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# **Title IX Conduct Panel Supplemental Training**

Last Updated: July 7, 2023



- Supplemental Training Goals:

- Understand changes in the legal landscape for Title IX

- Appreciate the impact of those legal changes on this hearing process

- Title IX (20 USC § 1681)
- Implemented through 2020 Title IX DOE Federal regulations (i.e., “regs”)
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- Role of advisors

- Conduct cross examination of opposing party and of witnesses
- Parties can choose their own advisor
- TCU required to provide an advisor at no cost to party
- Can be an attorney
- Advisor will be assigned to a party if they attend hearing alone
- Can challenge relevancy determinations by Panel Chair

- Language added limiting the advisor role

**TCU**

150

1873 - 2023

- Absent party

- From pre-hearing evidentiary review process

- From the hearing

- Absent witness

- No inference regarding responsibility permitted based solely on a party's absence (34 C.F.R. §106.45(b)(6)(i))

- Role of an advisor when their party is absent from the hearing

- Neither the party nor their advisor appear at the hearing





- Written deliberation report must include (34 C.F.R. §106.45(b)(7)(ii)) (cont.):

Factual findings that support responsibility determination and all panel conclusions

Panel excluded information with rationale

Appeal procedures and bases



- What evidence can the panel consider?

- All materials shared with the panel prior to the hearing...

- **Minus** any evidence ex3752L-45.[43 T82 315T82 31Tm] 7 Tw 1E0T55./ya

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