

UT Systemwide Title IX Annual Training

Facilitated by Littler Mendelson

Agenda - Day 1

Wednesday, August 4, 2021

Revised 8/4/21

Central Time	Topic	Zoom Room Links
8:00-8:15am	Welcome <i>Speaker introductions, what to expect for the training, submitting questions to the speakers</i>	Main Room A
8:15-9:15am	Breakout Sessions (Choose One): a. Title IX Regulations, Takeaways & Forecasting: Brief overview of the Title IX Regulations and legal implications that have emerged since August 14, 2020. How does Title IX intersect with other federal laws as of now (e.g. Title VII, Clery/VAWA, FERPA)? What are the takeaways & forecast for 2021-2022? b. Title IX Basics, Part I: Overview of Title IX, sex discrimination, “sexual misconduct” as a whole, definitions, resolution processes, and common roles and issues. This session is best for individuals <u>new</u> in their respective Title IX-related role.	Main Room A Breakout Room B
9:15-10:15am	Breakout Sessions (Choose One): a. Case Law Update: Overview of key Title IX cases from the prior year, with a focus on the courts’ application of the 2020 regulations, due process requirements, and the deliberate indifference standard. b. Title IX Basics, Part II: Overview of additional parts of the Title IX puzzle, including Clery/VAWA, FERPA, jurisdictional elements, and institutional nexus. This session is best for individuals <u>new</u> in their respective Title IX-related role.	Main Room A Breakout Room B
10:15am	Break	
10:30-12:00pm	New Texas Laws (87th Legislative Session), SB 212 Employee Reporting Requirements, & HP 1735 Policies and Procedures – Lessons Learned (86th Legislative Session)	Main Room A
12:00pm	Lunch Break	
12:45-1:45pm	Supportive Measures & Confidentiality: Navigate Title IX/VAWA requirements for providing party’s rights and options, coordinating supportive measures, federal and state confidentiality provisions, considerations for a party’s expressed wishes, exploring reasonably available options to help remedy possible impacts to the individual, and consideration of emergency removals under new Title IX regulations. This session will also cover victim advocacy, the role of the advisor, and the requirement of neutrality in the Title IX process.	Main Room A
1:45-3:00pm	Breakout Sessions (Choose One): a. Unique Situations: Cases involving multiple institutions, health-related environments (e.g. UT clinics, hospitals), K-12 considerations, climate issues in programs or departments, multiple respondents and/or multiple complainants associated with same alleged incident, or student organizations allegedly involved. Provide options for approaching these various types of cases, opportunities for collaboration and partnerships, possible joint-investigations among institutions, and minimizing various risks. b. Trauma-Informed Investigations: Provide trauma-informed considerations for an investigation, triage during the investigation (e.g. formal complaint dismissals, informal resolutions, other types of developments), written notice, and conducting an investigation (e.g. gathering evidence, witness interviews, and issues of relevance).	Main Room A Breakout Room B
3:00pm	Break	
3:15-4:15pm	Free Speech & Retaliation: Two key matters that may arise in Title IX are free speech protections and retaliation claims. Deeper dive on navigating and investigating these matters appropriately and applying best practices.	Main Room A
4:15-5:00pm	Scope and Jurisdiction: Differences in handling student versus employee complaints and investigations, differences in Title IX versus Title VII obligations, and how to handle matters that are outside the scope of Title IX (e.g., off campus conduct, conduct outside the U.S., respondent no longer enrolled or employed).	Main Room A

Agenda - Day 2

Thursday, August 5, 2021

Central Time	Topic	Zoom Room Links
8:00-8:15am	Welcome Back <i>Housekeeping, reminders, attendance credit, access to training materials</i>	Main Room A
8:15-9:15am	Common Issues of The Grievance Process: Review of critical issues and/or decisions in an investigation, hearing, and/or appeal, such as procedural irregularities, Title IX Coordinator's decision to bring forth a formal complaint, making evidence available to parties, mandatory dismissals under Title IX during the investigative process, conflicts of interest or bias, logistics and coordination, the impact of virtual investigations and hearings moving forward, and equal opportunity to participate and respond at each stage of the grievance process, among others.	Main Room A
9:15-10:15am	Breakout Sessions (Choose One): a. Interviewing and Investigative Techniques: Best practices and considerations for interview and other techniques for gathering evidence, including discussions of gathering electronically-stored information and evidence from other sources (e.g., law enforcement investigations). b. Live Hearings under the New Regs: Discuss best practices and lessons learned from one year of live hearings under the new regulations, including hearing decorum rules, Title IX's cross-examination procedures, handling objections, relevance rulings, including complainant's sexual predisposition or prior sexual history, refusal or absence to submit to cross-examination, role of the investigator as a witness, and relevance of history of prior allegations / findings.	Main Room A Breakout Room B
10:15am	Break	
10:30-12:00pm	Breakout Sessions (Choose One): a. Technical Writing (Investigation Reports & Written Determinations): Review in greater detail best practices and considerations for technical writing of investigation reports, in addition to elements of analysis, weight of relevant evidence, and decision-making for written determinations following a hearing or an appeal. b. Clery, Prevention & Campus Safety 101: Broader aspects of Clery, prevention strategies, threat assessment tools, warning signs of IPV and sexual violence, emergency removals, and other pathways and interventions for maintaining campus safety.	Main Room A Breakout Room B
12:00pm	Lunch Break	
12:45-1:30pm	Consent, Coercion, & Incapacitation: Provide an understanding of nuances for determining consensual conduct, coercion, and incapacitation in sexual assault cases based on relevant evidence presented. Outline differences between intoxication vs. incapacitation.	Main Room A
1:30-2:00pm	Title IX Enforcement: OCR oversight and investigations, the role of reporting to the THECB under SB212, and private litigation—how to prepare to defend your institution's processes and compliance programs, landmines, and best practices.	Main Room A
2:00-3:30pm	Title IX Panel Discussion: Different Roles & Perspectives Reps on the panel: <i>Title IX Coordinator, Law Enforcement, Victim Advocate, Advisor Role, Hearing Officer, Behavior Intervention/Threat Assessment Specialist, Legal Affairs</i>	Main Room A
3:30pm	Wrap-up & Adjourn	Main Room A