

# Part Seven

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## *Conflicts of Interest and Bias*

# Conflicts of Interest and Bias

- The Title IX regulations require those involved in the Title IX process to be free of conflicts of interest and bias, and to receive training on these topics (Title IX Coordinators, investigators, decision-makers and those assisting in informal resolutions).
- Fairness and equity are an important part of any investigation and/or discipline process.

# What is a Conflict of Interest or Bias?

- The regulations require that those involved in Title IX processes must not pre-judge the facts and must not be biased against or in favor of a particular class of parties in the complaint process.
  - Believing that a complainant, as a victim or survivor, should be presumptively believed constitutes bias.
  - Believing that all women or all men behave in a certain way constitutes bias.
  - Believing that complaints generally arise from sex that someone regrets constitutes bias.
  - Believing that accused parties are usually guilty constitutes bias.

Remember – The regulations require a presumption of non-responsibility on the part of a respondent (until the point when the decision-maker makes a finding).



# What is a Conflict of Interest or Bias, continued

- A conflict of interest or bias can also occur in a particular case, depending upon knowledge about or a prior relationship with individuals involved in a particular case (positive or negative).
- Parties are provided opportunities (under the complaint procedures) to raise concerns about conflict or bias.
- School districts should be alert to any real or perceived conflicts of interest or bias, and assign other individuals to particular roles if a conflict or bias exists.

# What is Not a Conflict of Interest or Bias

- There are some things which do not necessarily constitute a conflict of interest or actual bias:
  - Being an employee of the school district does not mean an individual is automatically “biased” in favor of the school district.
  - Having done advocacy in the field of sexual violence (OCR believes training can “cure” any issue of bias).
  - Title IX Coordinators can also serve as investigators in Title IX cases (but not decision-makers) – although we recommend caution.
- Conflicts of interest and bias are judged by an objective standard – whether a reasonable person would believe bias exists.

# Thank You

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