



North Greenville
University
**ADJUDICATOR
TRAINING**

2024-25

POSSIBLE CASES

Title IX

Student
Conduct

Employee
Misconduct (not
performance)

Student
Complaints

Steps for Adjudicators:



**Identify the Law/
Policy alleged to
be broken**



**Break down the
Elements of the
Law/Policy**



Review the Facts

Investigators Report
Are there unanswered
questions – how will you
get the information?

- Follow up with
Investigator
- Live questioning
(identify party,
witness, etc.)



**Weigh the
Evidence**



Make a Decision

UNIVERSITY RESPONSIBILITIES

• IF THE **UNIVERSITY KNOWS** ABOUT HARASSMENT/ DISCRIMINATION (based upon a protected category, i.e., race, color, religion, sex, age, national origin or disability, veteran status, whistleblower)

IT MUST TAKE ACTION TO:

- ELIMINATE IT,
- PREVENT ITS RECURRENCE, AND
- ADDRESS ITS EFFECTS






WHO MUST COMPLY WITH TITLE IX?

- STUDENTS
- EMPLOYEES
- THIRD PARTIES
 - VISITORS
 - VENDORS
 - SUBCONTRACTORS

WHO MUST
COMPLY
WITH TITLE
VII, TITLE IV,
etc.?

- University
- Employees
- Vendors / Third parties
 - * To the extent we control*



UNITED EDUCATORS' STUDY

- 28% OF REPORTS RESULTED IN LAWSUITS, DEMAND LETTERS, OR FEDERAL TITLE IX COMPLAINTS
- 78% INVOLVED ONE OR BOTH PARTIES CONSUMING ALCOHOL
- 40% OF COMPLAINANTS DELAYED REPORTING, WAITING, ON AVERAGE, NEARLY A YEAR AFTER THE INCIDENT
- 80% OF COMPLAINANTS WERE FRESHMEN OR SOPHOMORES
- 90% OF COMPLAINANTS KNEW THE RESPONDENT

TITLE IX

** The most comprehensive process by regulation*

- We use same standard of proof for Title IX findings of fact that is required across campus for other violations – preponderance of evidence.

Have you ever....

- **Been a party in a Jury trial?**
- Jury – fact finder – process of elimination
- They do NOT know you!
- They are left with presumption of stereo type
- OBJECTIVE outsider who only hears the timeline of the facts and interprets according to their own experience and/or bias

REPUTATION is IRRELEVANT / inadmissible

Know a sexual predator?

Heard news report interviewing neighbors/friends?

Cultivating / grooming

NOT ONLY the victim the WITNESSES

DEFINITIONS



- DOE = DEPARTMENT OF EDUCATION – GOVERNING AGENCY
- OCR = DEPARTMENT OF EDUCATION’S OFFICE FOR CIVIL RIGHTS – ENFORCEMENT AGENCY
- CLERY ACT = CONSUMER PROTECTION ACT AIMS TO PROVIDE TRANSPARENCY AROUND CAMPUS **CRIME** POLICY AND STATISTICS
- SAVE ACT = CAMPUS SEXUAL VIOLENCE ELIMINATION ACT AMENDS CLERY TO REPORTING, RESPONSE, AND PREVENTION EDUCATION REQUIREMENTS AROUND VAWA **CRIMES**.

REQUIRES THAT ALLEGED VICTIMS BE INFORMED OF THEIR RIGHTS TO:

- BE ASSISTED BY CAMPUS AUTHORITIES IF REPORTING A CRIME TO LAW ENFORCEMENT
 - CHANGE ACADEMIC, LIVING, TRANSPORTATION, OR WORKING SITUATIONS TO AVOID A HOSTILE ENVIRONMENT
 - OBTAIN OR ENFORCE A NO CONTACT DIRECTIVE OR RESTRAINING ORDER
 - HAVE A CLEAR DESCRIPTION OF THEIR INSTITUTION’S DISCIPLINARY PROCESS AND KNOW THE RANGE OF POSSIBLE SANCTIONS
 - RECEIVE CONTACT INFORMATION ABOUT EXISTING COUNSELING, HEALTH, MENTAL HEALTH, VICTIM ADVOCACY, LEGAL ASSISTANCE, AND OTHER SERVICES AVAILABLE BOTH ON-CAMPUS AND IN THE COMMUNITY
- VAWA = VIOLENCE AGAINST WOMEN REAUTHORIZATION ACT - EXTENDS CLERY CRIMES TO INCLUDE SEXUAL ASSAULT, DOMESTIC VIOLENCE, DATING VIOLENCE, AND STALKING. 1) REQUIRES DISCIPLINE PROCEDURES FOR ADDRESSING SEXUAL MISCONDUCT; 2) REQUIRES EDUCATION PROGRAMS TO PROMOTE AWARENESS
 - FERPA = FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT
 - CS = CAMPUS SAFETY
 - COMPLAINANT/REPORTING PARTY
 - RESPONDENT/RESPONDING PARTY

NGU STANDARDS AND SEXUAL MISCONDUCT

A VIOLATION OF TITLE IX (or other law) **WILL** RESULT IN DISCIPLINARY ACTION AND/OR RESTORATIVE ACTIONS

- There is NO discretion. The University MUST correct it.

NGU policy violations MAY also result in disciplinary and/or restorative actions

- It is within the discretion of the University how and when to enforce violations.

Sanctions are not your responsibility. You recommend, but the relevant department will look at the whole file for the individual and ultimately determine sanctions.

SANCTIONS ARE NOT EQUALLY APPLIED TO **DISSIMILARLY** SITUATED PEOPLE

Remember: University standards are HIGHER than just legal compliance.



SEXUAL MISCONDUCT



- SEXUAL HARASSMENT
- SEXUAL EXPLOITATION / SEXUAL INTIMIDATION
- NON-CONSENSUAL SEXUAL CONTACT/ASSAULT
- DOMESTIC VIOLENCE / DATING VIOLENCE / STALKING
- NGU SEXUAL MISCONDUCT
 - Will be referred by STUDENT ENGAGEMENT or HR
 - EMPLOYEE POLICY IS not THE SAME AS STUDENT POLICY
- DIFFERENTIAL TREATMENT BASED ON GENDER
 - (INCLUDING GENDER STEREOTYPES)
 - *TITLE IV (race) AND TITLE VII (all protected categories) also prohibit harassment and discrimination.*

SEXUAL HARASSMENT

*UNWELCOME SEXUAL ADVANCES, REQUESTS FOR SEXUAL FAVORS OR OTHER VERBAL OR PHYSICAL CONDUCT OF A SEXUAL NATURE, ON OR OFF CAMPUS, **WHEN:***

- SUBMISSION TO SUCH CONDUCT IS MADE EITHER EXPLICITLY OR IMPLICITLY A CONDITION OF AN INDIVIDUAL'S EMPLOYMENT OR ACADEMIC STANDING, OR PROGRESS; **OR**

- SUBMISSION TO OR REJECTION OF SUCH CONDUCT IS USED AS THE BASIS FOR EMPLOYMENT DECISIONS OR FOR ACADEMIC EVALUATION, GRADES, OR ADVANCEMENT; **OR**

- UNWELCOME CONDUCT THAT A REASONABLE PERSON WOULD DETERMINE IS OFFENSIVE AND IS SO SEVERE **AND** PERVASIVE THAT IT DEPRIVES THE INDIVIDUAL OF EQUAL ACCESS TO ACADEMIC OPPORTUNITIES, PROGRAMS OR ACTIVITIES.
 - *ALSO **INCLUDES** ACTS OF INTIMIDATION, BULLYING, AGGRESSION OR HOSTILITY BASED ON GENDER (GENDER STEREOTYPES), **EVEN IF THE ACTS DO NOT INVOLVE CONDUCT OF A SEXUAL NATURE***

**** Title VII harassment requires only **OR** and the new Title IX regs change to "or". Title VII covers ALL protected categories for Employees. Title IV covers race and has same standard as Title VII (for students).**

TYPES OF HARASSMENT

- VERBAL HARASSMENT
- PHYSICAL HARASSMENT
- VISUAL OR WRITTEN HARASSMENT
- ENVIRONMENTAL HARASSMENT



SEXUAL EXPLOITATION

- NONCONSENSUAL UNJUST OR ABUSIVE SEXUAL ADVANTAGE OF ANOTHER PERSON ELECTRONICALLY RECORDING, PHOTOGRAPHING, OR TRANSMITTING INTIMATE OR SEXUAL UTTERANCES, SOUNDS, OR IMAGES; VOYEURISM (SPYING ON OTHERS WHO ARE IN INTIMATE OR SEXUAL SITUATIONS);
- DISTRIBUTING INTIMATE OR SEXUAL INFORMATION ABOUT ANOTHER PERSON; PROSTITUTING OR TRAFFICKING ANOTHER PERSON.

SEXUAL INTIMIDATION

- THREATENING ANOTHER PERSON THAT YOU WILL COMMIT A SEX ACT AGAINST THEM OR ENGAGE IN OTHER ILLEGAL SEXUAL MISCONDUCT

STALKING

- PATTERN OF REPEATED AND UNWANTED ATTENTION, HARASSMENT, CONTACT, OR ANY OTHER COURSE OF CONDUCT DIRECTED AT A SPECIFIC PERSON
- THAT WOULD CAUSE A REASONABLE PERSON **TO FEEL FEAR OF HARM**
- CAN INCLUDE FRIGHTENING COMMUNICATIONS, DIRECT OR INDIRECT THREATS, AND HARASSMENT VIA THE INTERNET.

DOMESTIC VIOLENCE

- PATTERN OF ABUSIVE BEHAVIOR IN A RELATIONSHIP
 - CAN BE PHYSICAL, SEXUAL, EMOTIONAL, ECONOMIC, OR PSYCHOLOGICAL ACTIONS OR THREATS OF ACTIONS THAT INFLUENCE ANOTHER PERSON.
- USED BY ONE PARTNER TO MAINTAIN POWER AND CONTROL OVER ANOTHER CURRENT OR FORMER INTIMATE PARTNER
 - INTIMIDATES, MANIPULATES, HUMILIATES, ISOLATES, FRIGHTENS, TERRORIZES, COERCES, THREATENS, HURTS, INJURES, OR WOUNDS SOMEONE.

DATING VIOLENCE

- VIOLENCE AND/OR ABUSE COMMITTED BY A PERSON
- PHYSICAL, PHYSIOLOGICAL/EMOTIONAL, OR SEXUAL ABUSE
- ALSO INCLUDES "DIGITAL ABUSE", THE USE OF TECHNOLOGY, SUCH AS SMARTPHONES, THE INTERNET, OR SOCIAL MEDIA, TO INTIMIDATE, HARASS, THREATEN, OR ISOLATE A VICTIM
- TO EXERT POWER AND CONTROL OVER A CURRENT OR FORMER DATING PARTNER

NON-
CONSENSUAL

SEXUAL
CONTACT
/ASSAULT

A CONTINUUM OF CONDUCT FROM RAPE TO
NONPHYSICAL FORMS OF PRESSURE THAT
COMPEL AN INDIVIDUAL TO ENGAGE IN SEXUAL
ACTIVITY AGAINST HIS/HER WILL

• REQUIRES:

- ✓ SEXUAL CONTACT/ACT
- ✓ LACK OF CONSENT

- AGAINST HIS/HER WILL OR WITHOUT ACT OF CONSENT
- INCAPACITATED (unconscious, drugs/alcohol, asleep)
- DISPARITY OF POWER (presumption of non-consent)
- MINOR

CONSENT IS:

CLEAR COHERENT
WILLING ONGOING

CLEAR

Consent is active.

It's expressed through words or actions that create mutually understandable permission.

Consent is never implied, and the absence of a no is not a yes.

Silence is NOT consent.

"I'm not sure," "I don't know," "Maybe" and similar phrases are NOT consent.

COHERENT

People incapacitated by drugs or alcohol cannot consent.

Someone who cannot make rational, reasonable decisions because she or he lacks the capacity to understand the "who, what, when, where, why or how" of the situation cannot consent.

People who are asleep or in another vulnerable position cannot consent.

WILLING

Consent is never given under pressure.

Consent is not obtained through psychological or emotional manipulation.

Consent cannot be obtained through physical violence or threat.

Someone in an unbalanced power situation (i.e. someone under your authority) cannot consent.

ONGOING

Consent must be granted every time.

Consent must be obtained at each step of physical intimacy. If someone consents to one sexual activity, she or he may or may not be willing to go further.

DIFFERENTIAL TREATMENT BASED UPON GENDER OR OTHER PROTECTED CATEGORY

HE OR SHE WAS TREATED DIFFERENTLY THAN OTHER EMPLOYEES/STUDENTS WHO WERE SIMILARLY SITUATED, AND THAT THE DIFFERENCE WAS BASED ON THE PROTECTED CATEGORY OF THE COMPLAINANT.



POSITIVE AS WELL AS NEGATIVE TREATMENT

NOT ASSIGNING FEMALE STUDENTS LATE NIGHT CLASSES

TREATING MALE COMPLAINANTS LESS COMPASSIONATELY THAN FEMALE COMPLAINANTS

**race, color, religion, sex, age, national origin, disability, veteran status, whistleblower, etc.*



NGU POLICY MISCONDUCT



- SANCTIONS HANDLED BY STUDENT ENGAGEMENT OR HR
- NON-LEGAL TERM
 - CONDUCT OF A NATURE THAT, AS A CHRISTIAN HIGHER EDUCATION INSTITUTION, THE UNIVERSITY DETERMINES, IN ITS SOLE DISCRETION, IS INAPPROPRIATE BASED UPON THE TEACHING AND ETHICAL STANDARDS DRAWN FROM SCRIPTURE.
- DIFFERENTIATES THE UNIVERSITY STANDARDS OF CONDUCT, WHICH ARE BIBLICALLY BASED, FROM TITLE IX AND OTHER LEGAL STANDARDS (criminal, civil courts) THAT CARRY CRIMINAL PENALTY OR FOUND LIABLE FOR CIVIL VIOLATIONS.

THE UNIVERSITY MAY FIND THAT A PERSON HAS COMMITTED MISCONDUCT EVENTHOUGH THE LEGAL STANDARD MAY NOT HOLD THEM ACCOUNTABLE.

*****Remember the infield plays***

NGU OWAS

Title IX Coordinator VP CMSE Director Personnel Services

OFFICERS WITH AUTHORITY INCLUDE THOSE UNIVERSITY EMPLOYEES WHO HAVE THE AUTHORITY TO REDRESS PROHIBITED MISCONDUCT UNDER TITLE IX. THESE EMPLOYEES INCLUDE THE

- **TITLE IX COORDINATOR,**
- **VP OF STUDENT ENGAGEMENT and**
- **DIRECTOR OF PERSONNEL SERVICES**

OTHER EMPLOYEES ARE REQUIRED BY THE UNIVERSITY TO REPORT ANY KNOWN ALLEGATIONS OF A TITLE IX VIOLATION; HOWEVER, THEY ARE NOT AUTHORIZED BY THE UNIVERSITY TO RESOLVE OR REDRESS SEXUAL MISCONDUCT ON BEHALF OF THE UNIVERSITY.

HOW TO REPORT



- **ONLINE COMPLAINT FORM:** SEE [HTTPS://WWW.NGU.EDU/TITLEIX.PHP](https://www.ngu.edu/titleix.php)
- **BY MAIL:** NORTH GREENVILLE UNIVERSITY, ATTN: TITLE IX COORDINATOR, 405 LANCASTER AVE, GREER, SC 29650
- **IN PERSON OR BY EMAIL:**
 - **DR. TRACY KRAMER**, DEPUTY TITLE IX COORDINATOR OF INVESTIGATIONS, TRACY.KRAMER@NGU.EDU, TIM BRASHER CAMPUS, ROOM 231, PHONE: 864-977-7256
 - **MICHELLE SABOU**, MICHELLE.SABOU@NGU.EDU, DIRECTOR OF PERSONNEL SERVICES, FIRST FLOOR, DONNAN, PHONE: 864-977-7200
 - **JARED THOMAS**, JARED.THOMAS@NGU.EDU, AVP STUDENT ENGAGEMENT, TINGLE STUDENT LIFE CENTER, FIRST FLOOR, PHONE: 864-663-0148

IF YOU BYPASS... there is a PRESUMPTION of illegal intent to subvert the process in favor of one party or the other or to protect the REPUTATION of the University at the expense of the victim.

YOU are a reporter... if YOU know the UNIVERSITY knows and is accountable you do not have discretion – you REPORT through the proper process.

D.O.E. vs. LIBERTY UNIV

THE PROCESS

THOROUGH,

ADEQUATE,

RELIABLE,

FAIR

Initial/Process Meeting with Complainant

Notice of Allegations provided Respondent/Process Meeting

Interim Measures

List of Community Resources provided

Interview of Parties

Equal opportunity for parties

- Rebut the other's statements and witness's statements
- Identify/present fact witnesses and evidence
- Access to evidence (if any)
- Right to an advisor/participation by a lawyer

Participate in pre-hearing meeting (if any)

Hearing (LIVE for now for Title IX)

Cross-examination

Written notice of outcome

Right to Appeal



THE PROCESS

People "IN THE KNOW" will be as LIMITED as possible

- Supervisors can NOT be involved in the investigation – we are PROTECTING them and their role as **unbiased** when it comes to sanctions/or absolution **Hopefully** – they won't even know of a complaint UNLESS interim measures require it OR there is a finding of guilt AND it involves enforcement of sanctions and/or supportive measures
- IF they KNOW, **do should NOT share...** regardless "chain of command"

CHECK YOUR IMPARTIALITY



➤ **CONFLICT OF INTEREST**

- ✓ COULD THE OUTCOME OF THIS CASE IMPACT ME ONE WAY OR ANOTHER?
- ✓ (I.E. DO I HAVE A DOG IN THIS FIGHT?)
 - ✓ RELATIONSHIP – TO PARTY OR WITNESS
 - ✓ REPUTATION INTEREST – FINANCIAL,
 - ✓ PROGRAM/ DEPARTMENT

➤ **PRE-JUDGMENT**

- ✓ FACULTY ARE FALSELY ACCUSED
- ✓ ATHLETES ARE PREDISPOSED TO VIOLENCE

➤ **BIAS**

- ✓ IMPLICIT
- ✓ APPEARANCE (Objectively!)

THE ADJUDICATION



- DETERMINE THE MISCONDUCT INVOLVED
- OUTLINE THE ELEMENTS
- ARE THERE FACTS WHICH MEET THE REQUIREMENTS OF EACH ELEMENT?
 - WHAT EVIDENCE SUPPORTS THE COMPLAINANT'S VERSION VS. RESPONDENT'S VERSION?
- WEIGH THE EVIDENCE
 - PREPONDERANCE OF THE EVIDENCE STANDARD – “MORE LIKELY THAN NOT”
 - *ALL EVIDENCE PRESENTED MUST BE CONSIDERED.*
 - *ANY EVIDENCE NOT SUBJECT TO CROSS-EXAMINATION MUST NOT BE CONSIDERED (Title IX only)*
 - THE EVIDENCE PRESENTED IS THE BEST AVAILABLE – IF NOT ENOUGH TO PERSUADE, THEN FIND NO VIOLATION.
- MAKE A FINDING – IT'S THE JOB!
- MAKE RECOMMENDATION OF SANCTIONS
- WRITE AN OUTCOME
 - STATING THE RATIONALE FOR THE WEIGHING OF EVIDENCE AND ANY CREDIBILITY FINDINGS
 - IMPORTANCE OF ACCOUNTABILITY FOR INDIVIDUALS FOUND TO HAVE COMMITTED SEXUAL VIOLENCE
 - NEED FOR REMEDIAL ACTIONS FOR THE PERPETRATOR, COMPLAINANT, AND UNIVERSITY COMMUNITY



TYPES OF EVIDENCE

- STATEMENTS OF THE PARTIES
- STATEMENTS OF WITNESSES
- PHYSICAL EVIDENCE
- MEDICAL EVIDENCE
 - (ONLY CONSIDERED IF WRITTEN CONSENT AND PROVIDED TO BOTH SIDES)
- CIRCUMSTANTIAL EVIDENCE
- CHARACTER EVIDENCE
- PRIOR BAD ACTS
 - ALLEGATION V. POLICY VIOLATION
 - PREJUDICIAL IMPACT VS PROBATIVE VALUE
 - MAY BE RELEVANT IN FACT-FINDING AND/OR SANCTION DETERMINATION
- INCONSISTENT / CONTRADICTORY STATEMENTS
- HEARSAY*

RELEVANCE

- EVIDENCE, WHETHER INCULPATORY OR EXCULPATORY, ON WHICH YOU WILL RELY IN REACHING A DETERMINATION REGARDING RESPONSIBILITY
- INFORMATION OR EVIDENCE THAT HAS A CLEAR RELATIONSHIP TO THE ALLEGATIONS AT ISSUE BUT IS NOT NECESSARY TO REACH A DETERMINATION REGARDING RESPONSIBILITY



INFORMATION OR EVIDENCE THAT HAS NO CLEAR RELATIONSHIP TO THE ALLEGATIONS AT ISSUE



DUPLICATIVE EVIDENCE

SOME EVIDENCE MAY NOT BE CONSIDERED

- ATTORNEY/CLIENT
- MEDICAL & PSYCHOLOGICAL RECORDS
 - *UNLESS WRITTEN CONSENT TO BE USED*
- RAPE SHIELD

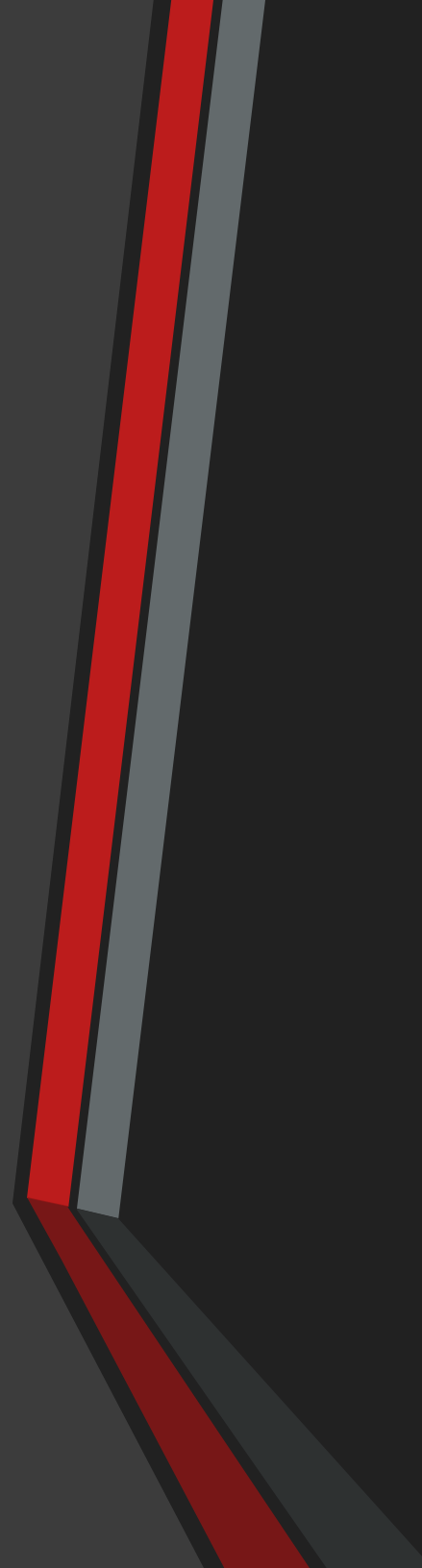
RAPE SHIELD:

- OFFERED TO PROVE THAT SOMEONE OTHER THAN RESPONDENT COMMITTED THE CONDUCT
- CONCERN SPECIFIC INCIDENTS OF PRIOR SEXUAL BEHAVIOR WITH RESPONDENT AND OFFERED TO PROVE CONSENT

****QUESTIONS/EVIDENCE ABOUT RESPONDENT'S SEXUAL PREDISPOSITION OR PRIOR SEXUAL BEHAVIOR MAY BE RELEVANT***

VIRTUAL HEARINGS

via Teams



HEARING PROCEDURE

- *PRELIMINARY – HEARING COORDINATOR*
- TEST AUDIO /VISUAL FOR ALL PARTIES
- CONDUCT OF PARTIES/WITNESSES
- INTRODUCTIONS OF PARTIES/PANEL
- ROLE OF THE ADJUDICATION PANEL
- VERIFY: RECORDING OF PROCEDURE
- VERIFY: WITNESS LIST FOR CROSS-EXAMINATION
- INSTRUCTIONS TO ADVISORS

ADJUDICATION CHAIR

1. INTRODUCTION OF INVESTIGATIVE REPORT
2. LIST ALL SUPPORTING EVIDENCE IN THE FILE
 - OBJECTIONS/QUESTIONS?
3. PANEL MAY ASK ANY QUESTIONS OF THE PARTIES/WITNESS
4. CROSS-EXAMINATION OPPORTUNITY
 - WITNESSES TO BE CROSSED MUST BE SUBMITTED IN ADVANCE TO TITLE IX COORDINATOR
 - OPPORTUNITY FOR PRE-APPROVED QUESTIONS
 - ADVISORS MUST QUESTION –ONLY **AFTER** QUESTION APPROVED AS RELEVANT BY PANEL
 - RELEVANT QUESTIONS ONLY
5. IMPACT STATEMENT
 - EACH PARTY OPPORTUNITY TO ADDRESS THE PANEL

FACTORS TO CONSIDER WHEN WEIGHING THE EVIDENCE:



- IS INFORMATION THE WITNESS PROVIDED ACCURATE BASED ON OTHER EVIDENCE?
- HOW DID THE WITNESS LEARN THE FACTS?
- HOW WELL DID HE OR SHE RECALL FACTS?
 - NOT RECALLING IS NOT **NECESSARILY** A DENIAL
 - REMEMBER EFFECTS OF TRAUMA, ALCOHOL, DRUGS
- HOW FORTHCOMING WAS THE WITNESS?
- DID THE WITNESS SEEM HONEST AND SINCERE? (*CAUTION*)
- WHAT ARE THE POSSIBLE MOTIVES FOR BEING LESS THAN TRUTHFUL?
- WHAT IS THE WITNESS'S RELATIONSHIP TO THE COMPLAINANT AND RESPONDENT?
- ARE THERE OTHER FACTORS THAT BEAR ON THE BELIEVABILITY OF THE WITNESS?
- CONSIDER **ALL** RELEVANT EVIDENCE PROVIDED
- DO NOT CHERRY-PICK EVIDENCE THAT SUPPORTS YOUR CONCLUSION
- DO NOT IGNORE CONTRARY EVIDENCE
- IF EVIDENCE SUPPORTING BOTH CONCLUSIONS EXISTS:
 - IS SOME EVIDENCE STRONGER THAN OTHER EVIDENCE? IF SO, **WHY**?
 - DO YOU FIND ONE PARTY MORE CREDIBLE THAN THE OTHER PARTY? IF SO, **WHY**?
 - IF A WITNESS'S STATEMENT IS CONTRARY TO YOUR CONCLUSION, **WHY** DO YOU NOT BELIEVE THE WITNESS?

WRITTEN DECISION

- IDENTIFICATION OF THE ALLEGATIONS
- DESCRIPTION OF THE PROCEDURAL STEPS
- FINDINGS OF FACT
- STATEMENT OF RESULT FOR EACH ALLEGATION
 - DETERMINATION OF RESPONSIBILITY
 - RATIONALE
 - DISCIPLINARY RECOMMENDATION
 - REMEDIES TO BE PROVIDED TO COMPLAINANT
 - DISMISSAL FOR LACK OF TITLE IX JURISDICTION
- PROCEDURES FOR APPEAL



FIDUCIARY DUTY:



- YOU ARE A PANEL. MAJORITY VOTE = YOUR DECISION
 - DO NOT *PUBLICALLY* CONTRADICT THE VOTE OF THE PANEL
- YOUR JOB IS TO **DECIDE**
- YOUR JOB IS TO RECOMMEND SANCTIONS BASED ON FACTS IN FRONT OF YOU
 - STUDENT ENGAGEMENT WILL TAKE INTO ACCOUNT PRIOR BAD ACTS
 - HR WILL ADD TO PERSONNEL RECORD AND TAKE INTO ACCOUNT THE WHOLE PICTURE
- PRIVACY – ALL DOCUMENTS RETURNED FOR DESTRUCTION.
- DO NOT DISCUSS RATIONALE OR DECISION-MAKING CONVERSATIONS OUTSIDE OF PANEL DISCUSSIONS – FOLLOW UP QUESTIONS DIRECTED TO GENERAL COUNSEL OFFICE
- SUPPORT POLICY AND PROCEDURES
 - COMPLAIN (CRITIQUE) UP
 - AFFIRM DOWN

ADVISOR'S ROLE

Both parties have the **RIGHT** to an **ADVISOR** during a Title IX hearing and *may* have an advisor in other hearings

No inference of guilt or innocence due to presence or lack of presence of an Advisor

- AS THE VOICE OF THE PARTY ONLY
- NO INDEPENDENT "RIGHTS" IN THE HEARING