



Association of
Title IX Administrators

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Did You Know... Not Every Serious Misconduct Case Falls Under Title IX?

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Presenters



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The Right Process May Not Be Title IX

- Sensitive, high-risk, or high-profile complaints may require Title IX-level rigor even when they fall under another policy, another process, or multiple processes
- **The key question is not “Is this Title IX?”**
- **It is: “What process and protections does this matter require?”**



Serious Misconduct May Fall Outside Title IX

- Not every serious misconduct matter fits neatly within Title IX
- Some matters implicate other policies, processes, or overlapping institutional responsibilities

Civil Rights and Compliance

- Title VI
- ADA/504
- EEO or workplace discrimination
- Retaliation

Student and Employee Misconduct

- Student conduct
- Employee misconduct
- Faculty misconduct
- Academic misconduct

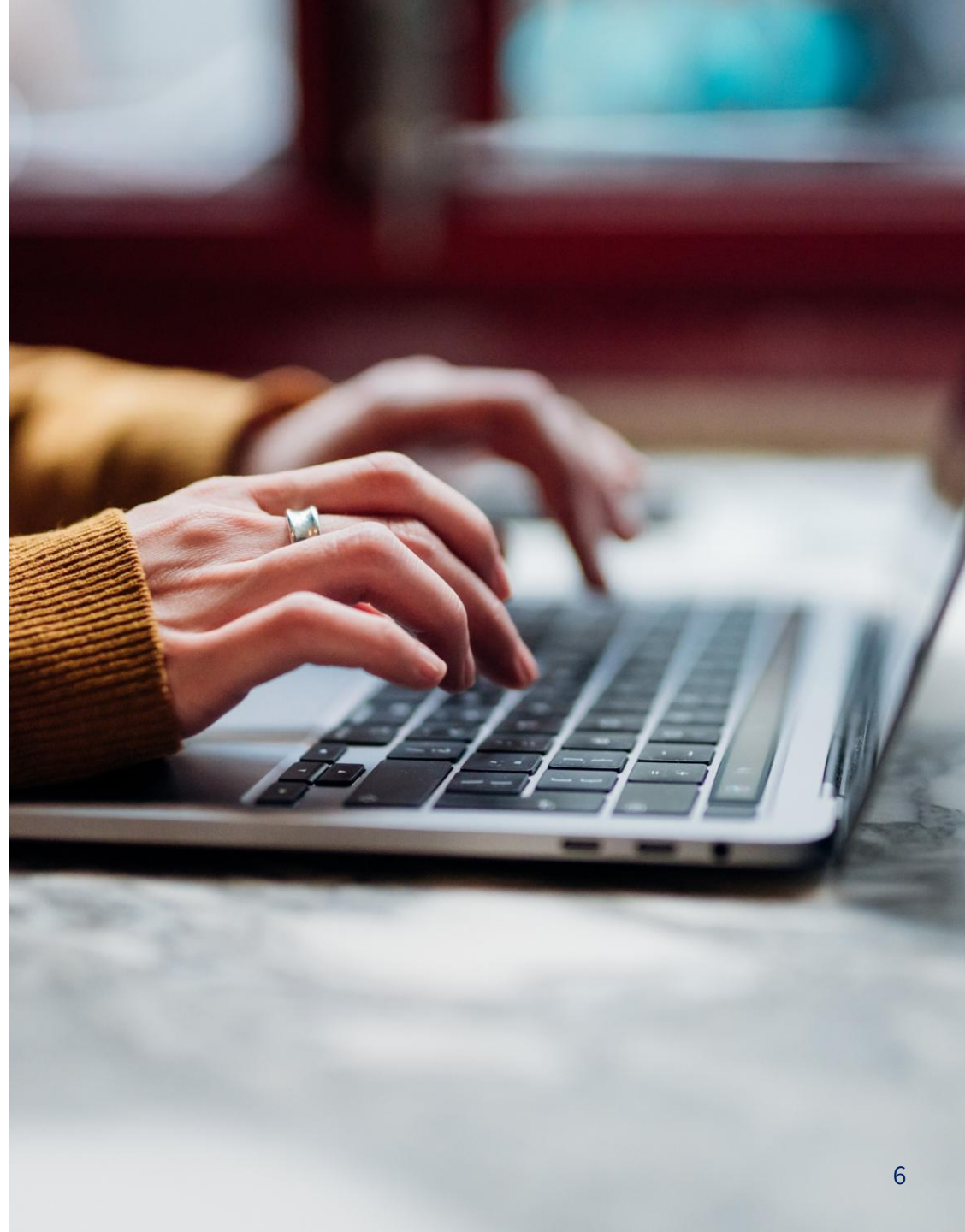
High-Risk or Sensitive Conduct

- Hostile environment concerns
- Technology-facilitated harassment
- Workplace concerns
- Other institutional misconduct

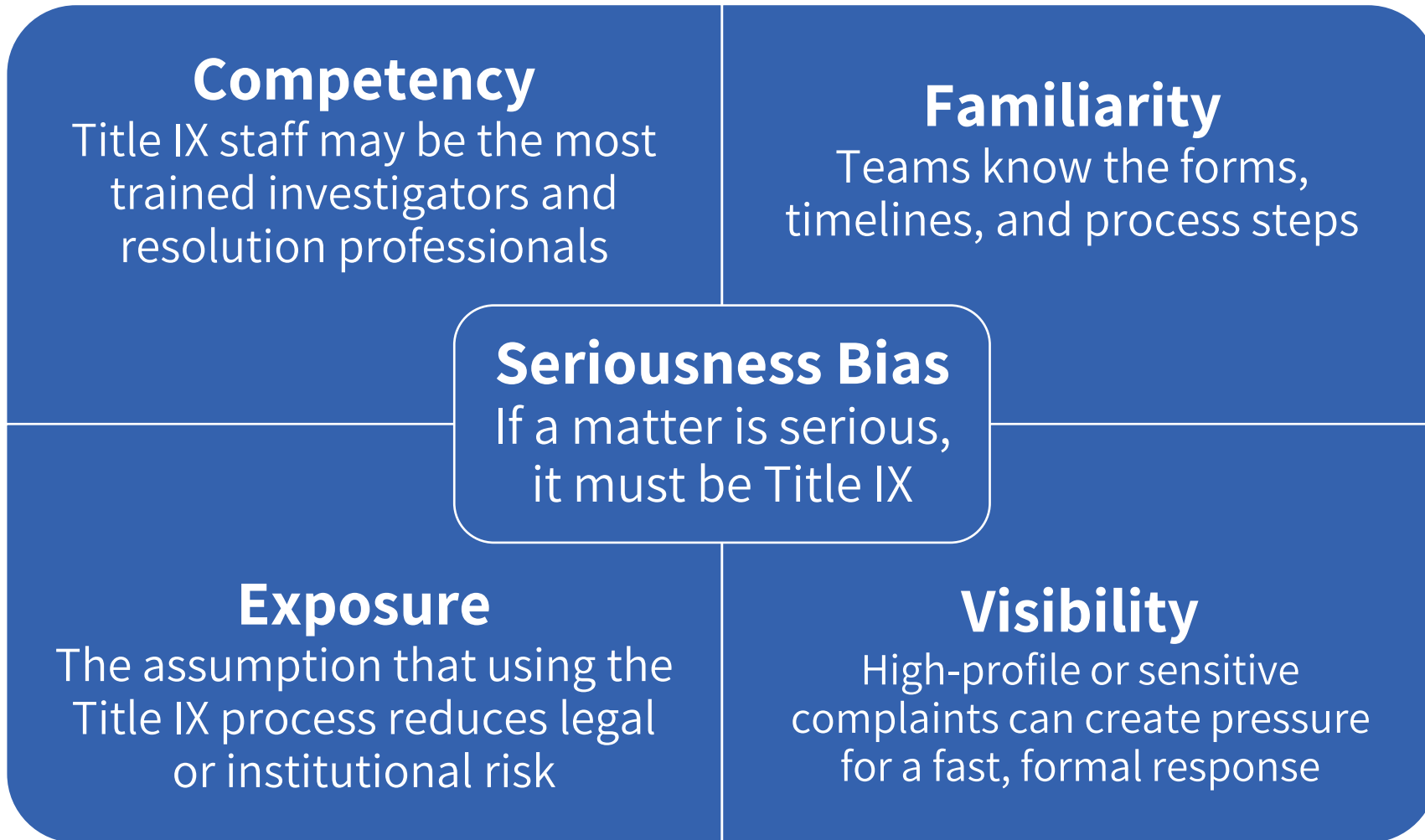
Misconduct Does Not Always Fit One Process

As facts develop, a matter may:

- Begin under Title IX and move to another process
- Implicate Title IX and another policy
- Require parallel student conduct or employee processes
- Raise Title VI, ADA/504, retaliation, or workplace concerns
- Shift as new information emerges during intake or investigation



Why Institutions May Default to Title IX

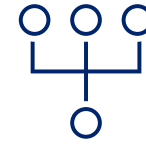


The Wrong Policy Framework Creates Risk

- Incorrect jurisdiction
- Misaligned timelines
- Inappropriate procedural protections
- Confusion for the parties
- Inconsistent outcomes
- Documentation that does not support key decisions
- Actual or perceived unfairness



**Wrong
Framework**



Wrong Process



**Unclear
Expectations**



Greater Risk

Considerations

- What policy applies?
- What protected status or conduct is implicated?
- Who are the parties?
- Where did the conduct occur?
- What process does the policy require?
- What expertise is needed?
- Is there a conflict of interest?
- Does the institution have capacity?

Choosing the Right Response Model

Internal Response May Be Appropriate When

- Trained, experienced staff are available
- Policy and jurisdiction are clear
- Scope is manageable
- No conflict of interest exists
- Capacity is sufficient

External Support May Be Appropriate When

- The matter is high-profile or politically sensitive
- A conflict of interest exists
- Senior leadership is involved
- Multiple complainants or respondents are involved
- Evidence is complex or extensive
- Internal capacity is limited
- Independence or neutrality is needed

Support Can Strengthen Each Stage of the Process

Before a response begins

- Clarify policy, jurisdiction, and process
- Assess capacity, conflicts, and needs
- Identify procedural risks

During the response

- Maintain fair, thorough investigation practices
- Review evidence, interviews, documentation, and reports
- Maintain quality control, consistency, neutrality, and process integrity

After a determination

- Debrief hearings, decisions, appeals, or informal resolution
- Evaluate documentation and post-outcome obligations
- Maintain continuity through interim or operational support

The Right Response Starts with the Right Framework

The strongest response starts by identifying the correct policy framework, then matching the matter with the right expertise, process, and level of support



Right
Framework



Right
Process

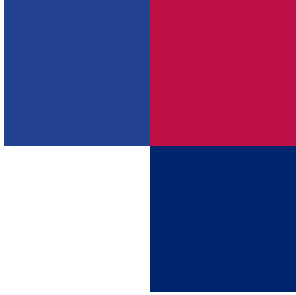


Right
Support

Questions?

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