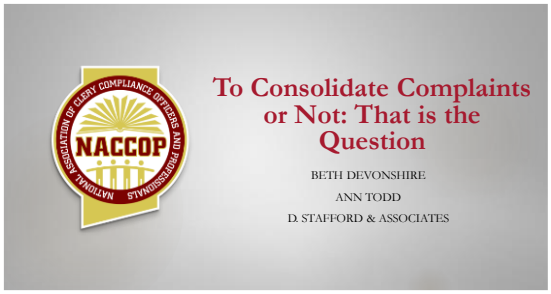

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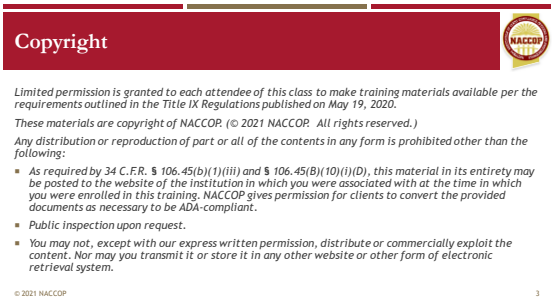

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Agenda

- Review of Regulations
- Consolidated Investigations
- Consolidated Hearings
- Case Studies

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Clery vs. Title IX

Geography vs. Jurisdiction

Reports vs. Complaints

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THE FUTURE OF THE REGULATIONS

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Consolidation of Formal Complaints

A recipient may consolidate formal complaints as to allegations of sexual harassment against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of sexual harassment arise out of the same facts or circumstances.

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More than One Respondent

MULTIPLE PARTY ASSAULTS

GROUP DYNAMICS

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More than One Complainant

EMPLOYEE

SERIAL RESPONDENT

GROUP VICTIMS

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One Party Against the Other Party

CROSS COMPLAINTS

INCAPACITATION

DATING/DOMESTIC VIOLENCE

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Arising from the Same Facts or Circumstances

PATTERN OF BEHAVIOR

INTERPERSONAL VIOLENCE

SINGLE EVENT

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Other Considerations

FORMAL COMPLAINT

INTERSECTING POLICIES

LOCATION

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CONSOLIDATING INVESTIGATIONS

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Investigation

Consolidate

Separate

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Investigation Considerations

- Formal Complaint
- Notice to the parties
- Updates to the parties
- Witnesses
- Advisor
- Inspect and Review Evidence
- Investigative Report

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17

Hearing

- Consolidate
- Separate

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Hearing Considerations

- Live
- Virtual
- Cross-examination
- Relevancy
- Participation
- Bias

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Case Study: Patterns

During an investigation alleging non-consensual sexual contact, a witness states that the respondent also inappropriately touched them. They provide you with additional names of people who have also been touched by the respondent.

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Case Study: Intersecting Policies

A complainant reports that they have been subjected to harassing comments based on both their gender identity as well as their race.

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Case Study: Intersecting Policies 2

A complainant reports that they experienced non-consensual sexual assault on-campus. Later in the evening, they experienced non-consensual sexual penetration off-campus. Both incidents involve the same respondent, complainant, and witnesses.

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Case Study: Cross Claims

The complainant reports an incapacitated sexual assault—he states he was too drunk to consent but does have memories of the night. The respondent states that he was blacked out and has no memories of the night.

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Case Study: Faculty

Two students have filed formal complaints that their professor consistently makes sexually inappropriate comments in class and via email. One student has indicated that she just wants the behaviors to stop and is unsure if she will participate in any investigation.

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Case Study: Are They The Same?

Two students have filed formal complaints against the same respondent. One complainant alleges sexual assault. The other complainant alleges stalking and dating violence.

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Case Study: The Hearing

You have just completed a consolidated investigation regarding two complainants who allege separate incidences of stalking against the same respondent. The case is ready to proceed to a hearing.

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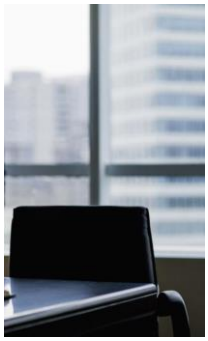

Case Study: The Hearing 2

You have just completed a consolidated investigation regarding multiple complainants involving the same respondent. All of the claims involved sexual harassment (both verbal and unwelcome hugging, backrubs, kissing). Two of the complainants experienced all of the behaviors as outlined. Three others experienced only verbal harassment. One experienced unwelcomed backrubs and kissing.

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Case Study: Advisor of Choice

A student has indicated that their advisor of choice is the complainant for a separate case involving the same respondent.

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For more information:
dstaffordandassociates.com

Upcoming D. Stafford Classes

- **Title IX Coordinator**
  - October 4 - 8, 2021
- **Combined Sexual Misconduct and Domestic/Dating Violence and Stalking Investigation**
  - August 23 - 27, 2021
- **Advanced Investigations**
  - June 7 - 11, 2021
  - November 8 - 12, 2021

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Upcoming D. Stafford Virtual Classes

- **Title IX Coordinator** (11:00 AM - 5:00 PM Eastern)
  - October 4 - 8, 2021
- **Combined Sexual Misconduct and Domestic/Dating Violence and Stalking Investigation** (11:00 AM - 5:00 PM Eastern)
  - August 23 - 27, 2021
- **Advanced Investigations** (9:00 AM - 5:00 PM (Eastern Time)
  - June 7 - 11, 2021
  - November 8 - 12, 2021

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Upcoming D. Stafford Virtual Classes

- **Behavioral Intervention Team/Threat Assessment Team Training** (10:00 AM - 5:30 PM Eastern)
  - June 22 - 24, 2021
  - December 1 - 3, 2021

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8TH ANNUAL NACCOP CONFERENCE: A Live, Virtual Event

Conference - July 21-23, 2021

Pre-Conferences - July 20, 2021

- **Pre-Con #1 for CCOs -** Addressing VAWA Policy Statements for Non-Title IX Procedures in the Annual Security Report
- **Pre-Con #2 for CCOs** - Developing Internal Memorandums of Understanding (MOUs) with Key Departments to Facilitate a Higher Level of Institutional Cooperation with Clery Act Compliance
- **2021 ADVANCED TRACK OPTION** - Case Reviews: These sessions include a Case Review where attendees will participate in reviewing a sample incident report narrative to determine the correct classification and count for each report and to practice adding entries to the Daily Crime Log. This session will provide practitioners with an opportunity to apply their knowledge to real-world scenarios.
- **The finalized agenda will be released in the late Spring of 2021.**

Register at www.naccop.org

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