

# **National Association of College and University Attorneys (NACUA)**

## **2021 Title IX Course Outline & Training**

### **Class One: Definitions, Jurisdiction and Preliminary Matters**

- Important definitions, including the definition of “sexual harassment” for Title IX purposes
- Title IX jurisdictional issues, including the scope of an institution’s programs or activities
- The filing of a formal complaint
- Mandatory and discretionary dismissals of formal complaints
- Providing supportive measures, including to both complainants and respondents
- Planning for and implementing informal resolution

### **Class Two: Conducting a Title IX Investigation**

- The applicability of the Title IX regulations to investigations when employees are involved
- Conducting an investigation of a formal complaint
- Ensuring impartiality and avoiding conflicts of interest, bias and prejudice
- Understanding relevance
- Addressing conduct that violates other policies or policy provisions

### **Class Three: Hearings and Appeals**

- The role of advisors
- Credibility determinations
- More on relevance determinations
- Establishing and enforcing rules of decorum
- Weighing the evidence
- Understanding and processing appeals

### **Class Four: Anatomy of an OCR Investigation**

- What to expect
- How to respond
- Resolution options
- Litigation

### **Class Five: Title IX Training and Policies**

- Audiences to be educated
- Elements of good training program including regulatory requirements
- Benefits and perils of trauma-informed training
- Auditing training materials
- Posting requirement
- Developing and regularly revisiting policies

### **Class Six: Athletics Equity**

- Responding to allegations of sexual misconduct in athletics
- Supportive vs. punitive measures
- NCAA requirements through a Title IX lens
- Update on athletic equity including the elimination of sports