



D. STAFFORD
& ASSOCIATES

Sexual Misconduct Decision Maker Class

Presented by:

**A D. Stafford & Associates
Title IX Team Member**

D. Stafford & Associates, LLC, 179 Rehoboth Avenue, #1121, Rehoboth Beach, DE 19971
302-344-5809

Dolores Stafford, President & CEO

Dolores@DStaffordandAssociates.com

www.dstaffordandassociates.com



Have you joined NACCOP yet? If not, go to www.naccop.org to become a member of this professional association supporting Clergy Compliance Officers.

Once an institution is a member, individual membership is \$125.00. You can sign up your entire Clergy Compliance Committee for membership!

©All rights reserved by DSA



D. STAFFORD
& ASSOCIATES

Decision-Maker

- **Title IX for Decision-Makers**
 - Statute
 - Scope and Application
 - People Definitions
 - Grievance Process
- **Sexual Harassment**
 - Sexual Harassment Definitions
 - Unwelcome Conduct & Consent
- **The Decision-Maker**
 - Pre-Hearing Activity
 - The Hearing
 - The Deliberation
 - The Written Outcome
 - The Appeal



TITLE IX

Copyright

(Limited permission is granted to each attendee of this class to make training materials available per the requirements outlined in the Title IX Regulations published on May 19, 2020)

These materials are copyright of D. Stafford & Associates, LLC © 2024 D. STAFFORD & ASSOCIATES. All rights reserved.

Any distribution or reproduction of part or all of the contents in any form is prohibited other than the following:

- As required by 34 C.F.R. § 106.45(b)(1)(iii) and § 106.45(B)(10)(i)(D), this material in its entirety may be posted to the website of the institution in which you were associated with at the time in which you were enrolled in this training. D. Stafford & Associates gives permission for clients to convert the provided documents as necessary to be ADA-compliant.*
- Public inspection upon request.*

You may not, except with our express written permission, distribute or commercially exploit the content. Nor may you transmit it or store it in any other website or other form of electronic retrieval system.

ISSUANCE OF CERTIFICATES FOR COMPLETION

To receive a certificate, attendees must attend the majority of the class and have paid class invoice in full. This applies to both in-person classes and virtual classes. We understand that attendees may need to miss class for a legitimate reason for longer periods of time or may need to leave the room during a class for a few minutes to take a phone call or attend to other business. If an attendee misses a significant amount of the class (depending on the length of the class) or they miss an attendance poll, they will not be issued a certificate of completion for the class.

Attendees should report each absence using the online form provided (each class has its own unique form that is sent to all attendees via email prior to class). Attendees should complete the form twice for each absence: once to record their departure, and again to record their return. Attendees should complete the form immediately before leaving class and as soon as practicable upon their return. If an attendee signs out but does not sign back in, they will be marked absent for the remainder of the day.

The criteria for receiving a certificate is determined based on missed class time and participation in the Attendance Polls that will be launched throughout each day of class. Attendance polls are left up for approximately 5 minutes and the instructor notifies the attendees that a poll is being launched to ensure that everyone who is present can respond to the poll. If an attendee is unable to respond to the attendance poll, the attendee would need to **immediately post "I am here"** in the chat feature within the Zoom platform. That way we can give the attendee credit for being in attendance for that specific poll. Notifying us after the attendance poll has been closed will not allow us to give the attendee credit for being in class during the poll.

Some of our classes may qualify for credit toward a Master's Degree at New England College (and regardless if you decide to seek credit or not, accreditation requirements mandate that we follow the same standards for all class attendees), so we have strict attendance standards that we follow for issuance of a certificate. For DSA & NACCOP, issuance of a Certificate of Completion is verification of attendance.



D. STAFFORD
& ASSOCIATES

P.O. Box 1121
Rehoboth Beach, DE 19971
Phone: (202) 438-5929
dolores@dstaffordandassociates.com

Adrienne Meador Murray, Vice President, Equity Compliance and Civil Rights Services



In January 2014, Adrienne Meador Murray joined D. Stafford & Associates where she currently serves as the Vice President, Equity Compliance and Civil Rights Services after having been affiliated with D. Stafford & Associates as a part-time Associate since 2012 and the National Association of Clery Compliance Officers & Professionals (NACCOP) where she currently serves as Director of Training and Compliance Activities. Murray began her career in municipal law enforcement as a civilian employee with the City of Richmond Police Department (Virginia). She graduated from the Virginia Commonwealth University Police Training Academy and began her career as a sworn police officer for the University of Richmond (UR) Police Department (Virginia). At UR, Murray progressed through the ranks from a night shift patrol officer to Operations Lieutenant (overseeing criminal investigations, crime prevention and patrol) over the span of a decade before becoming the Chief of Police at Davidson

College in North Carolina. Most recently, Murray served as Chief of Police at Trinity Washington University (in Washington, D.C.).

As the Executive Director, Equity Compliance and Civil Rights Services for DSA, Murray builds on her 17-year career in law enforcement in which she became a nationally recognized expert in the field of best practice postsecondary institutional response to the sexual victimization of college women in the United States and in Canada. She is also a trained civil rights investigator and is well respected throughout the country for her ability to aid institutions in understating how to do best practice criminal and civil rights investigations concurrently. She is well known for her work in having provided support, advocacy and criminal investigative services for victims of sexual assault, stalking and intimate partner violence and is a sought-out speaker and investigator. She has expertise in the construction of best practice law enforcement standard operating procedures and training police officers to respond in best practice and trauma-informed ways to victims of sexual assault and intimate partner violence. In her current role, Murray coordinates curriculum development and instruction for national classes, including basic and advanced sexual misconduct investigation classes; an investigation of dating violence, domestic violence and stalking class; and a Title IX Coordinator/Investigator class offered through D. Stafford & Associates. To date, Murray has trained more than 3,500 criminal and civil rights investigators throughout the U.S.

Drawing on her experiences as a trained criminal and civil rights investigator, Murray also oversees independent investigations of complex sexual misconduct cases; conducts audits of Title IX/VAWA



D. STAFFORD & ASSOCIATES

P.O. Box 1121
Rehoboth Beach, DE 19971
Phone: (202) 438-5929
dolores@dstaffordandassociates.com

Compliance; drafts institutional sexual misconduct policies and procedures; and conducts campus-based trainings pertaining to the resolution of sexual misconduct offenses on college and university campuses. Murray frequently presents at regional and national conferences on topics such as the *Sexual Victimization of College Women*, *Understanding Consent and Incapacitation*, and *Responding to Sexual Assault on Campus: Clery Act and Title IX Implications*. Murray also conducts provincially specific sexual misconduct trainings throughout Canada.

Murray is a graduate of the University of Richmond, where she received her Bachelor's Degree in Applied Studies in Human Resource Management and of New England College, where she received her Master's Degree in Campus Public Safety Administration. Murray is also a graduate of the 235th session of the prestigious FBI National Academy where she was awarded a graduate certificate in Criminal Justice from the University of Virginia. She has authored numerous journal articles.



D. STAFFORD
& ASSOCIATES

P.O. Box 1121
Rehoboth Beach, DE 19971
Phone: (202) 438-5929
dolores@dstaffordandassociates.com

Catherine Cocks, M.A.
Director, Student Affairs, Behavioral Threat Assessment and
Independent Investigation Services



Ms. Cocks has been a higher education professional for over thirty years. Her work with D. Stafford & Associates focuses on Title IX investigations and training; assessment of student affairs policies, practices and services; and behavioral threat assessment services. Cathy was the Director of Community Standards for the University of Connecticut for 14 years where she managed the student conduct process, which included managing all Title IX cases involving student respondents and chaired the University's student threat assessment team. Prior to that, she held several positions within Residential Life at the University of Connecticut and Roger Williams University.

She is a faculty member for the Association for Student Conduct Administration's (ASCA) Donald D. Gehring Academy teaching on subjects such as ethics, governance, threat assessment, media relations, and higher education trends. She was an affiliated faculty

member for many years in the University of Connecticut's Higher Education and Student Affairs Master's program teaching "The Law, Ethics, and Decision-Making in Student Affairs."

Cathy has co-authored the "Philosophy of Student Conduct" chapter in the 2nd edition of "Student Conduct Practice" (2020) and was a member of the writing team for CAS Standards' Cross-functional Framework for Identifying and Responding to Behavioral Concerns.

Cathy is a Past President of ASCA. She has also served as a Circuit representative, co-chair of the Public Policy and Legislative Issues Committee, and as a member of the ASCA Expectations of Members Task Force. Cathy has served in a variety of leadership roles in NASPA Region I.

She was the 2015 recipient of ASCA's Donald D. Gehring Award. She is a past recipient of the NASPA Region I Mid-Level Student Affairs Professional Award and the NASPA Region I Continuous Service Award.

She earned her Master's degree in Higher Education Administration from the University of Connecticut and Bachelor's degree in Communications/Media from Fitchburg State University.



NACCOP Title IX & Equity Alliance

The Alliance is a dedicated affinity group through which Title IX and Equity Professionals, and the practitioners who support and/or supervise them, can benefit from NACCOP's expertise in complying with the Clery Act, Title IX, and other civil rights laws that affect their work.

BENEFITS OF JOINING THE ALLIANCE

- **Access to NACCOP's annual 9 on IX webinar series at no additional cost (a \$710 value)**
 - These 60-minute succinct webinars will offer legal insight and practical guidance on Title IX topics from experts who have served or are currently serving as active practitioners on college and university campuses.
- **Alliance-Exclusive Professional Development Opportunities such as the Title IX & Equity Open House Discussion Series**
 - An Alliance-exclusive virtual open house will be held bi-monthly (every other month, 6 sessions annually) to engage with experts from NACCOP's partner organization, D. Stafford & Associates, as well as other invited guests, to discuss current trends and issues. Each open house will focus on a specific topic for discussion and participants will be encouraged to engage in the conversation.
- **Access to Alliance-Exclusive Whitepapers regarding Title VI, VII, and IX**
- **Connect and collaborate with other Title IX and Equity Professionals via an Alliance-restricted Listserv**
- **Discounted Professional Development Opportunities**
 - Coffee and Conversations webinar series and individual webinars focused on Title IX & Equity compliance issues
- **A 50% discount on the Title IX Notice Document Library developed by NACCOP's Partner Organization, D. Stafford & Associates (a \$335 value)**

Join the Alliance

Eligible individuals must have Institutional, Professional, or Committee Membership with NACCOP.

Cost: \$425 for 1 year subscription

(The first year of enrollment will be pro-rated to match the NACCOP membership expiration date.)

Request to Join: <https://naccop.memberclicks.net/join-the-alliance>

Questions? Contact us at info@naccop.org or 302-344-1068.

DECISION-MAKER TRAINING



© 2021 D. Stafford & Associates



TITLE IX FOR DECISION-MAKERS





AGENDA

- Statute
- Scope and Jurisdiction
- People Definitions
- Grievance Process

FEDERAL LAW



Statutes

20 U.S.C.D.
§1681-1688



Regulatory Guidance

34 C.F.R. § 106



Sub-Regulatory Guidance

DCLs
Preamble to Regs
Executive Orders
OCR Website



Case Law

Circuit courts
District courts

STATUTE



TITLE IX, EDUCATION AMENDMENTS OF 1972, 20 U.S.C. § 1681

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.

§ 1681(a) - EXCEPTIONS

- Admission policies
- Institutions changing from single-sex status
- Religious institutions
- Military services or merchant marines
- Public traditional single-sex institutions
- Social fraternities or sororities
- Voluntary youth organizations
- Boy or girl conferences
- Father-son/mother-daughter activities
- “Beauty” pageants

§ 1681(c) - “EDUCATIONAL INSTITUTION”

Any public or private preschool, elementary, or secondary school, or any institution of vocational, professional, or higher education, except that in the case of an educational institution composed of more than one school, college, or department which are administratively separate units, such term means each such school, college, or department.

SCOPE AND JURISDICTION



DEFINITION OF TITLE IX SEXUAL HARASSMENT

Sexual harassment means conduct on the basis of sex that satisfies one or more of the following:

1. *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;*
2. *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;*
3. *"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).*

TITLE IX JURISDICTION - PERSON



“At the time of filing a formal complaint...the complainant must be participating in or attempting to participate in the education program or activity.” (§106.30(a))



The recipient exercised substantial control over both the respondent and the context in which the sexual harassment occurs.

“ATTEMPTING TO PARTICIPATE”

- Has withdrawn due to alleged harassment and has desire to re-enroll
- Has graduated but intends to apply to new program or participate in alumni programs
- Is on a leave of absence and still enrolled or intends to re-apply
- Has applied for admission

Locations, events or circumstances in which the institution has control over the respondent AND context

Or

Any building owned or controlled by a student organization that is officially recognized

And

Occurred in the United States



§ 106.30(a) - DEFINITIONS

Complainant

- *An individual who is alleged to be the victim of conduct that could constitute sexual harassment*

Respondent

- *An individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment*

TITLE IX PERSONNEL

Title IX
Coordinator

Investigator

Decision-
maker

Informal
Resolution
Facilitator

TITLE IX - ADVISOR OF CHOICE



May be but is
not required
to be an
attorney



May
accompany
to any
meeting or
proceeding



Institution
may restrict
participation
(except at
hearing)



Receives the
draft and
final reports



Conducts
cross-
examination
at hearing

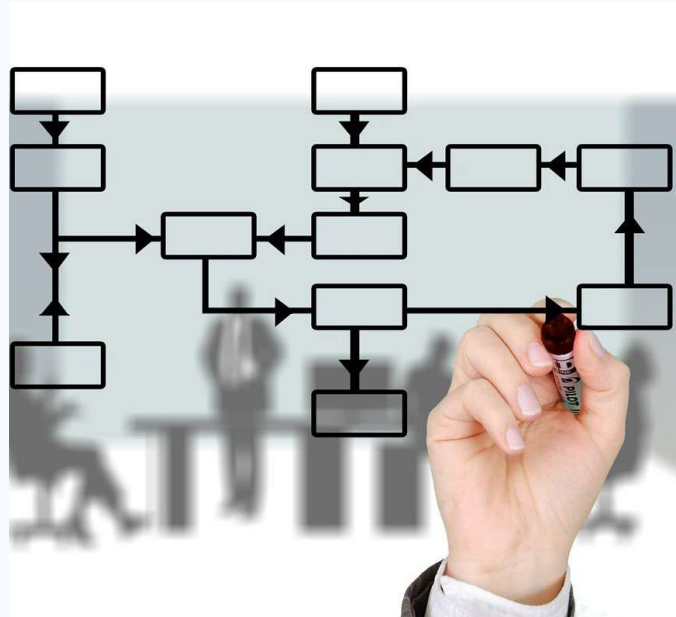
TIMEOUT FOR CLERY! ADVISORS

- *Provide the accuser and the accused with the same opportunities to have others present during any institutional disciplinary proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice*
- *Not limit the choice of advisor or presence for either the accuser or the accused in any meeting or institutional disciplinary proceeding; however, the institution may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties*

§ 668.46(k)(2)(iii-iv)



§ 106.45 - GRIEVANCE PROCESS FOR FORMAL COMPLAINTS OF SEXUAL HARASSMENT



§ 106.45(a) - RECIPIENT'S TREATMENT OF PARTIES

A recipient's treatment of a complainant or a respondent in response to a formal complaint of sexual harassment may constitute discrimination on the basis of sex under Title IX.

§106.45 (b)(1)(i-iii) - GRIEVANCE PROCESS

Equitable

Objective Evaluation
(inculpatory and
exculpatory)

No conflict of
interest or bias

CONFLICT OF INTEREST OR BIAS

Generally



Individually



§ 106.45 (b)(1)(iv-x) - GRIEVANCE PROCESS

Presumption
of not
responsible

Prompt time
frames

Range of
sanctions

Standard of
evidence

Appeal
Procedures

Range of
supportive
measures

Limits on
privileged
evidence

§ 106.45(b)(2) - NOTICE OF ALLEGATIONS

Grievance
process

Sufficient details
and sufficient
time to prepare

Identities of the
parties, alleged
conduct

Date and
location of
incident

Presumed not
responsible

Advisor of
choice

False statements

§ 106.45(b)(5) - INVESTIGATION OF A FORMAL COMPLAINT

© 2026 D. Stafford & Associates



25



§ 106.45(b)(5)(i-iii) - INVESTIGATION

Burden of proof
is on the
institution

Equal opportunity
to present
witnesses and
facts

No restriction on
discussing
allegations

© 2026 D. Stafford & Associates

26

§ 106.45(b)(5)(iv-vii) - INVESTIGATION

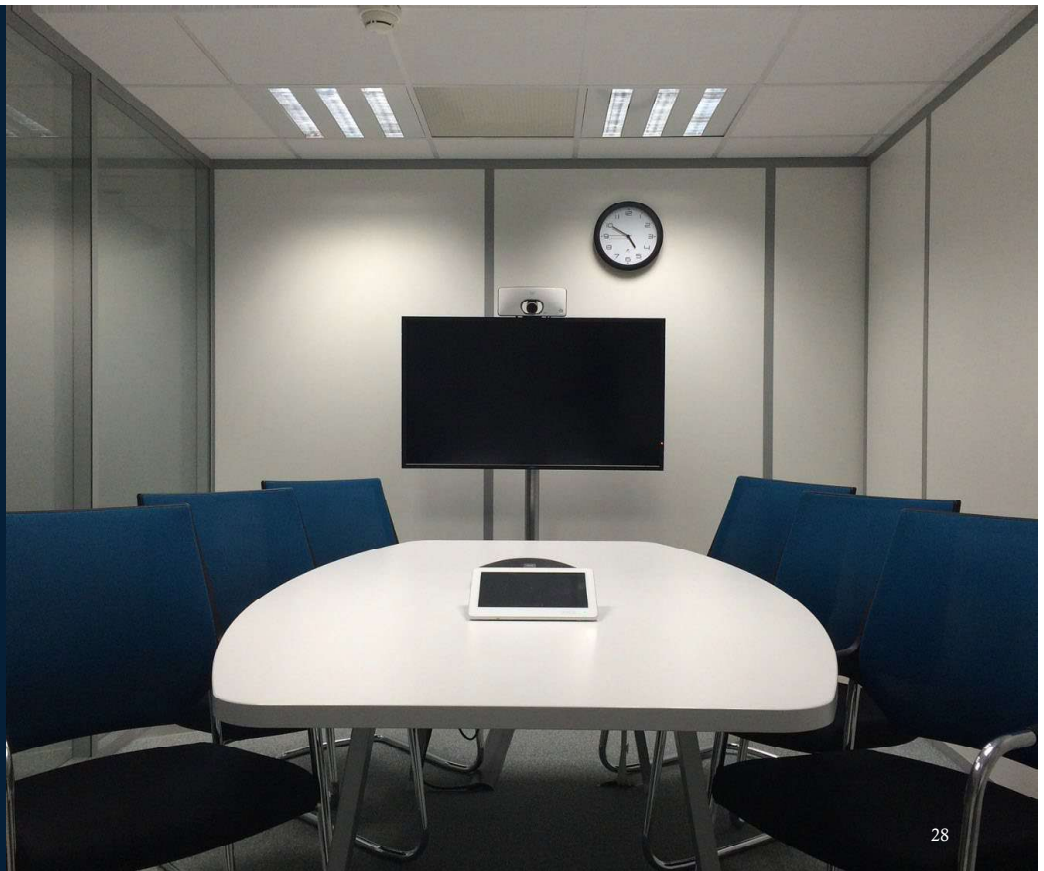
Advisor of
choice

Notice of
meetings

Right to
inspect
evidence and
respond

Receive
investigative
report and
may respond

§ 106.45(b)(6) - HEARINGS



§ 106.45(b)(6)(i) - HEARINGS

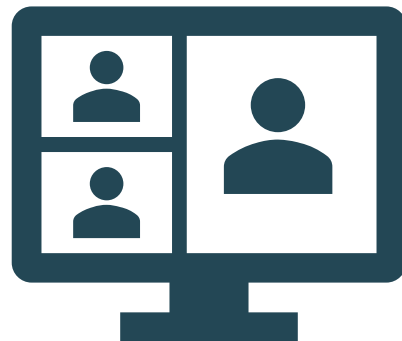


Live hearing



Cross-examination

§ 106.45(b)(6)(i) - “PHYSICALLY PRESENT”



§ 106.45(b)(6)(i) - HEARING RECORDING



Audio



Video



Transcript

§ 106.45(b)(6)(i) - CROSS-EXAMINATION BY ADVISOR OF CHOICE

- *Directly, orally, and in real time by the party's advisor of choice*
- *If a party does not have an advisor, the recipient must provide without fee or charge to that party, an advisor of the recipient's choice, who may be, but is not required to be, an attorney, to conduct cross-examination on behalf of that party.*

§ 106.45(b)(6)(i) - RELEVANCY DETERMINATION

Before a complainant, respondent, or witness answers a cross-examination or other question, the decision-maker(s) must first determine whether the question is relevant and explain any decision to exclude a question as not relevant.

33

§ 106.45(b)(6)(i) - RELEVANCY - SEXUAL PREDISPOSITION AND HISTORY

Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless

- offered to prove that someone other than the respondent committed the conduct, or*
- if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.*

§ 106.45 (b)(7)(i) - DETERMINATION REGARDING RESPONSIBILITY



Made by the decision-maker



Decision-maker can have no other role



Applying the standard of evidence

§ 106.45(b)(8) - APPEALS



§ 106.45(b)(8) - APPEALS

- Mandatory grounds
 - Procedural irregularity that affected the outcome
 - New evidence that was not reasonably available when the determination of responsibility was made that could affect the outcome
 - The Title IX Coordinator, investigator, or decision-maker had a general or specific conflict of interest or bias against the complainant or respondent that affected the outcome
- Additional grounds are permitted

§ 106.45(b)(8)(iii) - APPEALS

Notification to both parties of an appeal submission

Appeal officer cannot be the hearing decision-maker

Appeal officer must be trained and be without bias/conflict

Give both parties an opportunity to respond

Notification of decision to both parties

TIMEOUT FOR CLERY! APPEALS

- *Not required (but must provide notice if allowed along with appeal procedures)*
- *Simultaneous written decision describing result, sanction, any changes to the result, when it becomes final*

§ 668.46(k)(5)(B)

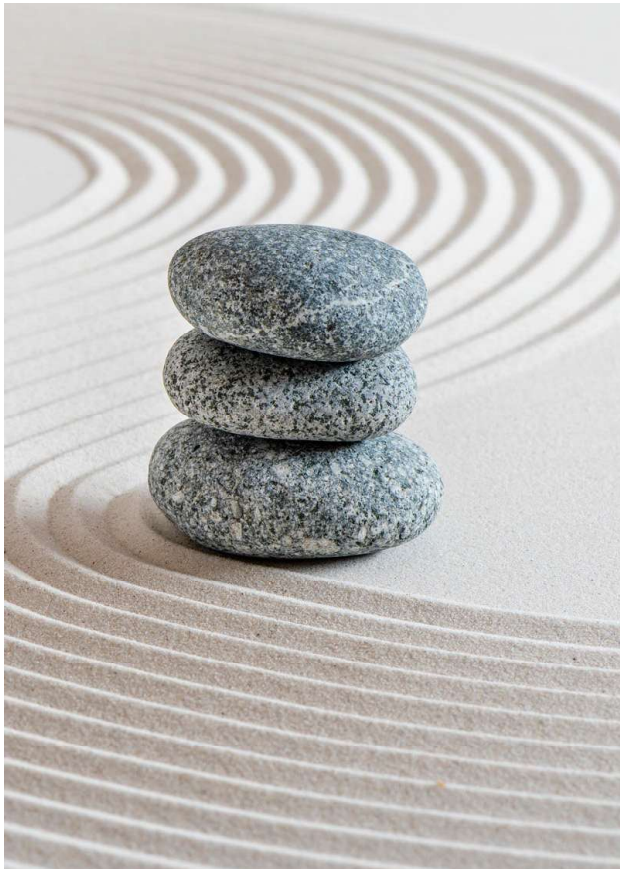
© 2026 D. Stafford & Associates



© 2026 D. Stafford & Associates



SEXUAL HARASSMENT



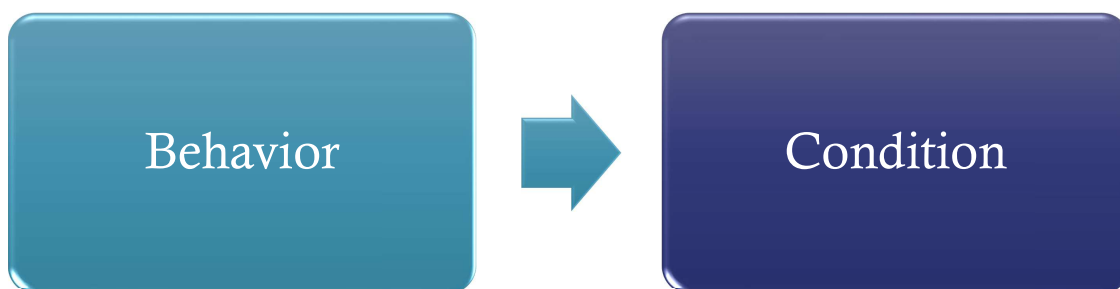
AGENDA

- Sexual Harassment Definitions
- Unwelcome Conduct & Consent

SEXUAL HARASSMENT DEFINITIONS



UNDERSTANDING THE ELEMENTS



DECISION-MAKER'S PATH

- What was the conduct?
 - Was the conduct on the basis of sex?
 - Was the conduct unwelcome or without consent?
- Does the conduct meet the definition of a violation of institutional policy?

QUID PRO QUO
HARASSMENT



QUID PRO QUO HARASSMENT

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

QUID PRO QUO DETERMINATION

Respondent

- What is the institutional role of the respondent?
- What is the relationship to the complainant?
- What, if any, perceived or actual power exists?

Aid, Benefit, or Service

- What was offered?
- How was it communicated?

Sexual Conduct

- What was the conduct requested?
- Was it sex-based?
- How was it unwelcome?
- How was it communicated?

HOSTILE ENVIRONMENT HARASSMENT

© 2026 D. Stafford & Associates



49



HOSTILE ENVIRONMENT HARASSMENT

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.

HOSTILE ENVIRONMENT CONSIDERATIONS



Degree affected
educational
access



Type, frequency,
duration



Parties' ages,
roles, previous
interactions,
other factors



Location and
context in which
occurred



Other sex-based
harassment in
educational
setting

SEXUAL ASSAULT

SEXUAL ASSAULT

Sexual assault meaning an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.

20 USC § 1092(f)(6)

CLERY DEFINITIONS OF SEXUAL ASSAULT

- **Rape** - The penetration, no matter how slight, of the vagina or anus, with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. This offense includes the rape of both males and females.
- **Fondling** - The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of age or because of temporary or permanent mental incapacity.
- **Incest** - Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- **Statutory Rape** - Sexual intercourse with a person who is under the statutory age of consent.

34 CFR 668 Appendix A

CRIMINAL SEXUAL CONTACT (FONDLING)

- **Criminal Sexual Contact** - The intentional touching of the clothed or unclothed body parts without consent of the victim for the purpose of sexual degradation, sexual gratification, or sexual humiliation. The forced touching by the victim of the actor's clothed or unclothed body parts, without consent of the victim for the purpose of sexual degradation, sexual gratification, or sexual humiliation. This offense includes instances where the victim is incapable of giving consent because of age or incapacity due to temporary or permanent mental or physical impairment or intoxication for the purpose of sexual degradation, sexual gratification, or sexual humiliation.

NIBRS User Manual 2025.0

SEXUAL ASSAULT DETERMINATION

What was the sexual behavior?

Who was the initiator?

What, if any, were the words or actions to indicate consent?

- Is there an issue of incapacitation or force?

STALKING

© 2026 D. Stafford & Associates



57



STALKING

Engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

- (A) Fear for the person's safety or the safety of others; or*
- (B) Suffer substantial emotional distress.*

§ 106.2

© 2026 D. Stafford & Associates

58

STALKING DETERMINATION



What was the course of conduct?



What was the frequency?



What was the impact?

INTIMATE PARTNER VIOLENCE



DATING VIOLENCE

Violence committed by a person:

(A) Who is or has been in a social relationship of a romantic or intimate nature with the Complainant; and

(B) Where the existence of such a relationship shall be determined based on a consideration of the following factors:

(1) The length of the relationship;

(2) The type of relationship; and

(3) The frequency of interaction between the persons involved in the relationship.

DOMESTIC VIOLENCE

The term “domestic violence” includes felony or misdemeanor crimes of violence committed

- by a current or former spouse or intimate partner of the victim,
- by a person with whom the victim shares a child in common,
- a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner,
- by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or
- by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction.

INTIMATE PARTNER VIOLENCE DETERMINATION

Parties

- Type of relationship
- Length of the relationship
- Frequency of interaction between the persons

Behaviors

- Type of violence
- Possible patterns of behaviors
- Other behaviors that may fall under other policy definitions

UNWELCOME CONDUCT & CONSENT



“Unwelcome conduct” vs. “without consent”

© 2026 D. Stafford & Associates

65



UNWELCOME CONDUCT



© 2026 D. Stafford & Associates

66

WHEN DOES CONDUCT BECOME UNWELCOME?

Invited



Uninvited but welcome



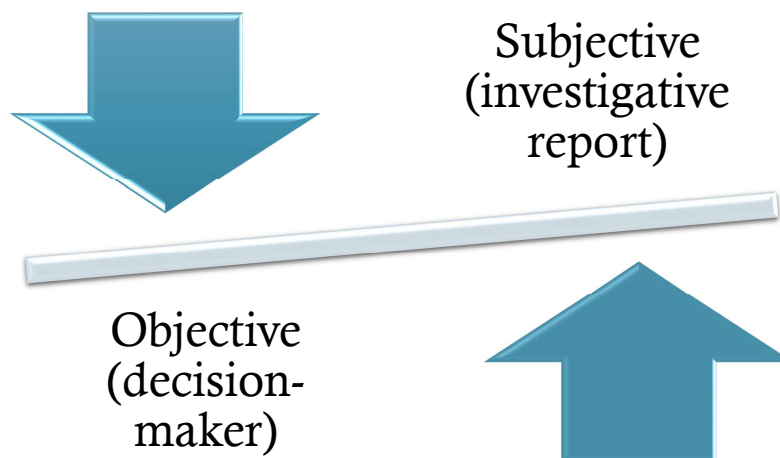
Offensive but tolerated



Flatly rejected



TESTING FOR UNWELCOMENESS



CONSENT



© 2026 D. Stafford & Associates

69

CONSENT

Sexual
Permission

Verbal or
Nonverbal

Absent if force
or incapacitation

FORCE

© 2026 D. Stafford & Associates



71



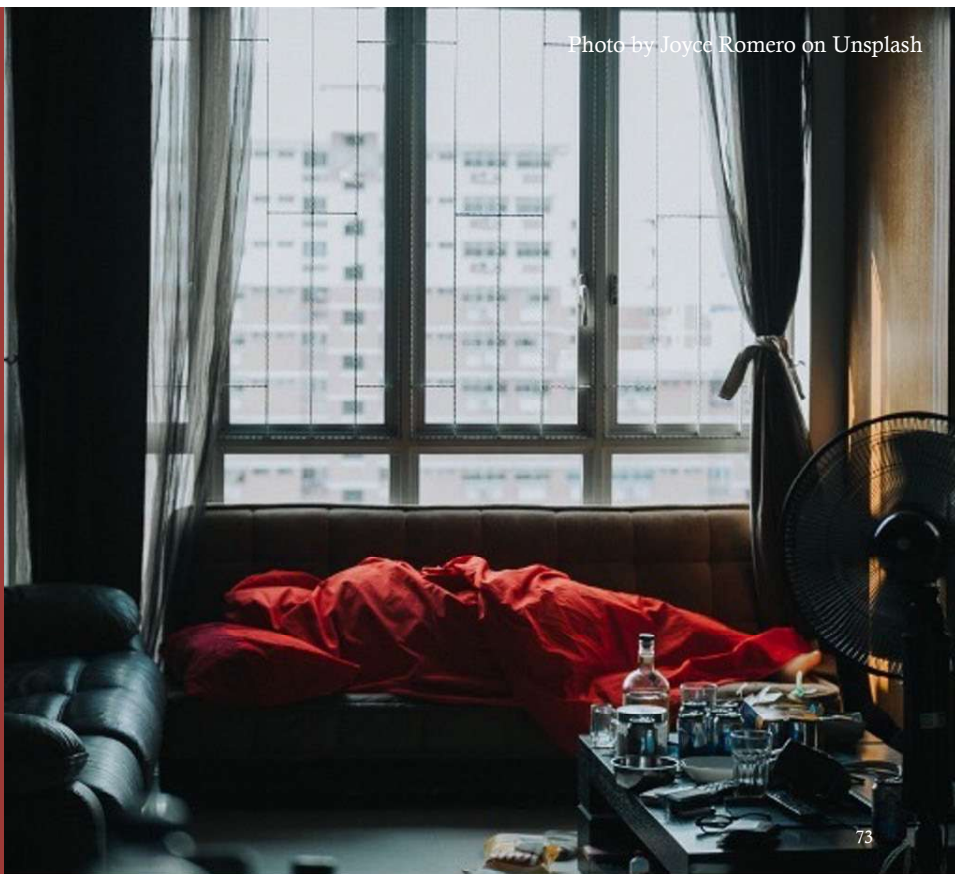
© 2026 D. Stafford & Associates

72

INCAPACITATION

© 2026 D. Stafford & Associates

Photo by Joyce Romero on Unsplash



INCAPACITATION - SAMPLE DEFINITION

Incapacitation is the physical and/or mental inability, whether temporary or permanent, of an individual to make rational, reasonable decisions, or judgments regarding one's well-being or welfare.



Alcohol



Drugs



Disability



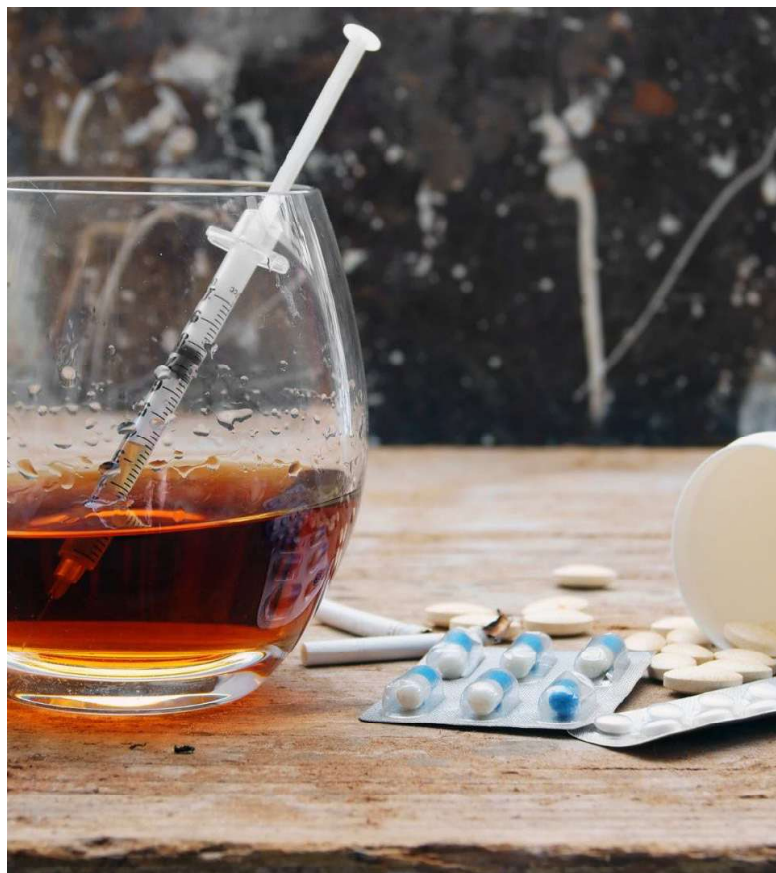
Other

TWO-STEP DETERMINATION

Was the
complainant
incapacitated?



Did the respondent
(or would a
reasonable person)
know?



ALCOHOL &
OTHER DRUGS

SUBSTANCE USE AND SEX

“...analysis of SHIFT survey data showed that two-thirds of sexually active students who had sex in the prior three months reported some substance use prior to or during sex.”

Jennifer S. Hirsch & Shamus Khan. “Sexual Citizens: A Landmark Study of Sex, Power, and Assault on Campus.”
SHIFT survey = Alexander Wamboldt et al., “Wine Nights, ‘Bro-Dinners,’ and Jungle Juice: Disaggregating Practices of Undergraduate Binge Drinking,” *Journal of Drug Issues*, 2019, 49(4): 643–67.



Levels of Alcohol/Drug Consumption



IMPAIRMENT

- The state of being diminished or weakened due to the consumption of alcohol
 - Begins as soon as alcohol enters the bloodstream
 - Increases with consumption of alcohol
-

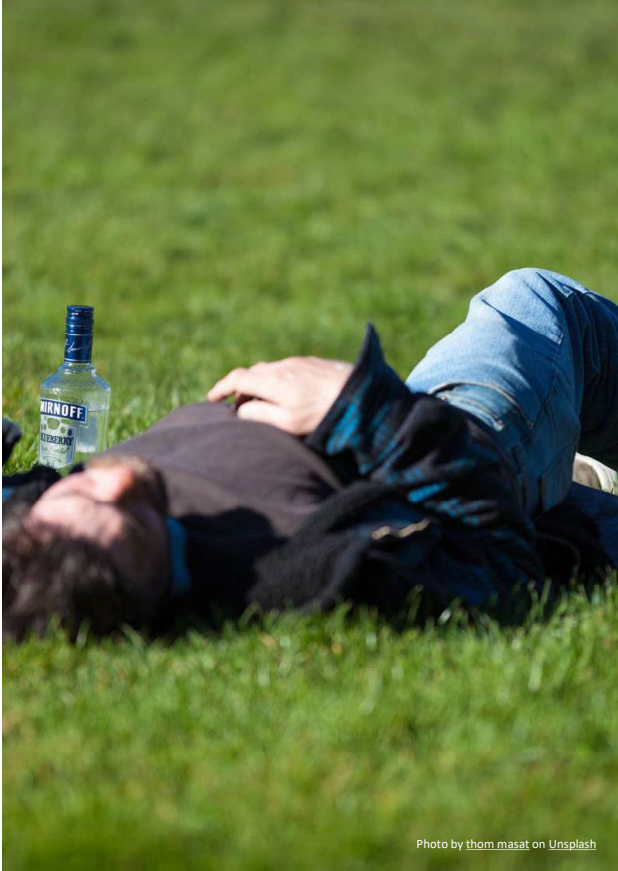
79



INTOXICATION

- An act or instance of inebriation, drunkenness
 - Intoxication is legally met when an individual's blood alcohol level reaches .08 or greater
-

80



INCAPACITATION

- So impaired as to be incapable of giving consent
- Lacking the capacity to consent
- If a person cannot understand the nature of the proposed act or cannot understand they have a right to refuse or are otherwise unaware that the activity is occurring

81

BLACKOUTS

Fragmentary Blackout

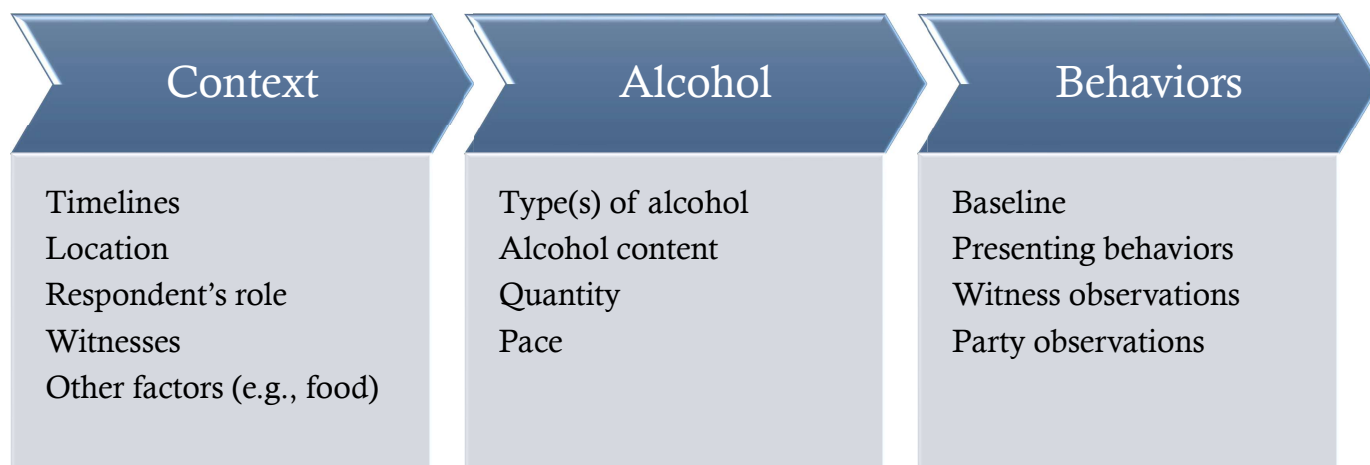
Also known as
“grayout” or
“brownout”

Gaps in memory with
some level of
recollection

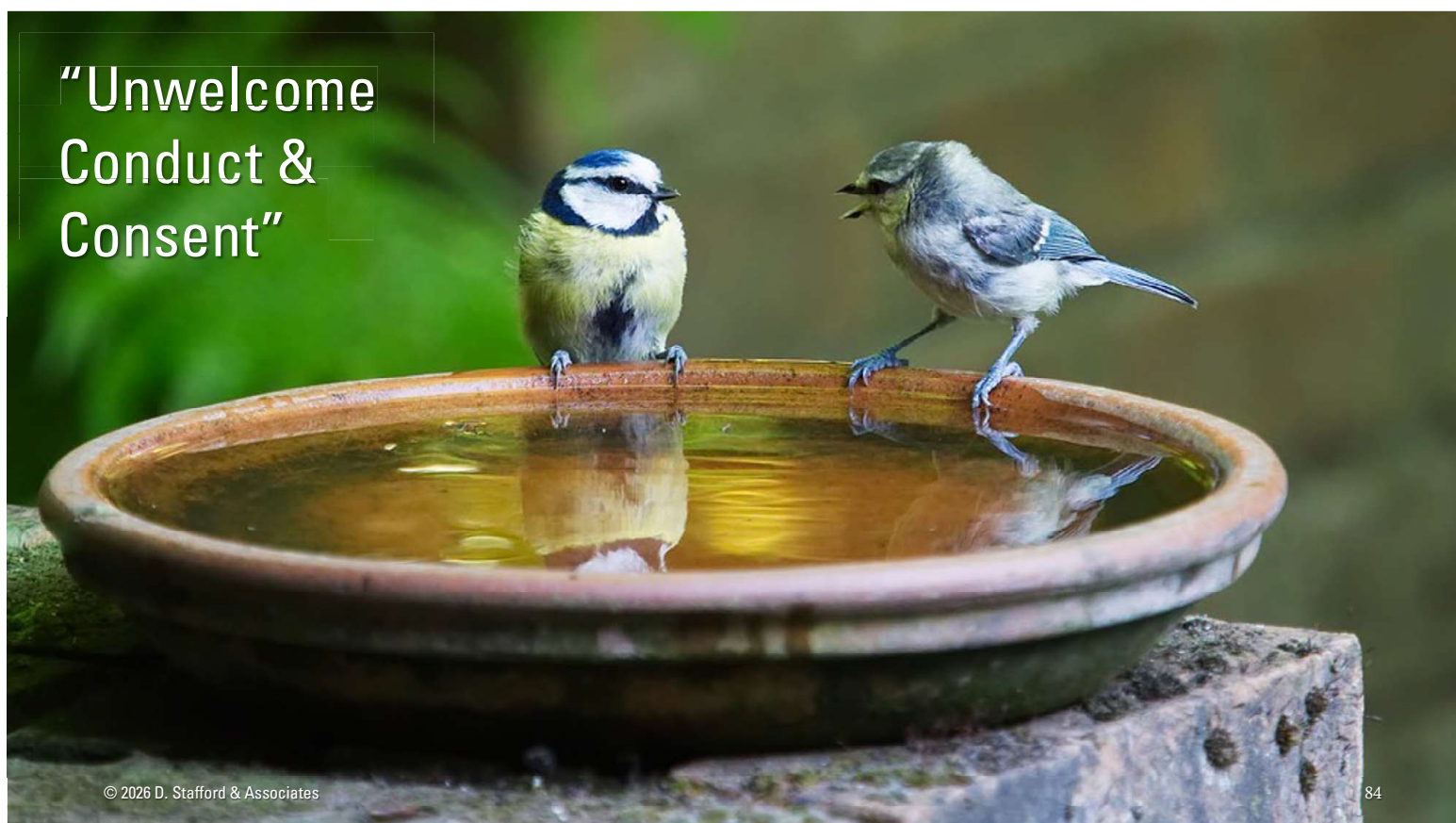
En Bloc Blackout

No recollection of
events

INCAPACITATION DETERMINATION



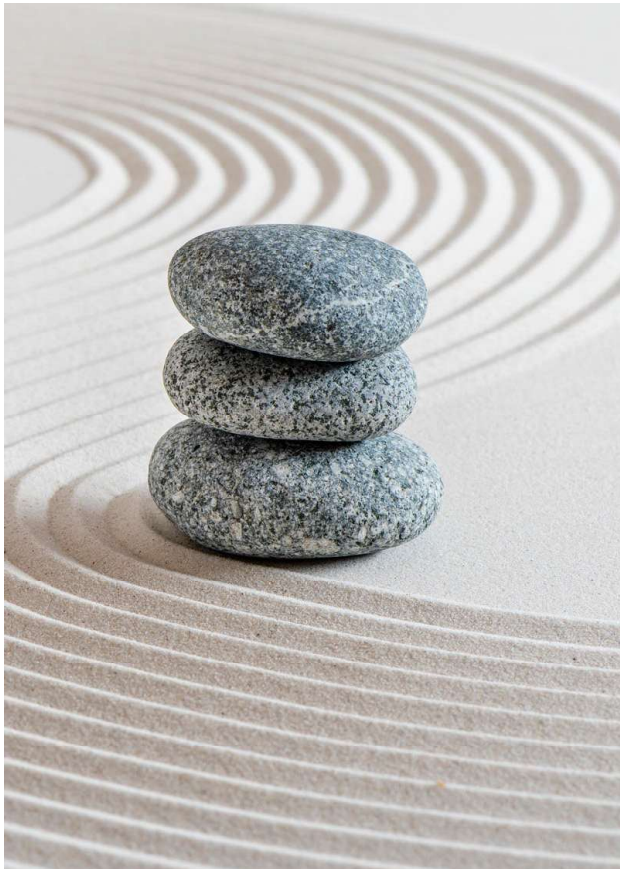
"Unwelcome
Conduct &
Consent"







THE DECISION-MAKER



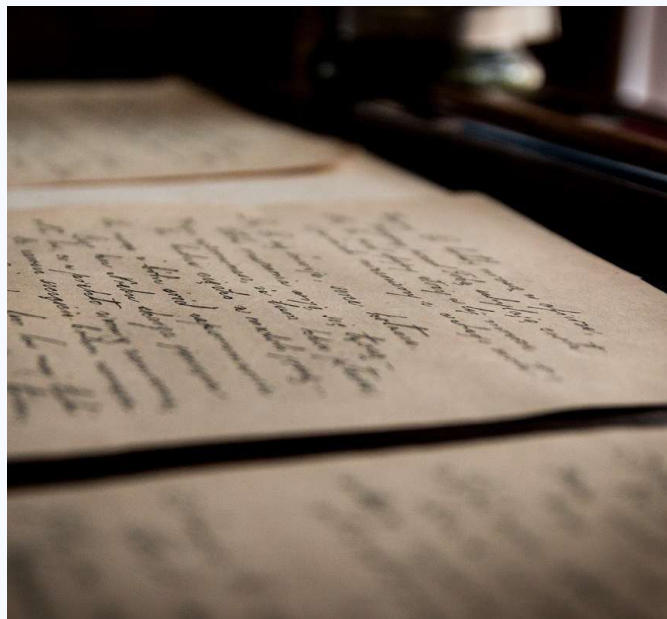
AGENDA

- Pre-Hearing Activity
- Prep Work
- The “Hearing”
- The Deliberation
- The Written Outcome
- The Appeal

PRE-HEARING ACTIVITY



INVESTIGATIVE REPORT & HEARING NOTICE



INVESTIGATIVE REPORT



Written report
summarizing
relevant evidence



Sent to each party
and the party's
advisor (if one)



Sent at least 10 days
prior to the hearing



Each party can
provide a written
response for the
hearing

§ 106.45(b)(5)(vii)

HEARING NOTICE



Written



Date, time, location,
names of the decision-
makers and participants,
and purpose



Sufficient time to prepare

§ 106.45(b)(5)(v)

PREP WORK



© 2026 D. Stafford & Associates

93

INVESTIGATIVE REPORT



Must accurately summarize the relevant evidence



Parties must be provided an opportunity to respond prior to the final determination

PREP WORK



Review notice of allegation and complaint



Review policy and procedures



Review final investigative report



Review party responses

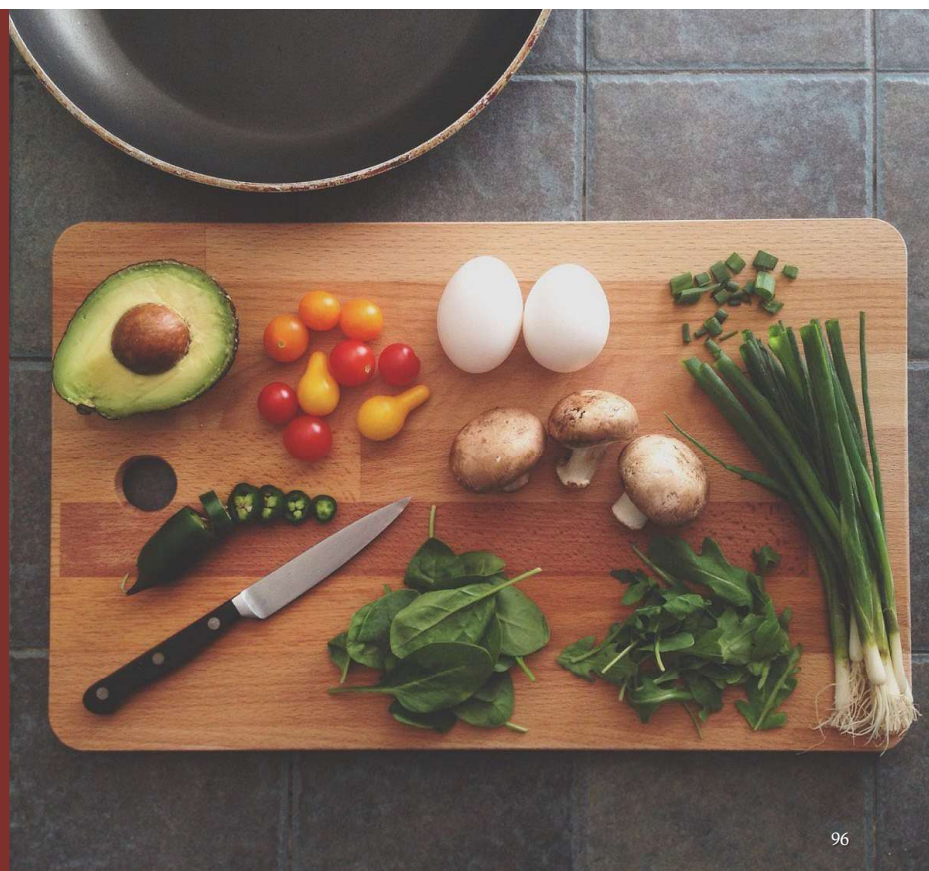


Develop clarifying questions



Identify potential challenges

CASE STUDY: PREP WORK



THE HEARING



Let's take a moment...



SAMPLE AGENDA



SAMPLE AGENDA

1. Opening (Chair)

2. Purpose of the Hearing (Chair)

3. Review of the Hearing Process (Chair)

4. Questioning

5. Concluding Remarks (Chair)

1. OPENING

- Convening date and case identifier
- Hearing is being recorded
- Introductions

2. PURPOSE OF THE HEARING

- Administrative hearing to determine if a policy violation was committed
- Decision-maker's role
- Not a court of law
- Behavior statement
- Acknowledgement of documents
- New evidence statement
- No determination of responsibility



© 2026 D. Stafford & Associates

3. REVIEW OF THE HEARING PROCESS

- Virtual logistics, if applicable
 - Advisor's role
 - Order of questioning
 - Review relevancy of question determination process
-

103



4. QUESTIONING

- Determine the order of questioning
 - Example:
 - Questions asked of the complainant (decision-maker and then respondent's advisor)
 - Questions asked of the respondent (decision-maker and then complainant's advisor)
 - Questions asked of the witnesses (decision-maker and then advisors)
-

104

CASE STUDY: DECISION- MAKER QUESTIONS

© 2026 D. Stafford & Associates



CROSS-EXAMINATION BY ADVISORS

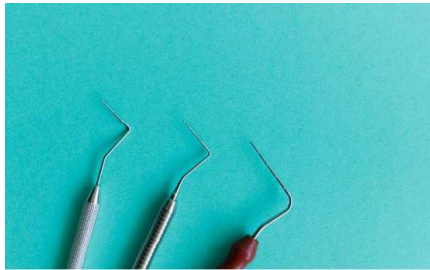
Question by advisor

Relevancy determination by decision-maker

Answer by party or witness

© 2026 D. Stafford & Associates

106



IRRELEVANT QUESTIONS

- Past sexual history
- Privileged information
- Repetitive question
- Not probative of material fact

RELEVANCY DETERMINATIONS



Use logic and common sense



Maintain a neutral, objective position



A lengthy or complicated explanation is not needed

5. CONCLUDING REMARKS

- Explain that the decision-maker(s) will deliberate in private
- Explain that the parties will receive the written decision
- Explain if there are sanctions, they will arrive with the written decision or be decided by someone else
- Dismiss the participants

109



HEARING MANAGEMENT ISSUES



PARTICIPATION

© 2026 D. Stafford & Associates

111



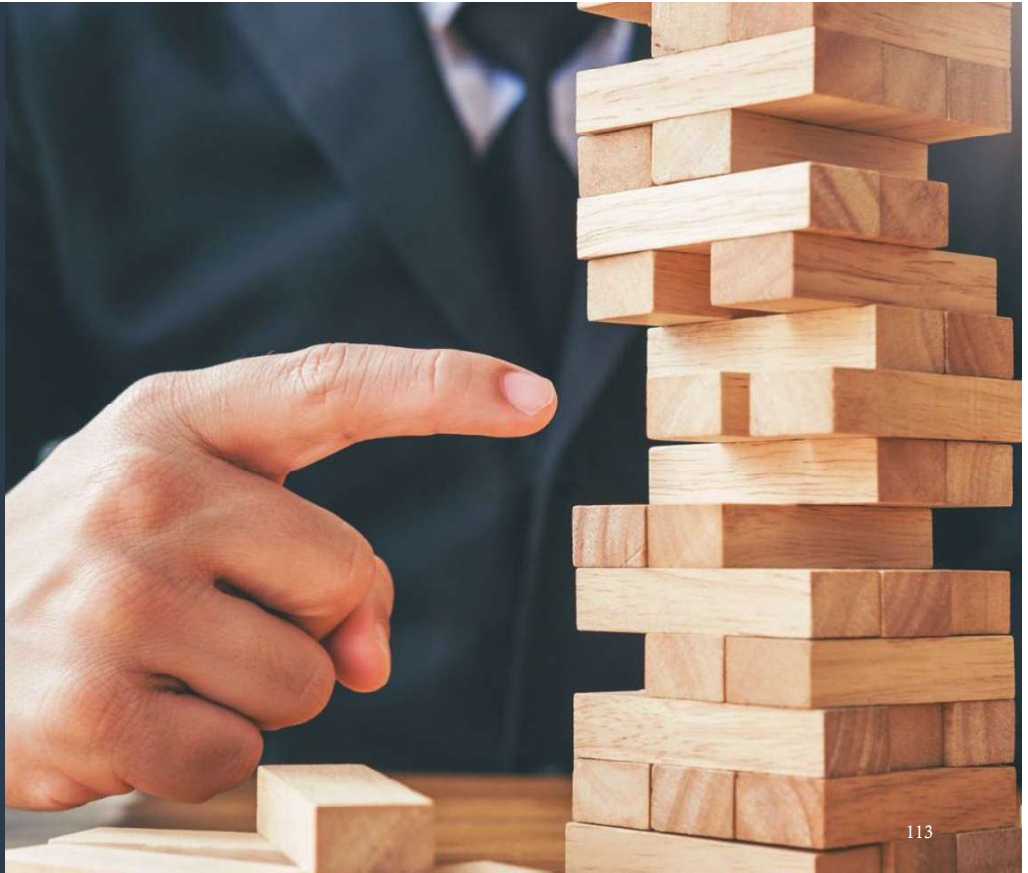
ABSENCE OR REFUSAL TO ANSWER CROSS

“The decision-maker(s) cannot draw an inference about the determination regarding responsibility based solely on a party’s or witness’s absence from the live hearing or refusal to answer cross – examination or other questions.”

§ 106.45(b)(6)(i)

DISRUPTIONS

© 2026 D. Stafford & Associates



113



DISRUPTION EXAMPLES

Emotions

Intimidation

Technical issues

Not following
instructions

Lateness

Unpreparedness

ADVISORS

© 2026 D. Stafford & Associates



115



POTENTIAL ADVISOR ISSUES

Relationship with
party

Relationship with
case

Disruptive

Inappropriate
cross-examination

© 2026 D. Stafford & Associates

116

NEW EVIDENCE

© 2026 D. Stafford & Associates



117



DECISION-MAKER CONSIDERATIONS

What does the policy state?

- Review your policy!

Is it truly new evidence?

- Evidence that has recently become known
- Evidence that has recently come into existence
- New is not withheld evidence

Why was it not available?

- Example: Requested by the party during the investigation but not produced (e.g., logs, records)
- Example: Witness's identity not previously known

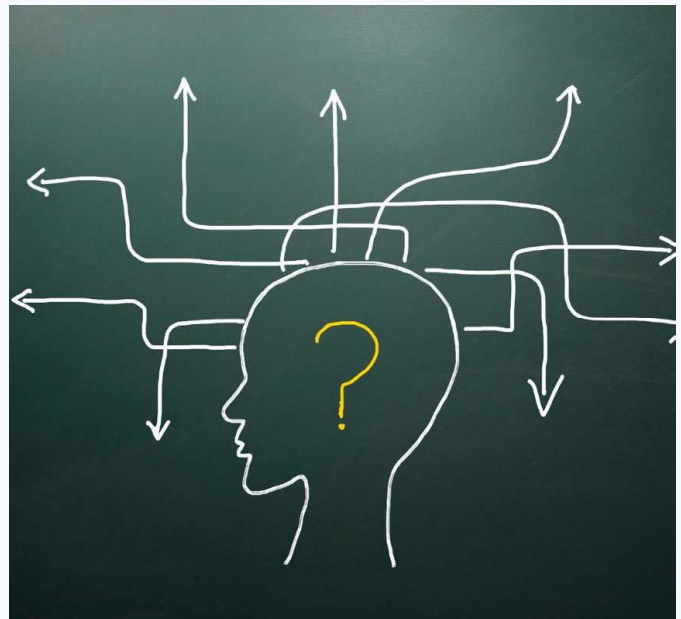
Could it affect the outcome?

- Relevancy - Does it help to prove or disprove the allegation(s)?

**NOW
WHAT?**

Responding
in the
hearing

THE DELIBERATION



WEIGHING THE EVIDENCE



© 2026 D. Stafford & Associates

121

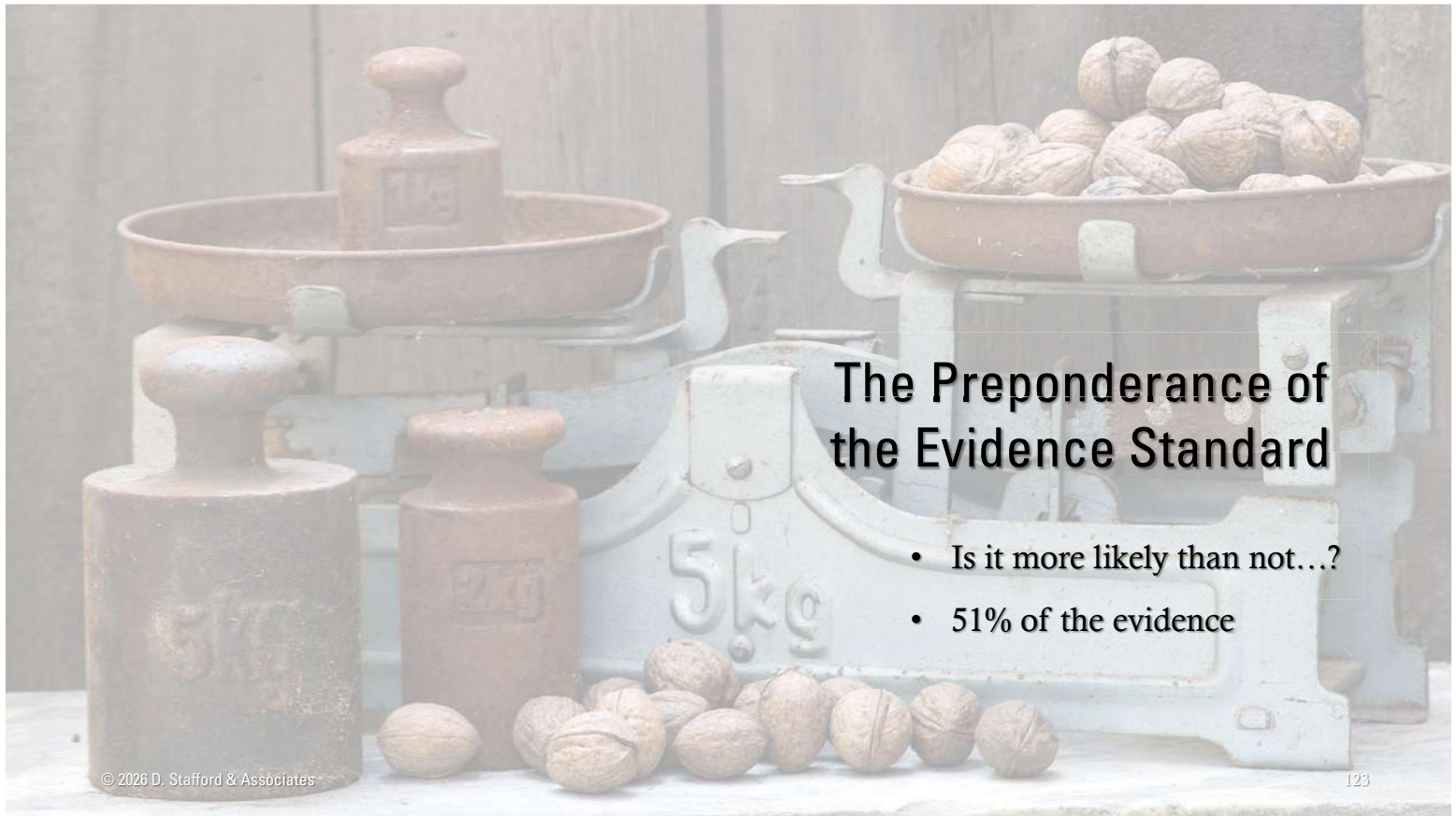
EVALUATORS OF EVIDENCE

Investigators

- Develop lines of questioning
- Determine additional witnesses and evidence needed
- Utilize evidence around credibility
- Identify relevant evidence

Decision-makers

- Review the investigator's summary of relevant evidence
- Assess the credibility of the parties and witnesses to the extent credibility is in dispute and relevant



The Preponderance of the Evidence Standard

- Is it more likely than not...?
- 51% of the evidence

© 2026 D. Stafford & Associates

123

CREDIBILITY



CREDIBILITY OF THE STORY

© 2026 D. Stafford & Associates



125



CORROBORATING EVIDENCE



Physical



Contemporaneous
Documentation



Personal
Documents



Admissions



Eyewitness



Outcry

© 2026 D. Stafford & Associates

126

PLAUSIBILITY



Possible

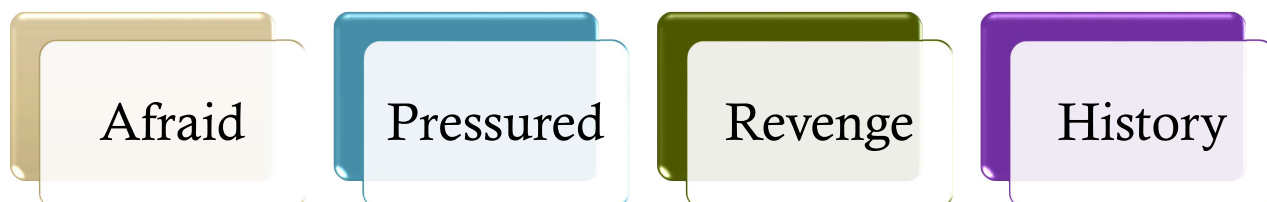


Believable

CREDIBILITY OF THE STORYTELLER



MOTIVATION



BIAS



Past Relationship

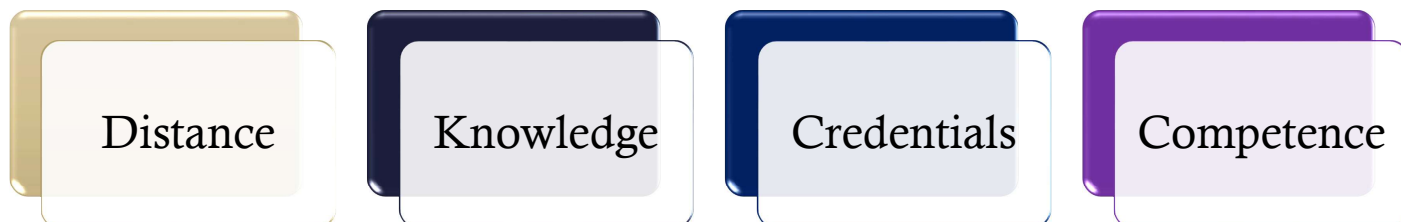


Identity

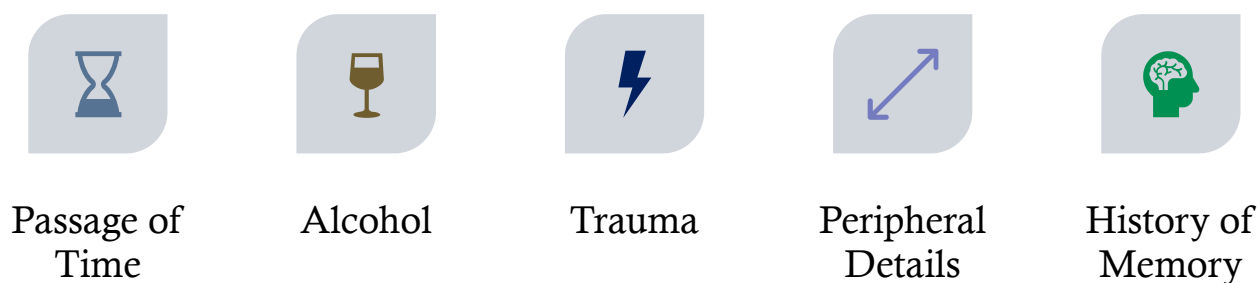


Internal Biases

ABILITY TO PERCEIVE



ABILITY TO REMEMBER



WHAT MAY NOT IMPACT CREDIBILITY?

© 2026 D. Stafford & Associates



133



DO THESE IMPACT CREDIBILITY?

Past Behaviors

Post-Incident Behavior

Character

Interview Demeanor

Identity

© 2026 D. Stafford & Associates

134

DECEPTION



Why are we so poor at detecting deception?

© 2026 D. Stafford & Associates

136

EXAMINING TRUTHFULNESS



Repeat v.
Reconstruct



Get them to
talk



Consistency

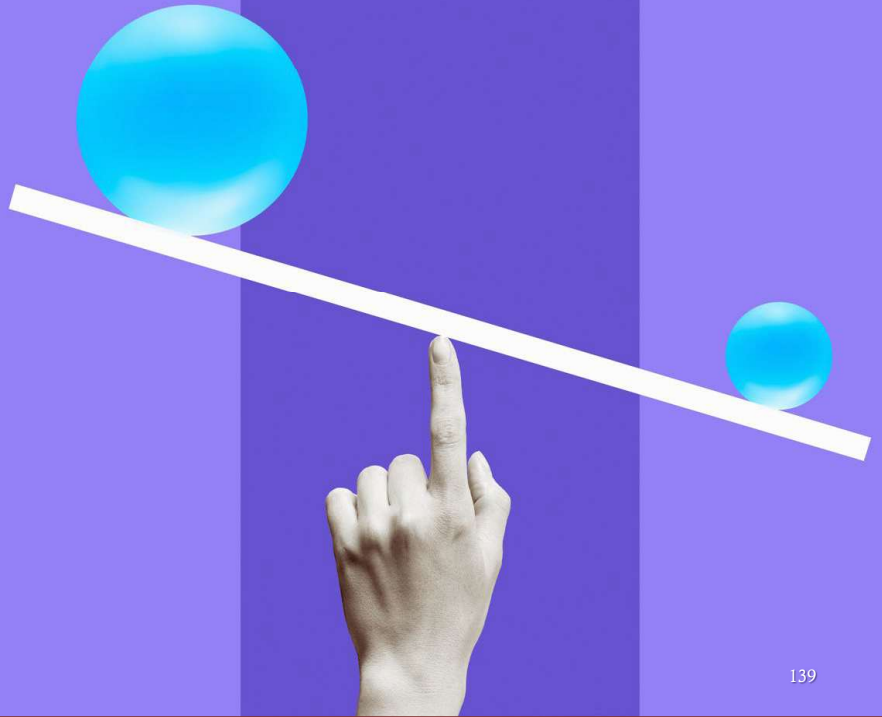


Details

DID THEY
ANSWER THE
QUESTION?

CASE STUDY: CREDIBILITY

© 2026 D. Stafford & Associates



139

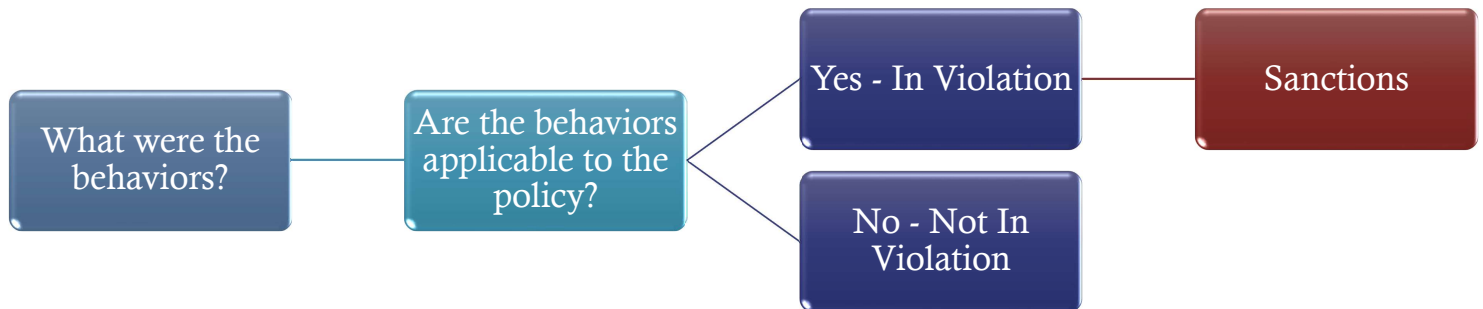
THE DECISION



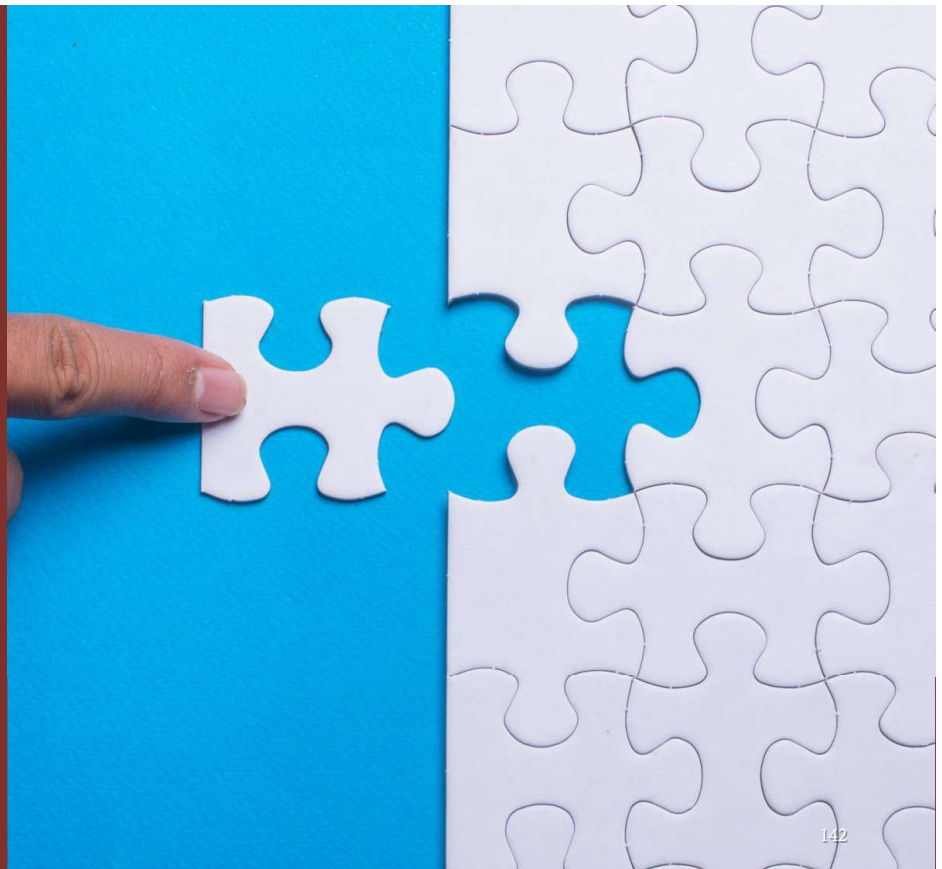
© 2026 D. Stafford & Associates

140

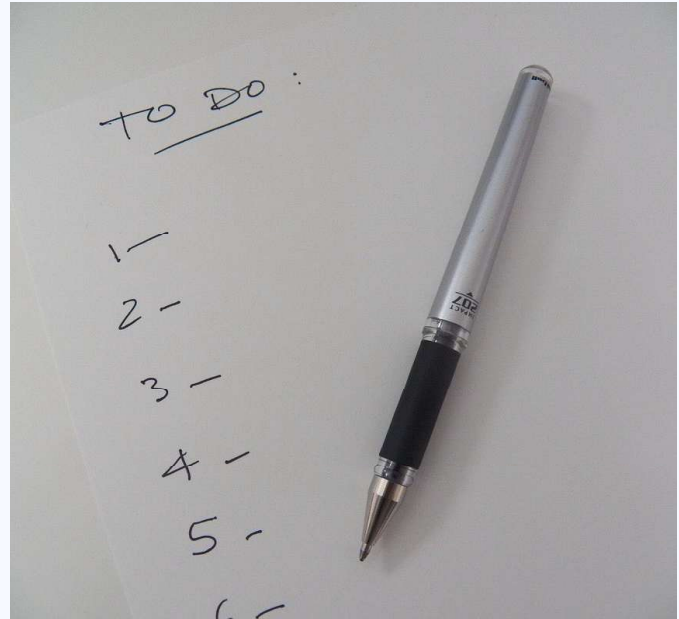
DECISION-MAKING STEPS



CASE STUDY: THE DECISION



SANCTIONS



SANCTIONS AND REMEDIES



Sanctions:
Action items imposed
on the Respondent

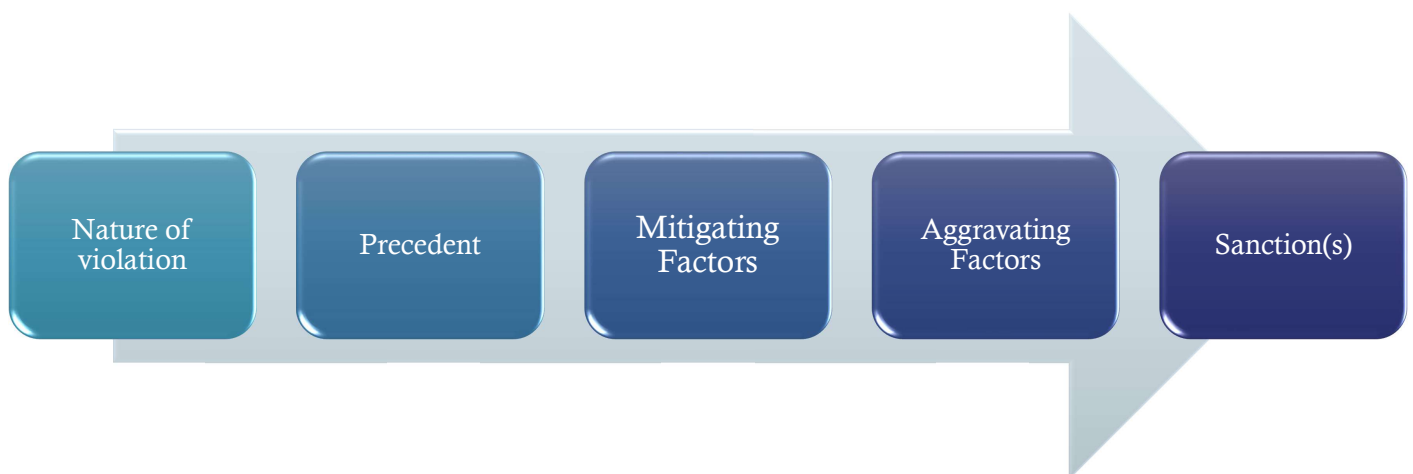


Remedies:
Restore or preserve access
for the Complainant

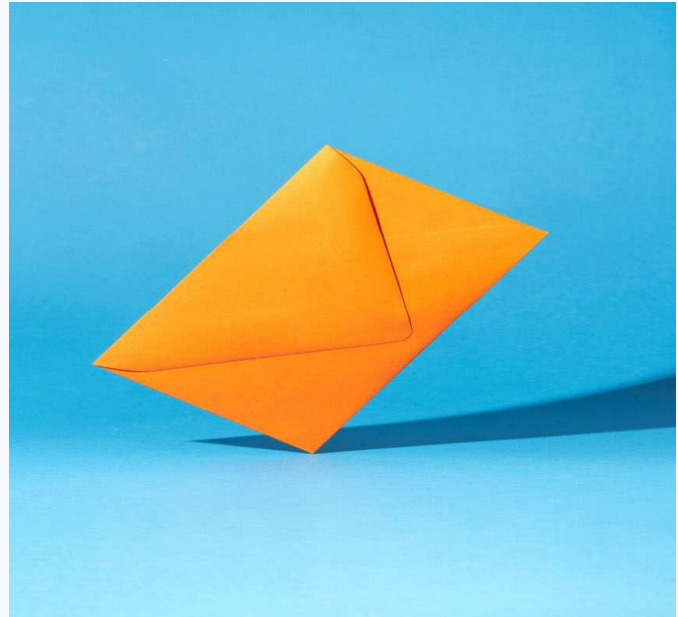
TYPES OF SANCTIONS

Status	• Expulsion, separation, probation
Prevention	• Protective measures, restrictions, no contact
Educational	• Action plans

SANCTION DEVELOPMENT



THE WRITTEN OUTCOME



§ 106.45 (b)(7)(ii) - DETERMINATION REGARDING RESPONSIBILITY

Allegations

Procedural steps

Findings of fact

Conclusion/application

Rationale

Appeal procedures

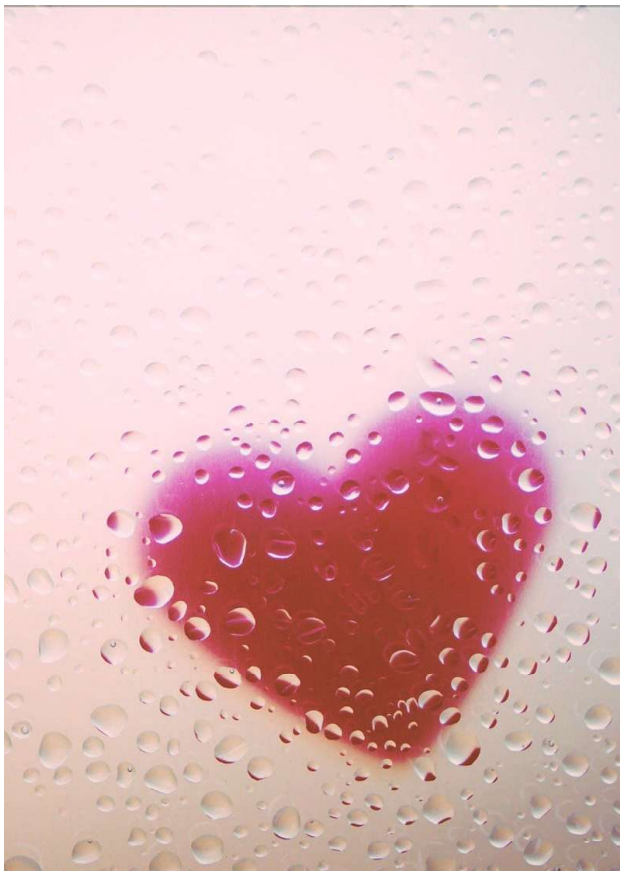
THE DETERMINATION

Previously Shared Information

- Alleged allegations
- Procedural steps up to the hearing
 - Notifications
 - Interviews with parties and witnesses
 - Site visits
 - Methods used to gather other evidence

New Information

- Procedural steps from the actual hearing
- Findings of fact
- Conclusions regarding the application of the policy
- Statement regarding responsibility and rationale for each allegation
- Any sanctions imposed
- Any remedies for the Complainant imposed
- Appeal procedures, including the grounds



HEART OF THE OUTCOME LETTER

- Findings of fact
 - What were the behaviors?
- Conclusions regarding the application of the policy
 - Are the behaviors applicable to the policy?
- Statement regarding responsibility and rationale for each allegation
 - Why is it or is not a policy violation?

NOTIFICATION - TITLE IX REGULATIONS



Parties must be notified
simultaneously



Becomes final on the date of an appeal
decision notification or the date on
which an appeal would no longer be
considered timely

THE APPEAL



TYPES OF APPEALS*

Dismissal

Determination Regarding
Responsibility

*An emergency removal allows for a “challenge” by the Respondent; it is not an appeal.

APPEAL GROUNDS



Procedural
irregularity that
affected outcome



New evidence that
**could affect the
outcome**

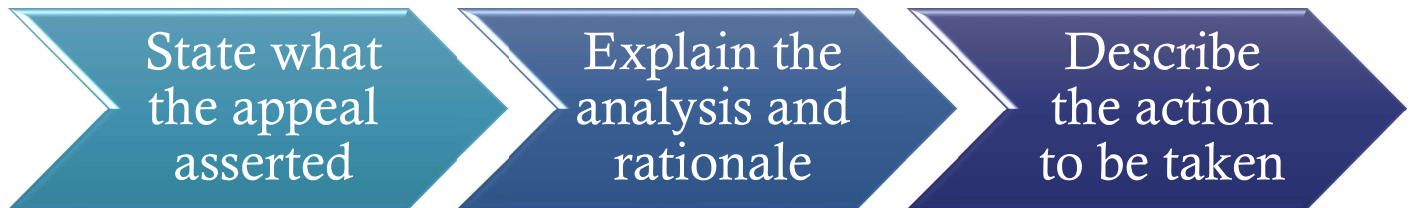


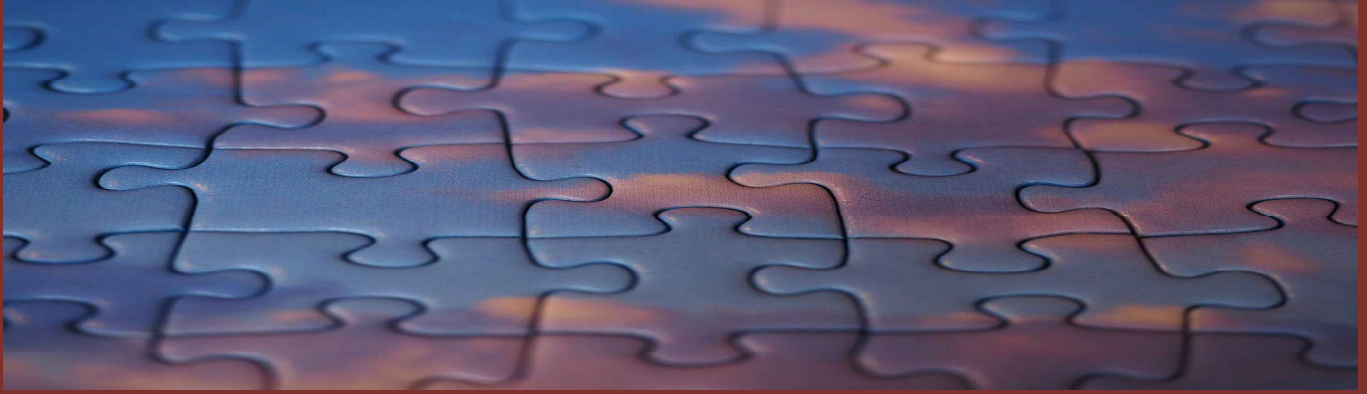
Conflict of interest
or bias that **affected
the outcome**



Does your policy
allow for additional
grounds?

THE APPEAL DECISION LETTER





THANK YOU





Bibliography

- ABC. (n.d.). *Schoolhouse Rock - "I'm just a bill"*. YouTube. Retrieved January 21, 2022, from <https://www.youtube.com/watch?v=l6MinvU93kl>
- Alexander, M. (2012). *The New Jim Crow*. New Press.
- American Council on Education. (2020, September 10). *Race and ethnicity of college and university presidents over time*. Race and Ethnicity in Higher Education. Retrieved January 21, 2022, from <https://www.equityinhighered.org/indicators/postsecondary-faculty-and-staff/race-and-ethnicity-of-college-and-university-presidents-over-time/>
- Anderson, M., Vogels, E. A., & Turner, E. (2020, October 2). *The Virtues and Downsides of Online Dating*. Pew Research Center: Internet, Science & Tech. Retrieved from <https://www.pewresearch.org/internet/2020/02/06/the-virtues-and-downsides-of-online-dating/>
- Anderson, N., & Clement, S. (2015, June 12). *Poll shows that 20 percent of women are sexually assaulted in college*. The Washington Post. Retrieved from <https://www.washingtonpost.com/sf/local/2015/06/12/1-in-5-women-say-they-were-violated/>
- Anti-Defamation League. (n.d.). A Brief History of Disability Rights Movement. Retrieved January 17, 2022, from <https://www.adl.org/education/resources/backgrounders/disability-rights-movement>
- Areen, J., & Lake, P. F. (2014). *Higher Education and the Law*. Foundation press.
- Barlow, J. N. (2020, February). *Black women, the forgotten survivors of sexual assault*. American Psychological Association. Retrieved from <https://www.apa.org/pi/about/newsletter/2020/02/black-women-sexual-assault>
- Bedera, N. (2017). Moaning and Eye Contact: College Men's Negotiations of Sexual Consent in Theory and in Practice. <https://doi.org/10.31235/osf.io/eqfya>
- Boyle, K. M. (2015). Social Psychological Processes that Facilitate Sexual Assault within the Fraternity Party Subculture. *Sociology Compass*, 9(5), 386–399. <https://doi.org/10.1111/soc4.12261>
- Brown, J. T. (2012). *The parent's guide to college for students on the autism spectrum*. Autism Asperger Pub. Co.
- Bryant, J. (2021, November 11). *How many Americans have a college degree? BestColleges*. BestColleges.com. Retrieved January 21, 2022, from <https://www.bestcolleges.com/news/analysis/2021/07/01/how-many-americans-have-college-degrees/>

- Campbell, R., Bybee, D., Townsend, S. M., Shaw, J., Karim, N., & Markowitz, J. (2014). The Impact of Sexual Assault Nurse Examiner Programs on Criminal Justice Case Outcomes. *Violence Against Women*, 20(5), 607–625. <https://doi.org/10.1177/1077801214536286>
- Canan, S. N., Jozkowski, K. N., & Crawford, B. L. (2016). Sexual Assault Supportive Attitudes: Rape Myth Acceptance and Token Resistance in Greek and Non-Greek College Students From Two University Samples in the United States. *Journal of Interpersonal Violence*, 33(22), 3502–3530. <https://doi.org/10.1177/0886260516636064>
- Cantor, D., Fisher, B., Chibnall, S., Townsend, R., Lee, H., Bruce, C., & Thomas, G. (2017, October 20). *Report on the AAU Campus Climate Survey on Sexual Assault ...* Retrieved from <https://www.aau.edu/sites/default/files/AAU-Files/Key-Issues/Campus-Safety/AAU-Campus-Climate-Survey-FINAL-10-20-17.pdf>
- Center for Applied Special Technology. (2020, September 25). *Timeline of Innovation*. CAST. Retrieved from <https://www.cast.org/impact/timeline-innovation>
- Center for Applied Special Technology. (n.d.). *UDL On Campus*. UDL On Campus: Home. Retrieved from <http://udloncampus.cast.org/home>
- The Centers for Disease Control and Prevention. (2010). *NISVS: An Overview of 2010 Findings on Victimization by Sexual Orientation*. National Intimate Partner and Sexual Violence Survey (NISVS): 2010 Findings on Victimization by Sexual Orientation. Retrieved from https://www.cdc.gov/violenceprevention/pdf/cdc_nisvs_victimization_final-a.pdf
- Centers for Disease Control and Prevention. (2019). Centers for Disease Control and Prevention. Retrieved from <https://www.cdc.gov/violenceprevention/publichealthissue/social-ecologicalmodel.html>
- Centers for Disease Control and Prevention. (2020, June 1). *Sexual Violence and Intimate Partner Violence Among People with Disabilities | Violence Prevention | Injury Center | CDC*. Centers for Disease Control and Prevention. Retrieved from <https://www.cdc.gov/violenceprevention/datasources/nisvs/svandipv.html>
- Chambers, J. C., Horvath, M. A. H., & Kelly, L. (2010). A Typology of Multiple-Perpetrator Rape. *Criminal Justice and Behavior*, 37(10), 1114–1139. <https://doi.org/10.1177/0093854810377971>
- Cho, H., Seon, J., Choi, G.-Y., An, S., Kwon, I., Choi, Y. J., Hong, S., Lee, J. O., Son, E., & Yun, S. H. (2020). Gender Differences in Intimate Partner Violence Victimization, Help-Seeking, And Outcomes Among College Students. *Advances in Social Work*, 20(1), 22–44. <https://doi.org/10.18060/23675>
- Civil Rights Act of 1964 § 7, 42 U.S.C. § 2000e et seq (1964) (n.d.).
- Coaston, J. (2019, May 20). *The intersectionality wars*. Vox. Retrieved from <https://www.vox.com/the-highlight/2019/5/20/18542843/intersectionality-conservatism-law-race-gender-discrimination>

- Cocks, C. L., & Brown, F. C. L. (2020). The Philosophy of Student Conduct and the Student Conduct Professional. In *Student conduct practice: the complete guide for student affairs professionals* (pp. 23–35). essay, Stylus Publishing.
- Congressional Research Service, & McCallion, G., History of the Clery Act: Fact sheet (2014). Washington, DC; Congressional Research Service.
- Congressional Research Service, & Sacco, L. N., The Violence Against Women Act (VAWA): Historical Overview, Funding, and Reauthorization (2019). Washington, DC; Congressional Research Service.
- Crager, M., Cousin, M., & Hardy, T. (2003, April). *Victim-Defendants: An Emerging Challenge in Responding to Domestic Violence in Seattle and the King County Region*. King County Coalition Against Domestic Violence. Retrieved from <https://endgv.org/wp-content/uploads/2016/03/victimdefendantfinalreport111.pdf>
- Crenshaw, K. (2018). Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory, and Antiracist Politics [1989]. *Feminist Legal Theory*, 57–80. <https://doi.org/10.4324/9780429500480-5>
- Cruz, J. V. (2018, December 24). *Five Things to Know When Working with Lesbian, Gay, Bisexual, Transgender, and Queer (LGBTQ) Sexual Violence Survivors*. Justice Clearinghouse. Retrieved from <https://www.justiceclearinghouse.com/resource/five-things-to-know-when-working-with-lesbian-gay-bisexual-transgender-and-queer-lgbtq-sexual-violence-survivors/>
- Dannells, M. (1997). *From discipline to development: rethinking student conduct in higher education*. EIC Clearinghouse on Higher Education, Institute for Education Policy Studies, Graduate School of Education and Human Development, the George Washington University.
- daSilva, T., Harkins, L., & Woodhams, J. (2013). Multiple perpetrator rape: An international phenomenon. *Handbook on the Study of Multiple Perpetrator Rape*, 30–56. <https://doi.org/10.4324/9780203083406-9>
- daSilva, T., Woodhams, J., & Harkins, L. (2017). “An Adventure That Went Wrong”: Reasons Given by Convicted Perpetrators of Multiple Perpetrator Sexual Offending for Their Involvement in the Offense. *Archives of Sexual Behavior*, 47(2), 443–456. <https://doi.org/10.1007/s10508-017-1011-8>
- Dating App Revenue and Usage Statistics (2021)*. Business of Apps. (2021, January 25). Retrieved from <https://www.businessofapps.com/data/dating-app-market/>
- Davis, D.-M. (2020, December 24). *24 slang words teens and Gen Zers are using in 2020, and what they really mean*. Business Insider. Retrieved from <https://www.businessinsider.com/slang-words-terms-teens-current-2019-8#extra-to-be-extra-is-to-be-unnecessarily-dramatic-and-over-the-top-1>

- DiAngelo, R. J. (2018). *White Fragility: Why It's So Hard for White People to Talk about Racism*. Beacon Press.
- Durham, J. J. (2018, November 27). *The Differences and Similarities of Restorative Justice and Mediation*. Pathways to Restorative Communities. Retrieved from <https://www.pathways2rc.com/news/2018/10/24/the-differences-and-similarities-of-restorative-justice-and-mediation>
- Electronic Privacy Information Center. (n.d.). *Family educational rights and privacy act (FERPA)*. Family Educational Rights and Privacy Act (FERPA). Retrieved January 19, 2022, from <https://epic.org/family-educational-rights-and-privacy-act-ferpa/>
- Federal Register. Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, 34 CFR 106. (2019).
- FIRE. (n.d.). *Campus rights: What we defend*. FIRE. Retrieved January 16, 2022, from <https://www.thefire.org/about-us/campus-rights/>
- Foubert, J. D., Brosi, M. W., & Bannon, R. S. (2011). Pornography Viewing among Fraternity Men: Effects on Bystander Intervention, Rape Myth Acceptance and Behavioral Intent to Commit Sexual Assault. *Sexual Addiction & Compulsivity*, 18(4), 212–231. <https://doi.org/10.1080/10720162.2011.625552>
- Foubert, J. D., Clark-Taylor, A., & Wall, A. F. (2019). Is Campus Rape Primarily a Serial or One-Time Problem? Evidence From a Multicampus Study. *Violence Against Women*, 107780121983382. <https://doi.org/10.1177/1077801219833820>
- Gehring, D. D. (2001). The Objectives of Student Discipline and The Process That's Due: Are They Compatible? *Journal of Student Affairs Research and Practice*, 38(4), 466–481. <https://doi.org/10.2202/1949-6605.1155>
- Gladwell, M. (2019). *Talking to strangers: what we should know about the people we dont know*. Little, Brown and Company.
- Goldman, T., & Chappell, B. (2019, January 10). *How Bernice Sandler, 'godmother of title IX,' achieved landmark discrimination ban*. NPR. Retrieved January 21, 2022, from <https://www.npr.org/2019/01/10/683571958/how-bernice-sandler-godmother-of-title-ix-achieved-landmark-discrimination-ban>
- Gravelin, C. R., Biernat, M., & Bucher, C. E. (2019). Blaming the Victim of Acquaintance Rape: Individual, Situational, and Sociocultural Factors. *Frontiers in Psychology*, 9. <https://doi.org/10.3389/fpsyg.2018.02422>
- Greenhouse, M., BrckaLorenz, A., Hoban, M., Huesman, R., Rankin, S., & Stolzenberg, E. B. (2018, August). *Queer-Spectrum and Trans-Spectrum Student Experiences in American Higher Education*. Tyler Clementi Center for Diversity Education and Bias Prevention. Retrieved from

<https://clementicenter.rutgers.edu/research-insights-and-events/campus-climate-queer-spectrum-and-trans-spectrum-higher-education>

Harris, J. C., & Linder, C. (2017). *Intersections of identity and sexual violence on campus: centering minoritized students experiences*. Stylus Publishing.

Hegji, A. (2021, August 17). The Higher Education Act (HEA): A Primer. Retrieved January 21, 2022, from <https://sgp.fas.org/crs/misc/R43351.pdf>

Hirsch, J. S., & Khan, S. (2020). *Sexual Citizens: A Landmark Study of Sex, Power, and Assault on Campus*. W. W. Norton & Company.

Human Rights Campaign. (n.d.). Sexual Assault and the LGBTQ Community. Retrieved from <https://www.hrc.org/resources/sexual-assault-and-the-lgbt-community>

International Institute for Restorative Practices. (n.d.). Retrieved from <https://www.iirp.edu/>

Interrogation: A Review of the Science HIG Report. (2017, March 23). Retrieved from <https://www.fbi.gov/file-repository/hig-report-interrogation-a-review-of-the-science-september-2016.pdf/view>

Irving, D. (2018). *Waking up White: And Finding Myself in the Story of Race*. Elephant Room Press.

Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act of 1990, 20 U.S.C. §1092. (n.d.).

Jeanne Shaheen. (2022, January 12). *Shaheen, Hassan introduce Bill to combat sexual violence against students with disabilities*. U.S. Senator Jeanne Shaheen of New Hampshire. Retrieved January 17, 2022, from <https://www.shaheen.senate.gov/news/press/shaheen-hassan-introduce-bill-to-combat-sexual-violence-against-students-with-disabilities>

Johnson, P. A., Widnall, S. E., & Benya, F. F. (2018). *Sexual harassment of women: climate, culture, and consequences in academic sciences, engineering, and medicine*. The National Academies Press.

Judge, J., & O'Brien, T. (2012). *Equity and Title IX in Intercollegiate Athletics: A Practical Guide for Colleges and Universities*. NCAA Publications. Retrieved from www.NCAA.org/gender_equity

Kaplin, W. A., Lee, B. A., Hutchens, N. H., & Rooksby, J. H. (2020). *Law of Higher Education: Student Version* (Sixth). Jossey-Bass.

Kendi, I. X. (2021). *How To Be An Antiracist*. Vintage.

Kidder, R. M. (2006). *Moral courage*. Harper.

Kidder, R. M. (2009). *How good people make tough choices: resolving the dilemmas of ethical living*. Harper.

- Koss, M. P., Dinero, T. E., Seibel, C. A., & Cox, S. L. (1988). Stranger and Acquaintance Rape: Are There Differences In the Victim's Experience? *Psychology of Women Quarterly*, 12(1), 1–24. <https://doi.org/10.1111/j.1471-6402.1988.tb00924.x>
- Krebs, C. P., Lindquist, C. H., Warner, T., Fisher, B. S., & Martin, S. L. (2007, December). The Campus Sexual Assault (CSA) Study. Retrieved from <https://www.ncjrs.gov/pdffiles1/nij/grants/221153.pdf>
- Lacey, A., & Murray, C. (2015). *The Nuts and Bolts of Reauthorization*. Career Education Review. Retrieved from <https://www.thompsoncoburn.com/docs/default-source/publication-documents/the-nuts-and-bolts-of-reauthorization.pdf?sfvrsn=0&sfvrsn=0>
- Lake, P. F. (2009). *Beyond Discipline: Managing the Modern Higher Education Environment*. Hierophant Enterprises, Inc.
- Lake, P. F. (2011). *Foundations of Higher Education Law & Policy: Basic Legal Rules, Concepts, and Principles for Student Affairs*. NASPA.
- Lake, P. F. (2013). *The Rights and Responsibilities of the Modern University: The Rise of the Facilitator University*. Carolina Academic Press.
- Lancaster, J. M. (2006). *Exercising Power with Wisdom: Bridging Legal and Ethical Practice with Intention*. College Administration Publications.
- Legal Momentum. (n.d.). *History of VAWA*. History of VAWA | Legal Momentum. Retrieved January 16, 2022, from <https://www.legalmomentum.org/history-vaawa>
- Martin, G. (2020, May 28). *What are Gender Pronouns? Why Do They Matter?* National Institutes of Health. Retrieved from <https://www.edi.nih.gov/blog/communities/what-are-gender-pronouns-why-do-they-matter>
- McClish, M. (2001). *I know you are lying: detecting deception through statement analysis*. Marpa Group, Inc.
- Mcleod, S. (2019, October 24). *Social Identity Theory*. Social Identity Theory | Simply Psychology. Retrieved from <https://www.simplypsychology.org/social-identity-theory.html>
- Mechanic, M. B., Resick, P. A., & Griffin, M. G. (1998). A comparison of normal forgetting, psychopathology, and information-processing models of reported amnesia for recent sexual trauma. *Journal of Consulting and Clinical Psychology*, 66(6), 948–957. <https://doi.org/10.1037/0022-006x.66.6.948>
- Meloy, J. R., Mohandie, K., & Green, M. (2011). The Female Stalker. *Behavioral Sciences & the Law*, 29(2), 240–254. <https://doi.org/10.1002/bsl.976>
- National Council on Disability. (2018, January 30). *Not on the Radar: Sexual Assault of College Students with Disabilities*. National Council on Disability. Retrieved from https://ncd.gov/sites/default/files/NCD_Not_on_the_Radar_Accessible_01292018.pdf

- National District Attorneys Association - Women Prosecutors Section. (2017, July 17). *National Domestic Violence Prosecution Best Practices Guide*. NATIONAL DOMESTIC VIOLENCE PROSECUTION BEST PRACTICES GUIDE. Retrieved from <https://ndaa.org/wp-content/uploads/NDAA-DV-White-Paper-FINAL-revised-July-17-2017-1.pdf>
- National Sexual Violence Resource Center and Pennsylvania Coalition Against Rape. (2012). *Sexual Violence & Individuals Who Identify as LGBTQ*. NSVRC_Research-Brief_Sexual-Violence-LGBTQ. Retrieved from https://www.nsvrc.org/sites/default/files/Publications_NSVRC_Research-Brief_Sexual-Violence-LGBTQ.pdf
- National Women's Law Center. (2000). *A Basic Guide to Title IX*. National Women's Law Center. Retrieved from <https://www.nwlc.org/sites/default/files/pdfs/ABasicGuidetoTitleIX.pdf>
- Natow, R. S. (2017). *Higher education rulemaking: the politics of creating regulatory policy*. Johns Hopkins University Press.
- Ohio Alliance to End Sexual Violence. (n.d.). The Violence Against Women Act of Reauthorization of 2021. Retrieved January 17, 2022, from https://oaesv.org/wp-content/uploads/2021/04/factsheet_vawa_2021.pdf
- Orantes, E., & Sharma, A. (2019, March 4). *Title IX Compliance Creates Hurdles for Collegiate eSports Programs*. JD Supra. Retrieved from <https://www.jdsupra.com/legalnews/title-ix-compliance-creates-hurdles-for-99240/>
- Orcutt, M., Petrowski, P. M., Karp, D. R., & Draper, J. (2020, June). *The Journal of College and University Law*. RESTORATIVE JUSTICE APPROACHES TO THE INFORMAL RESOLUTION OF STUDENT SEXUAL MISCONDUCT. Retrieved from https://jcul.law.rutgers.edu/wp-content/uploads/2020/08/45_jcul_No2_FULL.pdf
- Pacheco, R. (2020, May). Not Online. Not on Campus: Addressing Sexual Violence and Technology-Facilitated Violence on Campuses. Retrieved from <https://ywcacanada.ca/wp-content/uploads/2020/08/Not-Online.-Not-On-Campus.-Report.pdf>
- Paine, L. S. (2014, August 1). *Managing for Organizational Integrity*. Harvard Business Review. Retrieved from <https://hbr.org/1994/03/managing-for-organizational-integrity>
- Partners in Leadership. (2019, May 29). *The Three Values of Organizational Integrity*. Culture Management Experts. Retrieved from <https://www.partnersinleadership.com/insights-publications/the-three-values-of-organizational-integrity/>
- Pew Research Center. (2020, June 5). *Demographics of Social Media Users and Adoption in the United States*. Pew Research Center: Internet, Science & Tech. Retrieved from <https://www.pewresearch.org/internet/fact-sheet/social-media/>
- Practical Psychology. (2020, April 15). *Ebbinghaus Forgetting Curve (Definition + Examples)*. Practical Psychology. Retrieved from <https://practicalpie.com/ebbinghaus-forgetting-curve/>

- The Pregnant Scholar. (2020, September 29). *The Pregnant Scholar Homepage: Tools to support student parents*. The Pregnant Scholar. Retrieved from <https://thepregnantscholar.org/>
- Public policy recommendation: Addressing campus sexual ...* (n.d.). Retrieved from <https://www.atsa.com/pdfs/Policy/Addressing%20Campus%20Sexual%20Misconduct%20FINAL.pdf>
- Rothstein, R. (2018). *The Color of Law: A Forgotten History of How Our Government Segregated America*. Liveright Publishing Corporation, a division of W.W. Norton & Company.
- Seabrook, R. C., Ward, L. M., & Giaccardi, S. (2018). Why is fraternity membership associated with sexual assault? Exploring the roles of conformity to masculine norms, pressure to uphold masculinity, and objectification of women. *Psychology of Men & Masculinity*, 19(1), 3–13. <https://doi.org/10.1037/men0000076>
- Seelye, K. Q. (2019, January 8). *Bernice Sandler, 'godmother of title IX,' dies at 90*. The New York Times. Retrieved January 21, 2022, from <https://www.nytimes.com/2019/01/08/obituaries/bernice-sandler-dead.html>
- Sex Offender Management Assessment and Planning Initiative*. (2017, April). Retrieved from https://smart.gov/SOMAPI/pdfs/SOMAPI_Full%20Report.pdf
- Sloan, J. J., & Fisher, B. (2011). *The Dark Side of the Ivory Tower: Campus crime as a social problem*. Cambridge University Press.
- Stanford Journalism. (2019). *Celebrating 47 Years of Title IX and Bernice Sandler*. YouTube. Retrieved January 21, 2022, from https://youtu.be/F_B7-HwaqP4.
- Stark-Mason, R. (2020, February 26). *Name, Image, Likeness*. NCAA.org - The Official Site of the NCAA. Retrieved from <http://www.ncaa.org/champion/name-image-likeness>
- Steinfeld, E., & Maisel, J. (2012). *Universal Design Creating Inclusive Environments*. John Wiley & Sons.
- Stoner, E. N., & Lowery, J. W. (2004). Navigating Past The “Spirit of Insubordination”: A Twenty-First Century Model Student Conduct Code. *Journal of College and University Law*, 31(1), 1–78.
- Title IX of The Education Amendments of 1972, 20 U.S.C. A§ 1681 Et. (n.d.).
- Toure, K., & Hamilton, C. V. (1992). *Black Power: The politics of liberation in America*. Vintage Books.
- Tracy, C. E., Fromson, T. L., Long, J. G., & Whitman, C. (2012, June 5). *Rape and Sexual Assault in the Legal System*. Women's Law Project. Retrieved from <https://www.womenslawproject.org/wp-content/uploads/2016/04/Rape-and-Sexual-Assault-in-the-Legal-System-FINAL.pdf>

- Tumulty, K. (2004, May 17). *Evaluating the success of the Great Society*. The Washington Post. Retrieved January 21, 2022, from <https://www.washingtonpost.com/wp-srv/special/national/great-society-at-50/>
- U.S. Department of Education (ED). (2020, January 10). *Know Your Rights: Pregnant or Parenting? Title IX Protects You From Discrimination At School*. Home. Retrieved from <https://www2.ed.gov/about/offices/list/ocr/docs/dcl-know-rights-201306-title-ix.html>
- U.S. Department of Education (ED). (2020, January 10). *Students with disabilities preparing for postsecondary education*. Office of Civil Rights. Retrieved January 17, 2022, from <https://www2.ed.gov/about/offices/list/ocr/transition.html>
- U.S. Department of Education (ED). (2021, August 20). *Title IX and sex discrimination*. Title IX. Retrieved January 21, 2022, from https://www2.ed.gov/about/offices/list/ocr/docs/tix_dis.html
- U.S. Department of Education. (2002, June 1). *Legislative history of major Ferpa provisions*. Legislative History of Major FERPA Provisions I Protecting Student Privacy. Retrieved January 19, 2022, from <https://studentprivacy.ed.gov/resources/legislative-history-major-ferpa-provisions>
- U.S. Department of Education. (2012, October). *Title IX and access to courses and programs in STEM*. Office for Civil Rights, Department of Education Revised October 2012. Office of Civil Rights Presentations. Retrieved from <https://www2.ed.gov/about/offices/list/ocr/presentations/stem-t9-powerpoint.pdf>
- U.S. Department of Education. (n.d.). *The NCES Fast Facts Tool provides quick answers to many education questions (National Center for Education Statistics)*. National Center for Education Statistics (NCES) Home Page. Retrieved January 17, 2022, from <https://nces.ed.gov/fastfacts/display.asp?id=60>
- U.S. Department of Education. (n.d.). *The NCES Fast Facts Tool provides quick answers to many education questions (National Center for Education Statistics)*. National Center for Education Statistics (NCES) Home Page. Retrieved January 21, 2022, from <https://nces.ed.gov/fastfacts/display.asp?id=93>
- U.S. Government. (n.d.). *U.S. Federal Courts Circuit Map - United States Courts*. U.S. Federal Courts Circuit Map. Retrieved January 21, 2022, from https://www.uscourts.gov/sites/default/files/u.s._federal_courts_circuit_map_1.pdf
- University of Buffalo. (2020, February 24). *Universal Design*. IDEA Center. Retrieved from <https://idea.ap.buffalo.edu/about/universal-design/>
- Vallano, J. P., & Schreiber Compo, N. (2015). Rapport-building with cooperative witnesses and criminal suspects: A theoretical and empirical review. *Psychology, Public Policy, and Law*, 21(1), 85–99. <https://doi.org/10.1037/law0000035>
- Varnell, S. (2013). *Statement analysis: an lss course workbook*. Steven Varnell.

- Vector Solutions. (n.d.). Title IX: 5 ways it changed education for the better. Retrieved January 21, 2022, from <https://www.vectorsolutions.com/resources/blogs/title-ix-positive-changes/>
- Wachtel, T. (2016, November). *Defining Restorative*. International Institute for Restorative Practices. Retrieved from <https://www.iirp.edu/defining-restorative/restorative-practices/defining-restorative/>
- Waryold, D. M., & Lancaster, J. M. (2020). *Student Conduct Practice: The Complete Guide for Student Affairs Professionals*. Stylus Publishing.
- Williamsen, D. K. K., Karp, D., & Williamsen, K. (2020, March 12). 5 Things Restorative Justice Sexual Harm. Retrieved from <https://www.naspa.org/report/five-things-student-affairs-administrators-should-know-about-restorative-justice-and-campus-sexual-harm>
- Woodhams, J., Taylor, P. J., & Cooke, C. (2020). Multiple perpetrator rape: Is perpetrator violence the result of victim resistance, deindividuation, or leader–follower dynamics? *Psychology of Violence*, 10(1), 120–129. <https://doi.org/10.1037/vio0000255>
- Yoshino, K. (2006). *Covering: The hidden assault on American civil rights*. Random House.