

Student Conduct Hearing Administrator Training



*Department of Student Conduct and Community Standards
Title IX Office
Human Resources
Ethics and Compliance
Office of the General Counsel
Victim Advocate Program*

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Office of the General Counsel
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Human Resources*

Title IX Investigations



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Learning Objectives:

- Defining the jurisdiction/purview/scope of the Title IX Compliance policy.
- Explaining prohibitive conduct that is considered Sexual Harassment and how Consent is defined.
- Roadmap of Title IX Compliance complaint/grievance and resolution process.



Educational Programs or Activities



Under the Title IX Compliance policy, sexual harassment is prohibited in all FSU educational programs or activities.

An Educational Program or Activity occurs:

- within the United States.
- wherein FSU exercises substantial control over the locations, events, and circumstances including: the complainant, the respondent, and the context in which the sexual harassment occurs.
 - The complainant and respondent must be participating in (or attempting to participate in) the educational program or activity.
 - We can consider, as part of the location/event analysis, whether we funded, promoted, or sponsored the event, but no one factor is determinative.
- in buildings owned or controlled by recognized student organizations; or
- on FSU campuses.

Educational Programs or Activities



Within the scope of an Educational Program or Activity, this policy is applicable to:

- University Employees (faculty, staff, and OPS)
- Students
- Vendors/3rd Party Contractors
- Visitors/Guests



Defining Sexual Harassment

Under the Title IX Compliance policy, Sexual Harassment is an umbrella term that includes the following prohibitive conduct.

- Sexual Assault, specifically including:
 - Forcible Rape
 - Forcible Sodomy
 - Sexual Assault with an Object
 - Forcible Fondling
 - Incest
 - Statutory Rape
- Dating Violence
- Domestic Violence
- Stalking
- Quid Pro Quo
- Hostile Environment



Consent to Sex (and Touching)

In order to understand conduct that constitutes sexual harassment, it is critical to know how consent is defined.

Consent = intelligent, knowing, unambiguous, and voluntary.

- Consent is active, not passive. Failure to say 'no' does not mean 'yes'.
- Consent can be withdrawn at any time and prior consent does not mean future consent.
- Someone can not give consent if they are:
 - Significantly impaired by drugs/alcohol
 - Asleep/unconscious/mentally impaired
 - Under 18
 - Coerced (bribed, threatened, physically forced)



Title IX Complaint/Resolution Process

General Key Elements:

- Complainant has right to choose if to proceed
- Notifications/Transparency
- Supportive measures for ALL parties
- Due Process for Complainant/Respondent
- Live hearings
- Appeal rights

***See Title IX Flow Chart**

Investigatory Key Elements:

- Formal Complaint – Signed by Complainant
 - Investigation or Informal Resolution
- Both parties:
 - notified simultaneously;
 - can submit statement/interview, documentation, and witnesses; and,
 - review evidentiary file before finalized and provide feedback.
- Refer to Department of Student Conduct and Standards

Overview of Title IX Compliance Complaint & Resolution Process

(purview of Title IX Compliance Policy will be assessed at each decision point)

