

# Advisor Training

## 1. Untitled Scene

### 1.1 Welcome Layout



**Notes:**

## 1.2 Objectives Layout

### Objectives


The Objective of this training is provide you with an understanding of Title IX of the Education Amendments of 1972, the Final Rule, UMB related policies and procedures, and your role in the grievance process as an Advisor.

- 01 Title IX**  
Gain an understanding of Title IX and how it has evolved over the years.
- 02 Final Rule**  
Know the Final Rule on Title IX which is effective as of August 14, 2020.
- 03 UMB Policy**  
Understand UMB's expectations and what is defined as sexual misconduct.
- 04 UMB Procedures: Title IX**  
Gain insight on how allegations of sexual misconduct that fall under Title IX are adjudicated
- 05 Non-Title IX Procedures**  
Know the differences in the process when Title doesn't apply to the alleged misconduct.
- 06 Advisor Role**  
Understand your role as an Advisor to a Party.

## 1.3 Survey Question

*(Likert Scale, 0 points, 1 attempt permitted)*

### Survey Question

 Before we begin, please take a moment to indicate on the scale your level of knowledge and comfort for each of the statements.

	Strongly Disagree				Strongly Agree
I know and understand Title IX of the Education Amendments of 1972	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
I am knowledgeable about the Title IX Final Rule which went into effect on August 14, 2020.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
I have read and understand UMB's Policy on Sexual Misconduct.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
I understand the difference in the grievance process for allegations that do, and don't, fall under the scope of Title IX.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>


Statement	Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree
I know and understand Title IX of the Education Amendments of 1972					
I am knowledgeable about the Title IX Final Rule which went into effect on August 14, 2020.					
I have read and understand UMB's Policy on Sexual Misconduct.					
I understand the difference in the grievance process for allegations that do, and don't, fall under the scope of Title IX.					
I am confident in my ability to serve as an Advisor to a party in the sexual misconduct grievance process.					

Feedback:

Thank you for providing your answers.

## Thank You (Slide Layer)


Survey Question

 Before we begin, please take a moment to indicate on the scale your level of knowledge and comfort for each of the statements.

Thank you for providing your answers.

[Continue](#)

## 1.4 Title Layout

 Title IX

## 1.5 60/40 Layout

# Title IX

“ No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.”

### Title IX of the Education Amendments of 1972

On June 23, 1972, Title IX was enacted into law.	Any school that receives federal monies, from K-12 through higher education, must provide equal access to their programs regardless of sex.	Discrimination under Title IX includes sexual harassment, sexual assault, dating violence, domestic violence, and stalking.	Title IX applies to admissions and hiring processes, educational programs and activities, and employment.
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### Notes:

## 1.6 Timeline Interaction

### Title IX Over Time

Title IX has been interpreted, expanded, and contracted through legislative, judicial, and administrative actions. Click on each of the dates to see how Title IX has changed over the years.

*Please know, this list is not exhaustive and does not include guidance that has been rescinded.*

## Date 01 (Slide Layer)

### Title IX Over Time

Title IX has been interpreted, expanded, and contracted through legislative, judicial, and administrative actions. Click on each of the dates to see how Title IX has changed over the years.



A horizontal timeline of colored hexagons representing years from 1972 to 2020. The years are: 1972 (orange), 1975 (blue), 1979 (green), 1980 (blue), 1988 (dark blue), 1992 (light blue), 1997 (green), 1998 (orange), 2004 (blue), 2006 (light blue), 2010 (green), 2013 (orange), 2015 (blue), 2018 (yellow), and 2020 (dark blue).

- Title IX is enacted into law. President Nixon directed the Department of Health, Education and Welfare to publish regulations regarding the law's application.

*Please know, this list is not exhaustive and does not include guidance that has been rescinded.*

## Date 02 (Slide Layer)

### Title IX Over Time

Title IX has been interpreted, expanded, and contracted through legislative, judicial, and administrative actions. Click on each of the dates to see how Title IX has changed over the years.



A horizontal timeline of colored hexagons representing years from 1972 to 2020. The years are: 1972 (orange), 1975 (blue), 1979 (green), 1980 (blue), 1988 (dark blue), 1992 (light blue), 1997 (green), 1998 (orange), 2004 (blue), 2006 (light blue), 2010 (green), 2013 (orange), 2015 (blue), 2018 (yellow), and 2020 (dark blue).

- The Department of Health, Education and Welfare publishes regulations on how Title IX would be enforced.

*Please know, this list is not exhaustive and does not include guidance that has been rescinded.*

## Date 03 (Slide Layer)

### Title IX Over Time

Title IX has been interpreted, expanded, and contracted through legislative, judicial, and administrative actions. Click on each of the dates to see how Title IX has changed over the years.

A horizontal timeline of years from 1972 to 2020, represented by colored hexagons. The years are: 1972 (orange), 1975 (blue), 1979 (green), 1980 (blue), 1988 (dark blue), 1992 (light blue), 1997 (green), 1998 (orange), 2004 (blue), 2006 (light blue), 2010 (green), 2013 (orange), 2015 (blue), 2018 (yellow), 2020 (dark blue). A callout line points from the 1979 hexagon to a text box.

In *Cannon v. University of Chicago*, 441 U. S. 677 the Supreme Court found that Title IX is also enforceable through an implied private right of action.

*Please know, this list is not exhaustive and does not include guidance that has been rescinded.*

## Date 04 (Slide Layer)

### Title IX Over Time

Title IX has been interpreted, expanded, and contracted through legislative, judicial, and administrative actions. Click on each of the dates to see how Title IX has changed over the years.

A horizontal timeline of years from 1972 to 2020, represented by colored hexagons. The years are: 1972 (orange), 1975 (blue), 1979 (green), 1980 (blue), 1988 (dark blue), 1992 (light blue), 1997 (green), 1998 (orange), 2004 (blue), 2006 (light blue), 2010 (green), 2013 (orange), 2015 (blue), 2018 (yellow), 2020 (dark blue). Two callout lines point from the 1979 and 1980 hexagons to text boxes.

The Department of Education was established and given responsibility for overseeing compliance with Title IX through the Office of Civil Rights

*Alexander v. Yale*, 631 F.2d 178 (2d Cir. 1980) the US Court of Appeal for the Second Circuit held that sexual harassment was discrimination based on sex under Title IX.

*Please know, this list is not exhaustive and does not include guidance that has been rescinded.*

## Date 05 (Slide Layer)

### Title IX Over Time

Title IX has been interpreted, expanded, and contracted through legislative, judicial, and administrative actions. Click on each of the dates to see how Title IX has changed over the years.

1972 1975 1979 1980 1988 1992 1997 1998 2004 2006 2010 2013 2015 2018 2020

- Congress, through the Civil Rights Restoration Act extended Title IX from compliance only in programs receiving federal funding to all programs at any educational institution that receives ANY federal assistance.

*Please know, this list is not exhaustive and does not include guidance that has been rescinded.*

## Date 06 (Slide Layer)

### Title IX Over Time

Title IX has been interpreted, expanded, and contracted through legislative, judicial, and administrative actions. Click on each of the dates to see how Title IX has changed over the years.

1972 1975 1979 1980 1988 1992 1997 1998 2004 2006 2010 2013 2015 2018 2020

- In Franklin v. Gwinnett County Public Schools, 503 U.S. 60, the U.S. Supreme Court decided violations of Title IX could result in monetary relief.

*Please know, this list is not exhaustive and does not include guidance that has been rescinded.*



## Date 07 (Slide Layer)

### Title IX Over Time

Title IX has been interpreted, expanded, and contracted through legislative, judicial, and administrative actions. Click on each of the dates to see how Title IX has changed over the years.

1972 1975 1979 1980 1988 1992 1997 1998 2004 2006 2010 2013 2015 2018 2020

Dear Colleague letter: once a school is aware of sexual harassment, it must take "prompt and effective action calculated to end the harassment, prevent its recurrence, and, as appropriate, remedy its effects."

*Please know, this list is not exhaustive and does not include guidance that has been rescinded.*

## Date 08 (Slide Layer)

### Title IX Over Time

Title IX has been interpreted, expanded, and contracted through legislative, judicial, and administrative actions. Click on each of the dates to see how Title IX has changed over the years.

1972 1975 1979 1980 1988 1992 1997 1998 2004 2006 2010 2013 2015 2018 2020

In *Gebser v. Lago Vista Independent School Dist.*, 524 U.S. 274 the Supreme Court includes liability for deliberate indifference.

*Please know, this list is not exhaustive and does not include guidance that has been rescinded.*

## Date 09 (Slide Layer)

### Title IX Over Time

Title IX has been interpreted, expanded, and contracted through legislative, judicial, and administrative actions. Click on each of the dates to see how Title IX has changed over the years.

Dear Colleague Letter: requires institutions to designate a Title IX coordinator, adopt and disseminate a nondiscrimination policy, and put grievance procedures in place to address complaints of sex-based discrimination.

*Please know, this list is not exhaustive and does not include guidance that has been rescinded.*

## Date 10 (Slide Layer)

### Title IX Over Time

Title IX has been interpreted, expanded, and contracted through legislative, judicial, and administrative actions. Click on each of the dates to see how Title IX has changed over the years.

Regulations are enacted that permit, in certain circumstances, schools to operate individual single-sex non-vocational classes.

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## Date 11 (Slide Layer)

### Title IX Over Time

Title IX has been interpreted, expanded, and contracted through legislative, judicial, and administrative actions. Click on each of the dates to see how Title IX has changed over the years.

Dear Colleague Letter clarifies the relationship between bullying and discriminatory harassment.

*Please know, this list is not exhaustive and does not include guidance that has been rescinded.*

The timeline consists of 14 colored hexagons representing the years: 1972 (orange), 1975 (blue), 1979 (green), 1980 (blue), 1988 (dark blue), 1992 (light blue), 1997 (green), 1998 (orange), 2004 (blue), 2006 (light blue), 2010 (green), 2013 (orange), 2015 (blue), 2018 (yellow), and 2020 (dark blue). A callout box with a dotted line points to the 2010 hexagon.

## Date 12 (Slide Layer)

### Title IX Over Time

Title IX has been interpreted, expanded, and contracted through legislative, judicial, and administrative actions. Click on each of the dates to see how Title IX has changed over the years.

Dear Colleague Letter clarifies Title IX protections apply to pregnant and parenting students.

*Please know, this list is not exhaustive and does not include guidance that has been rescinded.*

The timeline consists of 14 colored hexagons representing the years: 1972 (orange), 1975 (blue), 1979 (green), 1980 (blue), 1988 (dark blue), 1992 (light blue), 1997 (green), 1998 (orange), 2004 (blue), 2006 (light blue), 2010 (green), 2013 (orange), 2015 (blue), 2018 (yellow), and 2020 (dark blue). A callout box with a dotted line points to the 2013 hexagon.

## Date 13 (Slide Layer)

### Title IX Over Time

Title IX has been interpreted, expanded, and contracted through legislative, judicial, and administrative actions. Click on each of the dates to see how Title IX has changed over the years.

1972 1975 1979 1980 1988 1992 1997 1998 2004 2006 2010 2013 2015 2018 2020

Dear Colleague Letter: provides guidance on institution's obligations to designate a Title IX Coordinator and the expectations for their role.

*Please know, this list is not exhaustive and does not include guidance that has been rescinded.*

## Date 14 (Slide Layer)

### Title IX Over Time

Title IX has been interpreted, expanded, and contracted through legislative, judicial, and administrative actions. Click on each of the dates to see how Title IX has changed over the years.

1972 1975 1979 1980 1988 1992 1997 1998 2004 2006 2010 2013 2015 2018 2020

The Department of Education releases a Notice of Proposed Rulemaking to clarify and modify Title IX regulatory requirements.

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## Date 15 (Slide Layer)

### Title IX Over Time

Title IX has been interpreted, expanded, and contracted through legislative, judicial, and administrative actions. Click on each of the dates to see how Title IX has changed over the years.



The Department of Education issues the Final Rule on Title IX, the first comprehensive regulations issued since 1975.

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## 1.7 Labels Layout


### Title IX

"No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance."

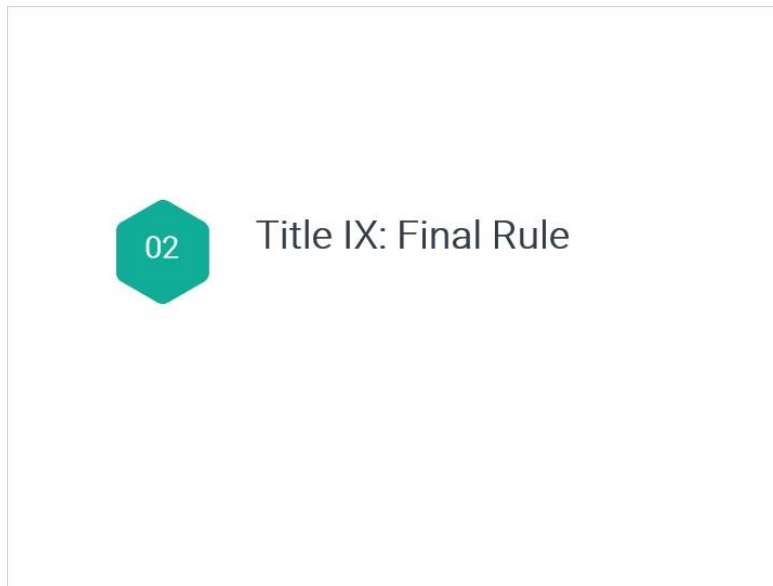
Since 1975, Title IX has been implemented through regulations that provide clarity regarding the scope of the law and requirements for institutions to remain compliant. The newest regulations, the Final Rule, went into effect on August 14, 2020.

Title IX has also been honed through judicial rulings, including those by the U.S. Supreme Court, that interpret and apply the law.

Congress has also contributed to the evolution of Title IX through clarifications and expansions in legislation.



## 1.8 Title Layout



## 1.9 50/50 Layout



### Final Rule to Title IX

**Why is the Final Rule important?**

Regulations are administrative rules and codes which are formed through formal processes of public notices, comment periods and publication. Regulations, while not laws, have the force of law.

→ The Final Rule is published in the Federal Register and can be found [here](#).

→ The new regulations were intended to "obligate recipients to respond promptly and supportively to persons alleged to be victimized by sexual harassment, resolve allegations ... promptly and accurately under a predictable, fair grievance process that provides due process protections to alleged victims and alleged perpetrators of sexual harassment, and effectively implement remedies for victims." (85 FR 30026).

### Notes:

## 1.10 List Layout

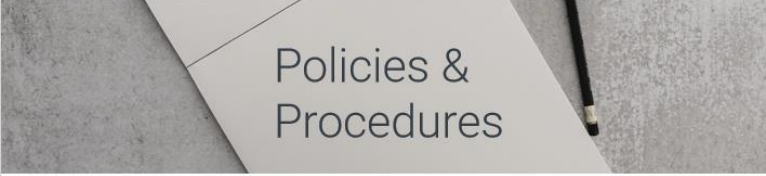
### Final Rule Major Requirements Summary

- 01** Reports of misconduct must be made to the Title IX Coordinator or Official with Responsibility.
- 02** The definition of sexual harassment has changed to 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 educational program or activity.
- 03** Title IX jurisdiction is limited to sexual harassment in the school's education program or activity occurring against a person in the United States.
- 04** Supportive measures and informal resolution processes are offered, as appropriate.
- 05** Both parties to a Formal Complaint have the right to an Advisor of their choice. If the party does not have an Advisor, the institution must provide one for conducting cross examinations.
- 06** Formal resolutions include a live hearing, with the ability to cross-examine the other party and witness through an Advisor.
- 07** Trained Hearing Panelists and Decision-makers will conduct the proceedings and make determination, including any sanctions.

## 1.11 Title Layout

**03** UMB Policy on Sexual Misconduct

## 1.12 60/40 Layout



### Policies & Procedures

#### UMB Policy on Sexual Misconduct


UMB promotes compliance with laws and regulations, including Title IX, through its Policies and Procedures.	UMB Policy on Sexual Misconduct reflects the requirement of Title IX and the Final Rule.	UMB Policy on Sexual Misconduct also includes conduct that falls under other federal and state laws related to Sexual Misconduct.	UMB Policies and Procedures also contribute to a campus community that reflects its Core Values, creating expectations for Civility and Accountability.
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### Notes:

## 1.13 Grid Layout

### UMB Policy on Sexual Misconduct

<b>01 Purpose</b> UMB is committed to a learning and working environment that is free from Sexual Misconduct.	<b>03 Definitions</b> This section ensures the UMB Community has a common understanding of the terms and references in the Policy.
<b>02 Scope</b> All students, faculty, staff, as well as contractors and affiliates under UMB's control are subject to the Policy.	<b>04 Title IX Compliance and Oversight</b> Mary MacFadden is UMB's Title IX Coordinator and oversees UMB's compliance with Title IX.

 UMB's Policy on Sexual Misconduct can be found here. Read the Policy in its entirety to better understand the rights and responsibilities of all parties and provide informed Advising during the grievance process.




## 1.14 Grid Layout

### UMB Policy on Sexual Misconduct

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<b>05 Policy Expectations</b> Sex and Gender-Based Discrimination, as well as Sexual Misconduct, are Prohibited.	<b>07 Statement of Rights</b> A list of the rights for the parties, including the right to be treated with dignity and respect.
<b>06 Reporting Sexual Misconduct</b> Reports can be made to the Title IX Coordinator, Officials with Authority or via the UMB Hotline.	<b>08 Medical Attention</b> Mercy Medical Center is the designated treatment center for sexual assault in Baltimore City.


 UMB's Policy on Sexual Misconduct can be found here. Read the Policy in its entirety to better understand the rights and responsibilities of all parties and provide informed Advising during the grievance process.

## 1.15 Grid Layout

### UMB Policy on Sexual Misconduct

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<b>09 Amnesty</b> Minor policy violations should not be a barrier to reporting and UMB offers amnesty from minor policy violations related to the incident.	<b>11 Supportive Measures</b> Supportive measures are non-disciplinary, non-punitive individual services offered to the parties.
<b>10 The Resolution Process</b> This section provides information about the Resolution Process which is provided in detail in UMB's Procedures.	<b>12 Sanctions</b> Provides examples of remedial responses and sanctions that may be imposed if someone has violated the Policy.


 UMB's Policy on Sexual Misconduct can be found here. Read the Policy in its entirety to better understand the rights and responsibilities of all parties and provide informed Advising during the grievance process.

## 1.16 Grid Layout


### UMB Policy on Sexual Misconduct

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<b>13</b>	<b>Records</b> Records will be maintained for seven (7) years.	<b>15</b>	<b>Resources</b> Lists UMB, City, State, and National Resources for the parties and anyone impacted by sexual misconduct.
<b>14</b>	<b>Prevention &amp; Education</b> UMB requires students, faculty, and staff to complete mandatory annual training on Title IX.		

 UMB's Policy on Sexual Misconduct can be found here. Read the Policy in its entirety to better understand the rights and responsibilities of all parties and provide informed Advising during the grievance process.

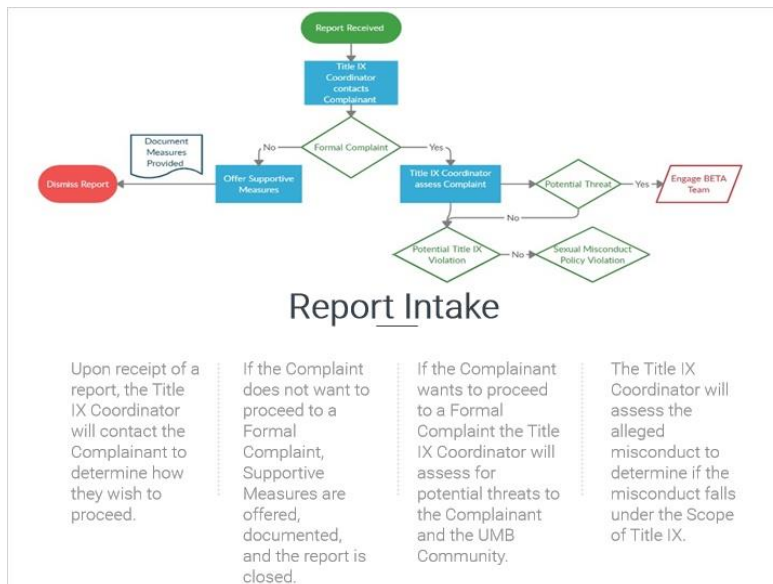
## 1.17 Title Layout

 **04** UMB Procedures for Alleged Violations of the Policy on Sexual Misconduct: Title IX Procedures

## 1.18 Four Column Layout

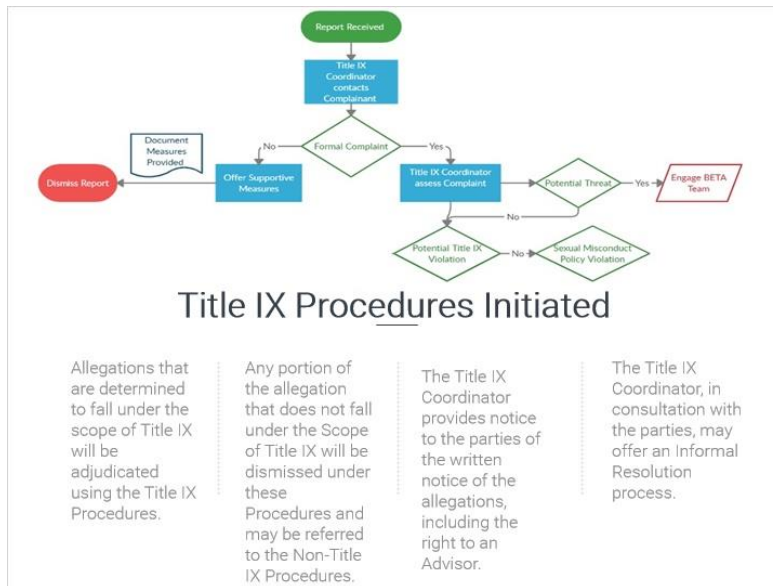


## 1.19 60/40 Layout



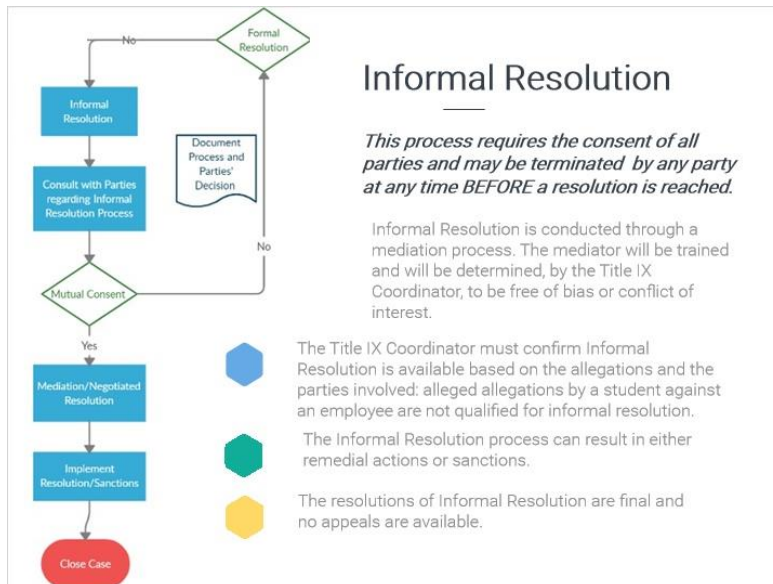
### Notes:

## 1.20 60/40 Layout



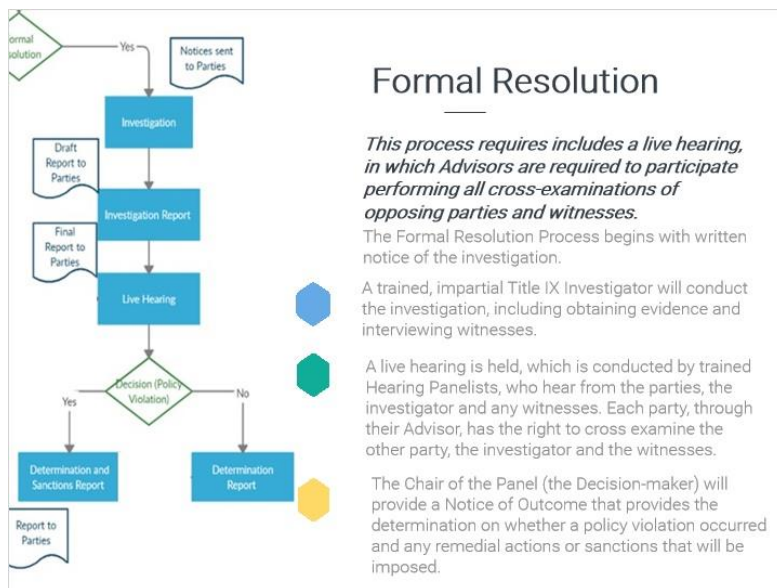
### Notes:

## 1.21 50/50 Layout



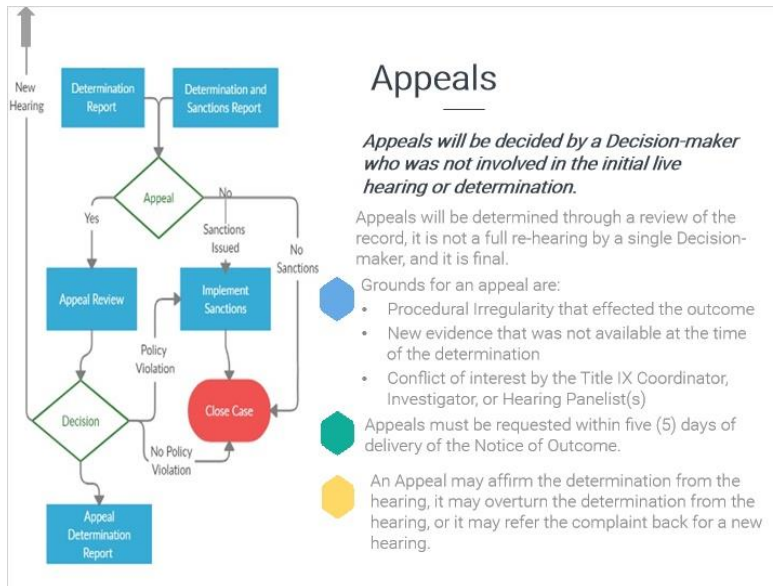
### Notes:

## 1.22 50/50 Layout



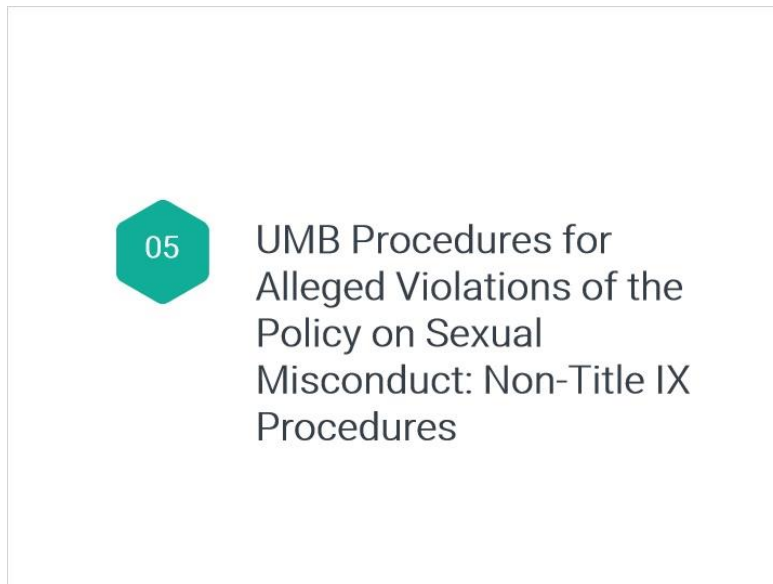
### Notes:

## 1.23 50/50 Layout

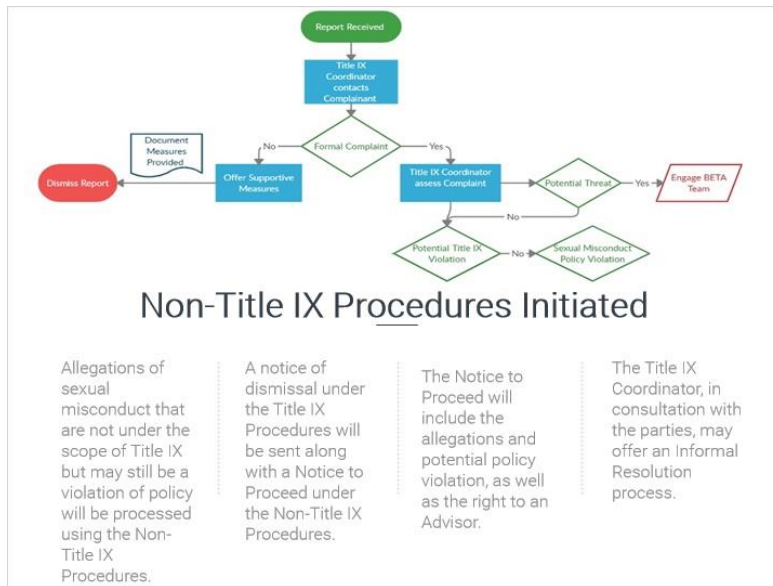


Notes:

## 1.24 Title Layout

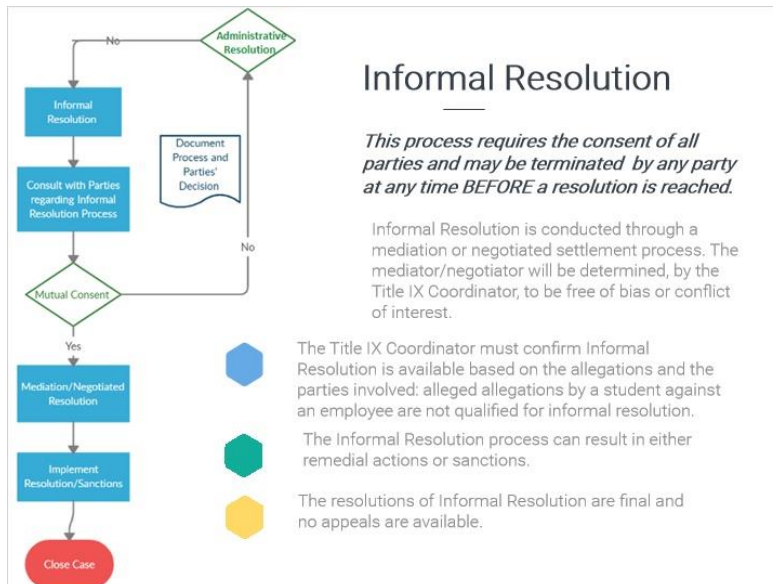


## 1.25 60/40 Layout



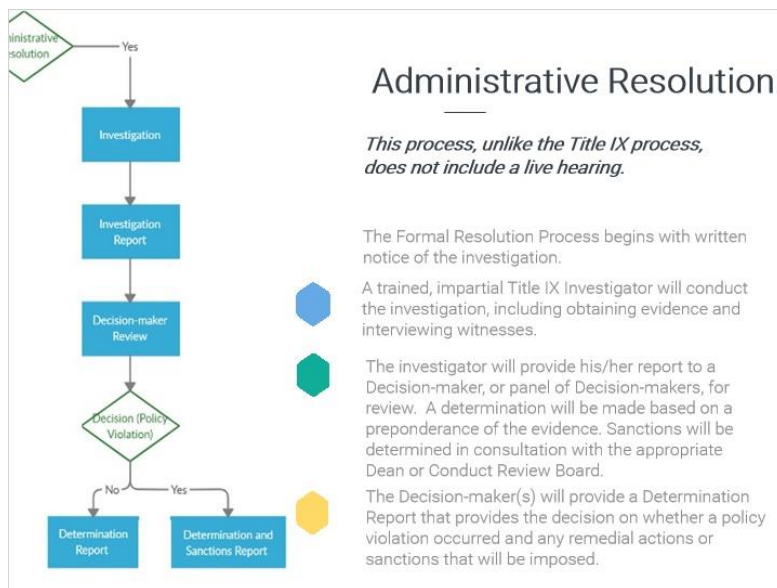
### Notes:

## 1.26 50/50 Layout



### Notes:

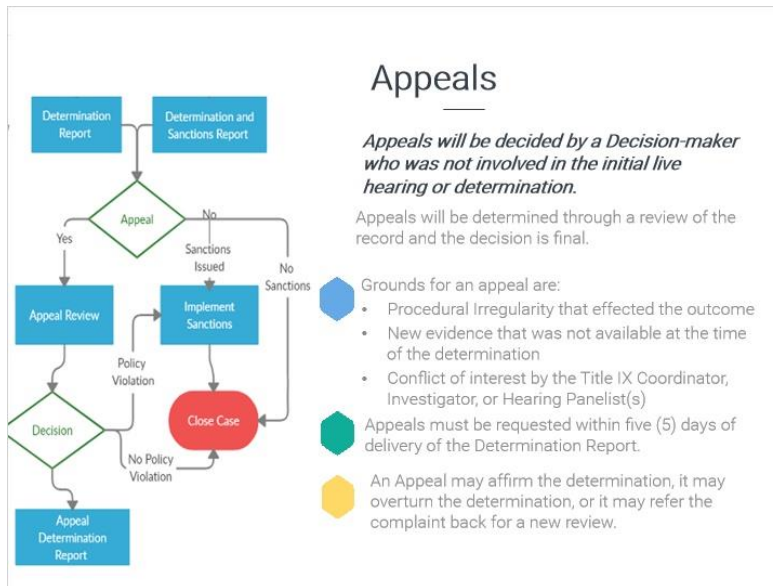
## 1.27 50/50 Layout



### Notes:

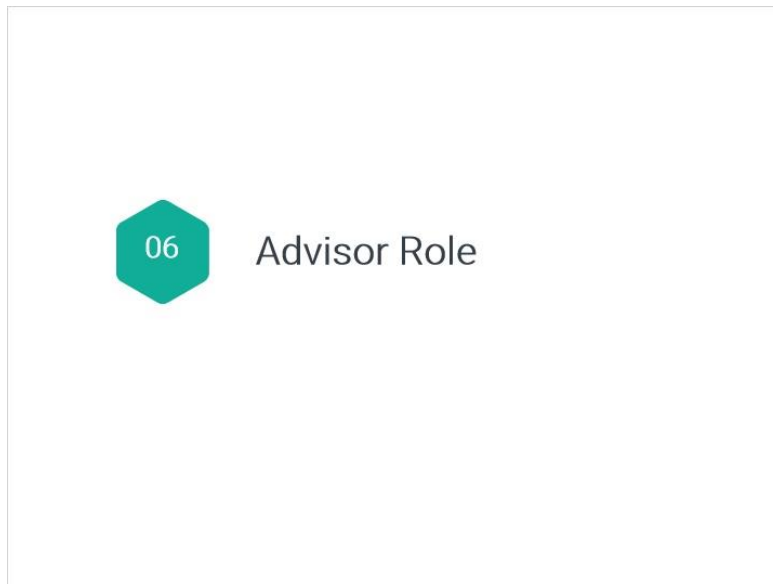


## 1.28 50/50 Layout




**Notes:**

## 1.29 Title Layout



## 1.30 Labels Layout

### You've Been Chosen as an Advisor



You have been chosen by a party to help them navigate the grievance process.

You can accompany your party to meetings and interviews.


You will serve to cross examine the other party and any witnesses on behalf of your party if a hearing is required.

Under the Title IX Procedures, you have been chosen by UMB to serve as a party's Advisor.

You will serve to cross examine the other party and any witnesses on behalf of your party.

## 1.31 70/30 Layout

### Advisor Role: Investigation



- 1 Meetings & Interviews**  
An Advisor can accompany the party to all meetings and/or interviews during the investigation phase.
- 2 Preparation**  
Advisors should help the parties prepare for each meeting and are expected to advise ethically, with integrity, and in good faith.
- 3 Private Consultations**  
Advisors may provide private consultations with their party, except during questioning of the party.

### Notes:

## 1.32 70/30 Layout

### Advisor Role: Hearing (Title IX Procedures)

- Hearing Preparation**

Prior to the hearing, proposed questions must be submitted to the Hearing Panel for approval. The Chair will document and share with each party their rationale for any exclusion or inclusion at the pre-hearing meeting.
- Hearing Participation**

Advisors are required to perform the cross-examination(s) on behalf of their party. The party may not conduct any cross-examination directly.
- Private Consultations**

Advisors may provide private consultations with their party, except during questioning of the party, insomuch as it does not distract or disturb the hearing.



**Notes:**

## 1.33 70/30 Layout

### Advisor Role: Hearing (Non-Title IX Procedures)

- Administrative Review Preparation**

If the Decision-maker agrees, you can assist your party with preparing and submitting an impact statement to be included in the Administrative Review.
- Administrative Review Participation**

The Administrative Review is not a hearing so there is no participation or cross-examination under these Procedures.



**Notes:**

## 1.34 70/30 Layout


### Advisor Role: Appeal

- 1 Appeal Preparation**

An Advisor may work with the party to determine if they wish to appeal the determination and, if so, assist with submitting the request.
- 2 Appeal**

The Appeal consideration is not an interactive process; the Appeal Decision-maker will review the record to make a determination.
- 3 Appeal – New Hearing/Review**

If the appeal determines a new hearing/review is necessary, the Advisor has the same roles as in the initial process.



### Notes:

## 1.35 Survey Question

*(Likert Scale, 0 points, 1 attempt permitted)*

## Survey Question



Before we begin, please take a moment to indicate on the scale your level of knowledge and comfort for each of the statements.

Strongly Disagree                      Strongly Agree

I am knowledgeable about the Title IX Final Rule which went into effect on August 14, 2020.     

I have read and understand UMB's Policy on Sexual Misconduct.     

I understand the difference in the grievance process for allegations that do, and don't, fall under the scope of Title IX.     

I am confident in my ability to serve as an Advisor to a party in the sexual misconduct grievance process.     

Submit

Statement	Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree
I know and understand Title IX of the Educational Amendments of 1974					
I am knowledgeable about the Title IX Final Rule which went into effect on August 14, 2020.					
I have read and understand UMB's Policy on Sexual Misconduct.					
I understand the difference in the grievance process for allegations that do, and don't, fall under the scope of Title IX.					
I am confident in my ability to serve as an Advisor to a party in the sexual misconduct grievance process.					


Feedback:

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Thank you for providing your answers.

## Thank You (Slide Layer)

### Survey Question




Before we begin, please take a moment to indicate on the scale your level of knowledge and comfort for each of the statements.

Thank you for providing your answers.

[Continue](#)

## 1.36 Contact Layout




### Contact Title IX

If you have questions, would like more information, or want to request additional training contact our Title IX team.

Title IX  
Office of Accountability and Compliance  
410-706-2281  
titleixcompliance@umaryland.edu


[View our website](#)

Title IX Coordinator




Mary MacFadden


Title IX Deputy Coordinators



Michael Azen



Edress Brunson

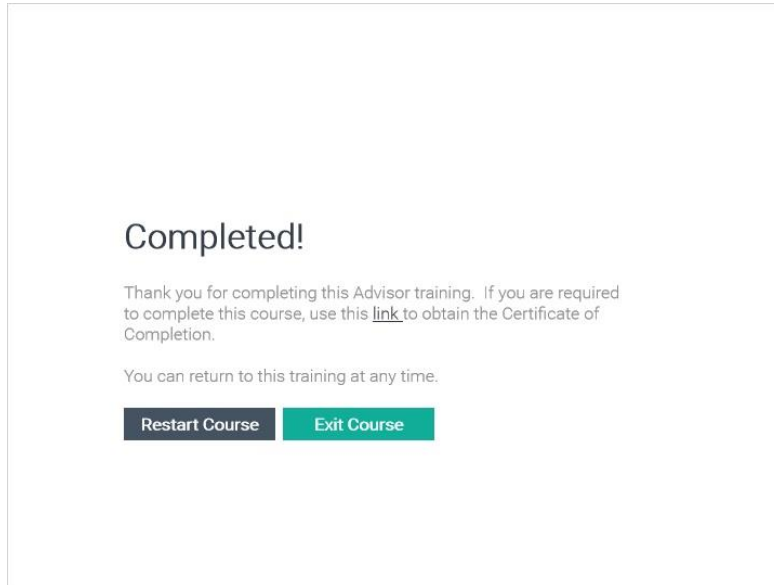


Vanessa Harrington

**Notes:**

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## 1.37 Exit Layout



### Notes: