

Allegany College of Maryland
STUDENT & LEGAL AFFAIRS

TITLE IX: TEAM TRAINING – TITLE IX COORDINATOR
SEXUAL HARASSMENT & SEX DISCRIMINATION POLICY
2020 REGULATIONS REINSTATED

All investigators, Decision-makers, and other persons who are responsible for implementing Title IX policy and procedures will receive training related to their duties under Title IX promptly upon hiring or change of position that alters their duties under Title IX or this part, and annually thereafter. Materials will not rely on sex stereotypes.

Training topics include, but are not limited to:

- Scope of the policy/ Jurisdiction
- Obligations under Title IX : stop/prevent/remedy
- Team Roles
- How to serve impartially by avoiding prejudgment of the facts at issue, conflicts of interest, and bias for/against either Party on the basis of sex, race, religion, and other protected characteristics
- Definitions of all prohibited conduct
- Disparate treatment and Disparate impact
- Supportive Measures
- Informal Resolutions
- Formal Resolutions: notifications, investigation, process appeals, decision-making, appeals, due process
- Treating Parties equitably / How to uphold fairness, equity,
- Reporting, confidentiality, and privacy requirements
- Applicable laws, regulations, and federal regulatory guidance
- How to implement appropriate and situation-specific remedies
- How to investigate in a thorough, reliable, timely, and impartial manner
- How to conduct investigations and hearings that protect the safety of Complainants and Respondents, and promote accountability
- Trauma-informed practices pertaining to investigations and resolution processes
- How to conduct questioning
- How to weigh evidence and assess credibility
- 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 under the Title IX Regulations
- The Investigation Report
- Recordkeeping: 7 years for all reports/cases + the most recent Team training must be posted online
- Clery Act/VAWA requirements applicable to Title IX
- Reasonable modifications and specific actions to prevent discrimination and ensure equal access for pregnancy or related conditions
- Any other content deemed necessary to comply with Title IX

Reinstatement of 2020 Regulations: What has changed?

- » Title + Team/Roles (Separation / Title IX Coordinator cannot be investigator or decision-maker)
- » Jurisdiction – review the who, what, when, and where from the policy
- » Federal protections for LGBTQ are gone – by court ruling and executive order
- » Sexual Harassment definition (SPOO is back)
- » Actual knowledge by ACM (versus knew or should have known)
- » Written Complaint – required for formal procedure
- » Supportive Measures cannot be appealed by either Party.
- » Investigation – largely unchanged except: “prompt” (ATIXA <90 days for entire process) + 2nd look at report before the scheduled hearing.
- » Pre-Hearing conferences with Parties/Advisors
- » Live Hearing – required unless Parties agree to informal resolution. Direct testimony by Parties and Witnesses, Advisors (their own or ACM appointed), + Cross-examination by Advisors. If a Party refuses to submit to cross-examination, their direct testimony and contributions to the Investigation Report may not be considered.