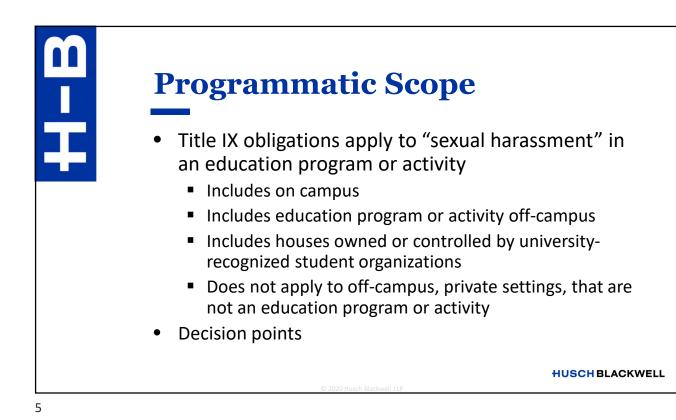


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Student A reports that Student B sexually assaulted Student A three weeks ago, off-campus in a private apartment complex in an adjacent town. No university student-organizations or employees are involved. There is no claim of any additional misconduct occurring on campus or in university programs or activities.

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# **Temporal Scope**

- "Formal complaint" can be filed by an alleged victim (i.e., a "complainant") or the Title IX Coordinator
- An alleged victim can file a formal complaint only if:
  - The complainant is participating in education programs or activities; or
  - Is attempting to participate in education programs or activities
- May close a case if the respondent is permanently separated from the institution
- Decision points

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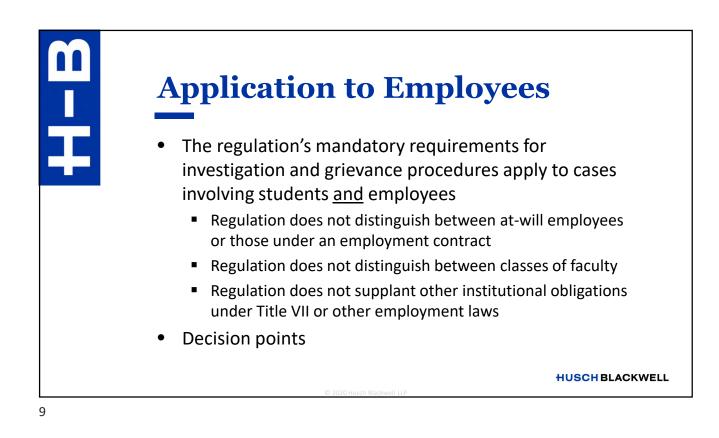


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### Example

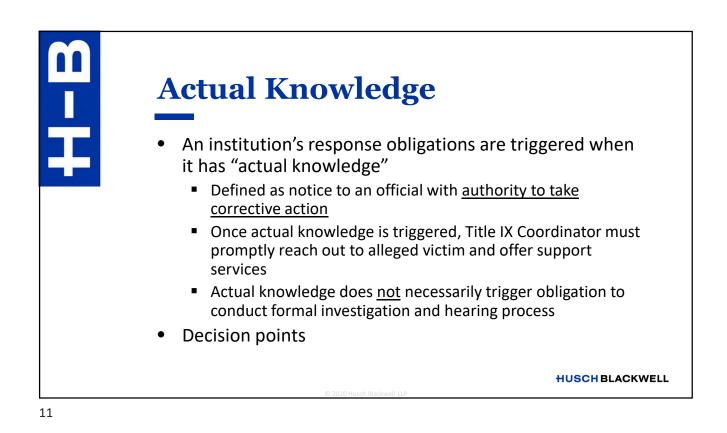
Title IX Coordinator receives a complaint from Alumnus A who graduated in 2019. Alumnus A reports that Student B, who is currently a junior, groped Alumnus A's genitals without consent at a party hosted at a fraternity house in the fall of 2018. The fraternity is recognized by the university. Alumnus A is in a graduate program at a different university located several states away.

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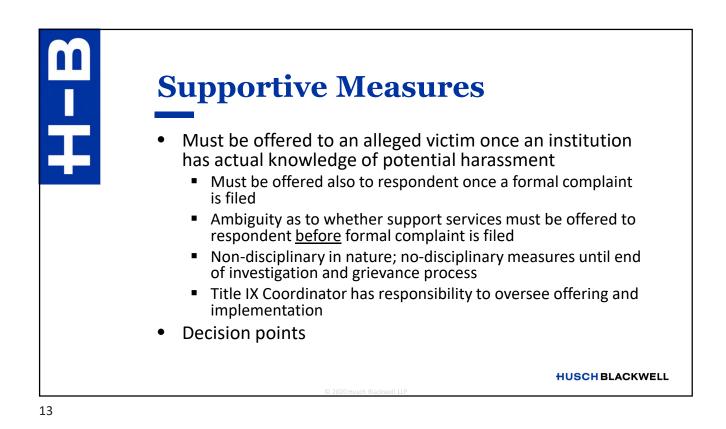
At-will custodial worker is accused of sexually harassing a female student in the hallway. The custodial worker was placed on an improvement plan a month ago for being late to work. He has complied with the improvement plan. But for the accusation of sexual harassment, the institution would have continued to employ the custodial worker. Now it is considering terminating his employment.

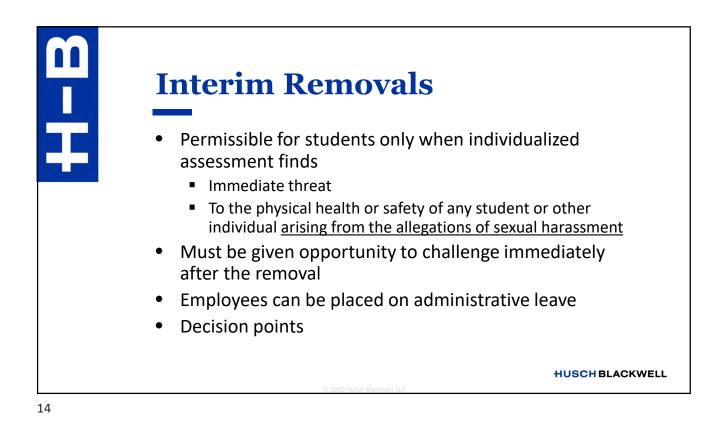
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A clerk in the college's library overhears Student A tell Student B that Student A was raped in the dormitory last weekend. The clerk observes Student A crying, telling Student B that she hasn't been able to attend class, and that she's planning to file a "Title IX Complaint."

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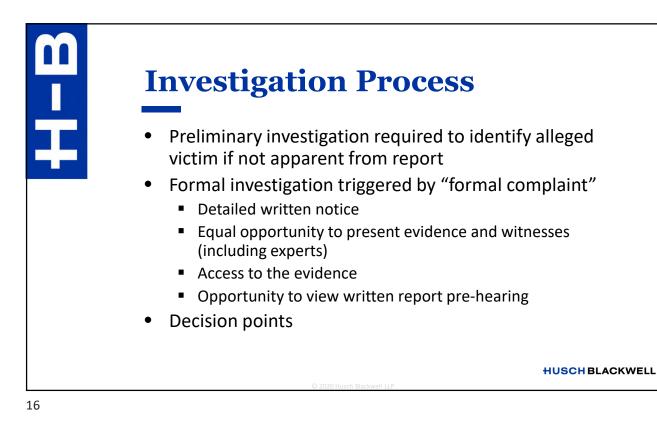


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# Example

Formal complaint is filed against Student A accusing Student A of repeatedly contacting Student A's former girlfriend, Student B, trolling her on social media, trying to communicate with her via friends, and texting her cell phone. Student B indicates she is suffering extreme emotional distress as a result of Student A's actions and wants Student A removed from campus pending an investigation.

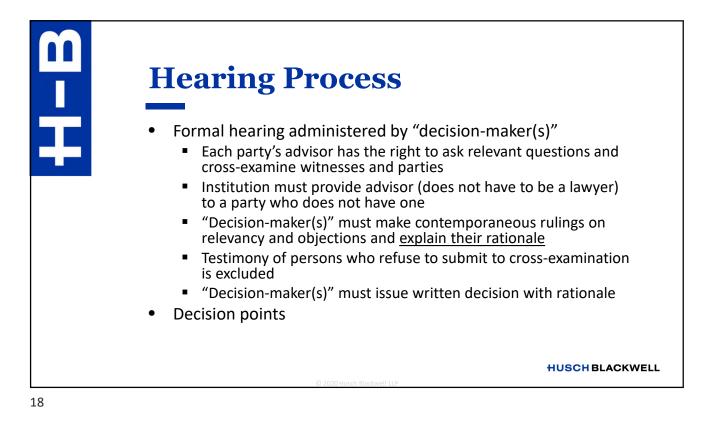
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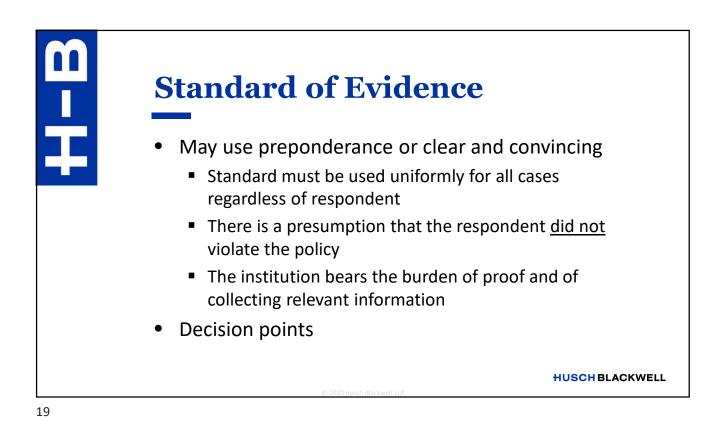


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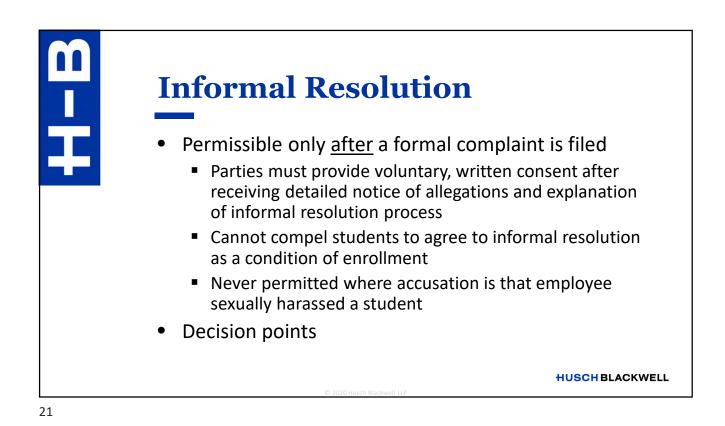
## Example

During investigation, respondent hires an expert who will opine that complainant was not incapacitated at the time of an alleged sexual assault. The complainant does not have an expert and cannot afford one. The investigator is dubious about the purported expert's credentials and the reliability of his claimed methodology.



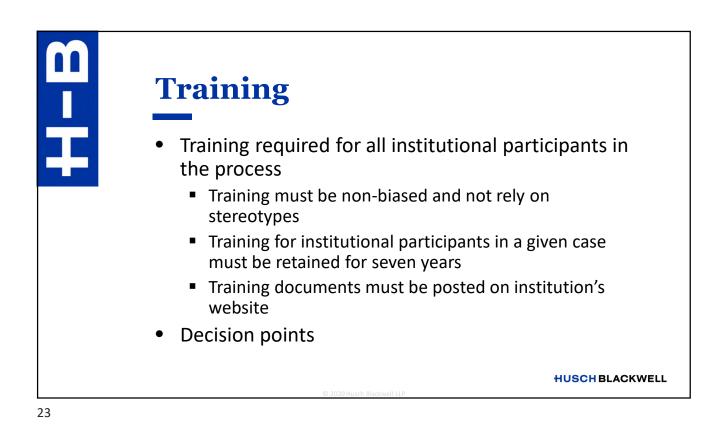


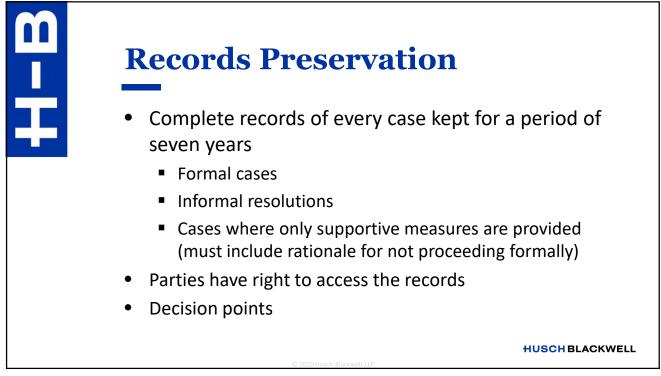


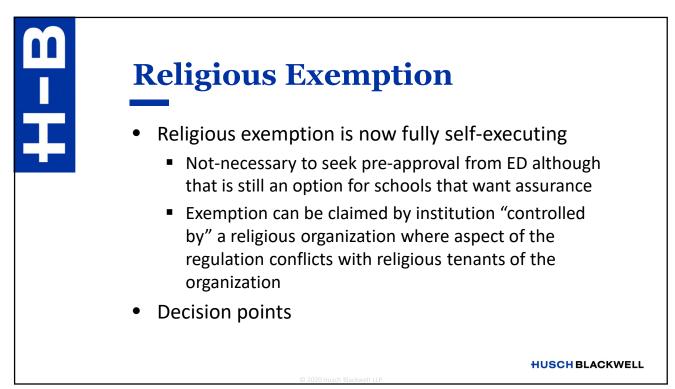


Student A makes a verbal report to Title IX Coordinator that Student B is sexually harassing Student A by repeatedly and persistently pursuing a romantic relationship with Student A despite being told "no." Title IX Coordinator contacts Student B and suggests this could be informally resolved by Student B apologizing to Student A, leaving her alone, and participating in personal coaching.

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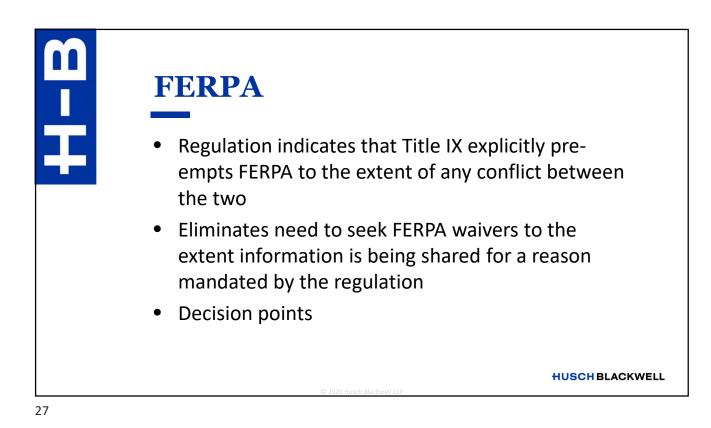






College controlled by a church denomination believes that sexual harassment is a grave sin and that utmost sensitivity and grace should be shown to alleged victims. Church denomination has developed its own protocols for investigating reports of sexual harassment that do not permit cross-examination. Church believes cross-examination is inconsistent with its Biblical obligations in responding to reports of abuse.

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- Regulation preempts state and local laws to the extent those laws are inconsistent with the regulation's definition of sexual harassment and its mandates for the investigation and grievance process
- Decision points

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### Example

College is located in a state that passed a law defining sexual harassment for purposes of institutional Title IX policy as "Any unwelcome conduct of a sexual nature." State law also precludes any direct cross-examination of complainant by the respondent or the respondent's representatives.

