



Common Issues in Investigating Intimate Partner Violence

Bricker 
Graydon

Title IX In Focus
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Presenter – Rebecca Leitman Veidlinger



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Disclaimers

We can't help ourselves. We're Lawyers.

- We are not giving you legal advice.
- Consult with legal counsel regarding specific situations.
- You will receive slides for today's presentation after we've concluded.

And another one...

Specific to the Title IX In Focus Webinar Series

- The 2020 and 2024 Title IX regulations require training on several specific subjects
- While the Title IX In Focus webinar series will discuss *some* of the required subject matter, none of these one-hour webinars will cover *all* of the material required for Title IX training compliance
- Work with your TIXC to make sure that you are trained in accordance with Title IX, Clery, and any applicable state law

Can We Post These Materials?

YES – Post away!

Institutions subject to the 2020 Title IX Regulations are required by §106.45(b)(10)(i)(D) to post materials used to train Title IX personnel on its website.

Institutions subject to the 2024 Title IX Regulations are required to maintain training materials.



- Domestic Violence Awareness Month
- Relevant definitions under the Title IX Regulations
- Unique issues related to IPV
 - Definitions
 - Nature of IPV cases generally
 - Things to know about the criminal process
 - Heightened sensitivity re: communications to parties and supportive measures
 - Reciprocal conduct
 - Evidentiary Issues

National Domestic Violence Awareness Month

- October
- First observed in October 1987
- Intended to unite communities and advocacy organizations to raise awareness
- National Hotline: 1-800-799-SAFE (7233)
- Go to thehotline.org for live chat and text options

Relevant Definitions – Dating Violence

- Spelled out in 2024 Regulations – cross-referenced in the 2020 Regulations
- Dating Violence means violence committed by a person--
 - (A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and
 - (B) where the existence of such a relationship shall be determined based on a consideration of the following factors:
 - (i) The length of the relationship.
 - (ii) The type of relationship.
 - (iii) The frequency of interaction between the persons involved in the relationship.

Relevant Definitions – Domestic Violence

- Spelled out in 2024 Regulations – cross-referenced in the 2020 Regulations
“Domestic violence” includes felony or misdemeanor crimes committed by a current or former spouse or intimate partner of the victim under the family or domestic violence laws of the jurisdiction receiving grant funding and, in the case of victim services, includes the use or attempted use of physical abuse or sexual abuse, or a pattern of any other coercive behavior committed, enabled, or solicited to gain or maintain power and control over a victim, including verbal, psychological, economic, or technological abuse that may or may not constitute criminal behavior, by a person who--
 - (A) is a current or former spouse or intimate partner of the victim, or person similarly situated to a spouse of the victim;
 - (B) is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner;
 - (C) shares a child in common with the victim; or
 - (D) commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of the jurisdiction.

So... violence = violence?

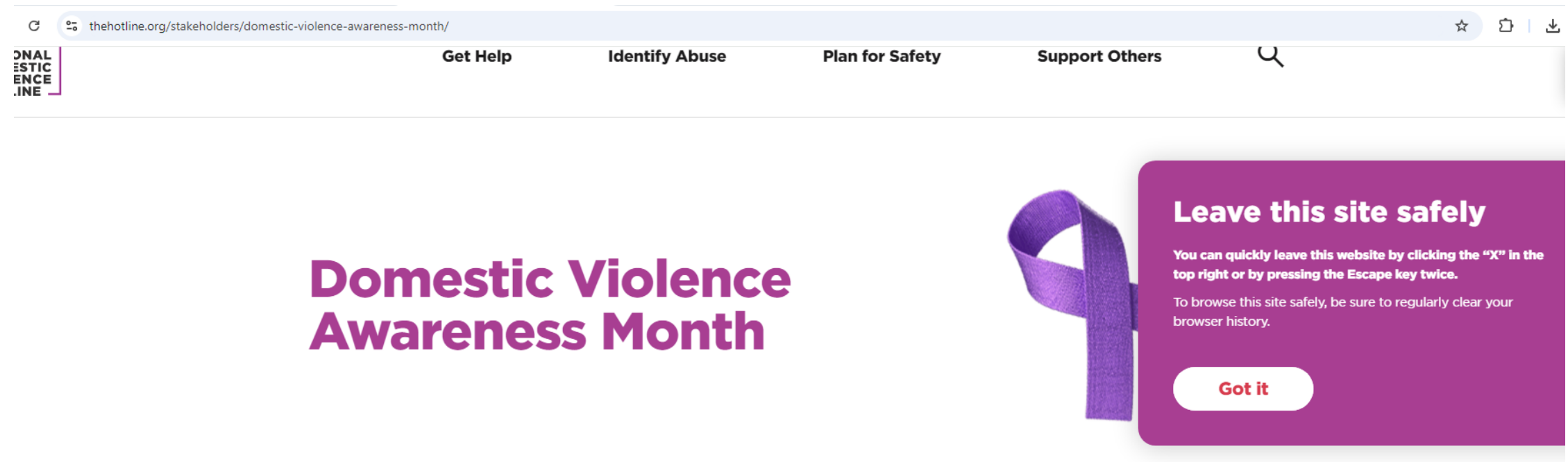
- Yup
- Note: Sexual Assault, Stalking, and Sexual Harassment can all occur in a relationship where there's intimate partner violence
- Comes from the 2015 Clery Act regulations
- Note: inclusion of non-violent offenses in VAWA 2022 only applies to VAWA grant recipients, not for Title IX purposes
 - But importantly – what does *your* policy say about non-violent offenses?

Discussion: Definitions

- What is "violence" on your campus?

Discussion: Nature of IPV Cases, Generally

Image from the hotline.org



First observed in October 1981 as a national "Day of Unity," **Domestic Violence Awareness Month (DVAM)** is held each October as a way to unite advocates across the nation in their efforts to end domestic violence.

Communities and advocacy organizations across the country connect with the public and one another throughout the month to raise awareness about the signs of abuse and ways to stop it, and to uplift survivor stories and provide additional resources to leaders and policymakers.

February of each year also marks **Teen Domestic Violence**

Discussion: Things to Know About the Criminal Process

- What's happening parallel to the Title IX process
- Protective Orders versus NCDs

Discussion: Heightened Sensitivity re: Communications to Parties and Supportive Measures

- Are NCDs the right option?
- Consider the method of communication

Discussion: Reciprocal Conduct

- Addressing Complainant conduct in general
- What does your Policy say?
 - Discussion of self-defense?
- What do your Notices say?
 - (In other words, are you consistently charging both parties when allegations are made?)

Discussion: Evidentiary Issues

Upcoming Title IX In Focus Webinars



November 21, 2024: Title IX
Litigation Update

February 27, 2025:
Employee Sexual
Misconduct Cases

March 27, 2025: The
Romanticizing of Stalking
Behavior

April 24, 2025:
Sexual Misconduct
Hearings

May 29: 2025: Title
IX Litigation Update

Upcoming Higher Ed Webinars



- Higher Education Free Webinar Series:
 - Protecting Student Privacy in the Age of AI – January 15, 2025

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