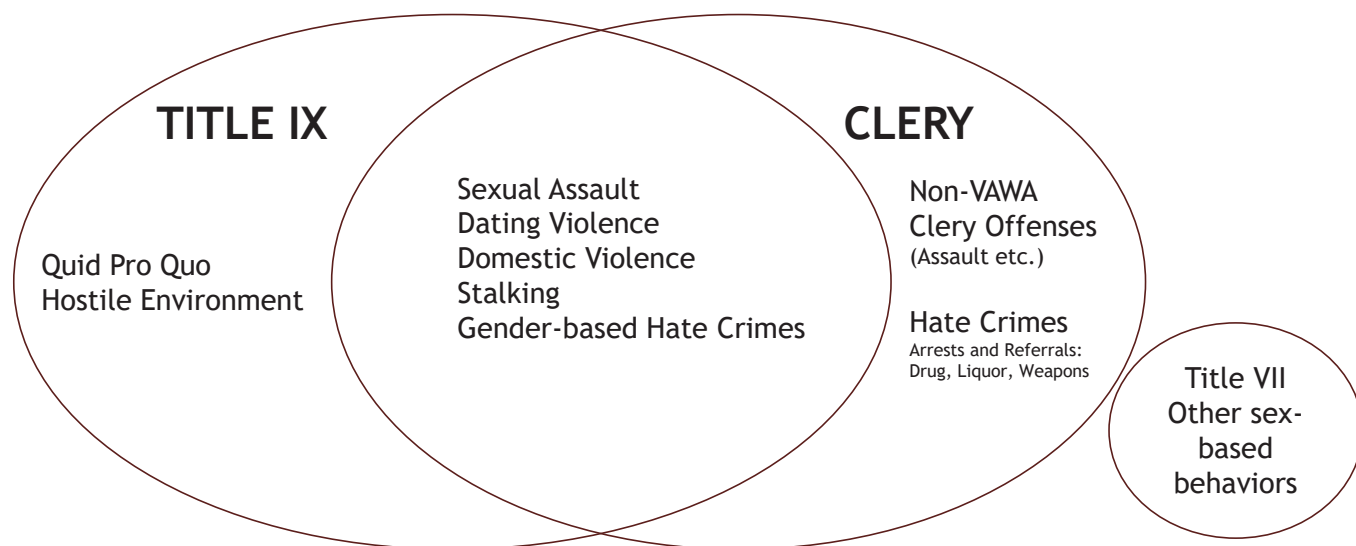


Materials upon request
for training

CLERY ACT (VAWA) PROCEDURAL REQUIREMENTS



OVERLAPPING CONDUCT ALLEGATIONS



34 C.F.R. § 668.46(c) – VAWA OFFENSES



Rape



Fondling



Incest



Statutory
Rape



Dating
Violence



Domestic
Violence



Stalking

§ 668.46 – RESPONSE REQUIREMENTS FOR VAWA OFFENSES

Procedures victims of VAWA Offenses should follow



Procedures an institution will follow when offense reported



and make sure it is all in WRITING.

§ 668.46(b)(11)vii) – WRITTEN EXPLANATION OF STUDENT OR EMPLOYEE'S RIGHTS

When a student or employee reports to the institution that the student or employee has been a victim of dating violence, domestic violence, sexual assault, or stalking, whether the offense occurred on or off campus, the institution will provide the student or employee a written explanation of the student's or employee's rights and options, as described in paragraphs (b)(11)(ii) through (vi) of this section. . .

§ 668.46(b)(11)(ii) – WRITTEN EXPLANATION OF RIGHTS AND OPTIONS

- 1. The importance of preserving evidence** that may assist in proving that the alleged criminal offense occurred or may be helpful in obtaining a protection order
 - Not required but recommended: Where to obtain forensic exams, contact info, does not require police report and can have exam now, decide later
- 2. How and to whom the alleged offense should be reported**
 - List any person or organization that can assist the victim
 - Recommended: Also include community organizations

§ 668.46(b)(11)(ii) – WRITTEN EXPLANATION OF RIGHTS AND OPTIONS

- 3. Notification of the victim's option to**
 - Notify proper law enforcement authorities, including on-campus and local police
 - Be assisted by campus authorities in notifying law enforcement authorities if the victim so chooses
 - Decline to notify such authorities
- 4. The rights of victims and the institution's responsibilities for**
 - Orders of protection
 - "No contact" orders
 - Restraining orders
 - Similar lawful orders issued by a criminal, civil, tribal, or institutional

§ 668.46(b)(11)(ii) – WRITTEN EXPLANATION OF RIGHTS AND OPTIONS

5. To students AND employees about existing

- Counseling, health, mental health services
- Victim Advocacy
- Legal Assistance
- Visa and Immigration Assistance
- Student Financial Aid
- Other services available for victims

6. Options for, available assistance in, and how to request changes to (if requested and reasonably available)

- Academic, living, transportation, working

§ 668.46(b)(11)(ii) – WRITTEN EXPLANATION OF RIGHTS AND OPTIONS

7. Confidentiality

- Publicly available recordkeeping has no personally identifying information about the victim (not required for respondent but best practice in most cases)
- Accommodations and protective measures are confidential (to the extent they can be without impairing the ability to provide them)

8. Disciplinary Procedures

- An explanation of the procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking, as required

RESPONSE TO “KNOWLEDGE”

Title IX

- Respond “promptly and effectively”
 - Offer and/or implement supportive measures
 - Notify of grievance procedures and informal process if applicable
 - Take other appropriate steps

Clery Act

- Written explanation of victim’s rights and options
- Assess for Timely Warning Notice or Emergency Notification

CLERY ACT REQUIREMENTS FOR DISCIPLINARY PROCEEDINGS



Anticipated timelines (“reasonably prompt”)



Decision-making process



How to and options for filing a school complaint (with contact info)



How school determines which process to use



Who makes decisions



Include employee procedures



Use procedures regardless of Clery geography

§ 668.46(k)(2)(iii-iv) – ADVISORS

- *Provide the accuser and the accused with the same opportunities to have others present during any institutional disciplinary proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice*
- *Not limit the choice of advisor or presence for either the accuser or the accused in any meeting or institutional disciplinary proceeding; however, the institution may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties*

INFORMAL RESOLUTIONS

Title IX

- Can offer, but may not require
- Can decline even if the parties request
- Party may withdraw up to a point

Clery Act

- Written information about procedures the institution will follow for VAWA offenses (does not differentiate between formal vs informal)

GRIEVANCE PROCEDURES FOR COMPLAINTS

Title IX

- Prompt and equitable
 - Laundry list of items...

Clery Act

- Prompt, fair and impartial investigation and resolution
 - Anticipated timeframes
 - List all possible sanctions for each offense (employees and students)
 - Consistent with policy and transparent
 - Not required to list all protective measures

WRITTEN DETERMINATION

Title IX

- 106.45 Procedures
 - Result (include any sanctions and rationale for results and sanction)
 - Appeals procedures
 - Any change to the result
 - When such results become final
- 106.46 Procedures
 - Information about policies and procedures used
 - Evaluation of relevant evidence

Clery Act

- Result (include any sanctions and rationale for results and sanction)
- Appeals procedures
- Any change to the result
- When such results become final

§ 668.46(k)(2)(iii-iv) – BIAS FREE AND TRAINING FOR “OFFICIALS”

Annual training on the issues related to dating violence, domestic violence, sexual assault and stalking and on how to conduct an investigation and hearing process that protects the safety of the victims and promotes accountability

APPEALS

Title IX

- Must offer both parties an appeal
- Based on specific grounds

Clery Act

- Not required (but must provide notice if allowed along with appeal procedures)
- Simultaneous written decision describing result, sanction, any changes to the result, when it becomes final



POLICY CONSIDERATIONS

- Student conduct codes
- Employee handbooks
- Non-discrimination policies and procedures
- Incidents occurring before August 1, 2024

187



KEY CONCEPTS IN INVESTIGATIONS

188



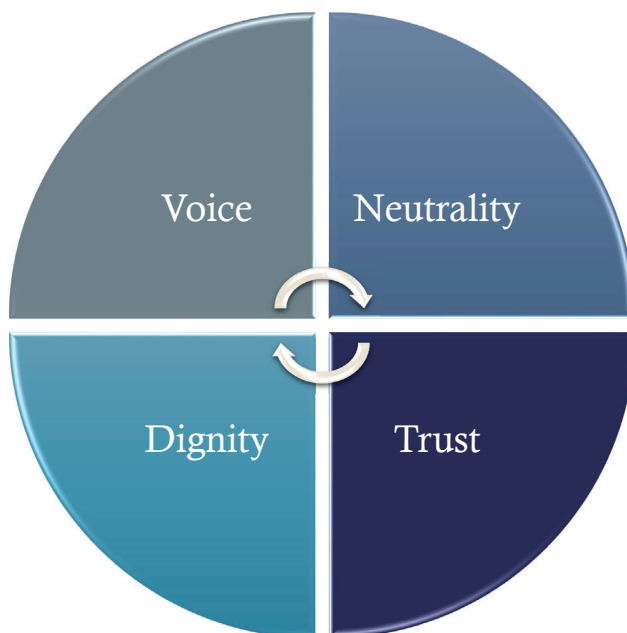
COURSE AGENDA

- The Investigator
- Sex-based Harassment
- Unwelcome Conduct & Consent
- Investigative Strategy & Evidence Collection
- Interviewing
- Evidence Evaluation
- Reports

ADEQUATE, RELIABLE, & IMPARTIAL INVESTIGATION

- Burden is on the institution to conduct the investigation
- Provide an equal opportunity for the parties to present fact witnesses and relevant evidence
- Identify what evidence is relevant to the allegations and not otherwise impermissible
- Provide each party with an equal opportunity to access the evidence that is relevant to the allegations and not other impermissible

PROCEDURAL FAIRNESS



© 2024 D. Stafford & Associates

191

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.

§ 106.2

© 2024 D. Stafford & Associates

192

QUID PRO QUO INVESTIGATIONS

Respondent

- What is the respondent's status and authority?
- What is the relationship to the complainant?
- What, if any, perceived or actual power exists?

Aid, Benefit, or Service

- What was offered?
- How was it communicated?

Sexual Conduct

- What was the conduct requested?
- Was it sex-based?
- How was it communicated?
- How was it unwelcome?

© 2024 D. Stafford & Associates

193

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).

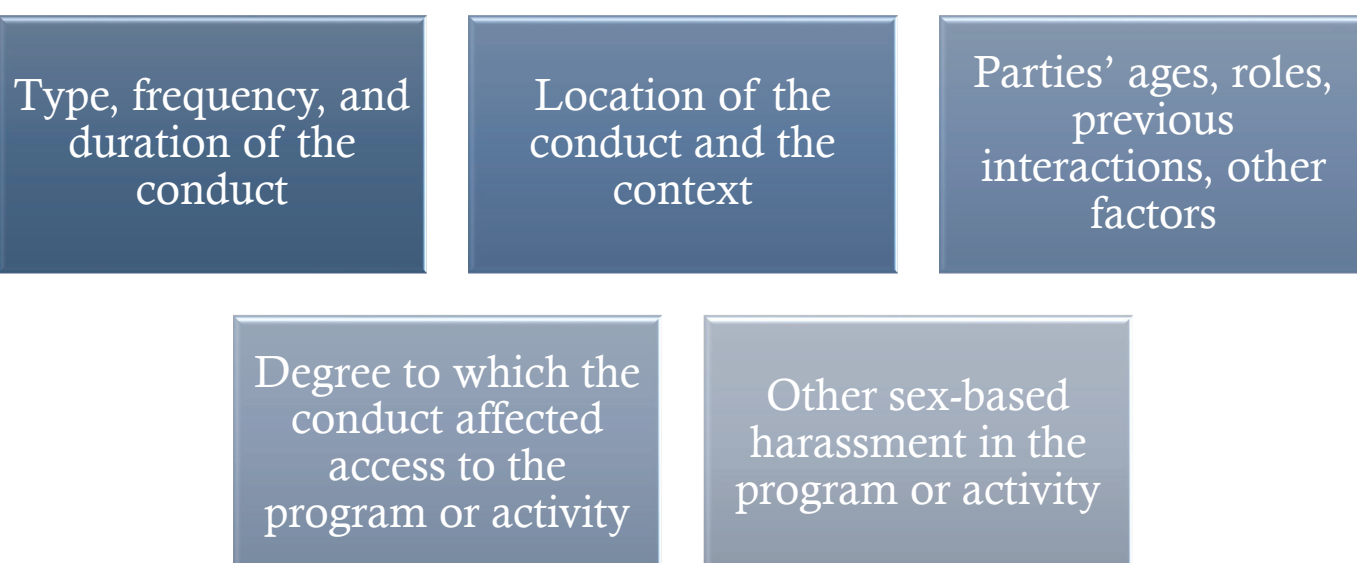
§ 106.2

HOSTILE ENVIRONMENT HARASSMENT

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.*

HOSTILE ENVIRONMENT INVESTIGATIONS



2024 TITLE IX REGULATIONS - SEXUAL ASSAULT

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.

§ 106.2

CLERY DEFINITIONS OF SEXUAL ASSAULT

- ***Nonconsensual Sexual Penetration (Rape)*** - The penetration, no matter how slight, of the vagina or anus, with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. This offense includes the rape of both males and females.
- ***Nonconsensual Sexual Touching (Fondling)*** - The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of age or because of temporary or permanent mental incapacity.
- ***Incest*** - Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- ***Statutory Rape*** - Sexual intercourse with a person who is under the statutory age of consent.

34 CFR 668 Appendix A

SEXUAL ASSAULT INVESTIGATIONS

What was the sexual behavior?

Who was the initiator?

What, if any, were the words or actions to indicate consent?

- Is there an issue of incapacitation or force?

STALKING

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.*

STALKING INVESTIGATIONS



What was the course of conduct?



What was the frequency?



What was the impact?

DATING VIOLENCE

Violence committed by a person:

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

§ 106.2

DOMESTIC VIOLENCE

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.

INTIMATE PARTNER VIOLENCE INVESTIGATIONS

Relationship

- Type of relationship
- Length of the relationship
- Frequency of interaction between the persons

Behavior

- Type of violence
- Possible patterns of behaviors
- Other behaviors that may fall under other policy definitions

UNWELCOME CONDUCT & CONSENT



**“Unwelcome conduct”
vs. “without consent”**



UNWELCOME CONDUCT



WHEN DOES CONDUCT BECOME UNWELCOME?

Invited



Uninvited but welcome



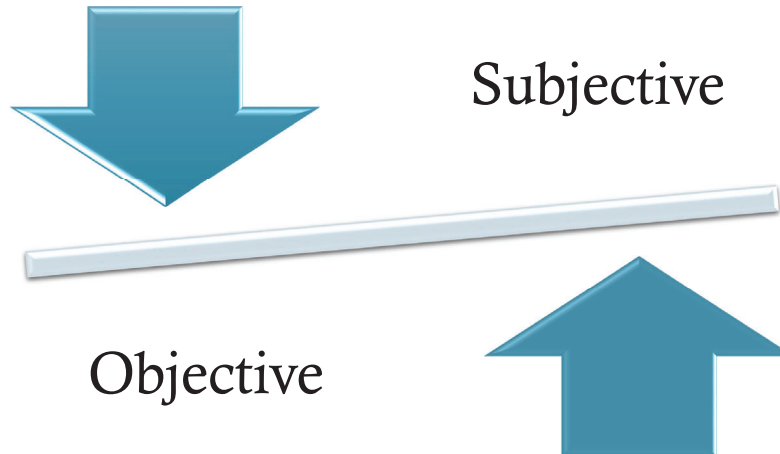
Offensive but tolerated



Flatly rejected



TESTING FOR UNWELCOMENESS



CONSENT



CONSENT

Sexual
Permission

Verbal or
Nonverbal

Absent if force
or incapacitation

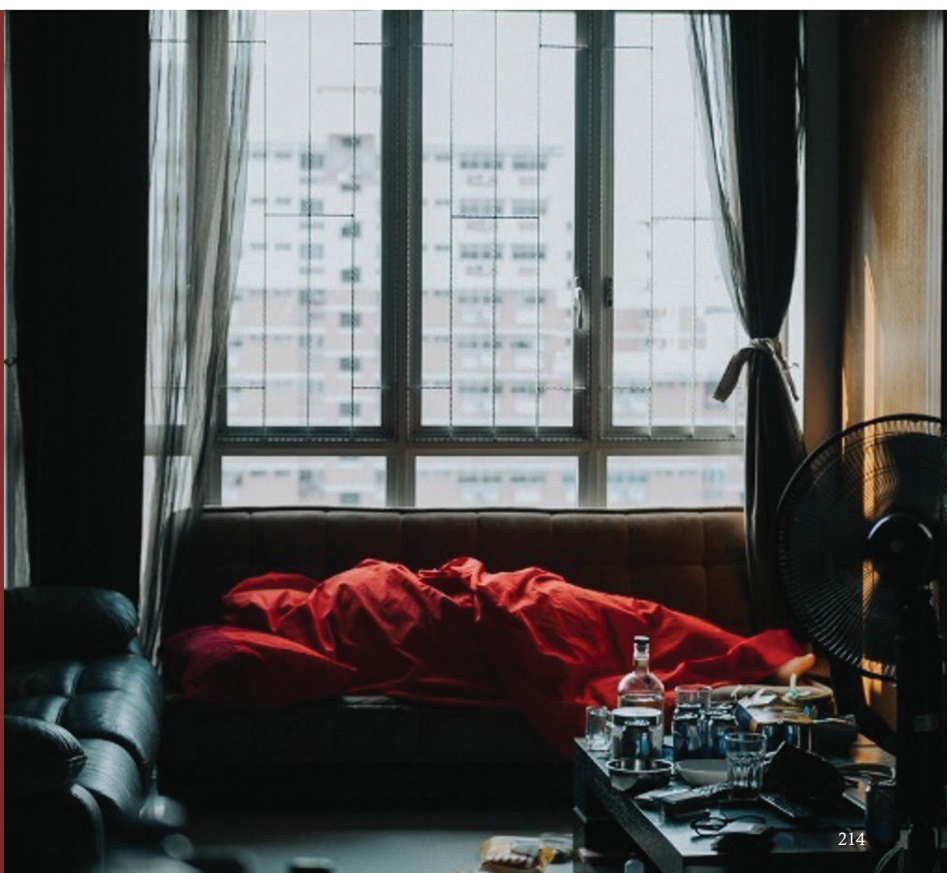
FORCE





INCAPACITATION

Photo by Joyce Romero on Unsplash



INCAPACITATION - SAMPLE DEFINITION

Incapacitation is the physical and/or mental inability, whether temporary or permanent, of an individual to make rational, reasonable decisions, or judgments regarding one's well-being or welfare.



Alcohol



Drugs



Disability



Other

TWO-STEP DETERMINATION

Was the
complainant
incapacitated?



Did the respondent
(or would a
reasonable person)
know?

Levels of Alcohol/Drug Consumption

© 2024 D. Stafford & Associates

217



 D. STAFFORD
& ASSOCIATES

IMPAIRMENT

- The state of being diminished or weakened due to the consumption of alcohol
- Begins as soon as alcohol enters the bloodstream
- Increases with consumption of alcohol

218

INTOXICATION

- An act or instance of inebriation, drunkenness
- Intoxication is legally met when an individual's blood alcohol level reaches .08 or greater

219



This Photo by Unknown Author is licensed under CC BY-SA

INCAPACITATION

- So impaired as to be incapable of giving consent
- Lacking the capacity to consent
- If a person cannot understand the nature of the proposed act or cannot understand they have a right to refuse or are otherwise unaware that the activity is occurring

220



Photo by thom masat on Unsplash

BLACKOUTS

Fragmentary Blackout

Also known as
“grayout” or
“brownout”

Gaps in memory with
some level of
recollection

En Bloc Blackout

No recollection of
events

What about
“passed
out”?



INVESTIGATIVE STRATEGY & EVIDENCE COLLECTION



INVESTIGATION ROAD MAP



DEVELOPING AN INVESTIGATIVE STRATEGY



© 2024 D. Stafford & Associates

225

INVESTIGATIVE STRATEGY



Scope



Methodology



Preparation



Challenges



© 2024 D. Stafford & Associates

SCOPE



Notice of Allegation



Notice of Investigation



Policy Definitions



Rights of the Parties

227



© 2024 D. Stafford & Associates

METHODOLOGY



File Management



Liaisons



Logistics



Internal Communications

228

PREPARATION



Review Complaint



Research



Draft Questions



Initial Evidence Collection



Investigation Challenges

SIDEBAR:

INVESTIGATIVE CASE FILE



© 2024 D. Stafford & Associates



231

Photo by Iwona Castiello d'Antonio on Unsplash

Internal vs. External Notes and Documents

© 2024 D. Stafford & Associates

232

ORGANIZE IT!

- Formal complaint
- Communications
- Notices
- Evidence (who provided, when it was received)
- Research
- Interview times/locations/attendees
- Names/nicknames/pronouns/titles/relationships
- Timeline

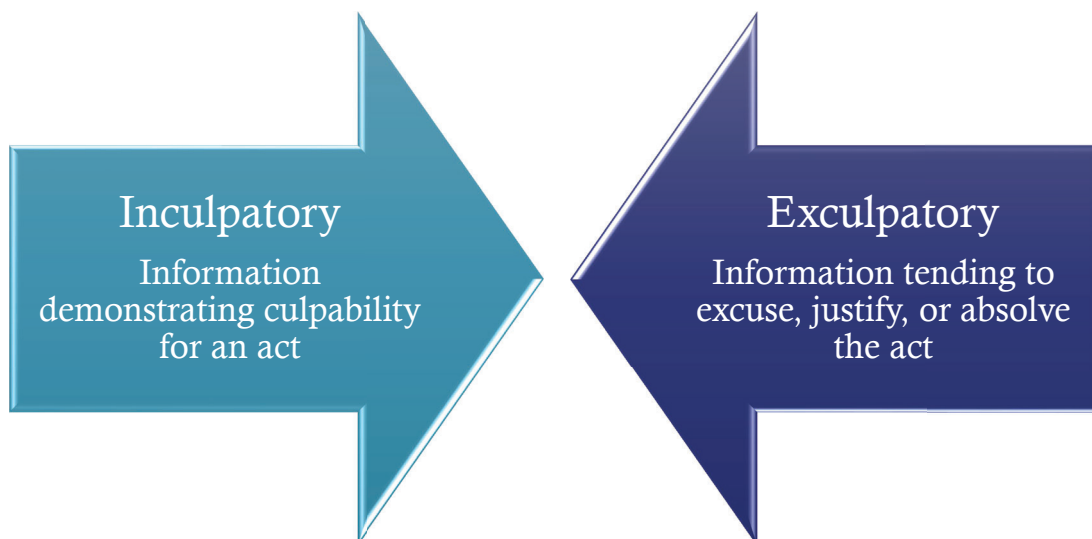
233



EVIDENCE COLLECTION



EVIDENCE



EVIDENCE THAT MUST BE EXCLUDED

- *Evidence that is protected under a privilege as recognized by Federal or State law or evidence provided to a confidential employee, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality;*
- *A party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the party or witness, unless the recipient obtains that party's or witness's voluntary, written consent for use in the recipient's grievance procedures; and*

§ 106.45(b)(7)(i-iii)

EVIDENCE THAT MUST BE EXCLUDED

- *Evidence that relates to the complainant's sexual interests or prior sexual conduct, unless evidence about the complainant's prior sexual conduct is offered to prove that someone other than the respondent committed the alleged conduct or is evidence about specific incidents of the complainant's prior sexual conduct with the respondent that is offered to prove consent to the alleged sex-based harassment. The fact of prior consensual sexual conduct between the complainant and respondent does not by itself demonstrate or imply the complainant's consent to the alleged sex-based harassment or preclude determination that sex-based harassment occurred.*

§ 106.45(b)(7)(i-iii)

TYPES OF EVIDENCE



Real evidence



Demonstrative



Documentary



Testimonial

PROVIDERS OF EVIDENCE



Parties



Witnesses



Institution



Investigators

INITIAL EVIDENCE COLLECTION

Complaint

Other “statements”

Evidence from campus sources

RESEARCH



Websites



Organizations



Calendars



Schedules



Party
“directory
information”

OTHER SOURCES OF EVIDENCE

Photographs

Text messages

Social media/dating
apps

Documents (memos,
letters, notes)

Voicemail

Phone logs

Guest lists

Investigator-created
evidence

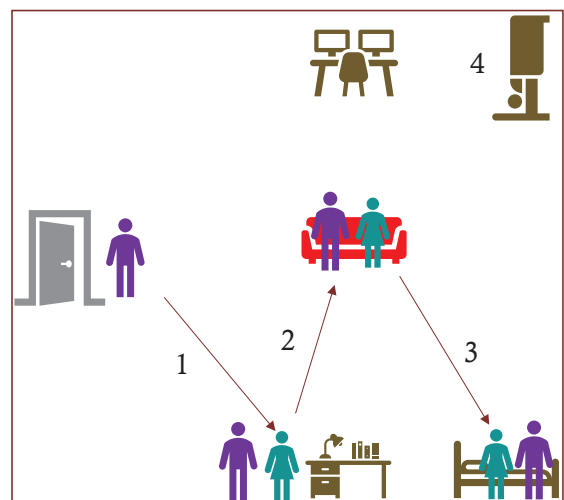
FLOORPLANS



INVESTIGATOR-CREATED EVIDENCE

During the Complainant's interview, the Complainant drew a model demonstrating the movements of the parties:

1. The Respondent arrived and went over to the Complainant who was at her desk.
2. The Respondent and Complainant moved to the couch and watched a movie.
3. The Complainant woke up as the Respondent was carrying her to her bed.
4. The roommate was in her bed across the room.



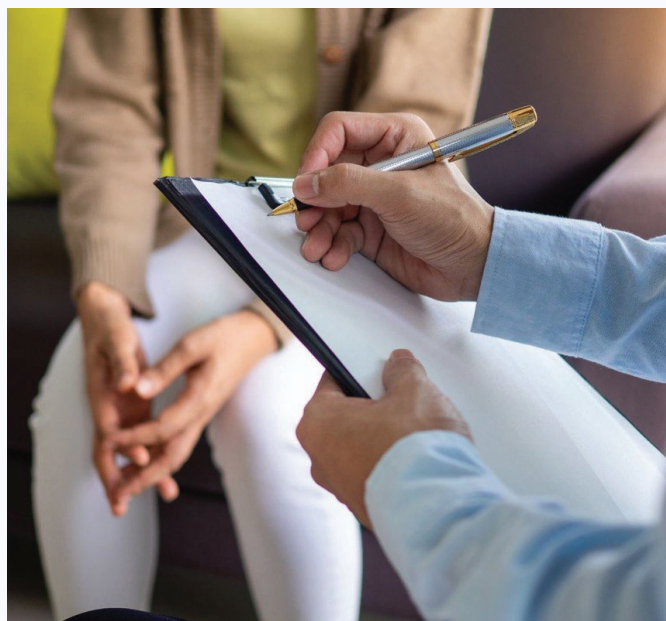
INCIDENT TIMELINE

© 2024 D. Stafford & Associates



245

INTERVIEWING BASICS



© 2024 D. Stafford & Associates

246

INTERVIEWS



Testimonial Evidence



Conversation



Structured

THE INTERVIEWEES

Complainant

Respondent

Witness

KEYS TO A
GREAT
INTERVIEW



PREPARATION

Logistics	Procedures (communication, scheduling)
	Notice documents
	Case file
Research	Policy review
	Preliminary evidence
	Topics of inquiry
Pre-drafted questions	Background
	Narrative
	Case specific



COMFORTABLE ENVIRONMENT

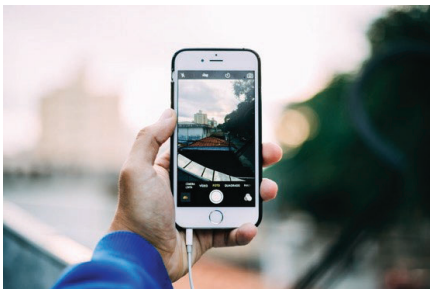
- The space
- Investigative tools
- Coping items
- Safety measures



251

HELPFUL PROMPTS

Recreate the Scene



Physical Space



Sensory



252



AVOID BAD HABITS

- Interrupting
 - Asking two questions at once
 - Not listening for the answer
 - Avoiding the hard questions
 - Not focusing on the elements
-

253



BE FULLY PRESENT

- Treat the interviewee ethically and with dignity
 - Be non-judgmental and non-adversarial
 - Be objective - you are not “making a case” or pushing a theory
 - Adjust and adapt
-

254

THE INTERVIEW



© 2024 D. Stafford & Associates

255

THE D. STAFFORD INTERVIEW OUTLINE



Preliminaries

Background

Narrative

Clarification

Case Questions

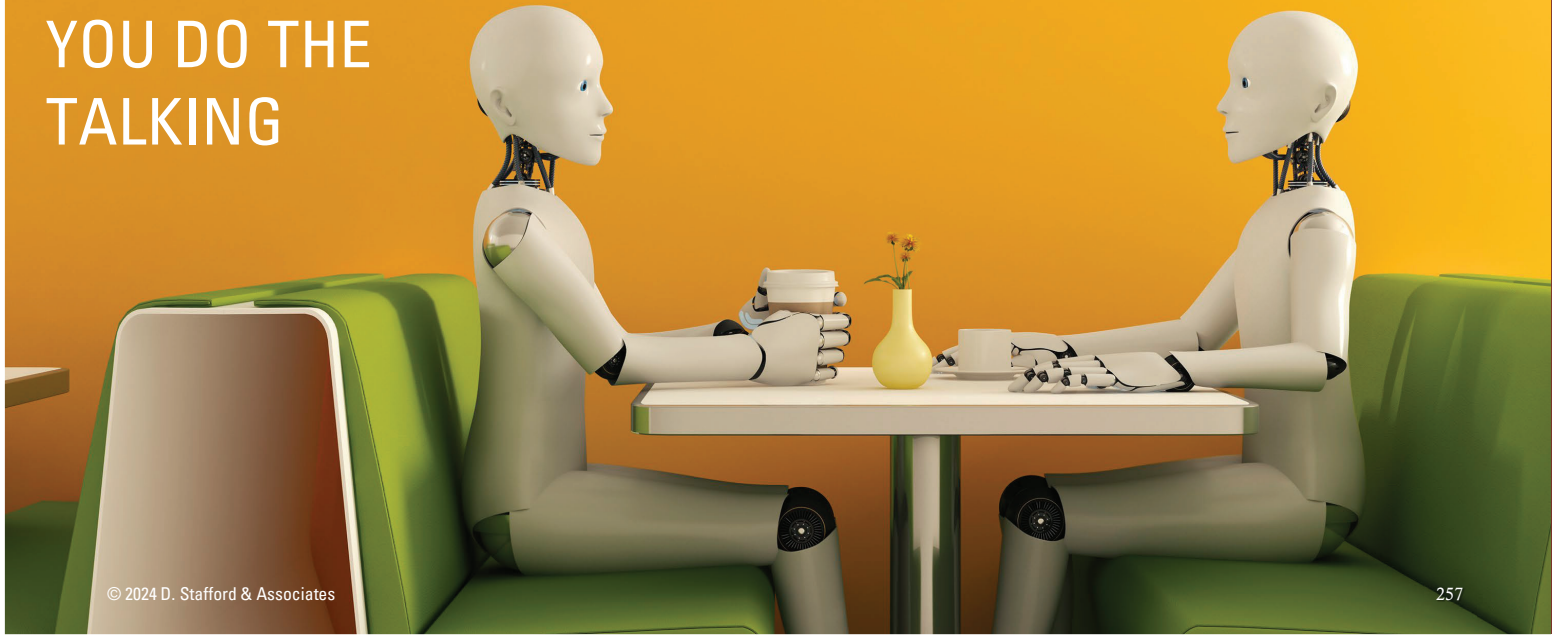
Closing

Self Evaluation

© 2024 D. Stafford & Associates

256

PRELIMINARIES: YOU DO THE TALKING



© 2024 D. Stafford & Associates

257

BACKGROUND: BUILD THE RAPPORT



© 2024 D. Stafford & Associates



258

NARRATIVE: THE BIG QUESTION



© 2024 D. Stafford & Associates



259

CLARIFICATIONS: FILLING IN THE HOLES



© 2024 D. Stafford & Associates



260

CASE QUESTIONS: THE PRE- DRAFTED MUST ASKS



© 2024 D. Stafford & Associates



CLOSING: LOOSE ENDS



© 2024 D. Stafford & Associates



262

SELF EVALUATION



263

EVIDENCE EVALUATION





© 2024 D. Stafford & Associates

INVESTIGATORS AS EVALUATORS OF EVIDENCE

- Developing lines of questioning
 - Determining additional witnesses and evidence needed
 - Utilizing evidence around credibility
 - Identifying relevant evidence
-

265



© 2024 D. Stafford & Associates

EVIDENCE THAT MUST BE EXCLUDED

- *Evidence that is protected under a privilege as recognized by Federal or State law or evidence provided to a confidential employee, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality;*
 - *A party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the party or witness, unless the recipient obtains that party's or witness's voluntary, written consent for use in the recipient's grievance procedures; and*
-
- § 106.45(b)(7)(i-iii)

266



© 2024 D. Stafford & Associates

EVIDENCE THAT MUST BE EXCLUDED

- *Evidence that relates to the complainant's sexual interests or prior sexual conduct, unless evidence about the complainant's prior sexual conduct is offered to prove that someone other than the respondent committed the alleged conduct or is evidence about specific incidents of the complainant's prior sexual conduct with the respondent that is offered to prove consent to the alleged sex-based harassment. The fact of prior consensual sexual conduct between the complainant and respondent does not by itself demonstrate or imply the complainant's consent to the alleged sex-based harassment or preclude determination that sex-based harassment occurred.*

§ 106.45(b)(7)(i-iii)
267

CORROBORATING EVIDENCE



Physical



Contemporaneous
Documentation



Personal
Documents



Admissions



Eyewitness



Outcry

WHAT MAY NOT IMPACT CREDIBILITY



© 2024 D. Stafford & Associates



269



DO THESE IMPACT CREDIBILITY?

Past Behaviors

Post-Incident Behavior

Character

Interview Demeanor

Identity

© 2024 D. Stafford & Associates

270

RELEVANCY



© 2024 D. Stafford & Associates

271

WHEN IS EVIDENCE RELEVANT?

Relevant means related to the allegations of sex discrimination under investigation as part of the grievance procedures under § 106.45, and if applicable § 106.46.

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.

§ 106.2

KEY RELEVANCY POINTS

1

The evidence does not need to be conclusive

2

Is sufficient if it constitutes a link in the chain

3

Enough if in connection with other evidence, helps “*a little*”





D. STAFFORD
& ASSOCIATES

**MOCK INVESTIGATION
PARTICIPANT PACKET
FOR INVESTIGATORS:
REPORT WRITING**

NOTES FOR INVESTIGATORS

This is an example of a final investigation report without a completed summary of evidence. Your institution may use a different format. It is not a perfect or necessarily complete report for training purposes.

During our training class, you will be divided into groups to discuss and complete the following.

1. You must evaluate the evidence and determine what evidence is relevant and permissible. Evidence may be inculpatory (tends to prove) or exculpatory (tends to disprove).
2. Take the relevant and permissible evidence and organize them as if you had buckets:



3. The report contains suggested sections within the summary of relevant evidence to help you start. You do not need to use them. You can develop your own. If you do use them, you may need to add sections.
4. Write your summary of relevant evidence using primary bullets to capture allegations, events, and facts. The secondary and tertiary bullets should provide additional context and disputed accounts. If the information is NOT from interview statements, please cite the exhibit.
 - a. For example:
 - The Complainant and Respondent agreed to go to the semi-formal together.
 - The Respondent asked the Complainant, while they were in their “Engineering and Equity” class on November 20, 2024, if she was going to the semi-formal. She told him that she was.
 - The Respondent asked the Complainant if they could go together. The Complainant agreed.
 - The Complainant stated she thought the Respondent understood that they were going as a group of friends. She learned from Witness 1 that the Respondent saw it as a “date.” The Complainant did not want to hurt the Respondent, so she decided to go along as “his date.”
 - The Respondent stated he “got up the nerve” to ask her to the semi. The Respondent asked her if she was planning on attending the semi.



She said she was, and the Respondent asked her, “Well, are you going with a date?” She responded, “No, I was going to go with a group.” The Respondent asked, “Would you like to go with me?” She agreed. He said, “It was clear I asked her to go as my date.”

- Witness 1 stated that she and the Complainant planned to go to the semi-formal with three to four friends. The Respondent was not part of the group until the Complainant told Witness 1 that he had asked to go with them. Witness 1 stated that she was fine if the Respondent went with them. Witness 1 asked the Complainant if the Respondent thought it was a date. The Complainant told Witness 1, “No, no. He knows this is a friend thing.”

Witness 1 said the Respondent told her that he was excited the Complainant had agreed to be his date and asked what flowers the Complainant liked. Witness 1 told the Complainant that the Respondent it as a date.

5. Is credibility in dispute and relevant to evaluating the allegations?

- a. Identify, if any, areas that question an individual’s credibility if it is in dispute and relevant.
- b. Decide how you will explain this in your summary of relevant evidence.

Fake University
Case Identifier: 20240012

INVESTIGATION REPORT

Investigators:

Jessica Fletcher

Fin Tutuola

Reviewer:

Mary Marple

Training Note:

Items that have highlighted headers are only in the final report.



TABLE OF CONTENTS

OVERVIEW	3
SCOPE.....	3
POLICY DEFINITIONS.....	3
METHODOLOGY.....	4
INFORMATION FOR INVESTIGATION REPORT	4
INVESTIGATION SUMMARY	5
INTERVIEWS	5
EXHIBITS.....	5
SUMMARY OF RELEVANT EVIDENCE	6
BACKGROUND	6
INTERACTIONS AND EVENTS LEADING TO SEMI-FORMAL	7
THE COMPLAINANT AND RESPONDENT AT THE SEMI-FORMAL.....	8
THE RETURN TO ALCOTT 325	9
SEXUAL CONDUCT.....	10
POST-INCIDENT.....	11
COMPLAINANT’S INCAPACITATION CLAIM.....	12
EXHIBITS	13
EXHIBIT A – INITIAL DOCUMENTS.....	14
A-1: Referral from Regina Alberts.....	14
A-2: Complaint	15
A-3: Notice of Allegations and Investigation – Complainant	16
A-4: Notice of Allegations and Investigation – Respondent	18
EXHIBIT B – INTERVIEW SUMMARIES.....	20
B-1: Complainant Interview	20
B-2: Respondent Interview.....	24
B-3: Witness 1 Interview	28
B-4: Witness 2 Interview	30
B-5: Regina Alberts Witness Interview.....	31
EXHIBIT C – COMPLAINANT-SUBMITTED MATERIALS.....	32
C-1: Betty-Barry Text Message Screenshot Submitted by Betty (Complainant).....	32
C-2: Betty-Fran Text Message Screenshot Submitted by Betty (Complainant).....	33
EXHIBIT D – RESPONDENT-SUBMITTED MATERIALS	34
D-1: Betty-Barry Text Message Screenshot Submitted by Barry (Respondent)	34
D-2: Barry-Betty Text Message Screenshot Submitted by Barry (Respondent)	35
D-3: Semi-Formal Photo Submitted by Barry (Respondent)	36
EXHIBIT E – STUDENT UNION INFORMATION.....	37
E-1: Student Union Event Policy.....	37
E-2: Student Union Floor Plan	38



OVERVIEW

SCOPE

Student Betty Aubuchon (“Complainant”) filed a complaint requesting Fake University (“Fake” or “University”) to investigate and make a determination concerning an alleged violation of the institution’s Sex-based Harassment Policy by Barry Smith (“Respondent”).

The January 4, 2025 notice of allegations and investigations letters identified the following alleged misconduct:

On December 4, 2024, in Alcott 325, [Respondent] allegedly rubbed [Complainant’s] body, including her breasts, touched her under her underwear, and penetrated her vagina with his finger, all without her consent. The Complainant also indicated she was incapacitated due to alcohol and drugs at the time.

This allegation, if substantiated, would be a violation of one or more of the following:

- *Non-consensual Sexual Contact*
- *Non-consensual Sexual Penetration*

POLICY DEFINITIONS

The pertinent definitions from the Sex-based Harassment Policy are as follows:

- ***Non-consensual Sexual Contact:*** *Kissing or touching of the private body parts of another person for the purpose of sexual gratification without consent, including instances where the person is incapable of giving consent because of age or because of temporary or permanent mental incapacity.*
- ***Non-consensual Sexual Penetration:*** *The penetration, no matter how slight, of the vagina or anus, with any body part or object, or oral penetration by a sex organ of another person, without consent.*
- ***Consent:*** *Consent is an understandable exchange of affirmative words or actions, which indicate a willingness to participate in mutually agreed upon sexual activity. Consent must be informed, freely, and actively given. It is the responsibility of the initiator to obtain clear and affirmative responses at each stage of sexual involvement. Consent to one form of sexual activity does not imply consent to other forms of sexual activity. The lack of a negative response is not consent. An individual who is incapacitated by alcohol and/or other drugs, both voluntarily or involuntarily consumed, may not give consent. Past consent of sexual activity does not imply ongoing future consent.*

Consent cannot be given if any of the following are present:

- ***Force*** *is the use of physical violence and/or imposing on someone physically to gain sexual access. Force also includes threats, intimidation (implied threats), and/or coercion that overcome resistance.*



- **Coercion** is unreasonable pressure for sexual activity. Coercion is more than an effort to persuade, entice, or attract another person to have sex. Conduct does not constitute coercion unless it wrongfully impairs an individual's freedom to choose whether to participate in the sexual activity.
- **Incapacitation** is a state where an individual cannot make rational, reasonable decisions due to the debilitating use of alcohol and/or other drugs, sleep, unconsciousness, or because of a disability that prevents the individual from having the capacity to give consent. Intoxication is not incapacitation, and a person is not incapacitated merely because the person has been drinking or using drugs. Incapacitation due to alcohol and/or drug consumption results from ingestion that is more severe than impairment, being under the influence, drunkenness, or intoxication. The question of incapacitation will be determined on a case-by-case basis. Being intoxicated or incapacitated by drugs, alcohol, or other medication will not be a defense to any violation of this Policy.

METHODOLOGY

Jessica Fletcher and Fin Tutuola ("investigators") were assigned as investigators. The investigators are annually trained on issues related to domestic violence, dating violence, sexual assault, and stalking and how to conduct an investigation that protects the safety of all parties and promotes accountability as required by the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, as amended by the Violence Against Women Reauthorization Act of 2013. They have also received training, as required by Title IX of the Education Amendments of 1972, on the University's obligation to address sex discrimination in its education program or activity; the scope of conduct that constitutes sex discrimination, including the definition of sex-based harassment; all applicable notification and information requirements; the University's response and grievance procedures; how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias; and the meaning and application of the term "relevant" in relation to questions and evidence, and the types of evidence that are impermissible regardless of relevance.

Before conducting the investigation, the investigators did not know or have any previous contact with the involved individuals. They conducted interviews using a secure account on the Zoom video conferencing platform. The interviews were scheduled to ensure the safety and privacy of all participants. No one interfered with or attempted to influence the investigators' work or this report.

INFORMATION FOR INVESTIGATION REPORT

The parties were provided a copy of the Evidence Packet, which contained the evidence the investigators could obtain directly related to the allegations in the formal complaint. They were also allowed to provide a written response to the Evidence Packet. Neither party submitted a written response.

This Investigation Report fairly summarizes the facts and all relevant evidence but does not include a determination of credibility or responsibility.



INVESTIGATION SUMMARY

INTERVIEWS

Individual	Position	Role	Interview Date
Betty Aubuchon	Student	Complainant	January 9, 2025
Barry Smith	Student	Respondent	January 16, 2025
Alex Baker	Student	Witness 1	January 11, 2025
Fran Farmer	Student	Witness 2	January 11, 2025
Regina Alberts	Academic Advisor	Witness 3	January 11, 2025

For FERPA purposes, names have been redacted for all students for the remainder of the report except for exhibits. All interviews were conducted by Jessica Fletcher and Fin Tutuola unless otherwise noted.

EXHIBITS

	Item	Source
A	Initial Documents: A-1: Referral from Regina Alberts A-2: Complaint from Complainant A-3: Notice of Allegations and Investigation – Complainant A-4: Notice of Allegations and Investigation – Respondent	Fake University
B	Interview Summaries B-1: Complainant Interview B-2: Respondent Interview B-3: Witness 1 Interview B-4: Witness 2 Interview B-5: Regina Alberts Interview	Investigators
C	Complainant-submitted Materials C-1: Betty-Barry Text Message Screenshot C-2: Betty-Fran Text Message Screenshot	Complainant
D	Respondent-submitted Materials D-1: Betty-Barry Text Message Screenshot D-2: Barry-Betty Text Message Screenshot D-3: Semi-Formal Photo	Respondent
E	Student Union Information E-1: Student Union Event Policy E-2: Student Union Floor Plan	Fake University



SUMMARY OF RELEVANT EVIDENCE

The summary of relevant evidence is based on the interview statements and all available exhibits and notice documents. The primary bullets attempt to capture allegations, events, and facts. The secondary and tertiary bullets provide additional context and disputed accounts. Unless otherwise indicated, the information is from interview statements.

Quoted items, including text messages, are written as provided; therefore, grammatical and typographical errors were not corrected.

BACKGROUND

-



INTERACTIONS AND EVENTS LEADING TO SEMI-FORMAL

-



THE COMPLAINANT AND RESPONDENT AT THE SEMI-FORMAL

•



THE RETURN TO ALCOTT 325

•



SEXUAL CONDUCT

The Complainant alleged the Respondent rubbed her body, including her breasts, touched her under her underwear, and penetrated her vagina with his finger, all without her consent.

-



POST-INCIDENT

•



COMPLAINANT'S INCAPACITATION CLAIM

•



EXHIBITS



EXHIBIT A – INITIAL DOCUMENTS

A-1: REFERRAL FROM REGINA ALBERTS

Submitted by: Regina Alberts, Academic Advisor

Involved Individuals:

- Complainant: Student Betty Aubuchon (654321), Alcott 325
- Respondent: Unknown
- Witness: Student Heidi Hanson (909090)

On December 19, 2024, at 4:00 p.m., I was sitting in the Student Union lounge when Betty Aubuchon came into the room with another student, Heidi Hanson, and they joined me on the sofa. Betty looked a little sad, and I asked her if everything was okay. Betty said she was upset about something that happened a few weeks ago and saw something earlier in the day that reminded her of it. I asked, "What do you mean?" At that point, Heidi Hanson interrupted to talk about "boy issues" she was dealing with. Betty then said she had received a photo from her honor fraternity's semi-formal, which reminded her of a bad night. I once again asked what had happened and if she was okay. She said that something happened with her semi-formal date that she hadn't wanted. Heidi again interrupted and said she had gone to the semi-formal too, that her date was a jerk, and that he ignored her. Heidi concluded that boys were dumb. I tried to move the focus back to Betty.

Betty then said that something she was uncomfortable with happened while she was in bed with her date, and thinking about it made her feel "Oogie." Heidi asked her if her date had been drunk. Betty said yes and that she thinks he may also have taken some drugs as well. I asked her if what happened to her was something she wanted or consented to. She said no but wasn't sure if it was a big deal. I told her it was a big deal if she didn't consent to an act. Then Heidi said her date passed out before she did, and she began talking about how drunk and ridiculous her date was. It was clear that Heidi impeded the conversation; I did not feel comfortable continuing. Betty and Heidi left a few minutes later.

At around 5:00 p.m., I saw Betty sitting alone, so I went to talk to her privately about the situation. Betty told me that her date rubbed her body and spooned with her. He touched her under her underwear and would have fingered her if she hadn't closed her legs. She said he thought she was asleep the whole time. I told her that what she told me was not okay and that I had to document the situation because she did not consent to the behavior. I told her I had to tell someone because I care about her and do not think what happened was right. I told her that she did not have to do anything but that I had to tell the Title IX Coordinator. She said that she understood.



A-2: COMPLAINT

Involved Individuals:

- Complainant: Betty Aubuchon
- Respondent: Barry Smith
- Witnesses: Alex Baker, Fran Farmer

On December 3, 2024, I attended the Delta Sigma Alpha semi-formal with Barry Smith. It was in the Student Union ballroom. Before going to the semi, we pre-gamed in my room, Alcott 325. We went to the semi and stayed for a while. I wasn't feeling well, so I wanted to go back to my room. Barry didn't want to leave, but he had some stuff in my room. We agreed that he and my roommate, Alex Baker, would return to the room later.

I got back to my room around 11:30 p.m. Around 12:30 a.m. on December 4th, I heard Barry and Alex enter the room. They were really loud. I assumed Barry was drunk because he continued drinking at the semi. We had also taken a Xanax bar at the semi. I pretended to be asleep because I wanted him to get his stuff and go.

I thought Barry would get his stuff and go back to his room. Instead, he laid down on the bed and spooned me. After a minute or so, he started rubbing his hand on my arm and back. Then he moved to hug me from behind with his hand on my stomach and touched my breasts. A few minutes later, his hand moved to the waistband of my underwear, and he was moving his hand toward my vagina. I had been lying very still the whole time and hadn't reacted to any of his touches. I didn't want Alex to hear us, as I thought she was still in the room. When he started to put his finger in me, though, I flinched and pulled my knees together quickly. Barry immediately jumped back and laid on his back. Neither of us said anything. I think we both went to sleep.

At around 6:00 a.m., I texted my friend Fran, who lives in Alcott 423, that Barry was in my room asleep, and I wanted to leave before he woke up. I got out of bed and went upstairs. We later went to the dining hall for breakfast.

The next day was the start of reading week and then exams, so I didn't see Barry or have time to think about the semi-formal. On December 19, 2024, I went to the mailroom before I was to leave for break. Barry had sent me a photo of the two of us at the semi-formal. I was mad that Barry sent it to me. I threw it out before leaving the mailroom.



A-3: NOTICE OF ALLEGATIONS AND INVESTIGATION – COMPLAINANT

January 4, 2025

Case Number: 20240012

Betty Aubuchon
baubuchon@fakeu.edu

Dear Betty:

This letter acknowledges that Fake University received a complaint on January 3, 2025, regarding an allegation of sexual misconduct, as defined by the institution's Sex-based Harassment Policy. You have been identified as the Complainant, the person who has alleged to have been subject to an act of sexual misconduct. The Respondent is Barry Smith, the person who is alleged to have committed an act of sexual misconduct.

Specifically, the complaint alleged:

On December 4, 2024, in Alcott 325, Respondent Barry Smith allegedly rubbed Complainant Betty Aubuchon's body, including her breasts, touched her under her underwear, and penetrated her vagina with his finger, all without her consent. The Complainant also indicated she was incapacitated due to alcohol and drugs at the time.

This allegation, if substantiated, would be a violation of one or more of the following:

Non-consensual Sexual Contact: Kissing or touching of the private body parts of another person for the purpose of sexual gratification without consent, including instances where the person is incapable of giving consent because of age or because of temporary or permanent mental incapacity.

Non-consensual Sexual Penetration: The penetration, no matter how slight, of the vagina or anus, with any body part or object, or oral penetration by a sex organ of another person, without consent.

Investigators Jessica Fletcher and Fin Tutuola have been assigned to conduct the investigation. If you believe an assigned investigator has a bias or conflict of interest in this case, you may request the removal and replacement of an investigator in writing by January 7, 2025. Any request for a change in an investigator must be accompanied by supporting information. I will review your request and decide whether there is a conflict of interest or bias and, therefore, a need for a new investigator. My decision is final.

Your interview has been scheduled for **Tuesday, January 9, 2025, at 9:00 a.m. in Wilson Hall, room 202**. Please plan on two hours for your interview.

During the investigation, both parties will be given the opportunity to be interviewed, present evidence, and identify incident witnesses. If you have not already done so, please provide the following by uploading to this link {link}:

- Any evidence you would like the investigators to review, such as texts, images, or social media exchanges.
- The names and contact information for any known incident witnesses.
- Any questions you would like the investigators to ask witnesses or the other party.

During the interview, you will have the opportunity to provide additional evidence or incident witnesses.



You are permitted to have an advisor of your choice for any meeting or proceeding you are requested to attend. The advisor will not speak on your behalf but is present to provide support through the investigation process. Please select an advisor whose schedule allows attendance at the scheduled dates and times for meetings, as only reasonable requests for rescheduling due to an advisor's scheduling conflict will be allowed. **Please provide me with the name of your advisor 24 hours in advance of your interview.**

Following the interviews, both parties have the right to inspect and review evidence directly related to the allegations and provide written comments and additional information. Per our policy, the institution will make every effort to complete the investigation within 45 business days from the date your complaint was received. However, if warranted, the timeframe may be extended, and you will receive notice of the extension and the cause.

The Respondent is presumed not responsible for the alleged conduct, and any determination of responsibility will be made at the conclusion of the resolution process.

Institution policy prohibits retaliation against anyone who files a complaint, participates in a complaint investigation, or opposes a discriminatory practice. Please get in touch with me if you experience retaliatory conduct or a recurrence of discriminatory or harassing behavior. You are expected not to engage in any behavior that could be perceived as retaliatory. The institution also prohibits knowingly making false statements.

Please review the entire policy, which I have attached. The policy also includes information on your rights. You may also find this information, as well as information on support and assistance, at {link}. Should you need any supportive measures during this process, please contact me.

Please do not hesitate to contact me at 999-999-9999 if you have any questions.

Sincerely,

Rose McAdams

Rose McAdams
Title IX Coordinator

Attachment: Sex-based Harassment Policy
Complainant and Respondent Rights



A-4: NOTICE OF ALLEGATIONS AND INVESTIGATION – RESPONDENT

January 4, 2025

Case Number: 20240012

Barry Smith
bsmith@fakeu.edu

Dear Barry:

This letter acknowledges that Fake University received a complaint on January 3, 2025, regarding an allegation of sexual misconduct, as defined by the institution's Sex-based Harassment Policy. You have been identified as the Respondent, the person who is alleged to have committed an act of sexual misconduct. The Complainant is Betty Aubuchon, the person who has alleged to have been subject to an act of sexual misconduct.

Specifically, the complaint alleged:

On December 4, 2024, in Alcott 325, Respondent Barry Smith allegedly rubbed Complainant Betty Aubuchon's body, including her breasts, touched her under her underwear, and penetrated her vagina with his finger, all without her consent. The Complainant also indicated she was incapacitated due to alcohol and drugs at the time.

This allegation, if substantiated, would be a violation of one or more of the following:

Non-consensual Sexual Contact: Kissing or touching of the private body parts of another person for the purpose of sexual gratification without consent, including instances where the person is incapable of giving consent because of age or because of temporary or permanent mental incapacity.

Non-consensual Sexual Penetration: The penetration, no matter how slight, of the vagina or anus, with any body part or object, or oral penetration by a sex organ of another person, without consent.

Investigators Jessica Fletcher and Fin Tutuola have been assigned to conduct the investigation. If you believe an assigned investigator has a bias or conflict of interest in this case, you may request the removal and replacement of an investigator in writing by January 7, 2025. Any request for a change in an investigator must be accompanied by supporting information. I will review your request and decide whether there is a conflict of interest or bias and, therefore, a need for a new investigator. My decision is final.

Your interview has been scheduled for **Thursday, January 16, 2025, at 9:00 a.m. in Wilson Hall, room 202**. Please plan on two hours for your interview.

During the investigation, both parties will be given the opportunity to be interviewed, present evidence, and identify incident witnesses. If you have not already done so, please provide the following by uploading to this link {link}:

- Any evidence you would like the investigators to review, such as texts, images, or social media exchanges.
- The names and contact information for any known incident witnesses.
- Any questions you would like the investigators to ask witnesses or the other party.

During the interview, you will have the opportunity to provide additional evidence or incident witnesses.



You are permitted to have an advisor of your choice for any meeting or proceeding you are requested to attend. The advisor will not speak on your behalf but is present to provide support through the investigation process. Please select an advisor whose schedule allows attendance at the scheduled dates and times for meetings, as only reasonable requests for rescheduling due to an advisor's scheduling conflict will be allowed. **Please provide me with the name of your advisor 24 hours in advance of your interview.**

Following the interviews, both parties have the right to inspect and review evidence directly related to the allegations and provide written comments and additional information. Per our policy, the institution will make every effort to complete the investigation within 45 business days from the date your complaint was received. However, if warranted, the timeframe may be extended, and you will receive notice of the extension and the cause.

The Respondent is presumed not responsible for the alleged conduct, and any determination of responsibility will be made at the conclusion of the resolution process.

Institution policy prohibits retaliation against anyone who files a complaint, participates in a complaint investigation, or opposes a discriminatory practice. Please get in touch with me if you experience retaliatory conduct or a recurrence of discriminatory or harassing behavior. You are expected not to engage in any behavior that could be perceived as retaliatory. The institution also prohibits knowingly making false statements.

Please review the entire policy, which I have attached. The policy also includes information on your rights. You may also find this information, as well as information on support and assistance, at {link}. Should you need any supportive measures during this process, please contact me.

Please do not hesitate to contact me at 999-999-9999 if you have any questions.

Sincerely,

Rose McAdams

Rose McAdams
Title IX Coordinator

Attachment: Sex-based Harassment Policy
Complainant and Respondent Rights



EXHIBIT B – INTERVIEW SUMMARIES

B-1: COMPLAINANT INTERVIEW

The Complainant was interviewed via Zoom on January 9, 2025. The Complainant's advisor was Maxine Shaw. The Complainant uses she/her pronouns.

The Complainant is a sophomore, and the Respondent is a first-year engineering student. She lives in Alcott 325 with Witness 1, an engineering student.

The Complainant and Respondent are members of the DSA honors fraternity and are in "Engineering and Equity" together, where they first met.

The Complainant described the Respondent as "a little shy." She said the Respondent is "awkward" around her, meaning he often keeps his head down and hesitates when speaking. The Complainant is unsure if he is this way with just her or with others.

The Complainant said, "[Respondent] has always had a crush on me. My friends have all told me that." The Respondent has never asked her out, and the Complainant is not interested in a relationship with him beyond being friends.

The Complainant stated there was a time in October 2024 when they "kind of got together." The fraternity had a gathering at Ted's Bar. The Respondent was standing on the edge of the group the Complainant was talking with, so she asked him if he wanted to dance. The Complainant said she knew the Respondent had a dance background and seemed most comfortable when he danced. They were slow dancing, and when the Respondent rubbed against her, she realized he had an erection. She said she did not want him to be embarrassed and pretended she did not notice. While they were dancing, he started to kiss her neck, and she gently pushed him away. When the song ended, she went to see her friends.

Later that evening, the Complainant saw the Respondent in the corner of the bar, looking dejected. She went over and asked him if he was okay. He told her that he liked her and that "I [Complainant] was out of his league." She said, "I felt bad; he is kind of cute, and I had been drinking quite a bit, so I kissed him." The Complainant stated they engaged in consensual kissing for a few minutes. At one point, the Respondent started to move his hands to her breasts. She told him that she did not want to do anything more. The Respondent immediately stopped.

The Complainant stated they had never talked about that night. She said, "We just moved on. I thought we both understood that we were just friends, and that's all we would ever be."

The DSA semi-formal was in the Student Union ballroom on December 3, 2024. The Complainant planned on going with Witness 1 and a few other friends. The Complainant said some people go with dates, but most go with friends.

About a week before the semi, the Complainant was in her "Engineering and Equity" class when the Respondent asked if she was going to the semi. The Complainant told him she was, and he asked if they could go together. The Complainant agreed, thinking he understood this meant a group was going together. The Complainant only realized that the Respondent saw it as a "date" when Witness 1 told her that the Respondent had told Witness 1 he was "really excited" that the Complainant had agreed to be



his date. The Complainant liked the Respondent as a friend and didn't want to hurt him, so she decided to go along as "his date."

The Complainant and Witness 1 invited friends over to pre-game before the semi. The Complainant had three White Claws in her room starting around 6:00 p.m. The Respondent and the others came over around 7:00 p.m. The Respondent had a backpack with him. The Complainant said she thought the Respondent had been drinking before he came over because he seemed "a little unsteady." He had two White Claws in her room. The Complainant said she thought she had one of her three White Claws when the Respondent was in the room. They left for the semi-formal around 8:00 p.m.

The Complainant said she did not drink any alcohol at the semi. Alcohol is not allowed, and she did not want to take any chances. She said the Respondent kept going outside with some friends. She thinks they were drinking alcohol. The Complainant stated she shared a Xanax bar with the Respondent at the semi.

The Respondent and Complainant danced to a few fast and one or two slow songs. Around 9:00 p.m., the Complainant and the Respondent went to the buffet together and sat with Witness 1 and a few others as they ate. The Complainant stated she was "pretty drunk" at that point, and she only had two chicken fingers because she was afraid she was going to be sick.

The Complainant and Respondent tried to dance to a slow song after they ate, but the Complainant stated she did not feel up to it. The Complainant noticed that the Respondent was extremely drunk. He was dancing with some of the other guys in silly ways (but looked like he was having fun), and his movements were exaggerated.

At approximately 11:30 p.m., the Complainant decided to return to her room because she wasn't feeling well. She found the Respondent standing with Witness 1 at the refreshment table. She told them that she wanted to leave. The Respondent stated he wanted to stay longer but was concerned because he had some belongings in her room, including his room key. Witness 1 told the Complainant that the Respondent could come back with her to get his stuff.

The Complainant walked back to her room. At one point, she was "so out of it" that she tripped and fell. She got up and made it back to her room. She said, "I was having a hard time and only remember bits and pieces of what happened after I returned. I barely got my pajamas on before passing out in bed."

The Complainant stated she was woken up by a bang and laughing. Witness 1 later told the Complainant that when she (Witness 1) and the Respondent returned to the room, she tripped over the trash can, and they burst out laughing. The Complainant said she pretended to be asleep because she "didn't want to deal with them."

The Complainant stated she was "in and out of consciousness" and described her memories as "flashbulb memories." She said she thought she heard the door open and close and figured the Respondent was leaving. She later learned Witness 1 had left the room, leaving the Respondent behind.

The Complainant was "shocked" when she felt the bed move. The Respondent climbed into bed with her. The Complainant explained that the bed was against the wall, and she had a top sheet over her. She said the Respondent got into bed under the top sheet and was closest to the edge. She was against the wall. She pretended to be asleep and hoped the Respondent would either fall asleep or leave.



The Complainant felt the Respondent move in the bed, and he started spooning her. He then started to kiss her neck and rub her arm and back. The Complainant stated, "I froze. I didn't know what to do."

The Respondent moved his arm over the Complainant's side and stroked her left breast. He then moved his hand down onto her stomach. The Complainant said, "I was foggy and unsure what he was doing. His hand stopped on my stomach, and I thought, 'Okay, his hand is over my PJs. He stopped moving, and maybe he will go to sleep.' He didn't go to sleep."

The Respondent moved his hand to the waistband of her PJs. The Complainant "twitched and arched my back to move away from him." The Respondent put pressure on her waist and turned her closer to him. He then moved his hand under the waistband and put his finger into her vagina. The Complainant said, "I tightened up and pulled my knees together." He pulled out his finger and turned over.

The Complainant couldn't remember what happened next; she thought she had fallen asleep. Her next memory was of waking up later that morning. The Respondent was still in bed and spooning her. His hand was draped over her arm. She wiggled out from under him and climbed over him to get out of bed.

The Complainant texted her friend Witness 2 around 6:00 a.m. and told her that the Respondent was in her room. She then went to Witness 2's room on the fourth floor and told her what had happened. The Complainant didn't want to think about it, so they went to breakfast and did not discuss it again until a few weeks later.

The Complainant stated she was unsure if she and the Respondent talked when the Respondent was in the room. She said, "I have no memory of any conversation. I don't remember him asking for consent, and I have no memory of giving consent for anything."

The Complainant went to the mailroom in the Student Union. She had mail from the Respondent, which she thought was "weird. Why would he mail me something when I see him every day?" She walked into the lounge with the mail. She opened it to find a photo taken of her and the Respondent at the semi. She does not remember the photo being taken. It "brought everything that happened that night back up." Regina Alberts, her advisor, saw her upset and asked her if she was okay. She told Regina that it reminded her of a bad night. There was another student present, Heidi Hanson, who the Complainant did not know well and had not seen her the night of the semi. The Complainant said, "Heidi kept interrupting, and there was no way I wanted to give details in front of her." Regina caught up with the Complainant later that day, and the Complainant told her what happened. Regina explained that she needed to report it and that there were people at the college who could help her.

When asked to describe the photo, the Complainant said, "It was of us on the dance floor. I tore it up."

Later that night, after dinner, the Complainant told Witness 2 that she had told her academic advisor, who had to report it. The Complainant told Witness 2 she wasn't sure what she should do. Witness 2 told her she should meet with the Title IX person and proceed with the process.

The Complainant was asked to speak more about the incapacitation claim cited in the notice letter. The Complainant stated she started drinking White Claws around 6:00 p.m. She said she had two before the Respondent came at 7:00 p.m.; she might have been drinking the second one when he arrived. She said she knew she had the third one when he was present because she got one for him while getting one for herself. She did not drink any alcohol at the semi.



When asked when she ate that day, she stated she had lunch around Noon and then nothing until she had chicken fingers from the buffet.

The Complainant stated she split a Xanax bar with the Respondent at the semi. When asked when that occurred, she said, "Pretty early – it was when we were eating at the table" (approximately 9:00 p.m.). The Complainant said she and the Respondent went to the buffet and sat with Witness 1 and others. She did not remember who else was at the table. The Complainant said, "[Respondent] sat next to Witness 1, and I was on the other side of [Respondent]." Witness 1 leaned over and asked us if we each wanted a Xanax. The Respondent did not want a whole one, so I agreed to split it with him. I had a half bar while at the table.

The Complainant said that by the time they were eating, she was feeling the effects of the alcohol. She did not eat much, only two chicken fingers, because she started feeling "woozy." She said, "I thought the Xanax might chill me out, but it seems to have increased the effect of the alcohol." The Complainant said she was having difficulty focusing, and when she and the Respondent went to dance a slow song, "I think I was pretty sloppy. I think I stumbled. The Respondent wanted to keep dancing, but I told him I needed to sit down."

The Complainant said she stayed at the semi for a couple of hours after they took the Xanax, but she was having a hard time staying awake. That's when she told Witness 1 and the Respondent that she wanted to leave. She said, "I left and walked back. I don't remember the walk back, except I have a flashbulb memory of falling. The next day, I noticed my dress had dirt."

The Complainant was asked how she presents when she has been drinking alcohol versus her typical demeanor. The Complainant said, "I'm typically friendly but not super outgoing. I become more outgoing when I drink and often giggle."

The Complainant has not spoken to the Respondent since the semi. She said, "I have avoided him. I went to class late so I wouldn't have to sit next to him."

The Complainant told Regina Alberts and Witness 2 what happened. Later, on the same day of the incident, she asked Witness 1 what the noise was and if she had stayed in the room overnight. Witness 1 was "evasive" and mumbled something about a trashcan and that she had stayed with a friend. Witness 1 seemed hesitant to talk to the Complainant, so the Complainant "dropped the subject."



B-2: RESPONDENT INTERVIEW

The Respondent was interviewed via Zoom on January 16, 2025. The Respondent's advisor was Jackie Chiles. The Respondent uses he/his pronouns.

The Respondent is an engineering student who lives in Dickinson Hall. He started at the University in the fall of 2024 and has sophomore standing because he transferred from Somewhere University. He joined the DSA fraternity at his previous school.

The Respondent met the Complainant in their "Engineering and Equity" class. He said, "During the first week of classes, I arrived at class right before it started. Almost everyone was there, so there weren't a lot of empty chairs. [Complainant] saw me looking for a seat and motioned that there was an empty seat. We have been friends ever since."

The Respondent and Complainant hang out with the same group, primarily people from the fraternity. He said he likes to spend time with the Complainant; however, he does not think positively of Witness 1, the Complainant's roommate. He said, "She's obnoxious. She always makes me feel bad about myself—making fun of how I dress or talk." The Respondent stated he has a speech impediment that makes him self-conscious. He said, "Most people don't notice it, but it tends to surface if I'm tired or in a large crowd."

The Respondent said he was excited about the fraternity's semi-formal. He said, "[Complainant] and I have a special connection, or so I thought, and I thought asking her out to the semi would be a good way to take our relationship to the next level."

The Respondent said the Complainant is "really nice and friendly" to him. When the group gets together, they often end up talking with each other about mutual interests, such as British crime dramas. He often (5-6 times in the fall) went to her room when Witness 1 wasn't around, and they would binge on British crime dramas. He said, "We watched the shows on her laptop while in bed." He stated he fell asleep a few times. He said, "I would leave as soon as I woke up. I didn't want people to gossip about us."

The Respondent said he felt a "vibe" between them and thought they had a mutual crush. He said, "I planned to ask her out to the semi and make it a really nice night for her. I'm so confused about why she said I did anything wrong. I would never hurt her. I even bought her flowers."

The Respondent said he was in class with the Complainant on November 20, 2024, when he "got up the nerve" to ask her to the semi. The Respondent asked her if she was planning on attending the semi. She said she was, and the Respondent asked her, "Well, are you going with a date?" She responded, "No, I was going to go with a group." The Respondent asked, "Would you like to go with me?" She agreed. He said, "It was clear I asked her to go as my date."

The Respondent ran into Witness 1 a few days later and asked her what flowers the Complainant liked. The Respondent said, "[Witness 1] knew I was excited and was planning a nice date for [Complainant]. This wasn't a secret. Why didn't she say something if [Complainant] didn't like me? Why didn't [Complainant] tell me she didn't want to go with me?" Witness 1 seemed excited about the Respondent and the Complainant as a couple, and the Respondent said Witness 1 told him that the Complainant has been in an abusive relationship before and "not to screw this up."

The Respondent said the Complainant asked him to come to her room at 7:00 p.m. He said, "I thought we would hang out first and then head over. I was really surprised when I got there, and there was a



room full of people.” The Respondent brought a backpack with a change of clothes “in case he stayed over.” When asked if the Complainant had indicated that he may stay over, the Respondent responded, “Well, I have stayed over before, so I saw that as a precedent.”

The Respondent stated he did not drink alcohol before going to the room. He said, “I was nervous and excited and wanted a clear head. However, I was thrown off by others being there.” The Respondent said he drank at the Complainant’s. When asked how much alcohol he drank at the Complainant’s, he said, “When I first got to [Complainant’s], [Witness 1] gave me an Old Milwaukee, which was gross. I put it down and didn’t drink it. Then, a while later, the Complainant asked me if I wanted another drink, so I said, ‘Sure,’ and she got me another one. I drank about half of it.” The Respondent saw the Complainant drink one White Claw, the one she got at the same time as his.

The Respondent stated he did not have any other alcohol that night. When asked if he left the semi to drink, he said, “No, once you go in, you can’t leave.” The Respondent said people are searched before entering, and you can’t go back out once you’re in. People can leave and use the bathroom right across from the ballroom, which is staffed by security. He said he went to the bathroom several times during the event “because I was nervous and excited.”

The Respondent was asked if he took any drugs that night. He said, “No, absolutely not. No.” He was asked again later in the interview. He paused for 20 seconds and then said, “Well, yes. I split a Xanax bar with the Complainant. We got it from [Witness 1]. I lied about that, but nothing else. I didn’t want to get [Complainant] or [Witness 1] in trouble.” The Respondent said Witness 1 gave it to them when they returned from the buffet table.

The Respondent said the Xanax helped him relax. He danced a lot at the semi, sometimes with friends and sometimes with just the Complainant. They danced a slow song, “which was nice.” A friend of his took their picture (see Exhibit C-3). The Respondent said, “Things were fine. We were dancing. She was really into me. She kissed me on the dance floor. It was all fine.”

The Respondent and the Complainant went to the buffet table around 9:30 p.m. The Respondent had pasta, and the Complainant had chicken fingers. This was when Witness 1 gave them the Xanax bar. The Respondent said he wasn’t interested but didn’t want to “look like a wuss” in front of the Complainant, so he split the bar with the Complainant. It was the first time he had taken Xanax.

The Respondent wanted to dance after they ate. He and the Complainant started dancing to a slow song, but the Complainant said she wanted to go back and hang out with the people at the table. The Respondent said he was disappointed because he wanted one-on-one time with the Complainant. Instead, the Respondent went to dance with his friends.

He didn’t talk to the Complainant again until she approached him to say she wanted to leave. He was unsure of the time. The Complainant said she wanted to go back to her room. The Respondent was torn because he was having a good time but wanted to be with the Complainant. Witness 1 said to him, “Let [Complainant] go back and get settled. I will bring you back to get your stuff.”

The Respondent shared a text exchange with the Complainant that occurred at 12:05 a.m. He said the Complainant initiated the “flirting” exchange.

The Respondent and Witness 1 left the semi around 12:30 a.m. The Respondent said, “[Witness 1] was really drunk. She could barely walk. I had to help her walk.” On the walk to the residence hall, Witness 1



commented on how cute the Respondent and the Complainant were together. She told the Respondent that the Complainant “really likes you.”

The Respondent and Witness 1 arrived at the room. The Respondent said, “We were pretty loud because [Witness 1] kept stumbling, and we were laughing.” Witness 1 told the Respondent, “I think I’m going to puke.” Witness 1 tried to pick up a trashcan but dropped it.

The Respondent wasn’t sure what to do—leave, help Witness 1, or go to the Complainant’s side of the room. Witness 1 whispered, “I’m going down the hall to sleep. You two kids have a good time.” Witness 1 picked up her pajamas, toothbrush, and other items and left the room. The Respondent said he was “surprised” by how coordinated Witness 1 seemed since she had difficulty walking and dropped the trashcan.

The Respondent was alone in the room with the Complainant. He saw the Complainant in bed. He said, “There was a precedent for us being in bed together. I changed into a t-shirt, left my boxers on, and climbed under the sheet with her. The Complainant’s bed is against the wall. The Complainant was closest to the bed, and the Respondent was on the outside. The Respondent said, “It’s a twin bed. There was no room, so I spooned her.” He said there was “no way” the Complainant was sleeping because of the noise they made. The Respondent said, “I thought it was all part of the plan. We had been flirting all night. She kissed me at the dance. She knew I was coming over. She heard Witness 1 leave.”

The Respondent said he whispered in her ear, “Don’t worry. It’s only me.” He started to stroke the Complainant’s hair. The Respondent heard her make a “soothing” sound like “mmm.” The Respondent took it to mean she was enjoying it. He started to whisper things like, “I had a great time tonight. You’re so beautiful.” The Respondent said, “I kissed her neck. I felt her body tighten with excitement, so I continued. I kissed her neck some more and then rubbed her arm and back. She was responding positively. I could hear her moan, and at one point, she turned her body to face me more, and we kissed on the mouth.” The Respondent said, “She was actively engaged. She was awake and enjoying it. Her eyes were opened. She was kissing me back.”

When they stopped kissing, the Respondent continued to rub the Complainant on the breasts and the stomach. The Respondent said the Complainant moved her hand on top of his and moved it down towards her waist. The Respondent said he took that to mean that she wanted him to rub her lower. He moved his hand under her waistband. She arched her back “because she was enjoying it.” The Respondent said he continued to stroke the Complainant.

The Respondent denied that he digitally penetrated the Complainant. He said, “That wouldn’t have happened. My palm was flat the whole time.

The Respondent said, “I had consent. She was clearly enjoying it. She reciprocated. She kissed me. She moved my hand down to her vaginal area.”

The Respondent was asked about the Complainant’s state of intoxication. The Respondent knew she had alcohol but did not know how much. He saw her with one White Claw. They split the Xanax bar. He said, “I don’t think that’s enough to incapacitate someone.”

The Respondent was asked how much the Complainant ate at the semi. He said, “She had one or two chicken fingers. She said something about not feeling great and that she couldn’t dance anymore. It was hot in the ballroom, so I assumed that was the issue.”



The Respondent was asked what the Complainant told him about leaving the dance. The Respondent said, "She said she wanted to leave. She said she was tired, but she was also giggling a lot. That didn't make sense to me because she didn't seem that tired. I thought she was signaling to me that something was going to happen. I got the sense from Witness 1 that the Complainant wanted to go back to get ready for me."

The Respondent was asked if he had seen the Complainant intoxicated before. He said there was a time when the fraternity got together at a bar, and they were "both wasted." It was early on in the semester, either at the end of September or early October. He said the Complainant was "all happy and giggling. She was more outgoing than usual." The Respondent said they danced and made out toward the end of the night. The Respondent said, "That was consensual, too. I was totally respectful of her. If she didn't want to do anything, I immediately stopped." The Respondent explained that at one point, he touched her breasts. The Respondent said, "She told me 'no,' and I stopped. She knows I wouldn't do anything to hurt her."

The Respondent was asked if the Complainant spoke to him when he was in her room. He said, "Well, not verbally, but our actions were doing the talking."

The Respondent texted the Complainant at 8:00 a.m., asking where she was. The Complainant responded that she was in Witness 2's room. The Respondent said, "I was surprised she was gone. I texted her to see if everything was okay. She said she was just hungry, and everything was fine."

The Respondent has only seen the Complainant from a distance since the semi. He said she came to the last few class sessions later. He assumed she was busy studying, which was why they didn't get together. He said, "She wrote in her text that she would see me after finals, so I took that to mean she would be really busy. I didn't think anything of it that we didn't hang out."

A friend of the Respondent's took a photo of them at the semi. The Respondent wanted the Complainant to have it before she went home for break, so he mailed it to her. He said, "It shows how much fun we were having."



B-3: WITNESS 1 INTERVIEW

Witness 1 was interviewed via Zoom on January 11, 2025. Witness 1 uses she/her pronouns.

Witness 1 is a sophomore majoring in engineering at Fake University. She is the Complainant's roommate.

Witness 1 met the Complainant in their first year at Fake University. They are engineering majors in the Delta Sigma Alpha (DSA) honors fraternity. They became roommates in the fall semester of their sophomore year. Witness 1 knows the Respondent through DSA. Witness 1 stated that they are all friends and spend time together.

Witness 1 stated, "[Respondent] has a massive crush on [Complainant]." Witness 1 stated that she knew this because they would be at meetings, and the Respondent would "always be staring at [Complainant] during our meetings, even when she wasn't talking." Their friend group often had a game night in one of their rooms. Witness 1 stated that the Respondent would always try to be on the Complainant's team. Witness 1 stated, "I told [Complainant] that the Respondent was crushing on her, but [Complainant] passed it off as being socially awkward."

Witness 1 said she thought the Complainant secretly had a crush on the Respondent, even though she initially denied it. Witness 1 doesn't know what prompted this, but one night, after they all went to a bar, the Complainant told Witness 1 that she now believed the Respondent liked her. The Complainant told Witness 1, "I like [Respondent], but I don't know if I want to be in a relationship with him." Witness 1 said, "She was hesitant because she told me she had a boyfriend who was in high school. He was manipulative and always wanted her to satisfy him and never the other way. She told me that she would never be submissive again, and she would demand satisfaction."

Witness 1 said the Respondent "often" spent the night in their room when Witness 1 was not around. She said, "They like British crime dramas and would watch them together. I don't know if anything else was happening, but I know he didn't sleep in my bed."

The DSA semi-formal was in the Student Union ballroom on December 3, 2024. Witness 1 described it as "one of those semis where you can do it old school and bring a date or go as a group." Witness 1 stated that no one in their friend group intended to bring a date. Witness 1 and the Complainant planned to go with three to four friends.

The Respondent was not part of that original group until the Complainant told Witness 1 that he had asked to go with them. Witness 1 stated that she was fine if the Respondent went with them. Witness 1 asked the Complainant if the Respondent thought it was a date. The Complainant told Witness 1, "No, no. He knows this is a friend thing."

A few days before the semi, maybe around November 30th, Witness 1 saw the Respondent at Dunkin on campus. The Respondent told her he was stoked that the Complainant had agreed to be his date and asked Witness 1 what flowers the Complainant liked. Witness 1 stated, "I had no idea that was still a thing." Witness 1 returned to her room and told the Complainant, "You may not think this is a date, but the Respondent sure does." Witness 1 said she thought the Complainant was secretly happy about it.

Witness 1 stated that they hosted a pre-semi event in their room. When he arrived, the Respondent seemed nervous and angry about the other people there. They were in the room for a bit, but Witness 1



did not remember how long. Witness 1 saw the Respondent and Complainant drinking White Claws but did not know how much either drank. Witness 1 drank Old Milwaukee beer.

The group went to the semi. Witness 1 stated, "By that point, I was hammered. I don't remember much." Witness 1 stated that she remembered eating with the Complainant and Respondent. Witness 1 was asked if she knew anything about a Xanax bar. She said, "No, no one would do that." When asked if she had given a Xanax bar to the Complainant and Respondent, she said, "I wouldn't have done that."

She didn't remember seeing them until later that night when the Complainant told her she wanted to go home because she wasn't feeling well. The Complainant told Witness 1 that the Respondent had his stuff, including his keys, in their room, but he wanted to stay at the semi. Witness 1 offered to stay and bring the Respondent back later to get his stuff. Witness 1 said the Complainant appeared tired and "out of it." Witness 1 said, "She was giggling, which is always a sign that she is drunk. I thought she returned to the room to clean up because we left it a mess. She knew the Respondent was going to go back there."

A little while later (maybe after midnight), the Respondent "stumbled" up to Witness 1 and told her they needed to go to her and the Complainant's room. Witness 1 was having a hard time concentrating and walking. The two of them went back to the room. Witness 1 said, "As we returned to the dorm, I tripped, and the Respondent tried to catch me. We both ended up on the ground, laughing hysterically." Witness 1 stated that they were still laughing when they got to the room. Witness 1 stated, "At that point, I thought I was going to throw up, so I grabbed the trash can, but I dropped it, which made us laugh again."

Witness 1 said she then grabbed her pajamas and bathroom caddy and went to the bathroom. Witness 1 stayed the night in her friend's room down the hall. When asked why, she said, "I know [Respondent] really likes [Complainant], and I think [Complainant] likes him. They would make a cute couple, and I thought I would give them some space. I did not want to hear other people having sex."

Witness 1 returned to her room around 10:00 a.m. later that day. Neither the Complainant nor the Respondent were in the room. She said, "I didn't know anything was wrong until I heard from Title IX that you wanted to talk to me."



B-4: WITNESS 2 INTERVIEW

Witness 2 was interviewed via Zoom on January 11, 2025. Witness 2 uses she/her pronouns.

Witness 2 is a junior Engineering major at Fake University. She met the Complainant when the Complainant joined the DSA honors fraternity. Witness 2 was her “big sister,” and they have been close ever since. She knows who the Respondent is but does not consider him a friend. Witness 2 has her main friend group, which consists of juniors.

Witness 2 was not in the Complainant’s room before the semi. The Complainant and Witness 2 got their hair done together, and then Witness 2 went out to dinner with her partner. Witness 2 stated, “We hate function food, so we decided to eat first and meet everyone there later.” Witness 2 and her partner arrived at about 8:45 p.m. She remembers seeing the Complainant dancing with the Respondent. At one point, she talked to the Complainant in the restroom. Witness 2 stated, “[Complainant] seemed fine. She said she was having a good time, and [Respondent] was sweet.” Witness 2 and her partner left around 10:00 p.m. Witness 2 stated, “We weren’t that interested in going but knew we had to show up because I used to be on the executive board. We went for a little bit and then left.”

Early on December 4, 2024, Witness 2’s partner got up to work at Dunkin. Around 6:00 a.m., the Complainant texted her to see if she was up. The Complainant called the Respondent a “creep.” Witness 2 was surprised because the Complainant always said nice things about the Respondent, and she seemed to like him. Witness 2 offered to go to the Complainant’s room, but the Respondent was still there. Witness 2 offered for the Complainant to come to her room (she lives in Alcott on the fourth floor in a single).

The Complainant came to her room around 6:15 or 6:30 a.m. Witness 2 stated, “[Complainant] was really upset. It took her a few minutes to calm down.” Witness 2 stated that the Complainant told her that she had left the semi-early with the understanding that the Respondent would come back later for his stuff. Instead, when he came back, the Respondent climbed into bed with the Complainant and started to touch her. The Complainant told Witness 2 that the Respondent rubbed her and then “fingered her.” The Complainant told her that the Respondent had put his hand down her underwear and inserted his finger into her vagina. The Complainant then squeezed her legs, and he jumped back. The Complainant told Witness 2 that they both went to sleep.

Witness 2 stated that the Complainant didn’t want to discuss it further, so they went to breakfast. The Complainant told Witness 2 a few weeks later that she told her academic advisor about it, and her academic advisor had to report it. The Complainant wasn’t sure if she wanted to talk to anyone about it. Witness 2 encouraged her to meet with the Title IX Coordinator. Witness 2 told the Complainant, “I am sick of this shit. Guys like him need to be held accountable.”



B-5: REGINA ALBERTS WITNESS INTERVIEW

Regina Alberts was interviewed via Zoom on January 11, 2025. Witness 2 uses she/her pronouns.

Regina Alberts is an academic advisor. The Complainant is one of her advisees. She does not know the Respondent.

On December 19, 2024, at 4:00 p.m., Regina was sitting in the student center lounge when the Complainant and another student came into the room and joined her on the sofa.

The Complainant was looking at what appeared to be a photo. The Complainant looked sad, and Regina asked her if everything was okay. The Complainant said she was upset about something that happened a few weeks ago and saw something earlier in the day that reminded her of it. Regina asked, "Are you okay? What do you mean?" At that point, the other student interrupted to talk about "boy issues" she was dealing with. Regina stated, "[Other student] is also one of my advisees. She tends to dominate conversations." Regina did not think that the Complainant and the student were friends. She said, "I think it was a coincidence that they were there at the same time."

The Complainant told Regina the photo was from her honor fraternity's semi-formal, which reminded her of a bad night. She told Regina that something had happened that she hadn't wanted. Regina asked what happened at the semi, and the Complainant told her it happened after the semi in the Complainant's residence hall room. The Complainant told her, "It made me feel oogie." The other student asked her if her date had been drunk. The Complainant said yes and that she thinks he may also have taken some drugs as well. Regina asked her if what happened to her was something she wanted or consented to. The Complainant said no but wasn't sure if it was a big deal. Regina told her it was a big deal if she didn't consent to an act.

The other student interrupted again. Regina said she knew at that point that it would be useless to have a conversation with the other student present. The Complainant and the other student left about five minutes later.

At around 5:00 p.m., Regina saw the Complainant sitting alone and went to talk to her privately about the situation. The Complainant told her that her date rubbed her body and spooned with her. He touched her under her underwear and fingered her. Regina told her that she needed to report the issue.



EXHIBIT C – COMPLAINANT-SUBMITTED MATERIALS

C-1: BETTY-BARRY TEXT MESSAGE SCREENSHOT SUBMITTED BY BETTY (COMPLAINANT)

Timestamp is Dec 4, 2024, 12:05 a.m.





C-2: BETTY-FRAN TEXT MESSAGE SCREENSHOT SUBMITTED BY BETTY (COMPLAINANT)

Timestamp is Dec 4, 2024, 6:00 a.m.

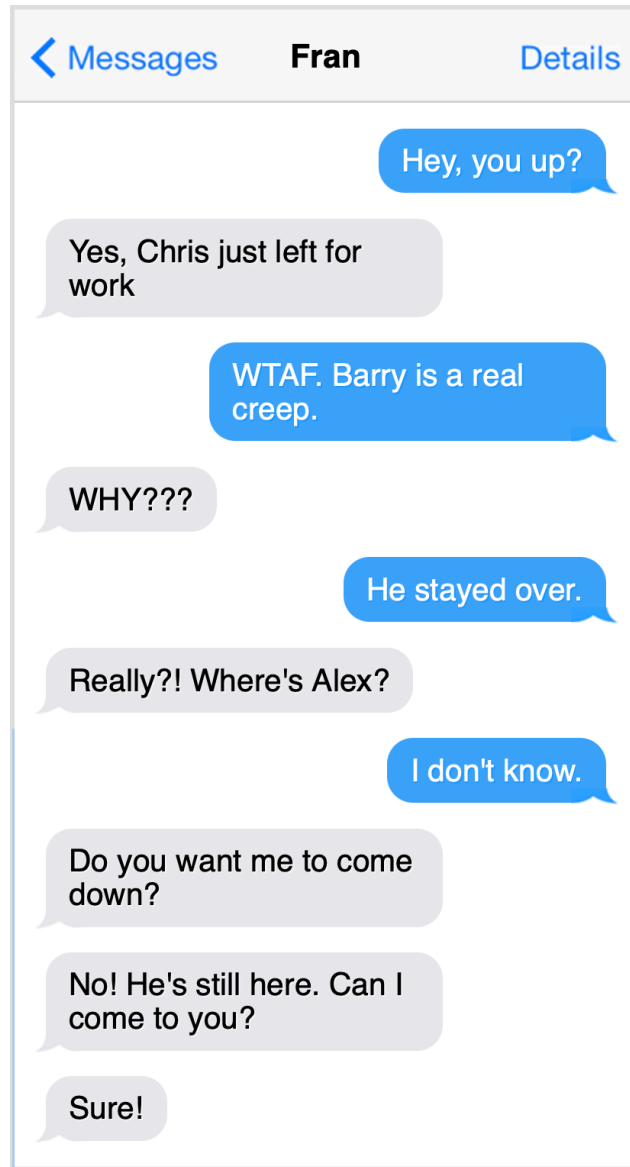




EXHIBIT D – RESPONDENT-SUBMITTED MATERIALS

D-1: BETTY-BARRY TEXT MESSAGE SCREENSHOT SUBMITTED BY BARRY (RESPONDENT)

Timestamp is Dec 4, 2024, 12:05 a.m.





D-2: BARRY-BETTY TEXT MESSAGE SCREENSHOT SUBMITTED BY BARRY (RESPONDENT)

Timestamp is Dec 4, 2024, 8:00 a.m.



D-3: SEMI-FORMAL PHOTO SUBMITTED BY BARRY (RESPONDENT)





EXHIBIT E – STUDENT UNION INFORMATION

E-1: STUDENT UNION EVENT POLICY

- Attendees are limited to current FakeU students and their guests. Each FakeU student may bring up to two guests to a program.
- Organization representatives identified on all event or program-related materials (reservation confirmation, catering confirmation, etc.) must be present at the event at all times. The Student Union may require additional organization representatives.
- The Student Organization Advisor may be required to be present at the event at the discretion of the Student Union.
- For registered student organizations, the Advisor **MUST** be present for the duration of the dance, from the pre-event security meeting to the end of the event.
- A minimum of two officers are required for a minimum of four hours of service time.
- Bag Searches—All attendees will be required to open bags, purses, backpacks, pockets, etc., at the request of Police or Private Security Officers. Individuals failing to comply with the request will be denied entrance.
- ID Checks—All attendees must show photo identification before entering the event. At any time during the program, attendees may be required to show identification at the request of Police, Private Security Officers, or Event staff. Individuals failing to comply with the request will be asked to leave the event.
- Pat Downs—Private security officers will pat down attendees to search for items restricted from venues, such as weapons, beverage containers, medications, and drugs. Attendees will select a gender-specific pat-down area, and gender-specific security officers will conduct searches. Private security officers may also use metal-detector “wands” to assist in this security check-in area.
- Wristbands—Once an attendee has completed the entrance process, the Approval Office staff will place a wristband on the attendee to indicate compliance with all security requirements. All attendees (including student organization representatives, speakers, performers, stage crew, etc.) must receive wristbands and are included in the room capacity.
- Re-admittance Policies—If an attendee leaves the immediate area of the ballroom, they will not be allowed reentry.



D. STAFFORD
& ASSOCIATES

E-2: STUDENT UNION FLOOR PLAN





Bibliography

- ABC. (n.d.). *Schoolhouse Rock - "I'm just a bill"*. YouTube. Retrieved January 21, 2022, from <https://www.youtube.com/watch?v=l6MinvU93kl>
- Alexander, M. (2012). *The New Jim Crow*. New Press.
- American Council on Education. (2020, September 10). *Race and ethnicity of college and university presidents over time*. Race and Ethnicity in Higher Education. Retrieved January 21, 2022, from <https://www.equityinhighered.org/indicators/postsecondary-faculty-and-staff/race-and-ethnicity-of-college-and-university-presidents-over-time/>
- Anderson, M., Vogels, E. A., & Turner, E. (2020, October 2). *The Virtues and Downsides of Online Dating*. Pew Research Center: Internet, Science & Tech. Retrieved from <https://www.pewresearch.org/internet/2020/02/06/the-virtues-and-downsides-of-online-dating/>
- Anderson, N., & Clement, S. (2015, June 12). *Poll shows that 20 percent of women are sexually assaulted in college*. The Washington Post. Retrieved from <https://www.washingtonpost.com/sf/local/2015/06/12/1-in-5-women-say-they-were-violated/>
- Anti-Defamation League. (n.d.). A Brief History of Disability Rights Movement. Retrieved January 17, 2022, from <https://www.adl.org/education/resources/backgrounders/disability-rights-movement>
- Areen, J., & Lake, P. F. (2014). *Higher Education and the Law*. Foundation press.
- Barlow, J. N. (2020, February). *Black women, the forgotten survivors of sexual assault*. American Psychological Association. Retrieved from <https://www.apa.org/pi/about/newsletter/2020/02/black-women-sexual-assault>
- Bedera, N. (2017). Moaning and Eye Contact: College Men's Negotiations of Sexual Consent in Theory and in Practice. <https://doi.org/10.31235/osf.io/eqfya>
- Boyle, K. M. (2015). Social Psychological Processes that Facilitate Sexual Assault within the Fraternity Party Subculture. *Sociology Compass*, 9(5), 386–399. <https://doi.org/10.1111/soc4.12261>
- Brown, J. T. (2012). *The parent's guide to college for students on the autism spectrum*. Autism Asperger Pub. Co.
- Bryant, J. (2021, November 11). *How many Americans have a college degree? BestColleges*. BestColleges.com. Retrieved January 21, 2022, from <https://www.bestcolleges.com/news/analysis/2021/07/01/how-many-americans-have-college-degrees/>

- Campbell, R., Bybee, D., Townsend, S. M., Shaw, J., Karim, N., & Markowitz, J. (2014). The Impact of Sexual Assault Nurse Examiner Programs on Criminal Justice Case Outcomes. *Violence Against Women*, 20(5), 607–625. <https://doi.org/10.1177/1077801214536286>
- Canan, S. N., Jozkowski, K. N., & Crawford, B. L. (2016). Sexual Assault Supportive Attitudes: Rape Myth Acceptance and Token Resistance in Greek and Non-Greek College Students From Two University Samples in the United States. *Journal of Interpersonal Violence*, 33(22), 3502–3530. <https://doi.org/10.1177/0886260516636064>
- Cantor, D., Fisher, B., Chibnall, S., Townsend, R., Lee, H., Bruce, C., & Thomas, G. (2017, October 20). *Report on the AAU Campus Climate Survey on Sexual Assault ...* Retrieved from <https://www.aau.edu/sites/default/files/AAU-Files/Key-Issues/Campus-Safety/AAU-Campus-Climate-Survey-FINAL-10-20-17.pdf>
- Center for Applied Special Technology. (2020, September 25). *Timeline of Innovation*. CAST. Retrieved from <https://www.cast.org/impact/timeline-innovation>
- Center for Applied Special Technology. (n.d.). *UDL On Campus*. UDL On Campus: Home. Retrieved from <http://udloncampus.cast.org/home>
- The Centers for Disease Control and Prevention. (2010). *NISVS: An Overview of 2010 Findings on Victimization by Sexual Orientation*. National Intimate Partner and Sexual Violence Survey (NISVS): 2010 Findings on Victimization by Sexual Orientation. Retrieved from https://www.cdc.gov/violenceprevention/pdf/cdc_nisvs_victimization_final-a.pdf
- Centers for Disease Control and Prevention. (2019). Centers for Disease Control and Prevention. Retrieved from <https://www.cdc.gov/violenceprevention/publichealthissue/social-ecologicalmodel.html>
- Centers for Disease Control and Prevention. (2020, June 1). *Sexual Violence and Intimate Partner Violence Among People with Disabilities | Violence Prevention | Injury Center | CDC*. Centers for Disease Control and Prevention. Retrieved from <https://www.cdc.gov/violenceprevention/datasources/nisvs/svandipv.html>
- Chambers, J. C., Horvath, M. A. H., & Kelly, L. (2010). A Typology of Multiple-Perpetrator Rape. *Criminal Justice and Behavior*, 37(10), 1114–1139. <https://doi.org/10.1177/0093854810377971>
- Cho, H., Seon, J., Choi, G.-Y., An, S., Kwon, I., Choi, Y. J., Hong, S., Lee, J. O., Son, E., & Yun, S. H. (2020). Gender Differences in Intimate Partner Violence Victimization, Help-Seeking, And Outcomes Among College Students. *Advances in Social Work*, 20(1), 22–44. <https://doi.org/10.18060/23675>
- Civil Rights Act of 1964 § 7, 42 U.S.C. § 2000e et seq (1964) (n.d.).
- Coaston, J. (2019, May 20). *The intersectionality wars*. Vox. Retrieved from <https://www.vox.com/the-highlight/2019/5/20/18542843/intersectionality-conservatism-law-race-gender-discrimination>

- Cocks, C. L., & Brown, F. C. L. (2020). The Philosophy of Student Conduct and the Student Conduct Professional. In *Student conduct practice: the complete guide for student affairs professionals* (pp. 23–35). essay, Stylus Publishing.
- Congressional Research Service, & McCallion, G., History of the Clery Act: Fact sheet (2014). Washington, DC; Congressional Research Service.
- Congressional Research Service, & Sacco, L. N., The Violence Against Women Act (VAWA): Historical Overview, Funding, and Reauthorization (2019). Washington, DC; Congressional Research Service.
- Crager, M., Cousin, M., & Hardy, T. (2003, April). *Victim-Defendants: An Emerging Challenge in Responding to Domestic Violence in Seattle and the King County Region*. King County Coalition Against Domestic Violence. Retrieved from <https://endgv.org/wp-content/uploads/2016/03/victimdefendantfinalreport111.pdf>
- Crenshaw, K. (2018). Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory, and Antiracist Politics [1989]. *Feminist Legal Theory*, 57–80. <https://doi.org/10.4324/9780429500480-5>
- Cruz, J. V. (2018, December 24). *Five Things to Know When Working with Lesbian, Gay, Bisexual, Transgender, and Queer (LGBTQ) Sexual Violence Survivors*. Justice Clearinghouse. Retrieved from <https://www.justiceclearinghouse.com/resource/five-things-to-know-when-working-with-lesbian-gay-bisexual-transgender-and-queer-lgbtq-sexual-violence-survivors/>
- Dannells, M. (1997). *From discipline to development: rethinking student conduct in higher education*. EIC Clearinghouse on Higher Education, Institute for Education Policy Studies, Graduate School of Education and Human Development, the George Washington University.
- daSilva, T., Harkins, L., & Woodhams, J. (2013). Multiple perpetrator rape: An international phenomenon. *Handbook on the Study of Multiple Perpetrator Rape*, 30–56. <https://doi.org/10.4324/9780203083406-9>
- daSilva, T., Woodhams, J., & Harkins, L. (2017). “An Adventure That Went Wrong”: Reasons Given by Convicted Perpetrators of Multiple Perpetrator Sexual Offending for Their Involvement in the Offense. *Archives of Sexual Behavior*, 47(2), 443–456. <https://doi.org/10.1007/s10508-017-1011-8>
- Dating App Revenue and Usage Statistics (2021)*. Business of Apps. (2021, January 25). Retrieved from <https://www.businessofapps.com/data/dating-app-market/>
- Davis, D.-M. (2020, December 24). *24 slang words teens and Gen Zers are using in 2020, and what they really mean*. Business Insider. Retrieved from <https://www.businessinsider.com/slang-words-terms-teens-current-2019-8#extra-to-be-extra-is-to-be-unnecessarily-dramatic-and-over-the-top-1>

- DiAngelo, R. J. (2018). *White Fragility: Why It's So Hard for White People to Talk about Racism*. Beacon Press.
- Durham, J. J. (2018, November 27). *The Differences and Similarities of Restorative Justice and Mediation*. Pathways to Restorative Communities. Retrieved from <https://www.pathways2rc.com/news/2018/10/24/the-differences-and-similarities-of-restorative-justice-and-mediation>
- Electronic Privacy Information Center. (n.d.). *Family educational rights and privacy act (FERPA)*. Family Educational Rights and Privacy Act (FERPA). Retrieved January 19, 2022, from <https://epic.org/family-educational-rights-and-privacy-act-ferpa/>
- Federal Register. Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, 34 CFR 106. (2019).
- FIRE. (n.d.). *Campus rights: What we defend*. FIRE. Retrieved January 16, 2022, from <https://www.thefire.org/about-us/campus-rights/>
- Foubert, J. D., Brosi, M. W., & Bannon, R. S. (2011). Pornography Viewing among Fraternity Men: Effects on Bystander Intervention, Rape Myth Acceptance and Behavioral Intent to Commit Sexual Assault. *Sexual Addiction & Compulsivity*, 18(4), 212–231. <https://doi.org/10.1080/10720162.2011.625552>
- Foubert, J. D., Clark-Taylor, A., & Wall, A. F. (2019). Is Campus Rape Primarily a Serial or One-Time Problem? Evidence From a Multicampus Study. *Violence Against Women*, 107780121983382. <https://doi.org/10.1177/1077801219833820>
- Gehring, D. D. (2001). The Objectives of Student Discipline and The Process That's Due: Are They Compatible? *Journal of Student Affairs Research and Practice*, 38(4), 466–481. <https://doi.org/10.2202/1949-6605.1155>
- Gladwell, M. (2019). *Talking to strangers: what we should know about the people we dont know*. Little, Brown and Company.
- Goldman, T., & Chappell, B. (2019, January 10). *How Bernice Sandler, 'godmother of title IX,' achieved landmark discrimination ban*. NPR. Retrieved January 21, 2022, from <https://www.npr.org/2019/01/10/683571958/how-bernice-sandler-godmother-of-title-ix-achieved-landmark-discrimination-ban>
- Gravelin, C. R., Biernat, M., & Bucher, C. E. (2019). Blaming the Victim of Acquaintance Rape: Individual, Situational, and Sociocultural Factors. *Frontiers in Psychology*, 9. <https://doi.org/10.3389/fpsyg.2018.02422>
- Greenhouse, M., BrckaLorenz, A., Hoban, M., Huesman, R., Rankin, S., & Stolzenberg, E. B. (2018, August). *Queer-Spectrum and Trans-Spectrum Student Experiences in American Higher Education*. Tyler Clementi Center for Diversity Education and Bias Prevention. Retrieved from

<https://clementicenter.rutgers.edu/research-insights-and-events/campus-climate-queer-spectrum-and-trans-spectrum-higher-education>

Harris, J. C., & Linder, C. (2017). *Intersections of identity and sexual violence on campus: centering minoritized students experiences*. Stylus Publishing.

Hegji, A. (2021, August 17). The Higher Education Act (HEA): A Primer. Retrieved January 21, 2022, from <https://sgp.fas.org/crs/misc/R43351.pdf>

Hirsch, J. S., & Khan, S. (2020). *Sexual Citizens: A Landmark Study of Sex, Power, and Assault on Campus*. W. W. Norton & Company.

Human Rights Campaign. (n.d.). Sexual Assault and the LGBTQ Community. Retrieved from <https://www.hrc.org/resources/sexual-assault-and-the-lgbt-community>

International Institute for Restorative Practices. (n.d.). Retrieved from <https://www.iirp.edu/>

Interrogation: A Review of the Science HIG Report. (2017, March 23). Retrieved from <https://www.fbi.gov/file-repository/hig-report-interrogation-a-review-of-the-science-september-2016.pdf/view>

Irving, D. (2018). *Waking up White: And Finding Myself in the Story of Race*. Elephant Room Press.

Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act of 1990, 20 U.S.C. §1092. (n.d.).

Jeanne Shaheen. (2022, January 12). *Shaheen, Hassan introduce Bill to combat sexual violence against students with disabilities*. U.S. Senator Jeanne Shaheen of New Hampshire. Retrieved January 17, 2022, from <https://www.shaheen.senate.gov/news/press/shaheen-hassan-introduce-bill-to-combat-sexual-violence-against-students-with-disabilities>

Johnson, P. A., Widnall, S. E., & Benya, F. F. (2018). *Sexual harassment of women: climate, culture, and consequences in academic sciences, engineering, and medicine*. The National Academies Press.

Judge, J., & O'Brien, T. (2012). *Equity and Title IX in Intercollegiate Athletics: A Practical Guide for Colleges and Universities*. NCAA Publications. Retrieved from www.NCAA.org/gender_equity

Kaplin, W. A., Lee, B. A., Hutchens, N. H., & Rooksby, J. H. (2020). *Law of Higher Education: Student Version* (Sixth). Jossey-Bass.

Kendi, I. X. (2021). *How To Be An Antiracist*. Vintage.

Kidder, R. M. (2006). *Moral courage*. Harper.

Kidder, R. M. (2009). *How good people make tough choices: resolving the dilemmas of ethical living*. Harper.

- Koss, M. P., Dinero, T. E., Seibel, C. A., & Cox, S. L. (1988). Stranger and Acquaintance Rape: Are There Differences In the Victim's Experience? *Psychology of Women Quarterly*, 12(1), 1–24. <https://doi.org/10.1111/j.1471-6402.1988.tb00924.x>
- Krebs, C. P., Lindquist, C. H., Warner, T., Fisher, B. S., & Martin, S. L. (2007, December). The Campus Sexual Assault (CSA) Study. Retrieved from <https://www.ncjrs.gov/pdffiles1/nij/grants/221153.pdf>
- Lacey, A., & Murray, C. (2015). *The Nuts and Bolts of Reauthorization*. Career Education Review. Retrieved from <https://www.thompsoncoburn.com/docs/default-source/publication-documents/the-nuts-and-bolts-of-reauthorization.pdf?sfvrsn=0&sfvrsn=0>
- Lake, P. F. (2009). *Beyond Discipline: Managing the Modern Higher Education Environment*. Hierophant Enterprises, Inc.
- Lake, P. F. (2011). *Foundations of Higher Education Law & Policy: Basic Legal Rules, Concepts, and Principles for Student Affairs*. NASPA.
- Lake, P. F. (2013). *The Rights and Responsibilities of the Modern University: The Rise of the Facilitator University*. Carolina Academic Press.
- Lancaster, J. M. (2006). *Exercising Power with Wisdom: Bridging Legal and Ethical Practice with Intention*. College Administration Publications.
- Legal Momentum. (n.d.). *History of VAWA*. History of VAWA | Legal Momentum. Retrieved January 16, 2022, from <https://www.legalmomentum.org/history-vawa>
- Martin, G. (2020, May 28). *What are Gender Pronouns? Why Do They Matter?* National Institutes of Health. Retrieved from <https://www.edi.nih.gov/blog/communities/what-are-gender-pronouns-why-do-they-matter>
- McClish, M. (2001). *I know you are lying: detecting deception through statement analysis*. Marpa Group, Inc.
- Mcleod, S. (2019, October 24). *Social Identity Theory*. Social Identity Theory | Simply Psychology. Retrieved from <https://www.simplypsychology.org/social-identity-theory.html>
- Mechanic, M. B., Resick, P. A., & Griffin, M. G. (1998). A comparison of normal forgetting, psychopathology, and information-processing models of reported amnesia for recent sexual trauma. *Journal of Consulting and Clinical Psychology*, 66(6), 948–957. <https://doi.org/10.1037/0022-006x.66.6.948>
- Meloy, J. R., Mohandie, K., & Green, M. (2011). The Female Stalker. *Behavioral Sciences & the Law*, 29(2), 240–254. <https://doi.org/10.1002/bsl.976>
- National Council on Disability. (2018, January 30). *Not on the Radar: Sexual Assault of College Students with Disabilities*. National Council on Disability. Retrieved from https://ncd.gov/sites/default/files/NCD_Not_on_the_Radar_Accessible_01292018.pdf

- National District Attorneys Association - Women Prosecutors Section. (2017, July 17). *National Domestic Violence Prosecution Best Practices Guide*. NATIONAL DOMESTIC VIOLENCE PROSECUTION BEST PRACTICES GUIDE. Retrieved from <https://ndaa.org/wp-content/uploads/NDAA-DV-White-Paper-FINAL-revised-July-17-2017-1.pdf>
- National Sexual Violence Resource Center and Pennsylvania Coalition Against Rape. (2012). *Sexual Violence & Individuals Who Identify as LGBTQ*. NSVRC_Research-Brief_Sexual-Violence-LGBTQ. Retrieved from https://www.nsvrc.org/sites/default/files/Publications_NSVRC_Research-Brief_Sexual-Violence-LGBTQ.pdf
- National Women's Law Center. (2000). *A Basic Guide to Title IX*. National Women's Law Center. Retrieved from <https://www.nwlc.org/sites/default/files/pdfs/ABasicGuidetoTitleIX.pdf>
- Natow, R. S. (2017). *Higher education rulemaking: the politics of creating regulatory policy*. Johns Hopkins University Press.
- Ohio Alliance to End Sexual Violence. (n.d.). The Violence Against Women Act of Reauthorization of 2021. Retrieved January 17, 2022, from https://oaesv.org/wp-content/uploads/2021/04/factsheet_vawa_2021.pdf
- Orantes, E., & Sharma, A. (2019, March 4). *Title IX Compliance Creates Hurdles for Collegiate eSports Programs*. JD Supra. Retrieved from <https://www.jdsupra.com/legalnews/title-ix-compliance-creates-hurdles-for-99240/>
- Orcutt, M., Petrowski, P. M., Karp, D. R., & Draper, J. (2020, June). *The Journal of College and University Law*. RESTORATIVE JUSTICE APPROACHES TO THE INFORMAL RESOLUTION OF STUDENT SEXUAL MISCONDUCT. Retrieved from https://jcul.law.rutgers.edu/wp-content/uploads/2020/08/45_jcul_No2_FULL.pdf
- Pacheco, R. (2020, May). Not Online. Not on Campus: Addressing Sexual Violence and Technology-Facilitated Violence on Campuses. Retrieved from <https://ywcacanada.ca/wp-content/uploads/2020/08/Not-Online.-Not-On-Campus.-Report.pdf>
- Paine, L. S. (2014, August 1). *Managing for Organizational Integrity*. Harvard Business Review. Retrieved from <https://hbr.org/1994/03/managing-for-organizational-integrity>
- Partners in Leadership. (2019, May 29). *The Three Values of Organizational Integrity*. Culture Management Experts. Retrieved from <https://www.partnersinleadership.com/insights-publications/the-three-values-of-organizational-integrity/>
- Pew Research Center. (2020, June 5). *Demographics of Social Media Users and Adoption in the United States*. Pew Research Center: Internet, Science & Tech. Retrieved from <https://www.pewresearch.org/internet/fact-sheet/social-media/>
- Practical Psychology. (2020, April 15). *Ebbinghaus Forgetting Curve (Definition + Examples)*. Practical Psychology. Retrieved from <https://practicalpie.com/ebbinghaus-forgetting-curve/>

- The Pregnant Scholar. (2020, September 29). *The Pregnant Scholar Homepage: Tools to support student parents*. The Pregnant Scholar. Retrieved from <https://thepregnantscholar.org/>
- Public policy recommendation: Addressing campus sexual ...* (n.d.). Retrieved from <https://www.atsa.com/pdfs/Policy/Addressing%20Campus%20Sexual%20Misconduct%20FINAL.pdf>
- Rothstein, R. (2018). *The Color of Law: A Forgotten History of How Our Government Segregated America*. Liveright Publishing Corporation, a division of W.W. Norton & Company.
- Seabrook, R. C., Ward, L. M., & Giaccardi, S. (2018). Why is fraternity membership associated with sexual assault? Exploring the roles of conformity to masculine norms, pressure to uphold masculinity, and objectification of women. *Psychology of Men & Masculinity*, 19(1), 3–13. <https://doi.org/10.1037/men0000076>
- Seelye, K. Q. (2019, January 8). *Bernice Sandler, 'godmother of title IX,' dies at 90*. The New York Times. Retrieved January 21, 2022, from <https://www.nytimes.com/2019/01/08/obituaries/bernice-sandler-dead.html>
- Sex Offender Management Assessment and Planning Initiative*. (2017, April). Retrieved from https://smart.gov/SOMAPI/pdfs/SOMAPI_Full%20Report.pdf
- Sloan, J. J., & Fisher, B. (2011). *The Dark Side of the Ivory Tower: Campus crime as a social problem*. Cambridge University Press.
- Stanford Journalism. (2019). *Celebrating 47 Years of Title IX and Bernice Sandler*. YouTube. Retrieved January 21, 2022, from https://youtu.be/F_B7-HwaqP4.
- Stark-Mason, R. (2020, February 26). *Name, Image, Likeness*. NCAA.org - The Official Site of the NCAA. Retrieved from <http://www.ncaa.org/champion/name-image-likeness>
- Steinfeld, E., & Maisel, J. (2012). *Universal Design Creating Inclusive Environments*. John Wiley & Sons.
- Stoner, E. N., & Lowery, J. W. (2004). Navigating Past The “Spirit of Insubordination”: A Twenty-First Century Model Student Conduct Code. *Journal of College and University Law*, 31(1), 1–78.
- Title IX of The Education Amendments of 1972, 20 U.S.C. A§ 1681 Et. (n.d.).
- Toure, K., & Hamilton, C. V. (1992). *Black Power: The politics of liberation in America*. Vintage Books.
- Tracy, C. E., Fromson, T. L., Long, J. G., & Whitman, C. (2012, June 5). *Rape and Sexual Assault in the Legal System*. Women's Law Project. Retrieved from <https://www.womenslawproject.org/wp-content/uploads/2016/04/Rape-and-Sexual-Assault-in-the-Legal-System-FINAL.pdf>

- Tumulty, K. (2004, May 17). *Evaluating the success of the Great Society*. The Washington Post. Retrieved January 21, 2022, from <https://www.washingtonpost.com/wp-srv/special/national/great-society-at-50/>
- U.S. Department of Education (ED). (2020, January 10). *Know Your Rights: Pregnant or Parenting? Title IX Protects You From Discrimination At School*. Home. Retrieved from <https://www2.ed.gov/about/offices/list/ocr/docs/dcl-know-rights-201306-title-ix.html>
- U.S. Department of Education (ED). (2020, January 10). *Students with disabilities preparing for postsecondary education*. Office of Civil Rights. Retrieved January 17, 2022, from <https://www2.ed.gov/about/offices/list/ocr/transition.html>
- U.S. Department of Education (ED). (2021, August 20). *Title IX and sex discrimination*. Title IX. Retrieved January 21, 2022, from https://www2.ed.gov/about/offices/list/ocr/docs/tix_dis.html
- U.S. Department of Education. (2002, June 1). *Legislative history of major Ferpa provisions*. Legislative History of Major FERPA Provisions I Protecting Student Privacy. Retrieved January 19, 2022, from <https://studentprivacy.ed.gov/resources/legislative-history-major-ferpa-provisions>
- U.S. Department of Education. (2012, October). *Title IX and access to courses and programs in STEM*. Office for Civil Rights, Department of Education Revised October 2012. Office of Civil Rights Presentations. Retrieved from <https://www2.ed.gov/about/offices/list/ocr/presentations/stem-t9-powerpoint.pdf>
- U.S. Department of Education. (n.d.). *The NCES Fast Facts Tool provides quick answers to many education questions (National Center for Education Statistics)*. National Center for Education Statistics (NCES) Home Page. Retrieved January 17, 2022, from <https://nces.ed.gov/fastfacts/display.asp?id=60>
- U.S. Department of Education. (n.d.). *The NCES Fast Facts Tool provides quick answers to many education questions (National Center for Education Statistics)*. National Center for Education Statistics (NCES) Home Page. Retrieved January 21, 2022, from <https://nces.ed.gov/fastfacts/display.asp?id=93>
- U.S. Government. (n.d.). *U.S. Federal Courts Circuit Map - United States Courts*. U.S. Federal Courts Circuit Map. Retrieved January 21, 2022, from https://www.uscourts.gov/sites/default/files/u.s._federal_courts_circuit_map_1.pdf
- University of Buffalo. (2020, February 24). *Universal Design*. IDEA Center. Retrieved from <https://idea.ap.buffalo.edu/about/universal-design/>
- Vallano, J. P., & Schreiber Compo, N. (2015). Rapport-building with cooperative witnesses and criminal suspects: A theoretical and empirical review. *Psychology, Public Policy, and Law*, 21(1), 85–99. <https://doi.org/10.1037/law0000035>
- Varnell, S. (2013). *Statement analysis: an lss course workbook*. Steven Varnell.

- Vector Solutions. (n.d.). Title IX: 5 ways it changed education for the better. Retrieved January 21, 2022, from <https://www.vectorsolutions.com/resources/blogs/title-ix-positive-changes/>
- Wachtel, T. (2016, November). *Defining Restorative*. International Institute for Restorative Practices. Retrieved from <https://www.iirp.edu/defining-restorative/restorative-practices/defining-restorative/>
- Waryold, D. M., & Lancaster, J. M. (2020). *Student Conduct Practice: The Complete Guide for Student Affairs Professionals*. Stylus Publishing.
- Williamsen, D. K. K., Karp, D., & Williamsen, K. (2020, March 12). 5 Things Restorative Justice Sexual Harm. Retrieved from <https://www.naspa.org/report/five-things-student-affairs-administrators-should-know-about-restorative-justice-and-campus-sexual-harm>
- Woodhams, J., Taylor, P. J., & Cooke, C. (2020). Multiple perpetrator rape: Is perpetrator violence the result of victim resistance, deindividuation, or leader–follower dynamics? *Psychology of Violence*, 10(1), 120–129. <https://doi.org/10.1037/vio0000255>
- Yoshino, K. (2006). *Covering: The hidden assault on American civil rights*. Random House.