



THE UNIVERSITY OF ARIZONA
GLOBAL CAMPUS

Title IX Investigator 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.



**GLOBAL
CAMPUS**

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.



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.



Scope

When the University has **actual knowledge** of sex/gender discrimination, misconduct or harassment in the University's education program or activity, the University will respond promptly, equitably, and reasonably. The University's education programs, or activities include the remote learning platform, commencement events, and any sponsored club or society activities.



Initial Review

The Title IX Coordinator will next engage in an initial assessment, which is typically one to five business days in duration. The steps in an initial assessment include:

- The Title IX Coordinator seeks to determine if the complainant is alleging facts, which if taken as true, constitute sex/gender harassment, and occurred in the recipient's education program or activity and against a person in the US.
 - If so, the Coordinator determines if the complainant wishes to make a formal complaint, and assists them if desired.
 - If they do not wish to do so, the Title IX Coordinator determines whether to initiate a complaint under the circumstances allowed the Coordinator by law.



Initial Review Continued

- If an informal resolution option is preferred, the Title IX Coordinator assesses whether the complaint is suitable for informal resolution, and may seek to determine if the Respondent is also willing to engage in informal resolution.
- If a formal or informal complaint is not applicable (there are no assumed facts alleging sex/gender harassment) AND desired (the Complainant does not desire a formal or informal procedure although alleged facts do constitute sex/gender harassment), the Title IX Coordinator works with the Complainant on a supportive and remedial response.



Initial Review Continued

- If the initial assessment does not constitute sexual harassment as defined; is outside the jurisdiction of the school, i.e., the conduct did not involve an education program or activity of the school; or did not occur against a person in the United States, the Title IX Coordinator must dismiss the formal complaint regardless of proof. In that event, the Title IX Coordinator shall forward the formal complaint to an appropriate University official who will determine whether the conduct alleged in the complaint violates a separate policy or code of conduct. The Title IX Coordinator may continue providing support and refer the Complainant to the appropriate office(s), such as, Student Conduct, Resolution Center, and/or Human Resources to seek resolution of the complaint.



Investigation of Formal Complaint

- Upon receipt of a formal complaint, the Title IX Coordinator will provide the written formal complaint to the investigators within the Resolution Center, and, if applicable, Human Resources staff, to mutually investigate the complaint.
- Only trained investigators will analyze and document the available evidence to support reliable decisions, objectively evaluate the credibility of parties and witnesses, synthesize all available evidence – including both inculpatory and exculpatory evidence – and consider the unique and complex circumstances of each case.



Investigation of Formal Complaint

- The investigation results in a written report summarizing the relevant exculpatory and inculpatory evidence.
- The investigator(s) will present the written investigative report to the involved parties, advisors and hearing officers(s) within forty-five (45) business days of the receipt of the complaint.
- There may be extensions of this or any timeframe within this procedure for good cause with simultaneous, written notice to the parties of the delay and the reason(s) for the delay



Consideration for Investigators

Factors to consider:

- Ensure investigators do not have a conflict of interest or bias for or against complainants or respondents or an individual complainant or respondent.
- Do not require, allow, rely upon, or use questions or evidence that looks to disclose information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege. (Legal privileges protect communications and documents from disclosure. Examples are Attorney –Client, Priest –Penitent Doctor –Patient, Spousal.)
- Ensure that the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on the University and not on the parties.
- Will provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence.
- Will not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence.



Consideration for Investigators

Factors to consider:

- Will provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate.
- Provide to parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint, including the evidence upon which the recipient does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that parties can meaningfully respond to the evidence prior to conclusion of the investigation.
- Prior to completion of the investigative report, the University will send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties will have 10 calendar days to submit a written response, which the investigator will consider prior to completion of the investigative report.
- Will create an investigative report that fairly summarizes relevant evidence and, at least 10 calendar days prior to a hearing or other time of determination regarding responsibility, send to each party and the party's advisor, if any, the investigative report in an electronic format for their review and written response.



ATIXA Toolkit