

October 28-29, 2021

# Title IX for Investigators and Decision Makers



Presented by  
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Executive Director of Equity  
and Compliance



## 1 Skill Building

- Defining Title IX
- Understanding Bias
- Understanding policy elements
- Identifying relevant evidence

## 2 Law and Policies

- Jurisdiction
- Policies
- Overview of Processes

## 3 Obligations of Title IX Team Members

- Protecting the Privacy of Parties
- Promptness
- Thoroughness
- Impartiality

## 4 Title IX Process

- Reports/Complaints
- Informal Resolutions
- Investigations
- Hearings
- Appeals

## 5 Practice!

- Mock Investigation
- Mock Hearing

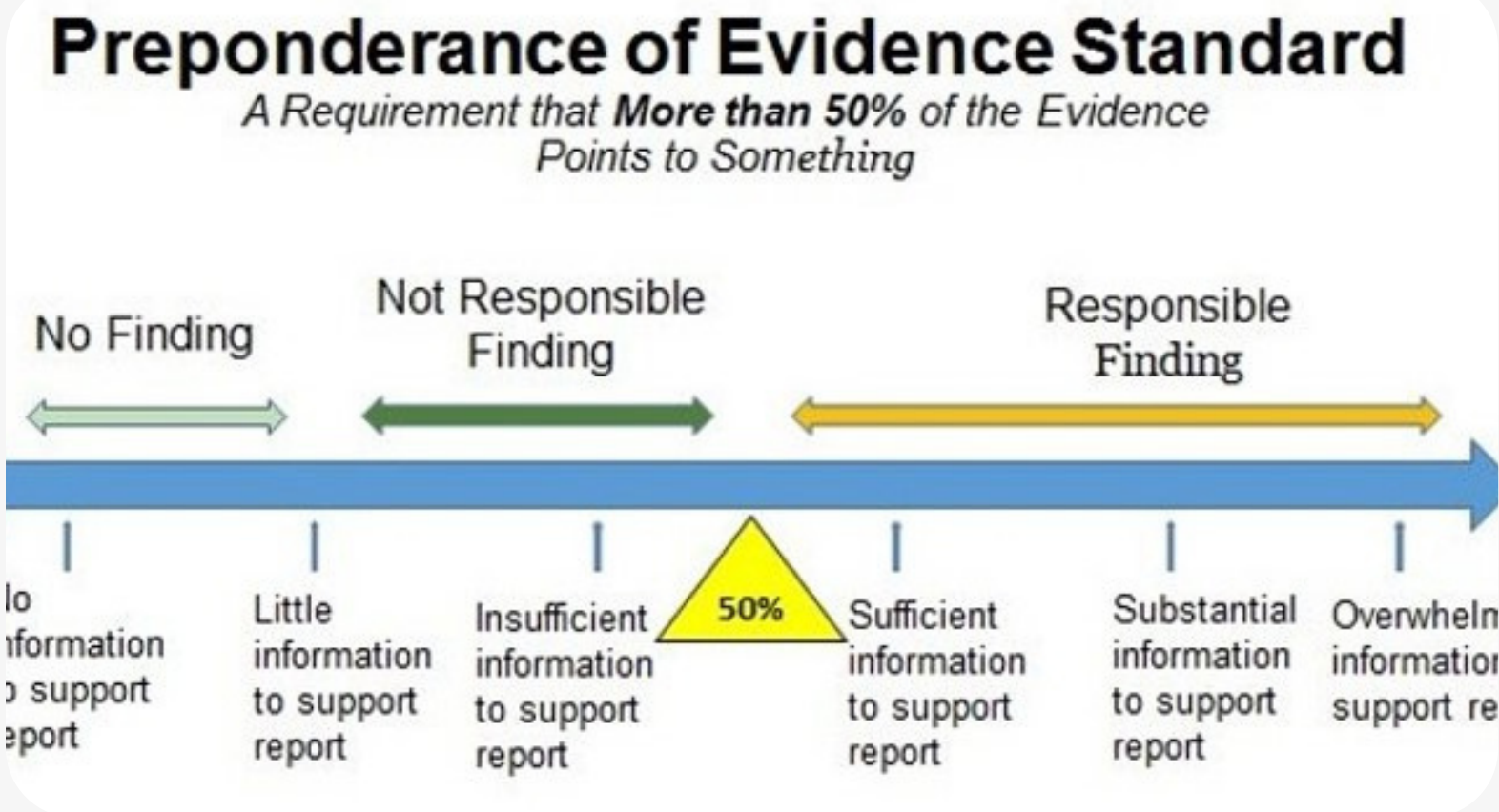
# Agenda



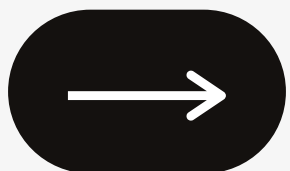
# Making a Determination

# Preponderance of the Evidence

In determining whether or not a policy was violated, the University uses the “Preponderance Standard”



Preponderance= “More likely than not” or more than 50 percent.



# Weighing Evidence

## **Do Consider:**

- Is the evidence direct or circumstantial?
- Relevant evidence
- Credibility

## **Do not Consider:**

- Evidence about character
- Prior Conduct Violations
- Irrelevant Evidence
- The source's authority or position
- Whether the party is a Complainant or a Respondent

# Credibility Assessment

Credibility is the process of weighing the accuracy and veracity of evidence. To assess credibility, you have to evaluate the source, the content, and the plausibility of what is offered. (Atixa, 2019)

Credibility is best established through corroboration, which is provided through sufficient independent evidence to support the fact at issue.

- Contemporaneous reports to the institution, law enforcement, or medical professionals, etc. (Complainant's credibility)

- Statements from eyewitnesses that corroborate the contents of a given statement

- Documentary evidence (Videos, photographs, text messages, phone call records, etc.)

Consider the inherent plausibility of the narrative

- Time Travel Example

Consistency of narrative

- Minor or irrelevant inconsistencies do not necessarily detract from credibility

Relationship of witness to parties

The decision of the Hearing Panel will be reached by a majority vote.



# Outcome Letter

- The chair is responsible for writing the letter.
- State your name and affiliation with the University
- State the alleged conduct
- State the policy implicated by the alleged conduct
- State the finding (responsible or not responsible)
- State the rationale
  - The rationale should consider each policy element
  - The rationale should include specific evidence to show why each element of the policy was or was not satisfied
- State the sanction
- Include information about how to appeal
- You will be provided with a template for this letter

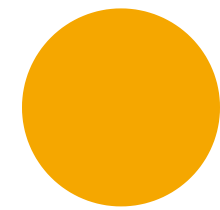


# Practice

- Oli reported that Ani engaged in conduct that violated the University's policy on stalking. The University conducted an investigation and hearing into the matter.
- The record contains the following information: WIT students, Oli and Ani, met on Hinge and went on three dates. After date three, Oli sent Ani a text that said "hey- I don't think this is going to work out." Ani responded with five text messages and four phone calls in the span of fifteen minutes. One of the text messages said, "Say you're sorry or you'll be sorry later..."
- Witness, Mav, stated that they received text from Ani that said "Do you know why Oli won't talk to me." Three other witnesses reported receiving the same text. Mav submitted a copy of the text message. The other witnesses stated that they deleted the message upon receipt.
- Security footage from two days after the text shows Ani sitting outside of Oli's residence hall for an hour, holding flowers and a large heart shaped balloon.
- Mav also stated that Oli stayed at their house for three nights because Oli was "super freaked."
- Ani stated that they are "really a good person." Ani stated that they didn't mean any harm.

# Discussion

- Does this case fall under Title IX?
- What policy does this implicate?
- Based on the evidence, is it more likely than not that the conduct occurred?
- What evidence did you rely on in making that decision?
- Are there any facts that are irrelevant?
- How would you use the credibility assessment on these facts?



# Discussion Continued

- The elements of stalking are as follows:
  - Engaging in a course of conduct
  - directed at a specific person
  - that would cause a reasonable person to fear for their safety or the safety of others; or suffer substantial emotional distress.
- **Does that conduct violate this policy?**
- **Which facts were relevant in making your decision on each element?**

# Sample

The hearing officer weighed all evidence presented using a preponderance of evidence standard. In consideration of all available evidence, the hearing officer concluded as follows:

Where the record shows that Respondent engaged in three separate forms of contact and that Respondent texted four people about Complainant, the evidence supports a finding that there was a course of conduct.

Where the Respondent texted Complainant, called Complainant, appeared outside of Complainant's house and asked four witnesses about the Complainant, the evidence supports a finding that the reported conduct was directed at the Complainant.

Where Mav stated that Complainant was "super freaked," where Complainant provided a text message that said "you'll be sorry," and where Respondent waited outside of Complainant's residence without an invitation, the evidence supports a finding that the conduct would cause a reasonable person to experience fear for their safety or substantial distress.

Upon review of all evidence, including but not limited to Complainant's statement, Respondent's statement, four witness statements, the text message submitted by witness Mav, and the security footage gathered, **the hearing officer determined that the evidence supported a finding of Responsibility.**

Element 1

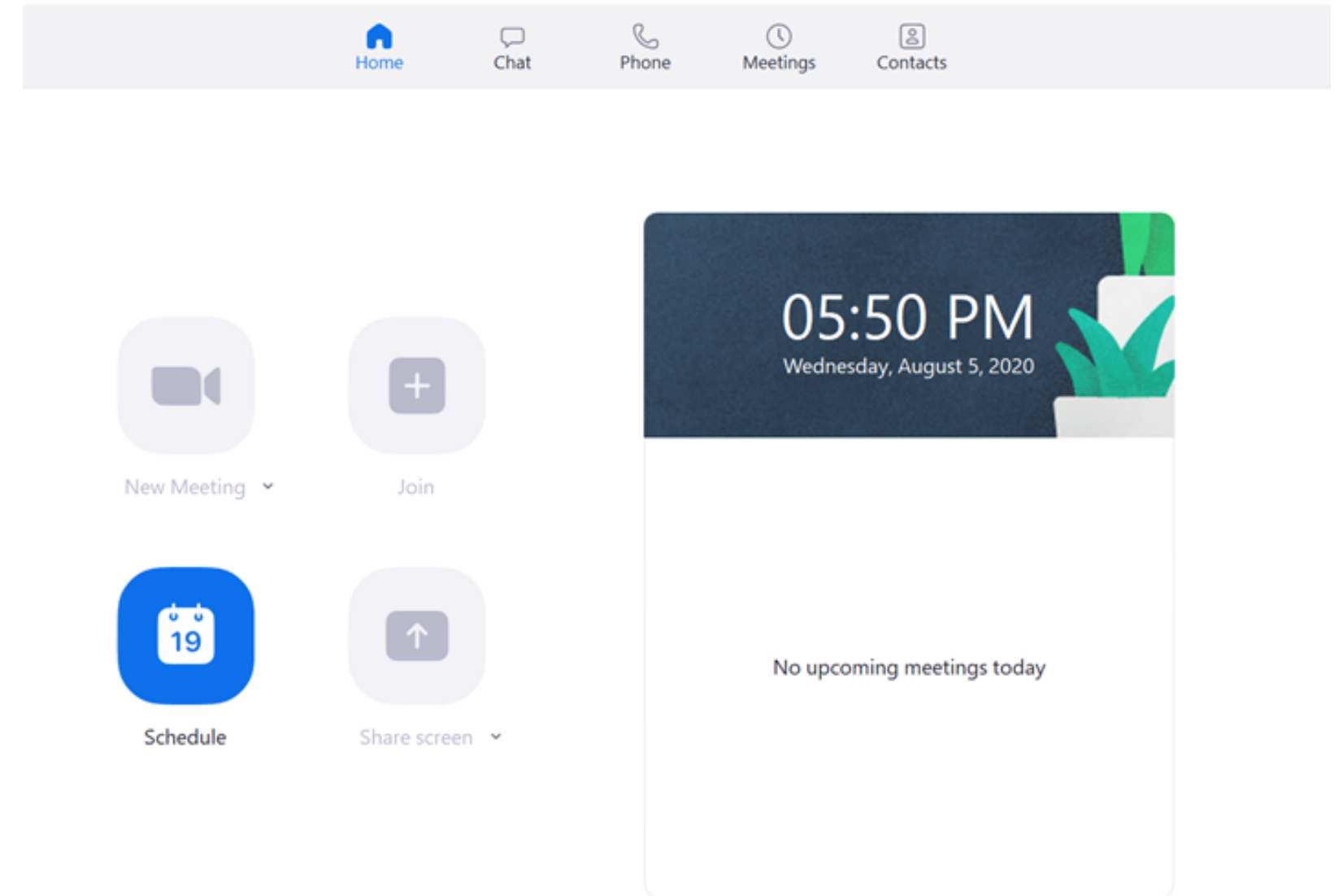
Element 2

Element 3

Conclusion

# Technology

- Parties have a right to participate in person or remotely
- Remote hearings are conducted via ZOOM
- To add a party to the hearing, send a **PASSWORDED** meeting invitation to the party's university email
- 
- The University will provide a laptop to the decision maker for use in the hearing



# Recording

- Under the regulations, all hearings must be recorded or fully transcribed.
- If parties are participating remotely, you will record the hearing using the scheduled Zoom meeting.
- If neither party is participating remotely, you will set up a ZOOM meeting without any additional participants and record the meeting.
- You MUST send the recording to the Title IX Coordinator following the hearing.
- \*Recording is not required for Non-Title IX Hearings.
- \*\*Recording methods are subject to change. You will be notified if these methods change.



# Appeals



# Grounds for Appeal

1

new evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter;

2

**procedural irregularity that affected the outcome of the matter;**

3

The Title IX coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.

# Method for Filing an Appeal

- After receiving notification of the hearing officer's decision, both complainant and respondent have five business days to request an appeal in writing.
  - Instructions for this are included in the outcome letter.
- The notice of appeal specifies the grounds upon which the appeal is based, and how those grounds materially affected the outcome (responsibility or sanctions)
- Upon receipt of the notice of appeal, the appeal will be assigned to a decision maker, who has had no other role in the process.
- Parties are notified in writing when the appeal is submitted.

# **Method for Filing an Appeal**

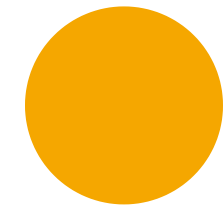
- Both parties shall be given equal opportunity to submit a written statement in support of, or challenging, the outcome
- The officer reviews the decision and any documentation/statements provided by the parties.

## **Law:**

“Both parties shall be given equal opportunity to submit a written statement in support of, or challenging, the outcome.”

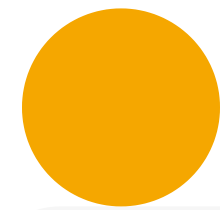
## **What the appeal officer needs to do:**

Send a letter to BOTH parties, inviting them to provide a written statement, for consideration by the appeal officer.



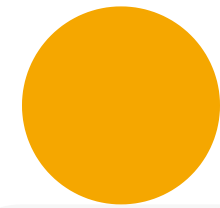
# Preliminary Review

- Review the appeal letter to determine whether the appealing party raises sufficient grounds for appeal.
- If the appealing party does not raise an appeal on permissible grounds, the appeal will be dismissed.



# Review of the Appeal

- The appeal officer should review:
  - The appeal letter
  - Written statements provided by both parties
  - The full investigative record, including exhibits
  - The hearing officer's decision letter
  - Any documentation provided during the hearing
  - Any notes or documentation created by the hearing officer
  - Any other relevant information, as necessary and appropriate
- The appeal officer may request follow up information from the investigator(s) or from either party, as necessary to make a fair determination.



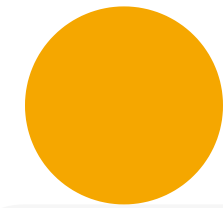
# Determination of Appeal

- If the appeal officer determines that there ARE grounds to appeal, the appeal officer must determine:
  - **whether there is a preponderance of evidence to support the claims made in the appeal *and***
  - whether the reported procedural error materially affected the outcome of the case

Is there a preponderance of the evidence to support the Appealing Party's Claim?

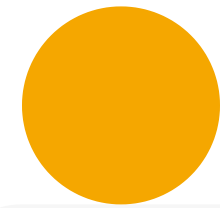
- **EXAMPLE:** Consider: Is there a preponderance of the evidence to support a finding that there is new evidence that was not available at the time of the hearing?
- **EXAMPLE:** Consider: Is there a preponderance of the evidence to support a finding that there was a procedural regularity?
- **EXAMPLE:** Consider: Is there a preponderance of the evidence to support a finding that an involved Title IX official had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.; or





# Dismissal of Appeal

- If there is not a preponderance of the evidence to support the claim, the case is dismissed. The appeal officer must affirm the decision of the hearing officer.



# Determination of Appeal

- If the appeal officer determines that there ARE grounds to appeal, the appeal officer must determine:
  - whether there is a preponderance of evidence to support the claims made in the appeal *and*
  - **whether the reported procedural error materially affected the outcome of the case**

If there is a preponderance of evidence to support the claim, the appeal officer must determine whether the error materially impacted the outcome.

But for this error, the outcome would be different.

# Upon review of the appeal, the decision maker may...

## Affirm

**affirm the decision of the hearing officer. In this case, the initial decision is final;**

## Remand

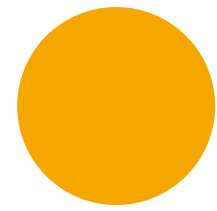
**remand the matter to the Hearing Board for reconsideration**

## Change

**change the sanction to correct the procedural error**



# Decision Letter



Upon completion of the appeal process, the decision maker must communicate the outcome of the appeal to both parties within 5 days.

The Decision letter Should Include:

- The name of the appeal officer
- A description of the appeal officer's role at the institution
- A clear articulation of the appeal officer's decision
- A rationale for the appeal officer's decision
  - If the case is dismissed prior to a consideration on the merits, the letter should note that the party did not raise sufficient grounds to appeal
  - If the appeal officer reviews the case on the merits, the letter should contain a consideration as to whether there is a preponderance of evidence to supports the claim raised and, if appropriate, a consideration as to whether the matter materially impacted the outcome.



# Mock Investigation

# Exhibit A: Report

My name is Marty Doe and I am the RA at Dorm Hall. Jo Jones is my resident. Jo's roommate, Peyton Smith, sent me a text message this morning at 8 A.M. that said "Jo is in a bad way. I don't know what to do, will you come help?"

I knocked on Jo's door. Jo was vomiting into a trashcan. I said, "Are you okay?" Jo said, "I don't think I'm ever going to be okay again."

I asked Jo what was wrong and they started crying. Jo said, "I just really...I was very drunk. I don't know. It's fine, it's fine."

Peyton said, "Do you want me to tell?" Jo nodded.

Peyton said the following:

"Jo and I went to a party last night. Me and Jo were both drinking a little before we left. Just like...white claw cocktails. Nothing wild. We didn't drink them in the dorms...we like never have alcohol in the room or anything. Someone else brought them.

When we got to the party, lots of people were already there. We went down to the basement and played three or four games of flip cup. Jo was killing it.

There was this junior, Tee. Tee brought over jello shots that tasted like straight up gasoline. We kind of both had a crush on Tee and didn't want to look stupid, so we took them. I was just done for at that point, so I went next door to my friend's house to crash for awhile. I felt really bad leaving Jo but like they said they were fine. Jo drinks more than me, so I assumed they just weren't as drunk.

I got some weird texts from Jo later, but I didn't see them. When I got home this morning, Jo told me that Tee came back to our dorm last night. Jo said that Tee was actually really nice in the uber and didn't get mad or anything when Jo threw up in the cup holder."

At this point in the conversation, Jo told Peyton, "I can finish." Jo said the following:

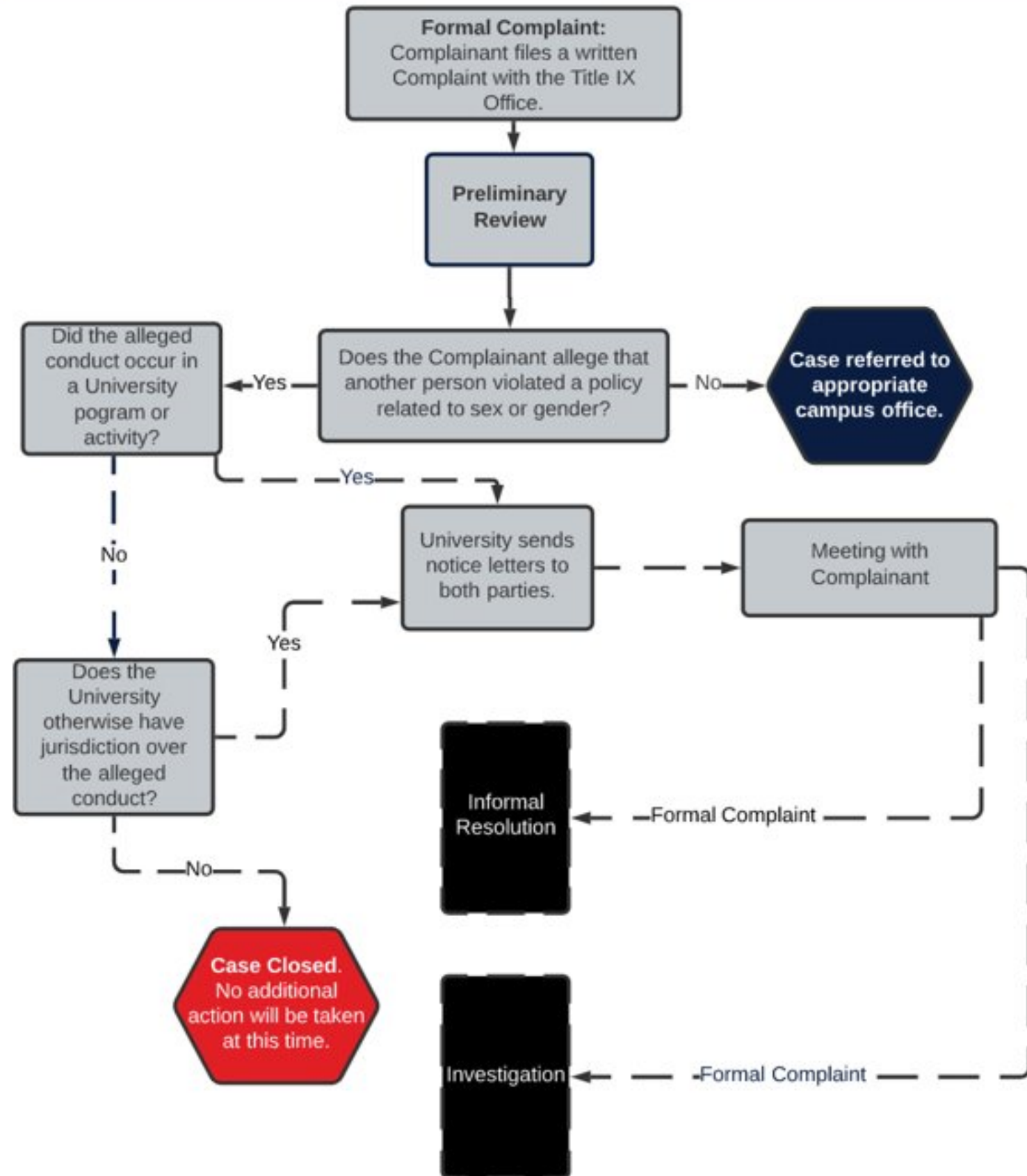
"I remember getting back. I remember that I couldn't get the key to go in the lock for a little bit and that Tee got me some water, but I don't really remember anything else. There was a packet of lube by my bed this morning. It's definitely the kind that I buy, but I don't remember using it. I just... I feel gross. Tee texted me a kissy face this morning and some other stuff. I know it probably sounds mean, but I literally never want to talk to that person again."

I accidentally forgot to tell Jo that I am a mandatory reporter until the end of the conversation, but Jo said it was okay for me to talk to you, as long as Jo's mom isn't going to find out. Jo said they're mom is really religious and doesn't know that Jo drinks or anything like that.

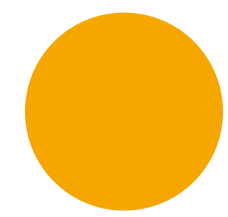
Peyton said that they were going to take Jo to the hospital, but I don't know if they went or not.



# Determination of Procedures



## Preliminary Review



# Complainant Jo Jones files a formal Complaint

- **Does the University have Jurisdiction?**
- **What policy does this implicate?**
- **What is the first thing the investigator needs to do?**

My name is Marty Doe and I am the RA at Dorm Hall. Jo Jones is my resident. Jo's roommate, Peyton Smith, sent me a text message this morning at 8 A.M. that said "Jo is in a bad way. I don't know what to do, will you come help?"

I knocked on Jo's door. Jo was vomiting into a trashcan. I said, "Are you okay?" Jo said, "I don't think I'm ever going to be okay again."  
I asked Jo what was wrong and they started crying. Jo said, "I just really...I was very drunk. I don't know. It's fine, it's fine."  
Peyton said, "Do you want me to tell?" Jo nodded.

Peyton said the following:

"Jo and I went to a party last night. Me and Jo were both drinking a little before we left. Just like...white claw cocktails. Nothing wild. We didn't drink them in the dorms...we like never have alcohol in the room or anything. Someone else brought them.

When we got to the party, lots of people were already there. We went down to the basement and played three or four games of flip cup. Jo was killing it.

There was this junior, Tee. Tee brought over jello shots that tasted like straight up gasoline. We kind of both had a crush on Tee and didn't want to look stupid, so we took them. I was just done for at that point, so I went next door to my friend's house to crash for awhile. I felt really bad leaving Jo but like they said they were fine. Jo drinks more than me, so I assumed they just weren't as drunk.

I got some weird texts from Jo later, but I didn't see them. When I got home this morning, Jo told me that Tee came back to our dorm last night. Jo said that Tee was actually really nice in the uber and didn't get mad or anything when Jo threw up in the cup holder."

At this point in the conversation, Jo told Peyton, "I can finish." Jo said the following:

"I remember getting back. I remember that I couldn't get the key to go in the lock for a little bit and that Tee got me some water, but I don't really remember anything else. There was a packet of lube by my bed this morning. It's definitely the kind that I buy, but I don't remember using it. I just... I feel gross. Tee texted me a kissy face this morning and some other stuff. I know it probably sounds mean, but I literally never want to talk to that person again."

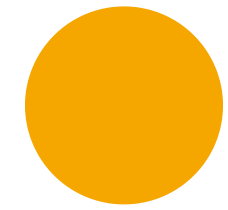
I accidentally forgot to tell Jo that I am a mandatory reporter until the end of the conversation, but Jo said it was okay for me to talk to you, as long as Jo's mom isn't going to find out. Jo said they're mom is really religious and doesn't know that Jo drinks or anything like that.

Peyton said that they were going to take Jo to the hospital, but I don't know if they went or not.

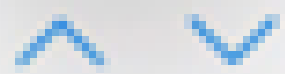
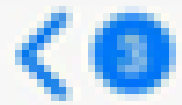
**What questions do you have for the Complainant?**

# Complainant's Statement

- Jo Jones (hereinafter "Complainant") stated that they went to a party at 9:00 PM. Complainant stated that prior to leaving for the party, Complainant and Peyton Smith drank three white claws, with one-two shots of vodka in each. Complainant stated that they went with Smith to an off campus party.
- 
- Complainant stated that Tee McGhee (hereinafter "Respondent") provided Complainant with a Jello shot. Complainant stated that the shot tasted like "gasoline." Complainant stated that they played two games of either beer pong or flip-cup, using a pumpkin stout.
- Complainant stated that Respondent offered to take them home. Complainant stated that Respondent said, "I want to make sure you get home okay." Complainant stated that they felt dizzy when they went to the car. Complainant stated that they remember throwing up in the cup holder of the uber. Complainant stated that they were charged an 100 dollar cleaning fee.
- Complainant stated that they could not find their keys when they got home. Complainant stated that they dropped their keys when they were trying to get it in the lock. Complainant stated that Respondent brought them water. Complainant stated that they do not remember the rest of the night.
- Complainant stated that they found a packet of lube by their bed this morning. Complainant stated that they believe the lube belonged to them. Complainant stated that the sheets were sticky and that their body felt sore.
- Complainant stated that Respondent sent a text that said, "I had fun last night," and "let's do that again." Complainant stated that Respondent also sent a kissing face emoji
-



Complainant provided the following documentary evidence:



\$148.32

Just a quick update,

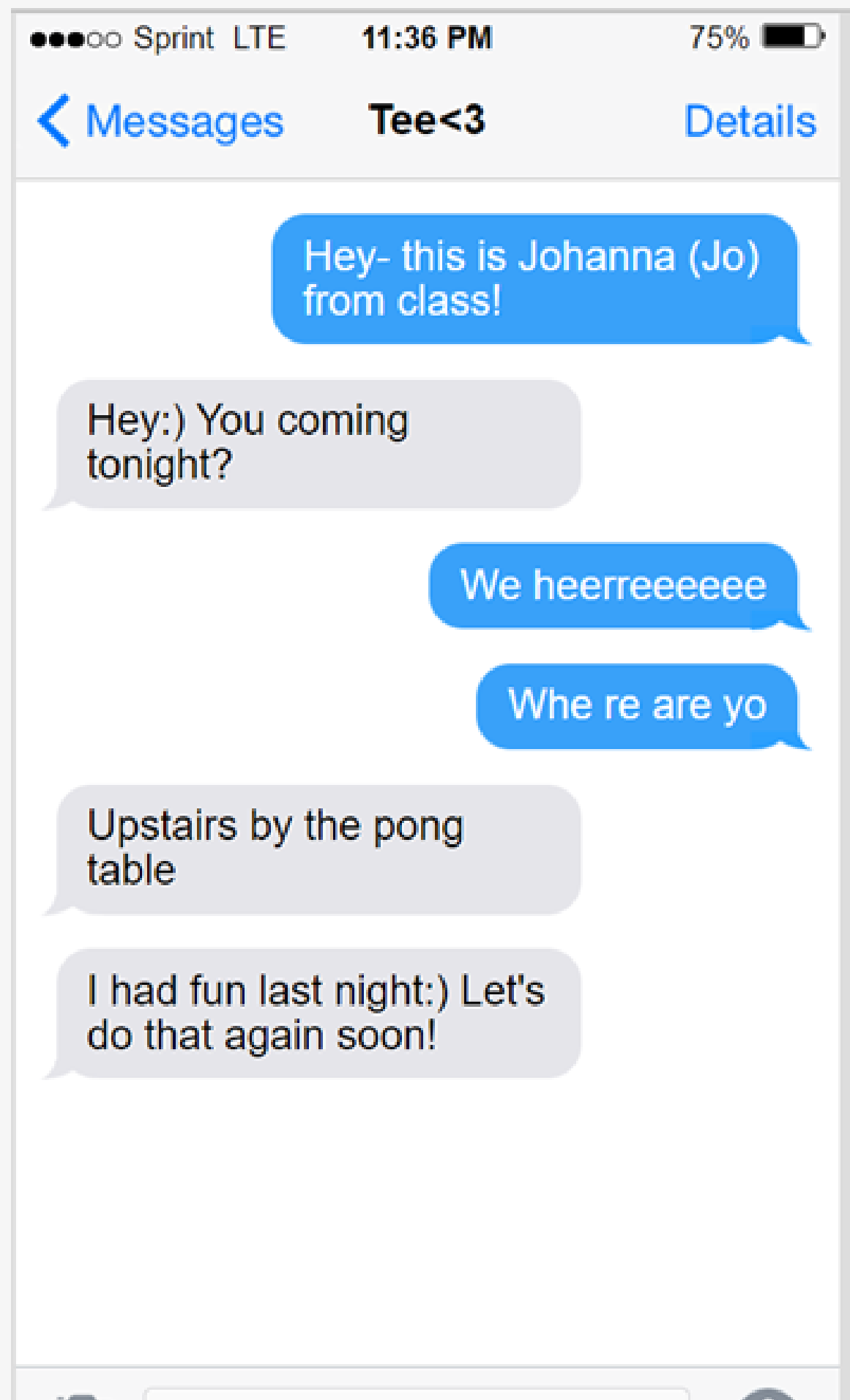


- 10:00pm | 100 East St., Boston MA  
NV
- 10:37pm | 550 Huntington Ave, Boston MA  
NV

You rode with Charles

4.42 miles	00:36:59 Trip time	uberX Car
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## Exhibit C: Uber Receipt



## Exhibit D: Text messages between Complainant and Respondent, submitted by Complainant



# Respondent's Interview:

- What questions do you have for the Respondent?
- What documentary evidence do you need to ask Respondent to provide?

# Respondent's Statement

- Respondent stated that they met Complainant at a party.
- Respondent stated that Complainant seemed “really chill.”
- Respondent stated that they danced a “little bit” and played three-four games of flip cup. Respondent stated that they had given Complainant 2 imperial pumpkin ales to play with.
- Respondent stated that people were taking jello shots made from everclear. Respondent stated that Complainant asked “where can I get some of those jellos?” Respondent stated that they brought Complainant a jello shot.
- Respondent stated that Complainant said that they were scared to go home along. Respondent stated that they told Complainant “I’ll take you so you’re safe.”
- Respondent stated that Complainant threw up in the Uber. Respondent stated that Complainant shrugged after and said “food poisoning.”
- Respondent stated that they did not remember Complainant fumbling for a key.
- Respondent stated that they went inside the house with Complainant and got Complainant some water.
- Respondent stated that they planned on leaving, but stated that Complainant said, “Come upstairs.” Respondent state that they talked to Complainant for 20 minutes. Respondent stated that Complainant fell asleep mid thought. Respondent stated that they stood up to go. Respondent stated that Complainant woke up. Respondent stated that Complainant said, “No, stay.” Respondent stated that Complainant told Respondent where Complainant keeps a package of lubricant. Respondent stated that Respondent got the lubricant from the bedside table. Respondent stated that they digitally penetrated Complainant, but that they stopped when Complainant fell back asleep.

# Smith's Statement

- Smith stated that they were with Complainant from 8:00 PM to about 10:00 PM. Smith stated that Complainant played flip cup with Respondent. Smith stated that Complainant seemed “pretty drunk.” Smith stated that Complainant was slurring their words and laughing really loud. Smith stated Complainant said, “I’m gonna ask Tee Rex to be my dinosaur friend.”
- Smith state that hey left the party at 10:00.
- Smith stated that Complainant sent texts around 11:00 PM that said, “pey, I’m ded,” and “sickkkkkk”
- Smith stated that Complainant called Smith the next morning. Smith stated that Complainant was “crying a lot.”

← Messages **Bestie (Jojo)** Details

Are you ready yet????

Be over in like five. Do you have chasers?

Just THE CLAW  
hahahahah

Okay. better put my big girl pants on lol

peyyyyy i'm ded

sickkkkkkk

kelp

\*kelp

HELP

## Exhibit E: Text messages between Smith and Complainant

# Breakout Room

- What are the disputed facts?**
- What are the undisputed facts?**

# Mock Hearing

# Preliminary Matters

**Hearing Chair:** The purpose of this hearing is to review relevant information concerning alleged violations of the University's Sexual Misconduct policy, which have been filed by Complainant, Jo Jones, against Respondent, Tee McGhee. At this time, all panel members will introduce themselves.

**Hearing Chair:** At this time, the Title IX Coordinator or designee will introduce themselves and state their affiliation with the University.

**Hearing Chair:** At this time, the Investigator(s) will introduce themselves and state their affiliation with the University.

**Hearing Chair:** "The purpose of this hearing is to review relevant information concerning alleged violations of the University's Policy on Stalking. This administrative proceeding is not a criminal trial, nor is it intended to resemble one.

The decision maker will use a preponderance of the evidence standard to determine whether the alleged conduct occurred. If the evidence supports a finding that the alleged conduct occurred, the decision maker will rely on established University policy in determining whether such conduct constitutes a policy violation

The University need not observe formal rules of evidence and may exclude evidence that is repetitious or irrelevant, including information sought during a cross examination.



# Preliminary Matters

**Hearing Chair:** Complainants and Respondents in this process have the right to review all evidence considered by the Decision Maker, to be assisted by an Advisor, and appeal the outcome of this hearing, as permitted by University policy. Providing false information during this hearing constitutes a violation under both the student code of conduct and the employee handbook. All people who appear at this hearing shall present information that is true and correct to the best of their knowledge. Participants have a right to be treated with dignity and respect by all parties. Any person who disrupts the hearing or fails to comply with requests made by the Decision Maker maybe excluded from the proceedings. Any person may attend this meeting in the role of an Advisor. Advisors serve as a moral and emotional support person for students during the grievance process and can participate in meeting preparation. Advisors are not permitted to advocate for students and are only permitted to speak as necessary to conduct a cross examination of relevant parties. Individuals who are witnesses may not serve as Advisors.

**Hearing Chair:** At this time, I will ask each of the parties whether they are supported by an Advisor in these processes. If you are supported by an Advisor, please state their name.

**Jo Jones, Are you supported by an Advisor today?**

**Tee McGhee, Are you supported by an Advisor today?**

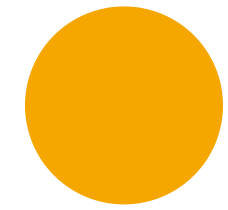
**Hearing Chair:** Jo Jones, Do you have any questions regarding the procedure that will be used during this hearing? Tee McGhee Do you have any questions regarding the procedure that will be used during this hearing?

**Hearing Chair:** At this time, I will review a summary of the allegations and identify the policy that was allegedly violated. It is alleged that you engaged in conduct that implicated the University's policy on sex or gender-based misconduct. Specifically, it is alleged that Respondent used their fingers to penetrate Complainant without Complainant's consent, in violation of the University's policy on Sexual Assault.

Hearing Chair: At this time, you may enter a plea of "Responsible" or "Not Responsible." As a reminder, you are not required to participate in this process. As such, you may choose to stay silent.

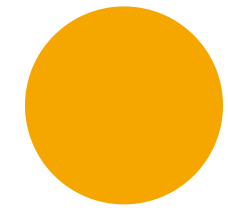
# Hearing

**Hearing Chair:** At this time, each party may provide an opening statement. As a reminder, your opening statement may be provided orally or in writing.



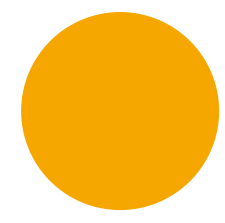
# Jo Jones's Statement

"Tee McGhee assaulted me when I was too drunk to consent. I originally was afraid to tell anyone because I didn't want to get in trouble, but I'm not scared anymore. I would like the University to make this right."



# Ted McGhee's Statement

I did not sexually assault anyone. I am not that kind of person. I was just trying to get to know someone who I thought was really cool. I am not responsible.



# Hearing Continued:

## Questions from the Decision Maker for Complainant and Respondent:

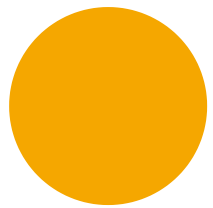
Hearing Chair: At this time, the hearing officers will ask questions of the Complainant and of the Respondent. The parties may cross examine the parties through their advisor. As a remind, advisors must submit any relevant questions to the Hearing Chair before they may be asked. Questions will only be asked if they are relevant.

\_\_\_\_\_ Questions from the Decision Maker to the Complainant

\_\_\_\_\_ Cross Examination by Respondent

\_\_\_\_\_ Questions from the Decision Maker to the Respondent

\_\_\_\_\_ Cross Examination by Complainant

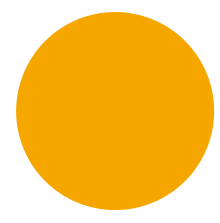


# Complainant requests to ask the following

- Did you know that the jello shot I asked for had everclear in it?
- Did you know the alcohol content of the pumpkin beer?
- Why did you assault me?
- **Are these questions relevant?**

## **\*REMINDER:**

- A question is relevant if it can be used to understand whether the alleged conduct occurred *or* whether the alleged conduct violated a policy.
- Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to
  - prove that someone other than the respondent committed the conduct alleged by the complainant, or
  - if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent



# Respondent requests to ask the following

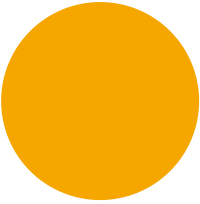
- Isn't it true you had a crush on me?
- Have you hooked up with someone before?
- Do you remember telling me you had food poisoning?

**Are these questions relevant?**

**\*REMINDER:**

- A question is relevant if it can be used to understand whether the alleged conduct occurred or whether the alleged conduct violated a policy.
- Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to
  - prove that someone other than the respondent committed the conduct alleged by the complainant, or
  - if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent



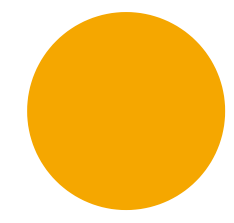


# Hearing Continued... Questions of Witnesses

Request to call witnesses:

Hearing Officer: Does either party request that the University call witnesses named in the report for cross examination?

For today's hearing, neither party has requested to call a witness



# Hearing Continued... Additional

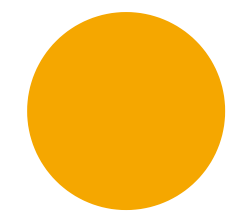
Hearing Chair: At this time, the hearing officers will ask any additional questions of the Investigators, of the Complainant, of the Respondent, and of any witnesses.

\_\_\_\_\_ Questions from the Decision Maker to the Complainant

\_\_\_\_\_ Questions from the Decision Maker to the Respondent

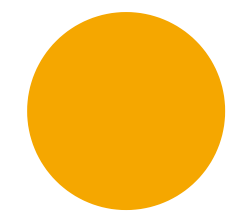
\_\_\_\_\_ Questions from the Decision Maker to the Witnesses

# Deliberations



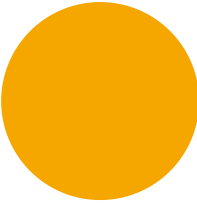
# Questions to Consider

- oIs there a preponderance of the evidence to support a finding that the alleged conduct occurred?
- oWhat facts support or refute a finding for each element?



# Findings

Hearing Chair: The hearing panel has thoroughly reviewed all evidence presented in the record, including evidence in today's hearing. Accordingly, the panel has determined that the Respondent, Tee McGhee, is \_\_\_\_\_ for the alleged policy violation.



# Sanctions- Submission of Impact Statements

Hearing Officer: At this time, each party may provide an impact statement. As a reminder, your impact statement may be provided orally or in writing.

Both parties waived reading of impact statements.



# Determination of Sanctions:

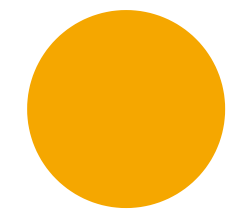
## What is the appropriate sanction for this case?

When a Respondent has been found “responsible” for violating the Policy, the Decisionmaker(s) shall consider the final investigation report and all exhibits as well as the statements and testimony provided at the live hearing in determining the appropriate sanction. The Decision-maker(s) reserves the right to increase or decrease the recommended sanction guidelines listed above in the case of significant mitigating or aggravating factors. The Decision-maker(s) may consider the Respondents student conduct history in determining the appropriate sanction.

- Warning
- University Probation
- University Suspension
- University Expulsion
- Loss of Privileges
- Restitution
- Educational Initiatives

Note: In this case, Respondent does not have a conduct record.





# Announcement of Sanctions

Hearing Chair: Based on a consideration of the final investigation report and all exhibits, the statements and testimony provided at the live hearing, and all other relevant information or factors, the University has determined that the following sanctions are appropriate:



# Conclusory Remarks

## Conclusory Remarks

This Title IX Grievance Decision Maker hearing is now closed.

The hearing Officer has five days from the close of the hearing to produce a written decision letter to both parties. The letter will be delivered to each party by the Coordinator.

At that time, the Coordinator will discuss the appeal process with each party. Regardless of the result of this hearing, the Coordinator or designee retains the authority to make or change supportive measures either party, including but not limited to housing, academic, employment and communications that are in the best interests of each party and the University.

**Questions?**

**Thank you!**