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Training Staff: Who & What



## Objectives

- Define prevention and training in context of campus sexual violence
- Discuss overlap and differences between training and prevention
- Identify who needs to be trained
- Identify essential content of training



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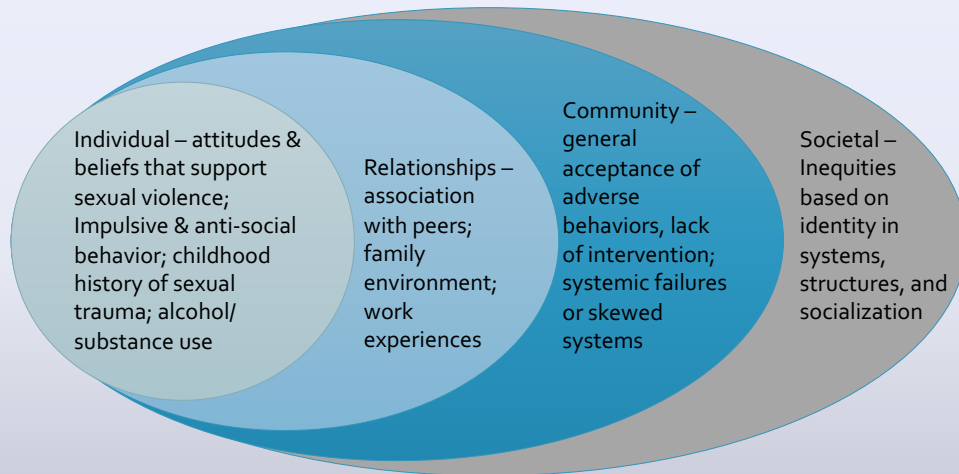
# Sexual Violence Prevention

- A public health based approach to address the health of a population. A community effort to change behavior, focus on the greater good, not only individual actions/responsibilities.
- Key elements of public health approach to prevention all require attention to culturally competent design, implementation and assessment.



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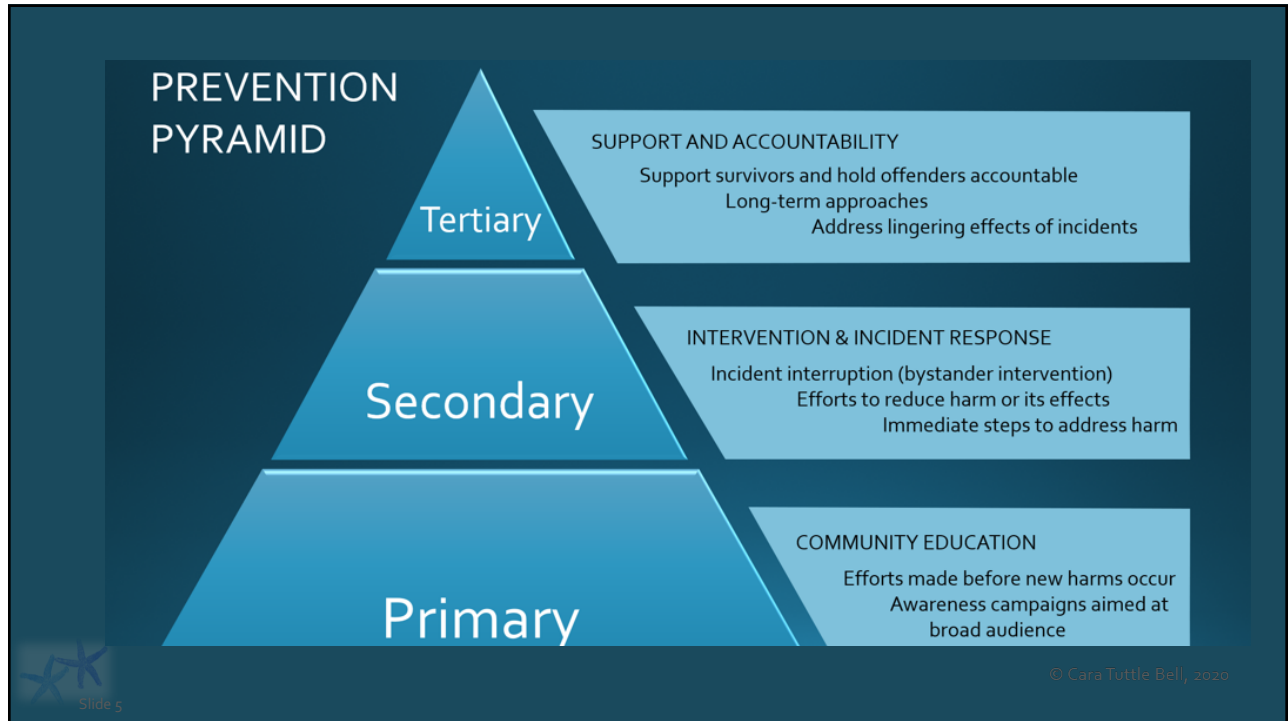
## Socio-Ecological Model



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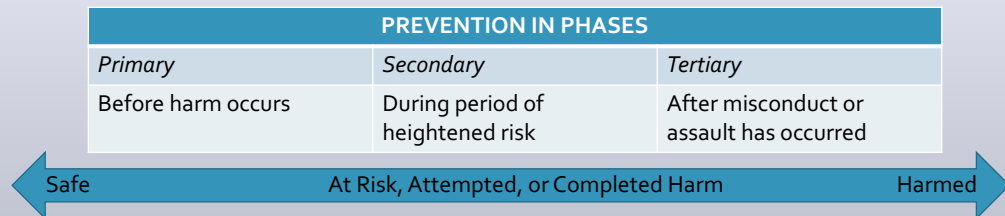
CDC Socio-Ecological Model of Prevention

ADZ2019



## Prevention Considerations

- However you understand the three pillars of prevention, remember that this three-pronged evidence-based approach is most effective when you offer all three types on your campus simultaneously
- The 2020 regulations emphasize equity and firmly advise against presumptions of guilt and/or reliance upon gender stereotypes, consider where and how your prevention and policy language may be unnecessarily gendered



## Training *is* Prevention

*A note on the overlap of training and prevention –*

Training, for some, is awareness-raising, is education, or re-education. Primary prevention complements work undertaken through secondary and tertiary prevention efforts, as well.

Training should help change behaviors in our communities, which can lead to modeling that may change beliefs. Remember, compliance outlines those things we must do. We may do more. Our prevention efforts may aim higher.



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## Staff (Title IX Personnel) Training

- Developing knowledge, skills, and abilities specific to responsibilities of a role.
- In addition to the 'what' (knowledge building), providing clear instruction as to 'how'
- The new regulations may operate to create greater distance between our prevention and policy language, and that's okay when navigated with care
- Investigator training and institutional policies should prioritize the integrity of the investigative process – are adequate protections built in to guard against inappropriate internal or external pressures?



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# Training for Title IX Personnel

- Training staff to conduct effective response: at intake, investigation, adjudication, informal resolution steps, and following established policy and procedure.
- Foundation of knowledge & skill building
  - definitions and terms – general and institution specific
  - availability of support, supportive measures, and remedy
  - decision making – generally and process specific
  - documentation and record keeping – generally and process specific



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# 2020 Regulations: 106.45(b)(1)(iii)

## Impartiality and Mandatory Training of Title IX Personnel

- (iii) Require that any individual designated by a recipient as a Title IX Coordinator, investigator, decision-maker, or any person designated by a recipient to facilitate an informal resolution process, not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. A recipient must ensure that Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, receive training on the definition of sexual harassment in § 106.30, the scope of the recipient's education program or activity, how to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes, as applicable, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias. A recipient must ensure that decision-makers receive training on any technology to be used at a live hearing and on issues of relevance of questions and evidence, including when questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, as set forth in paragraph (b)(6) of this section. A recipient also must ensure that investigators receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence, as set forth in paragraph (b)(5)(vii) of this section. Any materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, must not rely on sex stereotypes and must promote impartial investigations and adjudications of formal complaints of sexual harassment;



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## 2020 Regulations: 106.45(b)(1)(iii)

### Impartiality and Mandatory Training of Title IX Personnel

- Title IX Coordinators, investigators, decision-makers, and persons who facilitate informal resolutions must be properly trained
  - & be free from conflicts of interest and bias and trained to serve impartially without prejudging the facts at issue
- Note also: Section 106.45(b)(10) requires recipients to publish materials used for training Title IX Coordinators, investigators, decision-makers, and persons who facilitate informal resolutions on the recipient's website or make these materials available upon request for inspection by members of the public.



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## Training for Title IX Personnel

- Who must receive training – “Title IX Personnel”
  - Title IX Coordinator and Deputy Coordinators
  - Investigator(s) – whether internal or external hire
  - Decision makers – outcome and appeals decision makers
  - Anyone else who may facilitate informal resolution
- Institution discretion regarding who and how else to train regarding reporting and response obligations outside of these specific roles (Title IX Personnel)



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# Training for Title IX Personnel

- Schools must ensure that Title IX personnel receive training as follows:
  - On Title IX's definition of "sexual harassment"
  - On the scope of the school's education program or activity
  - On how to conduct an investigation and grievance process
  - On how to serve impartially, including by avoiding prejudgment of the facts at issue
  - On how to avoid conflicts of interest and bias
  - Decision-makers must receive training on any technology to be used at a live hearing, and on issues of relevance of questions and evidence, including when questions and evidence about a complainant's sexual predisposition or prior sexual behavior are not relevant
  - Investigators must receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence



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May 18, 2020 OCR Blog post

# Training for Title IX Personnel

- All materials used to train Title IX personnel:
  - Must not rely on sex stereotypes,
  - Must promote impartial investigations and adjudications of formal complaints of sexual harassment,
  - Must be maintained by the school for at least 7 years,
  - Must be publicly available on the school's website; if the school does not maintain a website the school must make the training materials available upon request for inspection by members of the public.
    - Post up to date and reflect latest training
    - Does not permit to 'choose' whether to post or offer material for inspection
    - If materials are copyrighted, must seek permission or create/obtain materials that can be posted
    - Nothing in the Title IX Rule abrogates intellectual property rights



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May 18, 2020 OCR Blog post

## Discussion of Regulation 106.45(b)(1)(iii)

Requires Title IX Coordinators, investigators, decision-makers, and persons who facilitate informal resolutions to be free from conflicts of interest and bias and trained to serve impartially without prejudging the facts at issue.

- to be free from conflicts of interest or bias against complainants and respondents generally or against an individual complainant or respondent, and requires training for such personnel that includes (among other things) how to serve impartially. A "respondent" under § 106.30 means any individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment
- the required training include "how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias" in place of the proposed language "that protect the safety of students, ensure due process protections for all parties, and promote accountability."
- clarifies that the training on the definition of sexual harassment means the definition in § 106.30,1042 requires Title IX personnel to be trained on how to conduct a grievance process, requires investigators and decision-makers to be trained on issues of relevance (including when questions and evidence about a complainant's sexual predisposition or prior sexual behavior are not relevant), requires decision-makers to be trained on technology to be used at any live hearing, and changes "may" to "must" in the directive that training materials not rely on sex stereotypes.



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## Training for Campus Community

"the Department will hold recipients accountable for meeting Title IX obligations, the Department requires Title IX Coordinators to be well trained, and the Department leaves recipients discretion to determine the kind of training to other employees that will best enable the recipient, and its Title IX Coordinator, to meet Title IX obligations."

p. 30114 of the final regulations, this section also references information from 2001 Guidance



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# Training for Sexual Violence Prevention

- Training members of the campus community to recognize problematic behavior, know their rights and/or responsibilities for response and support options.
- Clery Act (as amended by VAWA) obligations
- Title IX, Office of Civil Rights (Department of Education) regulations and guidance
  - 2015 Title IX Resource Guide
  - 2001 Sexual Harassment Guide



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# Communicating about Title IX

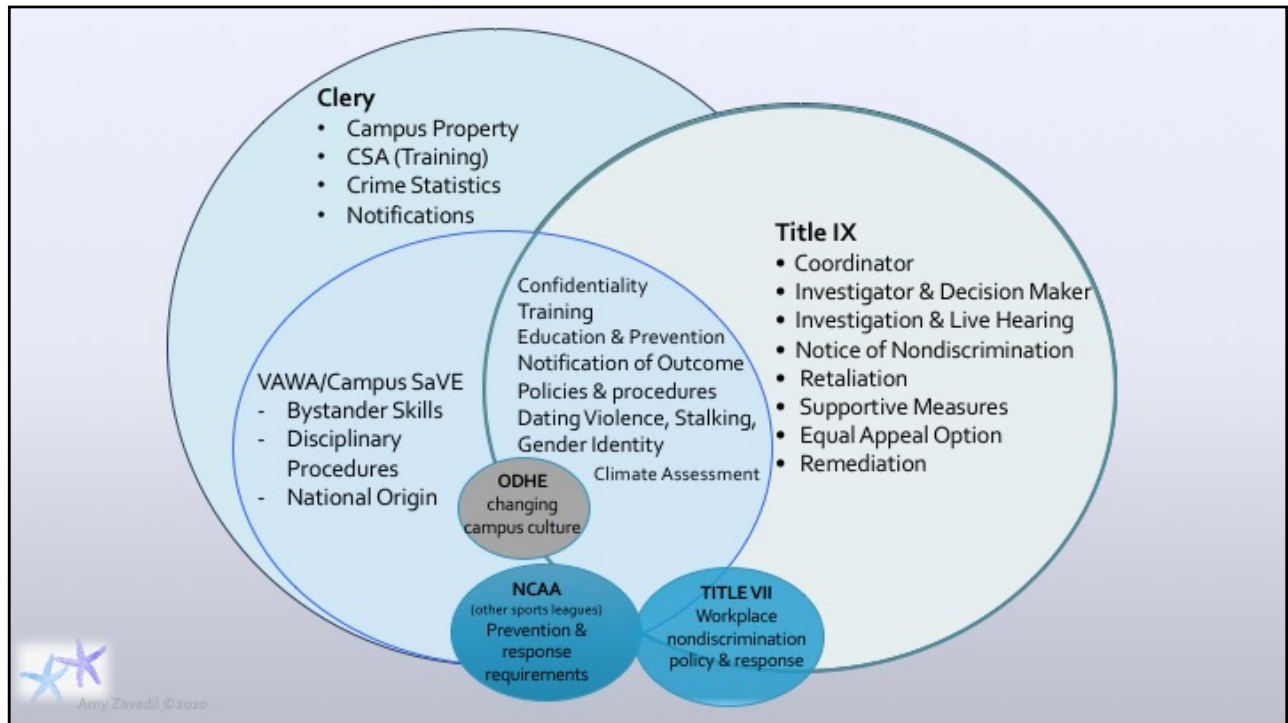
- Age appropriate language
- Training and education
  - Training those who do the work
  - Education & Training for staff to recognize behaviors and respond according to your procedures, tailored to the audience
  - Education for students, tailored to the audience
- Prompt and equitable response
- Accessible
  - To English language learners (international students, visiting students)
  - To those with disabilities
  - To those with trauma history



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# Communicating Prevention

- Know your audience, appropriate language for the setting
- May appeal to community standards, may be aspirational
- Shifting and separating your prevention and policy language may help reassure members of your campus concerned about the new regulations, regardless of the policy decision you make in the coming months
- Accessible
  - To English language learners (international students, visiting students)
  - To those with disabilities
  - To those with trauma history



## Final Notes Regarding Prevention & Training

- Managing expectations
- Evidence based and assessed for effectiveness
- Clarity of community guidelines or expectations
- Clarity of policy and enforcement of policy
- Maintain documentation

Reassure in time of uncertainty – reinforce the commitment to fair process and a community free from sexual violence.

## References

- Langford, L. (2004). Preventing Violence and Promoting Safety in Higher Education Settings: Overview of a Comprehensive Approach. *Higher Education Center for Alcohol and Other Drug Abuse and Violence Prevention*. <https://files.eric.ed.gov/fulltext/ED537696.pdf>
- Centers for Disease Control and Prevention. Sexual violence prevention: beginning the dialogue. Atlanta, GA: Centers for Disease Control and Prevention; 2004. <https://www.cdc.gov/violenceprevention/pdf/SVPrevention-a.pdf>
- <https://www2.ed.gov/about/offices/list/ocr/docs/dcl-title-ix-coordinators-guide-201504.pdf> Title IX Coordinator Guide of 2015
- <https://esd.ny.gov/guidance-executive-order-2026> Federal Register final rules (published 5/19/2020)
- <https://www2.ed.gov/about/offices/list/ocr/blog/20200518.html> May 18, 2020 notice re: TIX Website Information



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