Framing the Conversation

- We Don’t Know What We Don’t Know
- Flip the Lens
- Embrace the Tension
- Together We are Better than the Sum of our Parts
The Context

• Regulatory Framework

• Dynamics of Trauma & Sexual and Gender-Based Harassment and Violence

• Individual Culture, Climate, History, Resources, Policies, Procedures, Personnel and Values of the Institution
The Challenge of the Context

Central process to uniformly vet all complaints of sexual and gender-based harassment and violence

University’s Response Policies/Procedures Informed by:
- University Counsel
- Criminal Law (Loc. Law Enforcement)
- Negligence (Civil Counsel)
- Preliminary hearing – witness called
- State Laws (AG)
- Preliminary Arraignment – set bail
- Physical evidence
- Criminal Law (Loc. Law Enforcement)
- Title IX (OCR)
- Pre-trial conference
- University Policy (Internal)
- Bench (days)
- Offer/plea
- VAWA (DOE)
- Appeal
- Pre-sentence investigation
- State Laws (AG)
- Pre-trial conference
- Physical evidence
- Bench (days)
- Statute of Limitations

Note: Lists of report recipients and relevant laws not exhaustive.
Legal and Regulatory Framework

• The Law
  – Title IX
  – Title VII
  – The Clery Act, as amended by the Violence Against Women Reauthorization Act of 2013
  – State law reporting requirements
    • Child abuse
    • Elder abuse
    • Designated types of crimes
  – State criminal statutes
Specific Considerations

- State law oversight and licensing statutes
- Credentialing processes
- Medical board reporting
- Medical bylaws
- Health Care Quality Improvement Act (HCQIA)
- State peer review evidentiary privileges
Key Elements of Effective Practices

- Title IX Coordinator
- Multi-Disciplinary Team
- Privacy vs. Confidentiality
- Integration of Reporting Responsibilities
- Uniform Policy and Procedures
- Centralized Reporting and Response
- Trauma-Informed Investigations
- Communication & Documentation
- Education and Prevention
Effective Practices

- Designated Title IX Coordinator/Deputy Title IX Coordinator
- Screening, hiring and onboarding
- Education and training
- Oversight and monitoring
- Clear policy and procedures
  - Prohibited conduct
  - Informal mechanisms for resolution/remedying concerns
  - Fair and impartial formal mechanisms for investigation and adjudication
- Attention to issues re: power differential, barriers to reporting and retaliation
- Communications to reinforce institutional commitment to accountability
- Culture/climate assessments
Effective Practices

• Reporting mechanisms
  – Centralized within medical school – and within larger institutional setting
  – Strong connection to Title IX Coordinator and individuals outside of medical school
  – Consistent documentation in Title IX and personnel files
  – Respect for agency and autonomy of complainant, balanced with Title IX obligation to maintain environment free from discrimination and harassment
Integration and Coordination
Use of Slides

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• These materials are meant to provide a framework for informed discussion, not to provide legal advice regarding specific institutions or contexts.
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