Advisor Training

1. Untitled Scene

1.1 Welcome Layout

Advisors play an important part in the Title IX Process. This training will review the role of Advisors under Title IX of the Education Amendments of 1972, as well as related UMB policy and procedures.

Notes:
1.2 Objectives Layout

Objectives

The Objective of this training is provide you with an understanding of Title IX of the Education Amendments of 1972, the Final Rule, UMB related policies and procedures, and your role in the grievance process as an Advisor.

- Advisor Role
  Understand your role as an Advisor to a Party.

- Non-Title IX Procedures
  Know the differences in the process when Title doesn’t apply to the alleged misconduct.

- UMB Procedures: Title IX
  Gain insight on how allegations of sexual misconduct that fall under Title IX are adjudicated.

- Title IX
  Gain an understanding of Title IX and how it has evolved over the years.

- Final Rule
  Know the Final Rule on Title IX which is effective as of August 14, 2020.

- UMB Policy
  Understand UMB’s expectations and what is defined as sexual misconduct.

1.3 Survey Question

(Likert Scale, 0 points, 1 attempt permitted)

Survey Question

Before we begin, please take a moment to indicate on the scale your level of knowledge and comfort for each of the statements.

- I know and understand Title IX of the Education Amendments of 1972.
- I am knowledgeable about the Title IX Final Rule which went into effect on August 14, 2020.
- I have read and understand UMB’s Policy on Sexual Misconduct.
- I understand the difference in the grievance process for allegations that do, and don’t, fall under the scope of Title IX.

Submit
<table>
<thead>
<tr>
<th>Statement</th>
<th>Strongly Disagree</th>
<th>Disagree</th>
<th>Neutral</th>
<th>Agree</th>
<th>Strongly Agree</th>
</tr>
</thead>
<tbody>
<tr>
<td>I know and understand Title IX of the Education Amendments of 1972</td>
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<td></td>
<td></td>
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<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Feedback:

Thank you for providing your answers.
Thank You (Slide Layer)

Survey Question

Before we begin, please take a moment to indicate on the scale your level of knowledge and comfort for each of the statements.

Thank you for providing your answers.

Continue

1.4 Title Layout

01  Title IX
1.5 60/40 Layout

Title IX

“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.”

Title IX of the Education Amendments of 1972

On June 23, 1972, Title IX was enacted into law.

Any school that receives federal monies, from K-12 through higher education, must provide equal access to their programs regardless of sex.

Discrimination under Title IX includes sexual harassment, sexual assault, dating violence, domestic violence, and stalking.

Title IX applies to admissions and hiring processes, educational programs and activities, and employment.

Notes:

1.6 Timeline Interaction

Title IX Over Time

Title IX has been interpreted, expanded, and contracted through legislative, judicial, and administrative actions. Click on each of the dates to see how Title IX has changed over the years.

Please know this list is not exhaustive and does not include guidance that has been rescinded.
Title IX Over Time

Title IX has been interpreted, expanded, and contracted through legislative, judicial, and administrative actions. Click on each of the dates to see how Title IX has changed over the years.

Please know, this list is not exhaustive and does not include guidance that has been rescinded.
Title IX Over Time

Title IX has been interpreted, expanded, and contracted through legislative, judicial, and administrative actions. Click on each of the dates to see how Title IX has changed over the years.

- In Cannon v. University of Chicago, 441 U. S. 677 the Supreme Court found that Title IX is also enforceable through an implied private right of action.

Please know, this list is not exhaustive and does not include guidance that has been rescinded.

The Department of Education was established and given responsibility for overseeing compliance with Title IX through the Office of Civil Rights.

- Alexander v. Yale, 631 F.2d 178
- (2d Cir. 1980) the US Court of Appeal for the Second Circuit held that sexual harassment was discrimination based on sex under Title IX.

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Title IX Over Time

Title IX has been interpreted, expanded, and contracted through legislative, judicial, and administrative actions. Click on each of the dates to see how Title IX has changed over the years.

Congress, through the Civil Rights Restoration Act, extended Title IX from compliance only in programs receiving federal funding to all programs at any educational institution that receives ANY federal assistance.

Please know, this list is not exhaustive and does not include guidance that has been rescinded.

In Franklin v. Gwinnett County Public Schools, 503 U.S. 60, the U.S. Supreme Court decided violations of Title IX could result in monetary relief.

Please know, this list is not exhaustive and does not include guidance that has been rescinded.
Title IX Over Time

Title IX has been interpreted, expanded, and contracted through legislative, judicial, and administrative actions. Click on each of the dates to see how Title IX has changed over the years.


Dear Colleague letter. Once a school is aware of sexual harassment, it must take "prompt and effective action calculated to end the harassment, prevent its recurrence, and, as appropriate, remedy its effects."

Please know, this list is not exhaustive and does not include guidance that has been rescinded.

In Gebser v. Lago Vista Independent School Dist., 524 U.S. 274 the Supreme Court includes liability for deliberate indifference.
Title IX Over Time

Title IX has been interpreted, expanded, and contracted through legislative, judicial, and administrative actions. Click on each of the dates to see how Title IX has changed over the years.


Dear Colleague Letter: requires institutions to designate a Title IX coordinator, adopt and disseminate a nondiscrimination policy, and put grievance procedures in place to address complaints of sex-based discrimination.

Please know, this list is not exhaustive and does not include guidance that has been rescinded.
Title IX Over Time

Title IX has been interpreted, expanded, and contracted through legislative, judicial, and administrative actions. Click on each of the dates to see how Title IX has changed over the years.

Dear Colleague Letter clarifies the relationship between bullying and discriminatory harassment.

Please know, this list is not exhaustive and does not include guidance that has been rescinded.
**Date 13 (Slide Layer)**

Title IX Over Time

Title IX has been interpreted, expanded, and contracted through legislative, judicial, and administrative actions. Click on each of the dates to see how Title IX has changed over the years.

Dear Colleague Letter: provides guidance on institution's obligations to designate a Title IX Coordinator and the expectations for their role.

Please know, this list is not exhaustive and does not include guidance that has been rescinded.

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**Date 14 (Slide Layer)**

Title IX Over Time

Title IX has been interpreted, expanded, and contracted through legislative, judicial, and administrative actions. Click on each of the dates to see how Title IX has changed over the years.

The Department of Education releases a Notice of Proposed Rulemaking to clarify and modify Title IX regulatory requirements.

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Title IX Over Time

Title IX has been interpreted, expanded, and contracted through legislative, judicial, and administrative actions. Click on each of the dates to see how Title IX has changed over the years.

The Department of Education issues the Final Rule on Title IX, the first comprehensive regulations issued since 1975.

Please know, this list is not exhaustive and does not include guidance that has been rescinded.

1.7 Labels Layout

Title IX

“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.”

Since 1975, Title IX has been implemented through regulations that provide clarity regarding the scope of the law and requirements for institutions to remain compliant. The newest regulations, the Final Rule, went into effect on August 14, 2020.

Title IX has also been honored through judicial rulings, including those by the U.S. Supreme Court, that interpret and apply the law.

Congress has also contributed to the evolution of Title IX through clarifications and expansions in legislation.
1.8 Title Layout

Title IX: Final Rule

1.9 50/50 Layout

Final Rule to Title IX

Why is the Final Rule important?

Regulations are administrative rules and codes which are formed through formal processes of public notices, comment periods and publication. Regulations, while not laws, have the force of law.

The Final Rule is published in the Federal Register and can be found here.

The new regulations were intended to "obligate recipients to respond promptly and supportively to persons alleged to be victimized by sexual harassment, resolve allegations ... promptly and accurately under a predictable, fair grievance process that provides due process protections to alleged victims and alleged perpetrators of sexual harassment, and effectively implement remedies for victims." (85 FR 30026).

Notes:
### 1.10 List Layout

Final Rule Major Requirements Summary

- **01** Reports of misconduct must be made to the Title IX Coordinator or Official with Responsibility.
- **02** The definition of sexual harassment has changed to unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the educational program or activity.
- **03** Title IX jurisdiction is limited to sexual harassment in the school’s education program or activity occurring against a person in the United States.
- **04** Supportive measures and informal resolution processes are offered, as appropriate.
- **05** Both parties to a Formal Complaint have the right to an Advisor of their choice. If the party does not have an Advisor, the institution must provide one for conducting cross examinations.
- **06** Formal resolutions include a live hearing, with the ability to cross-examine the other party and witness through an Advisor.
- **07** Trained Hearing Panelists and Decision-makers will conduct the proceedings and make determination, including any sanctions.

### 1.11 Title Layout

UMB Policy on Sexual Misconduct
1.12 60/40 Layout

UMB Policy on Sexual Misconduct

UMB promotes compliance with laws and regulations, including Title IX, through its Policies and Procedures.

UMB Policy on Sexual Misconduct reflects the requirement of Title IX and the Final Rule.

UMB Policy on Sexual Misconduct also includes conduct that falls under other federal and state laws related to Sexual Misconduct.

UMB Policies and Procedures contribute to a campus community that reflects UMB’s Core Values, creating expectations for Civility and Accountability.

Notes:

1.13 Grid Layout

UMB Policy on Sexual Misconduct

01 Purpose
UMB is committed to a learning and working environment that is free from Sexual Misconduct.

02 Scope
All students, faculty, staff, as well as contractors and affiliates under UMB’s control are subject to the Policy.

03 Definitions
This section ensures the UMB Community has a common understanding of the terms and references in the Policy.

04 Title IX Compliance and Oversight
Mary MacFadden is UMB’s Title IX Coordinator and oversees UMB’s compliance with Title IX.

UMB’s Policy on Sexual Misconduct can be found here. Read the Policy in its entirety to better understand the rights and responsibilities of all parties and provide informed Advising during the grievance process.
**1.14 Grid Layout**

**UMB Policy on Sexual Misconduct**

<table>
<thead>
<tr>
<th>05</th>
<th>Policy Expectations</th>
</tr>
</thead>
<tbody>
<tr>
<td>06</td>
<td>Reporting Sexual Misconduct</td>
</tr>
</tbody>
</table>

Reports can be made to the Title IX Coordinator, Officials with Authority or via the UMB Hotline.

**UMB’s Policy on Sexual Misconduct can be found here. Read the Policy in its entirety to better understand the rights and responsibilities of all parties and provide informed Advising during the grievance process.**

<table>
<thead>
<tr>
<th>07</th>
<th>Statement of Rights</th>
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<tbody>
<tr>
<td>08</td>
<td>Medical Attention</td>
</tr>
</tbody>
</table>

<table>
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<tr>
<th>09</th>
<th>Amnesty</th>
</tr>
</thead>
</table>

Minor policy violations should not be a barrier to reporting and UMB offers amnesty from minor policy violations related to the incident.

<table>
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<tr>
<th>10</th>
<th>The Resolution Process</th>
</tr>
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This section provides information about the Resolution Process which is provided in detail in UMB’s Procedures.

<table>
<thead>
<tr>
<th>11</th>
<th>Supportive Measures</th>
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Supportive measures are non-disciplinary, non-punitive individual services offered to the parties.

<table>
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<th>12</th>
<th>Sanctions</th>
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</table>

Provides examples of remedial responses and sanctions that may be imposed if someone has violated the Policy.

**1.15 Grid Layout**

**UMB Policy on Sexual Misconduct**

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1.16 Grid Layout

UMB Policy on Sexual Misconduct

13 Records
Records will be maintained for seven (7) years.

14 Prevention & Education
UMB requires students, faculty, and staff to complete mandatory annual training on Title IX.

15 Resources
Lists UMB, City, State, and National Resources for the parties and anyone impacted by sexual misconduct.

UMB's Policy on Sexual Misconduct can be found here. Read the Policy in its entirety to better understand the rights and responsibilities of all parties and provide informed Advising during the grievance process.

1.17 Title Layout

UMB Procedures for Alleged Violations of the Policy on Sexual Misconduct: Title IX Procedures
1.18 **Four Column Layout**

**Title IX Procedures: When they Apply**

Not all sexual misconduct will be adjudicated under Title IX. Below are some of the conditions for when these procedures will apply.

**Requirement 1**
- The misconduct occurred in a UMB or UMB sponsored, educational program or activity.

**Requirement 2**
- The misconduct falls under the Title IX definition of sexual harassment.

**Requirement 3**
- The Complainant was in the United States at the time of the alleged misconduct.

**Requirement 4**
- A formal report is made to the Title IX Coordinator, an Official with Authority, or through the UMB Hotline.

1.19 **60/40 Layout**

**Report Intake**

Upon receipt of a report, the Title IX Coordinator will contact the Complainant to determine how they wish to proceed.

- If the Complainant does not want to proceed to a Formal Complaint, Supportive Measures are offered, documented, and the report is closed.
- If the Complainant wants to proceed to a Formal Complaint, the Title IX Coordinator will assess for potential threats to the Complainant and the UMB Community.
- The Title IX Coordinator will assess the alleged misconduct to determine if the misconduct falls under the Scope of Title IX.

Notes:
1.20 60/40 Layout

Title IX Procedures Initiated

Allegations that are determined to fall under the scope of Title IX will be adjudicated using the Title IX Procedures.

Any portion of the allegation that does not fall under the Scope of Title IX will be dismissed under these Procedures and may be referred to the Non-Title IX Procedures.

The Title IX Coordinator provides notice to the parties of the written notice of the allegations, including the right to an Advisor.

The Title IX Coordinator, in consultation with the parties, may offer an Informal Resolution process.

Notes:

1.21 50/50 Layout

Informal Resolution

This process requires the consent of all parties and may be terminated by any party at any time BEFORE a resolution is reached.

Informal Resolution is conducted through a mediation process. The mediator will be trained and will be determined, by the Title IX Coordinator, to be free of bias or conflict of interest.

The Title IX Coordinator must confirm informal Resolution is available based on the allegations and the parties involved: alleged allegations by a student against an employee are not qualified for informal resolution.

The Informal Resolution process can result in either remedial actions or sanctions.

The resolutions of Informal Resolution are final and no appeals are available.

Notes:
1.22 50/50 Layout

Formal Resolution

This process requires includes a live hearing, in which Advisors are required to participate performing all cross-examinations of opposing parties and witnesses.

The Formal Resolution Process begins with written notice of the investigation.

A trained, impartial Title IX investigator will conduct the investigation, including obtaining evidence and interviewing witnesses.

A live hearing is held, which is conducted by trained Hearing Panelists, who hear from the parties, the investigator and any witnesses. Each party, through their Advisor, has the right to cross examine the other party, the investigator and the witnesses.

The Chair of the Panel (the Decision-maker) will provide a Notice of Outcome that provides the determination on whether a policy violation occurred and any remedial actions or sanctions that will be imposed.

Notes:
1.23 50/50 Layout

Appeals

Appeals will be decided by a Decision-maker who was not involved in the initial live hearing or determination.

Appeals will be determined through a review of the record. It is not a full re-hearing by a single Decision-maker, and it is final.

Grounds for an appeal are:

- Procedural irregularity that affected the outcome
- New evidence that was not available at the time of the determination
- Conflict of interest by the Title IX Coordinator, Investigator, or Hearing Panelist(s)
- Appeals must be requested within five (5) days of delivery of the Notice of Outcome.

An Appeal may affirm the determination from the hearing, it may overturn the determination from the hearing, or it may refer the complaint back for a new hearing.

Notes:

1.24 Title Layout

05 UMB Procedures for Alleged Violations of the Policy on Sexual Misconduct: Non-Title IX Procedures
### 1.25 60/40 Layout

**Non-Title IX Procedures Initiated**

- Allegations of sexual misconduct that are not under the scope of Title IX but may still be a violation of policy will be processed using the Non-Title IX Procedures.
- A notice of dismissal under the Title IX Procedures will be sent along with a Notice to Proceed under the Non-Title IX Procedures.
- The Notice to Proceed will include the allegations and potential policy violation, as well as the right to an Advisor.
- The Title IX Coordinator, in consultation with the parties, may offer an Informal Resolution process.

### Notes:

### 1.26 50/50 Layout

**Informal Resolution**

- This process requires the consent of all parties and may be terminated by any party at any time BEFORE a resolution is reached.

- Informal Resolution is conducted through a mediation or negotiated settlement process. The mediator/negotiator will be determined, by the Title IX Coordinator, to be free of bias or conflict of interest.

- The Title IX Coordinator must confirm informal resolution is available based on the allegations and the parties involved. Alleged allegations by a student against an employee are not qualified for informal resolution.

- The Informal Resolution process can result in either remedial actions or sanctions.

- The resolutions of Informal Resolution are final and no appeals are available.

### Notes:
1.27 50/50 Layout

**Administrative Resolution**

*This process, unlike the Title IX process, does not include a live hearing.*

The **Formal Resolution Process** begins with written notice of the investigation:

- A trained, impartial Title IX investigator will conduct the investigation, including obtaining evidence and interviewing witnesses.
- The investigator will provide his/her report to a Decision-maker, or panel of Decision-makers, for review. A determination will be made based on a preponderance of the evidence. Sanctions will be determined in consultation with the appropriate Dean or Conduct Review Board.
- The Decision-maker(s) will provide a Determination Report that provides the decision on whether a policy violation occurred and any remedial actions or sanctions that will be imposed.

Notes:
### 1.28 50/50 Layout

**Appeals**

Appeals will be decided by a Decision-maker who was not involved in the initial live hearing or determination. Appeals will be determined through a review of the record and the decision is final.

**Notes:**

- Grounds for an appeal are:
  - Procedural irregularity that affected the outcome
  - New evidence that was not available at the time of the determination
  - Conflict of interest by the Title IX Coordinator, Investigator, or Hearing Panelist(s)

- Appeals must be requested within five (5) days of delivery of the Determination Report.

- An Appeal may affirm the determination, it may overturn the determination, or it may refer the complaint back for a new review.

### 1.29 Title Layout

**06 Advisor Role**
1.30 Labels Layout

You’ve Been Chosen as an Advisor

You have been chosen by a party to help them navigate the grievance process.

You can accompany your party to meetings and interviews.

You will serve to cross examine the other party and any witnesses on behalf of your party if a hearing is required.

Under the Title IX Procedures, you have been chosen by UMB to serve as a party’s Advisor.

You will serve to cross examine the other party and any witnesses on behalf of your party.

1.31 70/30 Layout

Advisor Role: Investigation

1. Meetings & Interviews
An Advisor can accompany the party to all meetings and/or interviews during the investigation phase.

2. Preparation
Advisors should help the parties prepare for each meeting and are expected to advise ethically, with integrity, and in good faith.

3. Private Consultations
Advisors may provide private consultations with their party, except during questioning of the party.

Notes:
1.32 70/30 Layout

Advisor Role: Hearing (Title IX Procedures)

1. **Hearing Preparation**
   Prior to the hearing, proposed questions must be submitted to the Hearing Panel for approval. The Chair will document and share with each party their rationale for any exclusion or inclusion at the pre-hearing meeting.

2. **Hearing Participation**
   Advisors are required to perform the cross-examination(s) on behalf of their party. The party may not conduct any cross-examination directly.

3. **Private Consultations**
   Advisors may provide private consultations with their party, except during questioning of the party, insomuch as it does not distract or disturb the hearing.

Notes:

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1.33 70/30 Layout

Advisor Role: Hearing (Non-Title IX Procedures)

1. **Administrative Review Preparation**
   If the Decision-maker agrees, you can assist your party with preparing and submitting an impact statement to be included in the Administrative Review.

2. **Administrative Review Participation**
   The Administrative Review is not a hearing so there is no participation or cross-examination under these Procedures.

Notes:
1.34 70/30 Layout

Advisor Role: Appeal

1. Appeal Preparation
   An Advisor may work with the party to determine if they wish to appeal the determination and, if so, assist with submitting the request.

2. Appeal
   The Appeal consideration is not an interactive process; the Appeal Decision-maker will review the record to make a determination.

3. Appeal – New Hearing/Review
   If the appeal determines a new hearing/review is necessary, the Advisor has the same roles as in the initial process.

Notes:

1.35 Survey Question

(Likert Scale, 0 points, 1 attempt permitted)
I know and understand Title IX of the Educational Amendments of 1974

I am knowledgeable about the Title IX Final Rule which went into effect on August 14, 2020.

I have read and understand UMB’s Policy on Sexual Misconduct.

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Feedback:
Thank you for providing your answers.

Thank You (Slide Layer)

Survey Question

Before we begin, please take a moment to indicate on the scale your level of knowledge and comfort for each of the statements.

Thank you for providing your answers.

Continue

1.36 Contact Layout

Contact Title IX

If you have questions, would like more information, or want to request additional training contact our Title IX team.

Title IX
Office of Accountability and Compliance
410-706-2281
titleixcompliance@umd.edu

View our website

Title IX Coordinator
Mary MacFadden

Title IX Deputy Coordinators
Michael Azen
Edress Brunson
Vanessa Harrington

Notes:
1.37 Exit Layout

Completed!

Thank you for completing this Advisor training. If you are required to complete this course, use this link to obtain the Certificate of Completion.

You can return to this training at any time.

Restart Course  Exit Course

Notes: