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INVESTIGATION

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Training Course Does Not Constitute Legal Advice



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**The President's Executive Order on *Guaranteeing a Safe and Sound Educational Environment Free from Discrimination on the Basis of Sexual Orientation or Gender***

Biden will begin undoing Trump's changes to Title IX, including how colleges investigate sexual assault.

It is illegal to discriminate on the basis of sex, including sexual orientation and gender identity, in any educational program or activity receiving federal financial assistance.

IX of 2019  
sex receiving



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- The order requires the Department to review and reconsider all existing regulations and guidance, and issue new guidance as

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## Biden Begins Process To Undo Trump Administration's Title IX Rules

needed to carry out this policy and Title IX's commitment.

Within 100 days of the date of this order, the Secretary of Education

 NACUA

in coordination with the Attorney General shall review all existing

ACUAs

 ACUA

- Remember that the regulations also apply to employees – both as those allegedly subject to Title IX sexual harassment and as those accused of engaging in Title IX sexual harassment.
- Investigations of formal complaints of conduct potentially constituting Title IX sexual harassment involving employees must comply with the regulations.
- Institutions must use the same procedures for employee and student allegations of

 NACUA

Title IX sexual harassment.

Title VII also applies.

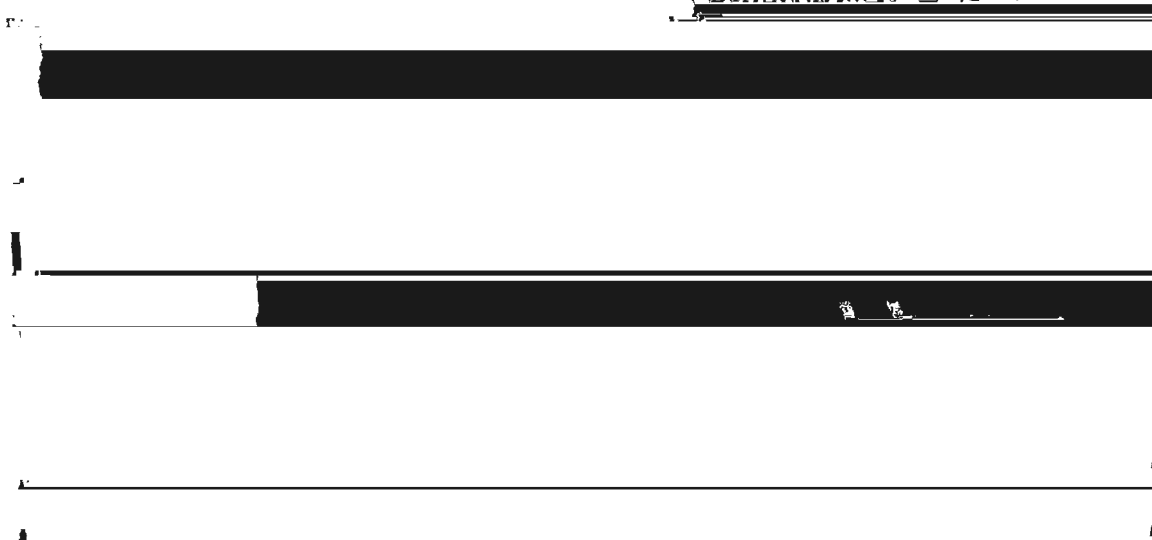
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gations might

Collective barg  
contractual obli  
also apply.

## Standards

- Submission becomes a term or condition
- **Environment**
  - Intimidates or creates a hostile work environment



## Immediate and appropriate corrective action

- End the harassment and prevent recurrence

*Investigator must be free from bias and conflict of interest*

Consider in advance whether interviews will be:

- Recorded or not recorded.
- followed with written statements or summaries.

In interviewing, the investigator must:

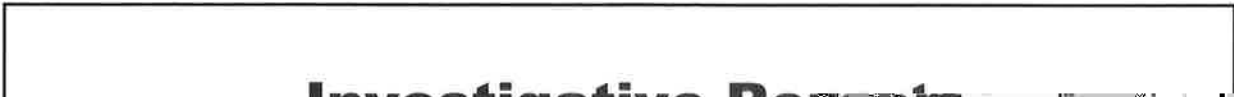
- Be prepared.
- Be objective and unbiased, free from stereotypes.
- Be free of conflict of interest.

Avoid any assumption of the nature or responsibility

- Demonstrate respect.
- Take the lead in seeking evidence (inculpatory and exculpatory) - it is not the parties' responsibility to

investigate

- Be alert to non-verbal communications.



# Investigative Report



## FINAL REPORT

- Conduct an investigation that fairly summarizes relevant evidence.
- Provide to parties and their advisors for review and response at least 10 days before hearing.



NACUA  
National Association of College and University Attorneys

