



THE UNIVERSITY OF ARIZONA
GLOBAL CAMPUS

Title IX Hearing Member Training

Fall 2022



The University of Arizona Global Campus Notice of Title IX Nondiscrimination

The University of Arizona Global Campus does not discriminate on the basis of sex/gender in its education program or activity, and the University is required by title IX and PART 106 of title 34 of the Code of Federal Regulations not to discriminate in such a manner. This requirement not to discriminate in the education program or activity extends to admission and employment. Inquiries about the application of title IX and PART 106 to the University of Arizona Global Campus may be made to the Title IX Coordinator, to the Assistant Secretary of the US Department of Education, or both.



Formal Complaint

Document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the recipient investigate the allegation of sexual harassment. At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the education program or activity of the recipient with which the formal complaint is filed.



Title IX Sexual Harassment

Conduct on the basis of sex that satisfies one or more of the following:

- An employee of the recipient conditioning the provision of an aid, benefit, or service of the recipient on an individual's participation in unwelcome sexual conduct;
- 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 recipient's education program or activity; or
- "Sexual assault" as defined in 20 U.S.C. 1092(f)(6)(A)(v), "dating violence" as defined in 34 U.S.C. 12291(a)(10), "domestic violence" as defined in 34 U.S.C. 12291(a)(8), or "stalking" as defined in 34 U.S.C. 12291(a)(30). See below.



Effective Denial

To determine whether a person has been effectively denied equal access to an education program or activity, we must evaluate whether a reasonable person in the complainant's position would be effectively denied equal access to education compared to a similarly situated person who is not suffering the alleged sexual harassment.

Examples:

- a decline in a student's grade point average,
- having difficulty concentrating in class.

A complainant does not need to have already suffered loss of education before being able to report sexual harassment.

Effective denial of equal access to education does not require that a person's total or entire educational access be denied.

Complainants do not need to have exhibited specific trauma symptoms to be effectively denied equal access.



Consideration for Remedies/Sanctions

Factors to consider:

- The nature, severity of, and circumstances surrounding the violation(s)
- The Respondent's disciplinary history
- Previous allegations or allegations involving similar conduct;
- The need for remedies/sanctions to bring an end to the discrimination, harassment, and/or retaliation
- The need for remedies/sanctions to prevent the future recurrence of discrimination, harassment, and/or retaliation
- The need to remedy the effects of the discrimination, harassment, and/or
- retaliation on the Complainant and the community
- The impact on the parties
- Any other information deemed relevant by the Hearing Officers/Decision-maker(s)



ATIXA Model Hearing Script

1. Chairperson Introductory Statement
 - a. Purpose of the hearing
 - b. Introductions of all present
 - c. Recording and confidentiality statement
 - d. Hearing procedures
 - e. Reading of charges
2. Investigator's Case Introduction
 - a. Questions from Complainant's Advisor
 - b. Questions from Respondent's Advisor
 - c. Questions from Decision-maker(s)
3. Complainant's Opening Statement
 - a. Questions from Complainant's Advisor
 - b. Questions from Respondent's Advisor
 - c. Questions from Decision-maker(s)
4. Respondent's Opening Statement
 - a. Questions from Respondent's Advisor
 - b. Questions from Complainant's Advisor
 - c. Questions from Decision-maker(s)
5. Witness Testimony & Questioning
6. Final Questions for Complainant
7. Final Questions for Respondent
8. Break to Prepare Closing Statements
9. Complainant's Closing Statement
10. Respondent's Closing Statement
11. Chairperson Closing Statement

[Panel Hearing Script Template](#) (To see the full script)



Title IX Hearings

Thompson Copburn LLP

Module 4 Title IX Training Series

Please watch.

