



Understanding the Title IX Hearing Process

Black River Technical College

SEMINAR WORKBOOK

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Title IX and Sexual Harassment



Title IX Provides That:

"No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving federal financial assistance."

Title IX of the Education Amendments of 1972
20 U.S.C. § 1681 & 34 C.F.R. Part 106

Sexual Harassment Under Title IX

34 CFR §106.30(a)

Sexual harassment is defined under Title IX as conduct on the basis of sex that satisfies one or more of the following:

1. An employee conditioning the provision of an aid, benefit, or service of the school district on an individual's participation in unwelcome sexual conduct (quid pro quo);
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to an education program or activity; or
3. Sexual assault (as defined in the Clery Act), dating violence, domestic violence, or stalking as defined in the Violence Against Women Act (VAWA).



Title IX Prohibits Sexual Harassment within the Scope of a School, College or University's Education Program or Activity

Education Program or Activity

An education program or activity includes locations, events, or circumstances over which the school, college or university exercised substantial control over both the respondent and the context in which the sexual harassment occurs, and also includes any building owned or controlled by a student organization that is officially recognized by an educational institution. § 106.44(a)

Title IX Covered Programs and Activities include (for example):

Admissions	Classroom Work and Assignments
Recruitment	Financial Aid
Academic Programs	Student Health Services
Counseling and Guidance	Extracurricular Activities
Grading	Vocational Education
Athletics	Physical Education
Recreation	Campus Social Activities
Housing	Work Study Programs
Employment	Administration

**This list is not exhaustive and is intended for example purposes only. Title IX provides protection to students and employees in connection with all school related programs. This includes activities and events that are sponsored by or related to an educational institution even if those events occur-off campus.*

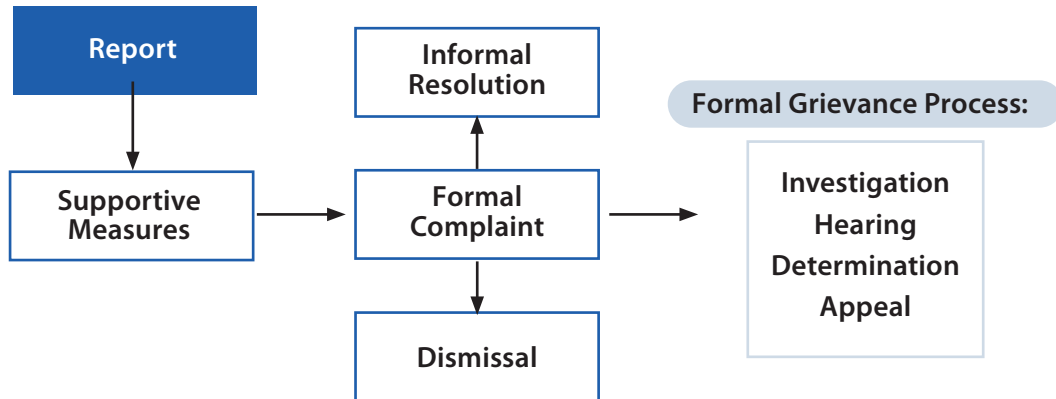


Key Concepts and Understandings I

Actual Knowledge	Notice of sexual harassment or allegations of sexual harassment to the Title IX Coordinator or any official with authority (authority to institute corrective measures on behalf of the institution).
Affirmative Consent	Conscious, affirmative, and voluntary agreement to engage in sexual activity.
Complainant	The person who is alleged to be the victim of sexual harassment
Respondent	The individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.
Title IX Coordinator	The Title IX Coordinator is the designated college official with primary responsibility for Title IX compliance. The Title IX coordinator's role is crucial to the development, implementation, and monitoring of all steps and efforts to comply with Title IX including managing the response to reports and complaints of possible sexual harassment.
Investigator	Responsible for investigating all formal complaints of sexual harassment. The investigator is responsible for conducting interviews with all parties and witnesses, sharing investigative evidence with all parties for their review, and writing the investigative report.
Supportive Measures	Individualized services offered as appropriate, as reasonably available, and without fee or charge to either party before or after the filing of a formal complaint or where no formal complaint has been filed. Supportive measures include for example, counseling, extensions of deadlines or other course related adjustments, modifications of work or class schedules or mutual restrictions on contact.
Formal Complaint	A document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the school investigate the allegation of sexual harassment.
Informal Resolution	A voluntary process involving interaction between the involved parties to resolve the allegations of sexual harassment following the filing of a formal complaint and prior to a formal hearing on the allegations. Informal resolution is not available if there are allegations that an employee sexually harassed a student.
Witness	Individuals who may have information or knowledge relevant to a report of prohibited conduct. A witness may be a student, a faculty or staff member or a third party.



The Title IX Process Overview



Grievance Process Must Treat Parties Equitably

- The Grievance process is the process by which a formal complaint of sexual harassment is addressed equitably and promptly under Title IX and in a manner that ensures due process for the complainant and the respondent.
- Educational institutions must ensure that all individuals involved in a sexual harassment claim receive a prompt, fair, equitable, and impartial grievance process.
- Bias and conflicts of interest by decision-makers that impact the outcome are grounds for appeal

Impartiality Is Integral to the Title IX Formal Grievance Process

Serving impartially includes avoiding the following:

- Prejudgment of the facts at issue
- Conflicts of interest
- Bias

But what do each of these things mean (and how do you avoid them)?



Conflict of Interest

A Conflict of Interest occurs when personal or private interests may compromise one's judgment, decisions, or actions.

Conflicts of Interest can take one of the following forms:



Potential conflict of interest arises when a personal interest or obligation could possibly conflict with one's official duties and responsibilities in the future. Example of a potential conflict: The Title IX investigator and complainant co-chair a faculty committee and socialize outside of work on occasion.

Actual conflict of interest occurs when there's a direct conflict between one's official duties and responsibilities, and a competing personal interest or obligation. Actual conflict example: The Title IX decision-maker's niece is the complainant in a sexual assault case.

Perceived conflict of interest is where it could reasonably be perceived that a competing interest could improperly influence the performance of one's official duties and responsibilities. Example of a perceived conflict: A hearing panel member previously had a relationship with a family member of the respondent.

How do you determine if a conflict (actual, perceived, or potential) is present that should disqualify you from involvement in a particular Title IX grievance?

Apply the "objective test" and ask yourself the following questions:

- Would I be happy if the entire college community became aware of the conflict?
- Would I be happy if the conflict appeared in the media with respect to the grievance process?
- Would I be happy if my conflict became the very grounds for further legal action in the federal or state court system?
- Would I be happy if my conflict became public causing a cloud to hang over the Title IX grievance process with many people saying the process is "rigged", "tainted" and an unfair waste of time and my involvement in the Title IX proceedings could be proof of that front and center?



Bias

Bias is an inclination, prejudice, preference or tendency towards or against a person, group, thing, idea or belief. What is difficult about biases is that we may or may not be aware of them.

In other words, biases can be explicit or implicit:

- 1. Explicit biases:** Thoughts and beliefs that people intentionally hold.
- 2. Implicit biases:** Attitudes or stereotypes that affect our understanding, actions and decisions in an unconscious manner.

Prejudgment

Prejudgment refers to passing judgment prematurely or without sufficient reflection or investigation.

Example: *A complainant was crying while making a sexual harassment report or being interviewed under a formal sexual harassment investigation. The Title IX coordinator or investigator concludes that because the complainant was crying when describing the conduct at issue, the complainant must be telling the truth and the respondent must be responsible for the actions alleged.*

Neither a complainant reporting sexual harassment, nor a respondent defending against allegations of sexual harassment, should be met with prejudgment during the Title IX process.

**Understanding and recognizing bias is the first step to managing it.*

Those involved in the Title IX process should continuously question their thinking and challenge their internal assumptions by considering whether they would draw the same conclusions if a scenario involved other people (of a different sex, race, socio-economic status, etc.).

To avoid and overcome prejudgments, it's imperative to remain cognizant and aware of any explicit or implicit biases. Awareness and understanding are critical factors in limiting harmful biases that could impact the Title IX process and the parties involved.



Investigations to Hearing Preparation



TAKE NOTE

Highlight of What the Investigation Report Should Contain:

- Names of the complainant and respondent
- The specific sexual harassment allegations at hand
- The date the investigation commenced
- Summary of the investigation process
- Identification of the applicable policies in question
- Witness names and contact information
- Summary of evidence – documents and witness statements

- Title IX Coordinator will assign investigator.
- Notice of Investigation is provided to the complainant and respondent.
- Investigator will conduct interviews of parties and witnesses, as deemed relevant, and collect evidence.
- Following the fact and evidence gathering stage, the investigator shall issue a Preliminary Investigation Report to the parties for review. The preliminary report will include evidence and factual information as gathered by the investigator, but will not include analysis, opinions or conclusions.
- At the conclusion of the investigation, the investigator will provide the complainant and respondent and their advisors with a copy of the preliminary investigative report allowing a 10-day response period for both parties to review and respond to the report with any questions, clarity, or corrections.
- Parties may review, upon request, all evidence collected as part of the investigation, whether or not it will be relied for information.
- Once the 10-day response period has concluded, the investigator will review any responses received, and finalize and submit the Final Investigation Report to the Title IX Coordinator. The complainant, the respondent and their advisors will simultaneously receive a copy of this written report at least 10 days before the scheduled hearing.
- Report will not contain any determinations as to whether the conduct is in violation of applicable policies.



Before the Hearing

- ☐ Provide Notice of Hearing which should include location, time, decision-maker/hearing panel/hearing officer identification, conflict checks, individuals attending and specific allegations to all parties and advisors.
- ☐ Conduct pre-hearing meetings between hearing officer and parties/advisors (optional).
- ☐ Make evidence and/or question rulings; circulate to all parties/advisors (optional).
- ☐ Review investigation reports/materials.

Advance Submission of Questions

- Parties may provide questions in advance of the hearing to streamline processes and provide the opportunity for the hearing chair or decision-maker to resolve relevancy concerns prior to the hearing. However, cannot require prior submission of written questions.
- The parties may submit a list of proposed questions for the other party and witnesses to the hearing coordinator
- The questions will be provided to the hearing officer/decision-maker
- The proposed questions will not be shared with the other party
- The hearing officer will make all determinations regarding prehearing matters, including which witnesses have relevant testimony and will participate and which questions are relevant and will promptly notify the hearing coordinator who, in turn, will promptly notify the Parties

****No restriction on communication. - Throughout the grievance and hearing process, the college must not restrict the ability of the parties to discuss the allegations or gather evidence (no gag orders). Parties have the right to discuss the allegations with anyone they choose with very limited exception.***



Key Concepts and Understandings II

Hearing Panel	The role of the hearing panel is to facilitate the resolution of the complaint by interviewing all appropriate parties, including witnesses, determine the relevance of all questions posed under cross-examination, objectively evaluate the relevance of all evidence submitted and render a decision of responsibility. If there is any disagreement between the panel members, they will decide on a course of action by majority vote.
Appeal	The purpose of an appeal in a Title IX proceeding is to have a hearing determination decision reconsidered by a separate appellate decision-maker or panel. The appeal ruling is final and is not subject to further appeal.
Decision-Maker/ Hearing Officer	An individual who oversees a Title IX hearing and makes a determination of responsibility or an individual who reviews an appeal of a hearing decision and makes a ruling on the appeal. A decision-maker questions parties and witnesses at the hearing and is effectively the judge in a Title IX hearing proceeding. They preside over hearings, if applicable, and issue the verdict in the form of written determinations. Decision-makers monitor the hearing questioning and cross-examination process and identify irrelevant questions.
Hearing Coordinator	Assists with the logistical coordination of the hearing.
Relevant Evidence	Evidence pertinent to proving whether facts material to the allegations are more or less likely to be true.
Inculpatory Evidence	Evidence that shows, or tends to show, a respondent's responsibility for alleged misconduct.
Exculpatory Evidence	Evidence that shows or tends to show the respondent is not responsible for the alleged misconduct.
Cross Examination	The examination of a witness who has already given testimony in order to check or discredit the witness's testimony.
Deliberate Indifference	When applied to Title IX, deliberate indifference describes conduct where an educational institution had actual knowledge of sexual harassment, but deliberately failed to act when action was clearly called for.
Burden of Proof	The "burden of proof" is the responsibility to establish or prove facts in dispute. When investigating a Title IX allegation and throughout the grievance process, the educational institution has the "burden of proof" and the burden of collecting sufficient evidence to establish responsibility.



Key Roles That are Important to Know

Role of the Decision-Maker/ Hearing Officer	<ul style="list-style-type: none">• The decision-maker is effectively the judge over a Title IX proceeding. They preside over hearings, make determinations of evidence relevance, and render decisions in the form of written determinations.• Decision-maker may be a single person ("hearing officer") or a hearing panel with a hearing chair
Role of the Hearing Coordinator	<ul style="list-style-type: none">• Handles hearing logistics (e.g., conference room, paper/pens, water, chair set-up, recording, etc.);• Sends hearing notices/charging decision letters to parties, puts hearing files together for panelists, schedules hearings, and coordinates parties and witnesses to testify
Role of the Investigator at the Hearing	<ul style="list-style-type: none">• The investigator is often a key witness at any hearing• The investigation report is admitted as evidence• The investigator may be questioned and subjected to cross examination• The investigator should avoid giving his or her opinion but report on the facts obtained and gathered during the investigation
Role of the Advisor	<ul style="list-style-type: none">• An advisor is an individual selected by a complainant or respondent to assist throughout the Title IX grievance process.• May be a staff member, student, parent, community member, friend, clergy, attorney – it's each party's choice.• The advisor's role consists of providing advice, support and guidance and questioning the opposing party and other witnesses at the live hearing.



Title IX Process vs. Legal Court System

It's essential to recognize the role of the Title IX process as educational, not legal.

Unlike civil or criminal cases that are determined in a court of law, Title IX complaints are resolved (i.e. investigated and adjudicated) on campus.

Investigations and hearings are not legal proceedings, and as a result, a Title IX investigation does not determine guilt, legal liability or innocence relative to any local, state, or federal criminal or civil laws.

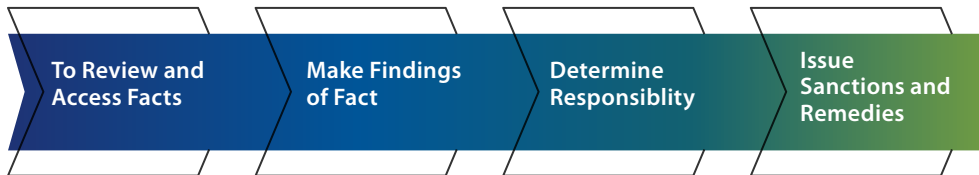
The following illustrates the differentiation between educational institution Title IX related terminology and proceedings from terminology, requirements and proceedings used within the criminal and civil legal system:

Title IX Process	Legal System
Not Responsible	Innocent
Responsible	Guilty (Criminal) or Liable (Civil)
Complainant	Plaintiff
Respondent	Defendant
Policy violation	Civil or Criminal Law Violation
Evidence (<i>Must be relevant or directly related</i>)	Evidence (<i>Strict legal rules for admissibility</i>)
Witnesses not placed under oath. Relatively no consequences for providing false information.	Witnesses are placed under oath and can be held accountable for perjury – willfully providing false testimony



The Live Hearing Process

Purpose of the Hearing



Which cases go to Live Hearing? All Sexual Harassment and Sexual Misconduct cases that were formally investigated. This is true for formal investigations involving students and employees (including student/student, employee/employee, student/employee, employee/guest, student/visitor, etc.).

Procedural Requirements and Considerations for Hearings

May be conducted with all parties present in the same geographic location. Or any party and witnesses may appear at the live hearing through video conference, with technology enabling participants to see and hear each other.

Decision-maker/hearing officer/chair (alone or in consultation with other panelists) will make all determinations regarding the order of witnesses, relevancy of questions, and the evidence to be considered or excluded during the hearing and decision-making process.

The decision-maker has wide latitude to determine the order and format of the hearing. The order of the hearing is flexible.



Hearing Participants

- Complainant
- Respondent
- Advisors
- Investigator
- Witnesses
- Hearing Panel
- Decision-Maker/Hearing Officer
- Hearing Coordinator
- Title IX Coordinator



Hearing Format and Outline Example

I. Call to Order- Hearing Chair

- A. Identify all parties present
- B. Preliminary comments and procedural steps
- C. Hearing conditions and instructions
 - a. Hearing will be audio-recorded and transcribed
 - b. All information/statements restricted to matters relevant to charges
 - c. Advisors will question opposing party
 - d. Both Parties and Witnesses will be questioned by the Hearing Panel

II. Opening Statements

- A. Complainant
- B. Respondent

III. Presentation of Information and Witnesses:

- A. College Investigator
 - a. Presents the investigative report
 - b. All parties may ask relevant and related questions.
- B. Complainant
 - a. Presents information and Witnesses
 - b. All parties may ask relevant and related questions.
- C. Respondent
 - a. Presents information and Witnesses
 - b. All parties may ask relevant and related questions.

IV. Closing Statements

- A. Complainant
- B. Respondent

V. Panel Deliberation: All parties excused



Questioning

At the hearing, the complainant, respondent, and third-party witnesses will submit to questioning by the hearing panel, starting with the complainant and continuing in the order determined by the hearing chair. After the panel finishes questioning a particular party or witness, each party may question the opposing party/witness (cross-examination).

After cross-examination is finished, the hearing chair will call the next party/witness to submit to questioning, provided that the panel may ask additional questions to any party or witness at any time prior to the completion of the hearing.

Skilled Questioning

- Go from broad to narrow.
- Do not move from the topic until you've explored all necessary detail.
- Do not move from a question until it's been answered —actively listen.
- No apologies for hard questions — keep the flow moving.
- Don't judge — be careful with why? questions.

Cross Examinations

- **What is a Cross-Examination?** The examination of a witness who has already testified to check or discredit the witness's testimony, knowledge, or credibility.
- **Purpose for Cross-Examinations?**
 - Credibility/trustworthiness
 - Memory and ability to remember facts of case
 - Background
 - Bias/conflicts of witness

Cross-examinations must be conducted directly, orally, and in real time by the party's advisor of choice and not by a party personally.

Before a party or witness answers a specific cross-examination or other question, the decision-maker must first determine whether the question is relevant. The decision-maker must explain any decision to exclude a question as not relevant.



Evidence

What are the different types of evidence that may be presented?

Direct - Direct evidence is direct proof of a fact, such as testimony by a witness about what the witness personally saw, heard or did. Eyewitness testimony is an example of direct evidence.

Circumstantial - Circumstantial evidence is indirect evidence that does not, on its face, prove a fact, but gives rise to a logical inference that the fact exists. It's a fact that can be used to infer another fact. For instance, if someone walked into a room wearing a raincoat covered with drops of water and carrying a wet umbrella, that would be circumstantial evidence from which you could conclude that it was raining even if you had not looked outside or checked the forecast.

Once the live hearing has ended, the decision-maker must assess whether or not the evidence presented has met the standard of proof chosen by the college. An educational institution can choose between one of two standards of evidence.

These standards are:

1. The preponderance of the evidence standard - *The preponderance of the evidence standard* means that the evidence shows that the allegations made by the complainant are more likely than not to be true. In other words, for example, the evidence in a formal complaint hearing supports a conclusion that it is more than 50% likely that the respondent caused the alleged sexual harassment harm.

2. The clear and convincing evidence standard - *The clear and convincing evidence standard* means that the evidence presented shows that it is highly more probable that the allegations are true rather than untrue. This requires a determination that it is reasonably certain and significantly and substantially more than 50 percent probable that the sexual harassment occurred.

**The "clear and convincing evidence standard" is stricter than the "preponderance of the evidence standard" but the choice of which standard is used is up to the educational institution, as long as once a decision is made, the same standard is used for all sexual harassment claims.*



Relevance

"The § 106.45 grievance process is designed to bring all relevant evidence concerning sexual harassment allegations to the decision-maker's attention so that a determination regarding responsibility is reached fairly and reliably."

Relevant evidence means evidence that makes a material fact more or less likely to be true. Evidence having any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence.



How to Determine Relevancy: Questions to Consider

1. Review the evidence being offered
2. Consider the allegations of the Title IX sexual harassment complaint
3. Does the evidence help to prove or disprove anything material to the investigation or complaint?
4. Is the evidence helpful in making a determination as to whether or not a fact is more or less likely to be true?

Title IX excludes certain types of evidence and questions as not relevant:

Rape Shield Provisions - Title IX's Rape Shield Protection relates to a complainant's sexual history and provides that questions and/or evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant and should not be considered or allowed.

However, there are two, narrow exceptions to this rule. Questions and/or evidence about a complainant's sexual predisposition or prior sexual history may be considered when:

1. The questions and/or evidence are offered to prove that someone other than the respondent committed the conduct alleged by the complainant; or
2. The questions and/or evidence relate to specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.



Hearing Determination Decision

Post-Hearing Process

Determination regarding responsibility - after the hearing, the decision-maker will make a determination regarding responsibility as to whether the respondent violated policy and create the written determination/notice of outcome.



The Written Determination Decision Must Include

- **The hearing officer/decision-maker must issue a written determination of whether a Title IX Policy violation has occurred in each case.**
- **The decision-maker must send the written determination to all parties simultaneously.**

The written determination must include:

- The sexual harassment allegations.
- A description of the procedural steps taken from the receipt of the formal complaint through the determination decision, including notifications to the parties, the selection of the investigator, interviews with parties and witnesses, site visits, methods used to gather evidence, the formal hearing process and whether a single decision maker or hearing panel was used.
- Findings of fact supporting the determination.
- Conclusions regarding the application of the college's Title IX policy to the facts and the rationale concerning the allegations.
- The result (and rationale) as to each allegation, including a determination regarding responsibility.
- Any disciplinary sanctions the institution imposes on the respondent.
- Any remedies provided to the complainant; and
- The procedures and permissible bases for an appeal.



Remedies and Sanctions

Remedies

- Provided to a complainant where a determination of responsibility for sexual harassment has been made against the respondent.
- Remedies must be without fee or charge to the complainant and
- Must be designed to restore or preserve the complainant's equal access to the college's education program or activity.
- Remedies may be the same individualized services as described as supportive measures.
- If remedies will be provided, this should be referenced in the final determination decision letter. Need not describe remedies only that they are being provided.
- The Title IX Coordinator is responsible for coordinating the effective implementation of remedies.

Sanctions

Respondents found responsible for sexual harassment will be subject to disciplinary sanctions. Sanctions for a finding of responsibility will depend upon the nature and gravity of the misconduct, any record of prior discipline for similar and past behavior and whether a given sanction will bring an end to the violation in question, reasonably prevent a recurrence of a similar violation and remedy the effects of the policy violation. The range of possible sanctions includes, but is not limited to:

- Warning
- Probation
- Suspension
- Expulsion (Student)
- Termination (Employee)



Appeals

Bases for Appeal

- (1) Procedural irregularity that affected the outcome of the matter
- (2) New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome
- (3) The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents, in general, or the individual complainant or respondent that affected the outcome of the matter

Parties have the right to appeal the final hearing findings within 10 calendar days of service of the decision.

If the appeal is timely and meets the grounds for appeal, an appellate officer (appellate decision-maker) will be assigned. The appellate decision-maker may not have served in any other capacity in connection with the investigation in question.

An appeal may be made by any party from:

- (1) a pre-hearing dismissal; or (2) the outcome of a hearing
- A party may appeal by submitting a written notice of appeal
- The appellate decision-maker will consider ONLY the hearing record, the parties' written statements, and applicable policies. He or she may not conduct a new hearing or hear new testimony.
- The Appellate Decision-Maker may:
 - (1) affirm the outcome
 - (2) reverse the outcome and remand to the hearing officer for further proceedings to determine remaining questions, or
 - (3) if the case leaves no remaining material questions, reverse the hearing decision and render a new, final outcome.

****The decision of the Appellate Decision-Maker is final.***

Finality of Determination

If an appeal is filed, the determination regarding responsibility becomes final on the date that the college provides the parties with the written determination of the results of the appeal.

If an appeal is not filed, the determination regarding responsibility becomes final on the date on which an appeal would no longer be considered timely.



Record Keeping Requirements

Records related to Title IX Sexual Harassment should be maintained for seven (7) years, including records of:

- (1) Any sexual harassment investigation, including any responsibility determination, and any required recording or transcript, as well as any sanctions imposed on the respondent, any remedies provided to the complainant and any appeals.
- (2) Documentation laying out all measures that were taken to restore or preserve equal access to the educational program or activity.
- (3) Any informal resolutions.
- (4) All materials used to train investigators, decision-makers, hearing panels, hearing advisors and Title IX coordinators with regard to sexual harassment.
- (5) The college's response to all reports and formal complaints.
- (6) Records of any actions, including supportive measures, taken in response to a report or formal complaint of sexual harassment, along with documentation of the college's basis for its conclusion that its response was not deliberately indifferent.
- (7) Documentation pertaining to terminations, sanctions or other disciplinary actions.



Title IX Grievance Process Example Checklist

The new Title IX regulations require educational institutions to investigate and adjudicate formal complaints of sexual harassment using a grievance process that incorporates due process principles, treats all parties fairly, and reaches reliable responsibility determinations.

The grievance process must:

<input type="checkbox"/> Give all parties written notice of the allegations, an equal opportunity to select an advisor of the party's choice (who may be, but does not need to be, an attorney), and an equal opportunity to submit and review evidence throughout the investigation.	<input type="checkbox"/> Send both parties a written determination regarding responsibility explaining how and why the decision-maker reached its conclusions.
<input type="checkbox"/> Use trained Title IX personnel to objectively evaluate all relevant evidence without prejudgment of the facts at issue and free from conflicts of interest or bias for or against either party.	<input type="checkbox"/> Effectively implement remedies for a complainant if a respondent is found responsible for sexual harassment.
<input type="checkbox"/> Protect parties' privacy by requiring a party's written consent before using the party's medical, psychological, or similar treatment records during a grievance process.	<input type="checkbox"/> Offer both parties an equal opportunity to appeal.
<input type="checkbox"/> Obtain the parties' voluntary, written consent before using any kind of "informal resolution" process, such as mediation or restorative justice, and not use an informal process where an employee allegedly sexually harassed a student.	<input type="checkbox"/> Protect any individual, including complainants, respondents, and witnesses, from retaliation for reporting sexual harassment or participating (or refusing to participate) in any Title IX grievance process.
<input type="checkbox"/> Apply a presumption that the respondent is not responsible during the grievance process (often called a "presumption of innocence"), so that the school bears the burden of proof, and the standard of evidence is applied correctly.	<input type="checkbox"/> Make all materials used to train Title IX personnel publicly available on the college's website.
<input type="checkbox"/> Use either the preponderance of the evidence standard or the clear and convincing evidence standard (and use the same standard for formal complaints against students as formal complaints against employees).	<input type="checkbox"/> Document and keep records of all sexual harassment reports and investigations.