

## Title IX Advisor Training

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**TWO TRUTHS AND A LIE**

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## Training Objectives

- Understand Title IX Advisor role under 2020 regulations
  - Explain California legal overlay
  - Learn procedural steps in complaint process
  - Apply Butte College AP 3400 procedures
  - Prepare for live hearing and cross-examination

**CONTENT ADVISORY**

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## Legal Framework – Federal + California

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- Title IX (20 U.S.C. §1681)
  - 2020 Title IX Regulations (34 CFR 106)
  - California Education Code §67386
  - Title 5 §§59300–59342

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## What is Title IX?

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- *"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."*

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# Prohibited Conduct

Sexual Harassment

Sexual Assault

Dating/Domestic Violence

Stalking

Sexual Exploitation\* (trafficking, image distribution, viewing another's sexual activity w/o consent, etc.)

Other protections: Sports, pregnancy, etc.

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# District Responsibility under Title IX

Stop

Remedy

Prevent

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## Procedural Steps



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## AP 3400 Overview

- Governs prohibited discrimination & harassment
  - Incorporates Title IX grievance process
  - Defines roles: Coordinator, Investigator, Decision-Maker, Advisor, etc.
  - Defines prohibited conduct
  - Establishes advisor participation rights
  - Guiding procedure for participants and advisors

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## Advisor of Choice

- Party may select advisor of choice
  - Institution cannot limit selection (with rare/nuanced exceptions)
  - Rules of decorum apply equally
  - Institution appoints advisor for hearing (at minimum) if needed
  - Appointed advisors must be willing/able to provide support equally to Complainants or Respondents

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## Scope of Advisor Role

- Support and consult
  - Conduct cross-examination at hearing
  - Assist with evidence review and procedural steps
  - Help advisee understand institutional procedure
  - Prepare advisee for all meetings, interviews, etc.
  - Follow decorum standards

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## Live Hearing Requirement

- Required under 2020 regulations
  - Real-time questioning
  - Separate rooms permitted (most likely to be Zoom)
  - Recorded proceeding

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## Advisor Decorum Rules

- Professional conduct required
  - No harassment or intimidation
  - Follow hearing officer directives
  - Removal possible for violations

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## Cross-Examination Standards

- Questions must be relevant
  - Decision-maker rules on relevance
  - No direct party-to-party questioning
  - Rape shield protections apply

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## California-Specific Considerations

- Equitable treatment required (Title 5)
  - Trauma-informed practices encouraged
  - Non-retaliation protections strengthened
  - Clery/VAWA obligations apply

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## Standard of Evidence

- Preponderance of the Evidence
  - Applied consistently across cases
  - Burden rests on District to gather evidence

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## Supportive Measures (AP 3400)

- Non-disciplinary, non-punitive
  - No-contact directives
  - Academic accommodations
  - Reviewable upon request

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## Appeals

- Grounds:
  - Bias/conflict of interest
  - Available to both parties equally
  - Procedural error
  - New evidence

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## Concurrent Criminal Proceedings

- Separate from District process
  - Campus record may be subpoenaed
  - Advisors should caution parties carefully

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## Facilitated Case Exercise

- Draft 5 cross-examination questions
  - Apply relevance standard
  - Evaluate tone and professionalism

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## Key Advisor Risks

- Overly aggressive or repetitive questioning
- Failure to prepare
- Violating decorum
- Ignoring California equity obligations (Advisers are legally mandated to nurture respectful, inclusive, and equitable environments. You must actively respect and acknowledge the diverse backgrounds and experiences of students and colleagues.)

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## Trauma-Informed Practice in California

- Avoid victim-blaming
- Use neutral tone
- Respect emotional impact
- Maintain procedural fairness

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## Advisor Best Practices

- Prepare early
- Know AP 3400
- Understand relevance
- Maintain professionalism

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## Questions & Discussion

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- Open Q&A
  - Policy clarification
  - Scenario-based discussion