



**Tip of the Week  
Newsletter  
July 18, 2019**

**General Counsel and Title IX Involvement**

Authored by [Leah Gutknecht, M.B.A.](#), ATIXA Advisory Board Member, [Eric Kidwell, M.L.S.](#), ATIXA Advisory Board Member and [Brett A. Sokolow, J.D.](#), CEO, TNG & President, ATIXA

**Question:**

**To what extent does your general counsel get involved in your cases? Do they expect to be informed whenever there is a complaint? Do they regularly review, or sign off on your investigations and reports before they are sent off to the parties? I have heard the generic arguments against their involvement (“they represent the institution, not the community”), but any specific pros/cons regarding their regular involvement would be helpful.**

**Brett’s Response:**

Advice without control is always my goal in supporting this process as a GC. My involvement typically could include:

- Helping the TIXC during the preliminary inquiry to assess jurisdiction;
- Advising on early questions of scope of investigation;
- Helping to identify investigators, if asked;
- Support with locating witnesses/evidence, if needed;
- Problem-solving with investigators during course of investigation;
- Review of report in draft form;
- Review of outcome letters in draft form;
- Being on speed-dial for the chair during a hearing;
- Advising on remedial questions, as asked;
- Support for appeals officers, if needed.

**Leah’s Response:**

I echo Brett’s list below, and do have counsel review our reports before they are distributed. Personally, I choose to keep counsel notified of every new case so they have a baseline knowledge for that moment when I call and need quick advice. If they have already been kept in the loop, it’s a lot easier for them to advise as needed throughout the process. I value having someone to bounce my thoughts off of and we often have quite in depth conversations about how best to proceed. It’s helpful to have more minds thinking through all of the ‘what ifs’. We enjoy a healthy give and take relationship.

**Eric’s Response:**

My understanding is that our GC was involved in the very beginning of my institution setting up what has become our current policy and process (before I came on board as the TIXC), but has since rarely been involved. They are there if we need the advice, but otherwise, we've handled cases within our process as dictated by our policy.

*This publication is a member-only publication and may not be disseminated to non-members or posted publicly without authorization from ATIXA.*

©ATIXA 2019. All rights reserved.