OUTLINE

1. What is Title IX (TIX)?
2. Definitions
3. Trauma-informed listening
4. Conducting a Title IX investigation
If you have a question or need clarification, do not hesitate to ask.
1. **What is Title IX (TIX)?**
2. Definitions
3. Trauma-informed listening
4. Conducting a Title IX investigation
Title IX

“\n
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 education program or activity receiving Federal financial assistance.”

”
Title IX

Clery

VAWA

Sexual Harassment
THE CLERY ACT

- The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act is a federal law requiring United States colleges and universities to disclose information about crime on and around their campuses.
- 1986- Clery murdered at Lehigh University, parents were convinced that Jeanne died because of poor security on campus. Clery family believed that campus crimes were under-reported.
- Required to report accurate, timely information.
- Certain types of incidents.
- Occurring on or adjacent to campus.
- Goal: Transparent campus safety.
Community-based coordination for domestic violence, dating violence, sexual assault and stalking in the U. S.

Reauthorized on April 4, 2019 for five years.
Additional Clery crimes: domestic violence, dating violence, stalking.

Additional policy statements: Procedures following a VAWA crime or sexual assault, prevention and awareness programs.

Other changes: Hate crimes include “national origin” and “gender identity” motivated crimes.
Taylor University will complete a thorough and unbiased investigation and adjudication of all reported allegations of sexual harassment, dating violence, domestic violence, sexual assault, and stalking within the educational program or activity where TU exercises substantial control over both the respondent and the context within the United States.
A Title IX investigator at Taylor University works collaboratively with the Title IX coordinator and a co-investigator to interview participants and write an unbiased report for two Title IX adjudicators to review.
INVESTIGATOR ROLE

Investigators work alongside of the Coordinator to maintain progress, answer questions, respond to concerns and facilitate an unbiased investigation.
Investigators are paired and determined for an investigation based upon the persons involved in an investigation.
INVESTIGATOR ROLE

Investigations may involve multiple interviews and interview note revisions (4-6 hours), meetings / e-mails with Jesse (1-2 hours), and a final report writing (2-3 hours). Of course, some investigations are longer because of additional interviews or complications in report-writing.
The report is the method to clarify the allegations and response to the allegations. No decisions are required by investigators outside of what to include / not include in a report. Adjudicators make decisions based upon the investigators’ report.
INVESTIGATOR ROLE

Investigators work with coordinator to determine interview schedule, interview questions and the thread of allegations / responses to the allegations. Bev Guffey is a primary communication / scheduler.
COORDINATOR ROLE

- Interpret Title IX.
- Coordinate the investigation and adjudication process.
- Seek clarification when needed.
Equitable and timely investigation and adjudication of all allegations of sexual misconduct.
WHAT IS REQUIRED FOR A TITLE IX INVESTIGATION?
Taylor University will complete a thorough and unbiased investigation and adjudication of all reported allegations of sexual harassment, dating violence, domestic violence, sexual assault, and stalking within the educational program or activity where TU exercises substantial control over both the respondent and the context within the United States.
Taylor University will complete a thorough and unbiased investigation and adjudication of all reported allegations.
SCOPE OF TITLE IX AT TAYLOR UNIVERSITY

- of sexual harassment, dating violence, domestic violence, sexual assault, and stalking
- within the educational program or activity where TU exercises substantial control over both the respondent and the context
- within the United States.
WHAT IF AN ALLEGATION IS OUTSIDE OF THAT SCOPE?

- If an allegation does not meet the Title IX definition of sexual harassment or the Clery definitions of dating violence, domestic violence, sexual assault, and stalking, or
- If an allegation does not occur within the educational program or activity where TU exercises substantial control over both the respondent and the context, or
- If an allegation does not occur within the United States,

We will use an alternate process.
The alternate investigative process will likely mirror most of the Title IX resolution process.

Rationale: Clarity of process, similar allegations (only the location is different), and due process.
WHAT DOES THIS MEAN AS AN INVESTIGATOR?

1. Investigators will work with formal and alternate investigation processes.

2. As an investigator, your role is remain in contact with the coordinator regarding details of the investigation process.

3. Proceed with the investigation unless the evidence points to a dismissal.

4. The coordinator will make the final determination and communication of dismissal.
BREAK
DEFINITIONS

PROCESS
OUTLINE

1. What is Title IX (TIX)?
2. **Definitions**
3. Trauma-informed listening
4. Conducting a Title IX investigation
An adjudicator is someone who makes a determination if a policy violation occurred. During an investigation, two adjudicators (one female, one male) review the evidence, participate in the hearing and come to a conclusion of either “insufficient evidence” or “responsible” of a policy violation. Adjudication is the process of determining a conclusion.
Students may be hesitant to report a sexual assault or harassment allegation for fear that they or others may be accused of engaging in conduct in violation of Taylor University’s other policies, like drinking or using drugs at the time of the incident or because of previous or current consensual sexual interactions. To encourage reporting, students reporting and participating in an investigation may be offered amnesty and may not be subject to disciplinary action due to consumption of alcohol, drug use, or consensual intimate activities at or near the time of the incident, or prior consensual sexual interactions, provided that such conduct did not and does not place the health or safety of any other person at risk. The University may initiate developmental approaches or pursue educational remedies regarding alcohol, drugs, or intimate activities after the investigation is complete.
The person **making a report or filing a complaint** is the “Complainant”. A complainant may be male or female. The complainant and respondent may be the same or different sex.
The investigation and adjudication of an allegation is private. Great discretion is used while communicating details about the investigation. Persons who need to know such as investigators, adjudicators, and the appeal officer will have access to the specific details of an investigation. Other employees such as scheduling assistants or persons involved in the supportive measures (faculty, residence life, campus police, etc) may be contacted but specific details about the investigation will not be communicated.
Consent means the affirmative, unambiguous, and voluntary agreement to engage in a specific sexual activity. Consent is an active agreement and is not coerced. Consent must be mutual and ongoing, and is given for every sexual act. Consent to one form of sexual activity does not imply consent to other forms of sexual activity.

Consent is not assumed. Consent is not implied, even within a current or previous dating or sexual relationship. Consent may be withdrawn at any time. Absence of protest, or silence is not consent. Passivity is not consent. The absence of “no” is not a “yes”.
Consent is an affirmative, voluntary, conscious decision, clearly communicated, in words or voluntary actions that are unmistakable in their meaning. Within a community that prohibits premarital and extramarital sexual activity, any confusion or ambiguity regarding intimate contact should be clearly communicated. Morally responsible behavior should be the norm.
How do you know if an encounter was consensual?
HOW DO YOU KNOW IF THE ENCOUNTER WAS CONSENSUAL?

- We were not present at the encounter.
- We are responsible to accurately capture the account of the complainant and respondent.
- Accurately capture words and actions that gave / refused consent.
- Inconsistencies are likely between the complainant and respondent.
- Investigators will ask numerous questions related to consent: *How did you give consent for ___? In what ways did s/he give consent for ___? What did you tell him / her that ___ was OK?*
An allegation includes the complainant’s name, respondent’s name, date, time and description of the alleged activity. A formal complaint requires the actual or electronic signature of the complainant. This can be submitted in-person, through e-mail, letter or online reporting system. The Title IX Coordinator can assist in completing this documentation.
Incapacitation also constitutes lack of consent. Incapacitation is a state in which someone cannot make rational, reasonable decisions because the person lacks the capacity to give knowing consent. Under current Indiana law, intercourse is generally considered to be committed by force and against a person’s will if: the person is unconscious; the person is asleep; the person is drugged or intoxicated; the person is frightened or intimidated; or the person is mentally impaired or deficient so that he or she cannot agree to the act. Engaging in any form of sexual activity with someone who is incapacitated constitutes sexual assault.
How do you know if a participant was incapacitated?

What of both participants were incapacitated?
HOW DO YOU KNOW IF COMPLAINANT WAS INCAPACITATED?

- We were not present at the encounter.
- We are responsible to accurately capture the account of the complainant and respondent.
- Accurately capture details about alcohol / drug (type, amount, duration).
- Accurately capture words and actions and demonstrate intoxication.
- Inconsistencies are likely between the complainant and respondent.
When a complainant makes a formal allegation against a respondent, the allegation is investigated with two (one male, one female) investigators. During an investigation, the complainant, respondent and witnesses are interviewed to determine the accounts of the alleged incident. The investigators also obtain additional evidence provided by the participants such as text message or social media posts. The investigators compile all of the relevant evidence related to the allegation into a report. After this report is reviewed by the complainant and respondent, the adjudicators receive a copy of the report.
The person that allegedly committed the behavior is “Respondent”. The respondent may be male or female. The complainant and respondent may be the same or different sex.
All University employees (except the Counseling Center and Campus Pastor), including faculty, staff, coaches, resident directors and administrators, have a responsibility to promptly report to the Title IX Coordinator any allegations of sexual harassment. Graduate assistants, and student leaders who have a supervisory responsibility or other responsibility for student welfare are also required to report this policy. No employee is authorized to investigate or resolve complaints of sexual misconduct without the involvement of the Title IX Coordinator.
Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the University’s education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or Taylor University’s educational environment, or deter sexual harassment.
SUPPORTIVE MEASURES

- counseling,
- extensions of deadlines or other course-related adjustments,
- modifications of work or class schedules,
- campus escort services,
- mutual restrictions on contact between the parties,
- changes in work or housing locations,
- leaves of absence,
- increased security and monitoring of certain areas of the campus,
- other similar measures.
TU will **maintain confidentiality** to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the University to provide the supportive measures. The **Title IX Coordinator** is responsible for coordinating the effective implementation of supportive measures.
The complainant, respondent and witness can all bring a support person to any meetings associated with the investigation. A support may or may not be legal counsel. The support person cannot speak on behalf of the participant but is available to provide support and care. If the support person attempts to disrupt the interviews, the support person may be asked to depart the meeting. The coordinator will be flexible in accommodating to the support person’s schedule. However, the coordinator is responsible to proceed with the investigation and adjudication in a timely manner. If the support person is unable to join meetings in a timely manner, the participant may need to seek a different support person.
A witness is someone who either first-hand witnessed the event(s) or witnessed the complainant or respondent soon after the event(s). For example, a witness was present in the room or picked up / counseled / administered first aid / intervened with the complainant within a reasonable time of the event(s). A witness is not a character witness. For example, “S/he would not do XYZ because s/he isn’t that sort of person.”
DEFINITIONS

PROHIBITED BEHAVIORS
WHY DO INVESTIGATORS NEED TO KNOW THE POLICY?

To inform the coordinator to make a decision to maintain or shift the investigation from Title IX to an alternate investigation.
Dating violence means violence committed by a person

(A) who is or has been in a social relationship of a romantic or intimate nature with the complainant; and

(B) where the existence of such a relationship shall be determined based on a consideration of the following factors: the length of the relationship, the type of relationship, and the frequency of interaction between the persons.
DOMESTIC VIOLENCE

Domestic violence includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the complainant, by a person with whom the complainant shares a child in common, by a person who is cohabitating with or has cohabitated with the complainant as a spouse or intimate partner. The allegations are committed by a person similarly situated to a spouse of the complainant under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth complainant who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.
Sexual assault includes the Federal Bureau of Investigation’s definitions of rape, fondling, incest or statutory rape.

Rape- The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the complainant.
SEXUAL ASSAULT

- **Fondling**- The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the complainant, including instances where the complainant is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

- **Incest**- Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

- **Statutory Rape**- Sexual intercourse with a person who is under the statutory age of consent.
SEXUAL HARASSMENT

Sexual harassment is defined as conduct on the basis of sex that meets one or more of the following criteria:

1. An employee of Taylor University conditioning the provision of an aid, benefit, or service of Taylor University on an individual’s participation in unwelcome sexual conduct. Quid pro quo relates only to employees. Quid pro quo harassment by a student will be investigated outside of Title IX; “What for what” or “Something for something”

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 the University’s education program or activity (hostile working environment); or

3. Sexual assault, dating violence, domestic violence or stalking as defined by The Clery Act.
SEXUAL HARASSMENT - THREE REQUIREMENTS

1. severe,
2. pervasive,
3. and objectively offensive
1. severe,
2. pervasive,
3. and objectively offensive

- Touching a person’s face
- Touching a person’s breast
- Calling someone “sexy”
- Gossiping about another person’s sexual experience.
- Sending a sext
- Sharing a sext with suitemates
SEXUAL HARASSMENT

1. Defined with input from the coordinator.
2. Fact-specific to each allegation.
STALKING

Stalking is engaging in a course of conduct directed at a specific person that would cause a reasonable person to

(A) Fear for the person’s safety or the safety of others; or

(B) Suffer substantial emotional distress. For the purposes of this definition, “course of conduct” means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person’s property. Can even be a threat to self.
STALKING

A “reasonable person” means a person under similar circumstances and with similar identities to the complainant.

“Substantial emotional distress” means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.
STALKING

Can occur over time

Can occur over short period of time
Sexual assault or sexual violence are a particular type of sexual harassment that includes

A.) physical sexual acts perpetrated without consent of both individuals involved or

B.) where a person is incapable of giving consent due to the complainant’s incapacitation due to the consumption of drugs, alcohol, or other mind or mood altering substances.
SEXUAL ASSAULT

- inappropriate touching,
- sexual intercourse of any kind without consent,
- rape,
- attempted rape by an individual against that individual’s free will,
- the intentional touching of the intimate parts of another,
- or causing the other to touch one’s intimate parts, including over clothing,
- removing the clothing of another person, or
- kissing, incest, and statutory rape.
- Intimate parts may include the breasts, buttocks, genital area, abdomen, inner thigh, or mouth.
Sexual assault includes having sexual contact with a complainant while knowing or having reason to know that the complainant was incapacitated due to alcohol and/or drug consumption or was otherwise unable to consent.
TIME

FOR A

BREAK
OUTLINE

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TRAUMA-INFORMED LISTENING
TRAUMA-INFORMED QUESTIONS
CONDUCTING A TITLE IX INVESTIGATION
OUTLINE

1. What is Title IX (TIX)?
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CONDUCTING A TITLE IX INVESTIGATION

1. Making a report
2. Preliminary meeting
3. Assignment of investigators & adjudicators
4. Notice of investigation
5. Supportive measures
MAKING A REPORT OF SEXUAL HARASSMENT

Coordinator- Dr. Jesse Brown
Adjudicators- Dr. Scott Barrett, Erin Luthy, Dr. Grace Miller, Dr. Drew Moser
Confidential Resources- Counseling Center, Jon Cavanagh

At the time of the report, the complainant must be participating or attempting to participate in an educational program.
RESOLUTION PROCESS

- Multiple allegations
- Completed in a timely manner
- Individualized safety and risk analysis
- The University has the responsibility of the burden of proof and the burden of gathering evidence.
PRELIMINARY MEETING

- Meet with complainant.
- Discuss details of the allegation.
- Safety assessment.
- Respondent presumed not responsible.
- Signed notice.
- May or may not proceed.

Sign here..
ASSIGNMENT OF INVESTIGATORS AND ADJUDICATORS

- Avoid conflict of interest.
- Complainant and respondent provide feedback.
- Male and female (if available)
NOTICE OF INVESTIGATION

- In writing including identities of participants, alleged conduct, date & location.
- Potential policy violations, prohibition against retaliation, supportive measures, timeframe, presumption of non-responsibility.
- Non-disclosure agreement.
SUPPORTIVE MEASURES

- Non-disciplinary, individualized services, without charge, available to complainant and respondent.
- Designed to restore or preserve access to University programs.
SUPPORTIVE MEASURES

- include counseling or medical services,
- extensions of time or other course-related adjustments,
- academic support,
- modifications of work or class schedules including rescheduling or retaking a course,
- campus escort services,
- restrictions on contact between the individuals,
- changes in work or housing locations,
- leaves of absence,
- increased security and monitoring of certain areas of campus
- and other similar accommodations.
SUPPORTIVE MEASURES

- Often involve a no contact, which is a University restriction of contact.
- Supportive measures may evolve over time in order to remain effective between participants.
CONDUCTING A TITLE IX INVESTIGATION

6. Interviews (You)
7. Close of evidence (You)
8. Sharing of evidence (You)
9. Writing the report (You)
INTERVIEWS - 10,000 FOOT VIEW

1. Listen well.
2. Accurately capture accounts.
3. Communicate accounts in a report.
4. You have no “side.”
PRIOR TO INTERVIEWS

- Meet with coordinator.
- Discuss notice of investigation.
- Prepare guiding questions.
- Schedule initial interview with complainant and witnesses.
- Use interview template.
INTERVIEWS - MEETING WITH PARTICIPANTS

- Use shared template.
- Sensitive conversation.
- Participants will share incriminating and justifying evidence.
- Interview with respect and compassion.
- Unbiased.
INTERVIEWS - MEETING WITH PARTICIPANTS

- Seek clarity when needed (i.e. using an unfamiliar sex term)
- Maintain good eye-contact.
- Ask questions straight-forwardly, not accusatory.
- Keep “your feet on the ground” and call for a break if needed.
INTERVIEWS - MEETING WITH PARTICIPANTS

- Seek timing about drug / alcohol use and timing. How did this influence the interaction?
- Defensive or apprehension is natural.
- Ask for additional relevant information.
- Start with broad questions, move to narrow.
INTERVIEWS - MEETING WITH COMPLAINANT

- Often sharing non-consensual contact.
- Information may be out of order.
- Anxiety, fear, courage, relief… all combined.
- Take a break, if needed.
INTerviews - Meeting with Respondent

- Often sharing non-consensual contact.
- Information may be in conflict with complainant.
- Anxiety, fear, surprise… all at the same time.
- Take a break, if needed.

listen
INTERVIEWS

- All interviews are recording for transcription.
- Support person may be present but cannot speak on behalf of the participant.
- Additional allegations may arise as investigation continues. Notify the coordinator.
INTERVIEWS

- Interviews = conversational, curiosity, exploratory, “looking under rocks”
- Work with coordinator as needed.
INTERVIEWS- GUIDING QUESTIONS

- Use guiding questions to frame the complainant interview.
- Use guiding questions and complainant interview to frame the respondent interview.
- Timeline is often important.
INTERVIEWS- INCONSISTENCIES

- Compare inconsistencies between complainant and respondent account.
- Clarify individual points of contradiction.
  - Remember, trauma impacts memory
- Clarify unclear comments.
A witness is someone who either first-hand witnessed the event(s) or witnessed the complainant soon after the event(s). For example, a witness was present in the room or picked up / counseled / administered first aid / intervened with the complainant within a reasonable time of the event(s).

Interview witnesses recommended by the participants.

The complainant and respondent have equal opportunity to present witnesses.

Character witnesses may be used but evidence must be relevant.
INTERVIEWS- WHAT IF NEW INFORMATION ARISES?

During an interview, the complainant may provide additional allegations different from the initial meeting. If this occurs, the coordinator will provide the additional allegations to the respondent in a timely manner prior to the respondent’s interview. Or a follow-up interview may be necessary.
Thank you for your willingness to enter into a difficult, honest, freeing, frustrating and defensive conversation.

Please let me know if you have self-care concerns.
This is a new step.

Before the Review of Directly Related Evidence (next step), all participants may submit any additional evidence not previously included during the interview(s). Any additional evidence may be used by the investigators in writing the investigators’ report.

New evidence will not be denied.
This is a new requirement.

Prior to writing report, all directly-related evidence is shared with C and R and advisors.

Investigators will work with coordinator to determine “directly-related.”

Participants have 10 days to review.
DIRECTLY RELATED EVIDENCE

- Sexual history - include if directly related.
- Documents including texts, social media, and pictures.
- Other: police reports, security footage, WIFI access points
- Interview transcripts.
What does this mean practically?

Investigators and coordinator will decide directly related evidence.

Some information may be redacted.

Will require participants to sign a confidentiality statement.
INVESTIGATORS’ REPORT

- The investigators will review any written reviews of evidence, interview transcripts and other evidence and create an investigative report that fairly summarizes relevant evidence.
- Relevant information includes but is not limited to verbatim re-telling of the details, witness affirmation / rejection, electronic communication and social media interactions.
INVESTIGATORS’ REPORT

- NOT MAKING A DETERMINATION.
- Use the shared template.
- Copy & paste from transcript.
- Usually is C’s account plus witness(es) then R’s account plus witness(es).
- Refer to Appendix as needed.
- Coordinator will provide editing feedback.
10. Review the investigators’ report
11. Live question & answer
12. Decision
13. Notice of decision / sanctions / remedies
14. Appeal
15. Final decision
C and R (and advisors) review the investigators’ report at least 10 days prior to the live question and answer (next step).

C and R can each write a response within 5 days.

Responses will be shared with the C & R.
The purpose of the live question and answer is to provide the complainant and respondent to ask questions through an advisor to the other participant(s).

The purpose of the Q & A is not to introduce all relevant information to the adjudicators. The investigators’ report introduces all relevant information to the adjudicators prior to the Q & A.
LIVE QUESTION AND ANSWER

- **New required step**
- **Participants**: Anyone who was interviewed.
- **Advisors**: Role to ask questions on behalf of the C and R, may or may not an attorney, TU will provide one if needed.
- **Process**: C asks questions, R asks questions, conclude.
- Likely will be virtual, can also be face-to-face.
LIVE Q & A

- What do you think about the live Q & A?
- How will this impact our community?
- How can we support our community?
The adjudicators will review the investigators’ report, written responses and notes from Q & A to determine if a policy violation occurred.

“Preponderance of evidence”
NOTICE OF DECISION

- Written decision
- Individual meeting with C & R
- Adjudicators write
- Coordinator provides edits and consistency
- Uses a shared template
SANCTIONS, CORRECTIVE ACTIONS (TOWARDS THE RESPONDENT), AND REMEDIES (TOWARDS THE COMPLAINANT)

- Adjudicators propose sanctions with respect to the circumstances of the decision.
- Coordinator notifies adjudicators of any aggravating or mitigating circumstances.
SANCTIONS

- Mandatory training or counseling
- Verbal or written warning
- Issuing a “no contact” order or other contact restrictions or boundaries
- Disciplinary probation
- Suspension (for employees, with or without pay), and/or demotion
- Students may be suspended or expelled from the University
- Degree rescinded
- “No trespass” may be given where the participant is not permitted on campus without permission
- Employees may be terminated or subject to other disciplinary action
REMEDIES

- Counseling and mentoring
- Access to the Taylor University Health Center
- Change in housing, classroom or class scheduling (as available)
- Issuing a “no contact” order or other contact restrictions or boundaries
- Escort
Complainant or respondent can appeal

Must be submitted in writing within 5 days.

Must meeting criteria 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 of the matter. A summary of this new evidence and its potential impact must be included; and

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.
If no appeal is made, the decision is final.

If an appeal is made, the decision holds until the appeal is complete.

If the appeal is granted, investigators may conduct additional interviews.

If the appeal is denied, the decision is final.

Once the decision is final, implementation of the sanctions / remedies begins.
No person may intimidate, threaten, coerce, or discriminate against any individual participating in the Title IX process.
CONFIDENTIALITY

The University will abide by the Family Educational Rights and Privacy Act (FERPA) in maintaining the confidentiality of all parties involved in the resolution of alleged or suspected violations of this Policy.
When the decision is final, you will turn in any paper copies for archive kept in Student Development.

Retained for 7 years.
SCENARIO

BETH AND JUNIOR
1. What are some guiding questions for Beth?
2. What are some guiding questions for “Junior”?
3. What is key information for adjudicators to know?
DISCUSSION

- What other information might we need to discern from Beth?
- How can we determine if there was consent for the intercourse?
- Was force a factor in this encounter?
- How does Beth’s past inform the present?
- “I’m not sure that he didn’t anything wrong.”
SCENARIO
JOHN AND BENJY
JOHN AND BENJY

1. What are some guiding questions for John?
2. What are some guiding questions for Benji?
3. What is key information for adjudicators to know?
DISCUSSION

- What other information should we ask of John?
- What role did alcohol play in the encounter? What should we ask re: alcohol?
- How can we determine whether this was nonconsensual sexual contact?
- What happens if Benjy’s version is vastly different from John’s version?
- How might we address Bengy’s behavior, if confirmed, while abiding by John’s wishes to “not get his friend in trouble?”
INFORMAL RESOLUTION