



Belmont AbbeyTM
COLLEGE

Title IX & Sexual Misconduct

Training for Panel Members

Sexual Misconduct Statistics

- 1 in 5 women will experience attempted or completed sexual assault while in college
- 6.1% of men will experience attempted or completed sexual assault while in college
- 90% of perpetrators were known to the victim
- More than half of assaulted women tell no one
- Approximately 12% of sexual assaults are reported to authorities
- Women aged 16-26 are 4 times as likely to be raped as other age groups

What is Title IX?

- Title IX is a federal statute requiring that “no person in the U.S. 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.”
- Why is sexual misconduct governed by Title IX?
 - When sexual misconduct is sufficiently serious to limit or deny a student’s ability to participate in or benefit from the College’s educational program AND the College knows (or reasonably should know) about the sexual misconduct, Title IX requires the College to take immediate, effective action to eliminate the harassment, prevent its recurrence, and address its effects.

What is OCR?

- The Department of Education's Office for Civil Rights is the federal agency tasked with enforcing Title IX.
 - Activities:
 - Investigation and resolution of complaints of discrimination received by OCR
 - Initiation and resolution of compliance reviews that originate with OCR
 - “Preventing, identifying, ending, and remedying discrimination against America's students”
 - Holds purse strings to federal funding

New Guidelines

Effective August 14, 2020

Under Title IX, Sexual Harassment occurs under **ANY ONE** of the following conditions:

- Quid Pro Quo (This for That)
- Unwelcome conduct that a reasonable person would find so severe, pervasive, and objectively offensive that it denies a person equal educational access
- Any instance of sexual assault as defined by Federal

Title IX Definition of Sexual Harassment

QUID PRO QUO

- This for that
- A person in a position of authority who offers preferential treatment in exchange for romantic, intimate or sexual acts or who threatens negative consequences for failing to comply with requests of a romantic, intimate or sexual nature.
- Quid pro quo is not evaluated for its severity, pervasiveness, or denial of educational access because its mere presence is severe enough to deprive a person of equal access.

Title IX Definition of Sexual Harassment

UNWELCOME CONDUCT

- ❑ Conduct that a reasonable person would find severe, pervasive, and objectionably offensive and an intimidating, hostile, or demeaning environment for education, on-campus living, or participation in a College activity.
- ❑ Sexual harassment also includes acts of intimidation, bullying, aggression or hostility based on gender or gender-stereotyping, even if the acts do not involve conduct of a sexual nature.

Examples of Unwelcome Conduct

- Unreasonable pressure for dating, romantic, or intimate relationship
- Unwelcome sexual touching such as kissing, hugging, rubbing, or massaging
- Unnecessary references to parts of the body
- Sexual innuendos, jokes, humor or gestures
- Displaying sexual graffiti, pictures, videos or posters
- Using sexually explicit profanity
- Asking about or telling about sexual fantasies, sexual preferences, or sexual activities
- Social media posts with content of a sexual nature
- Sending sexually explicit emails or text messages
- Giving unwelcome personal gifts such as lingerie that suggest the desire for a sexual relationship.
- Commenting on a person's body, sexual relationships or sexual activity

Title IX Definition of Sexual Harassment

SEXUAL ASSAULT AS DEFINED BY FEDERAL LAW

- ❑ Any sexual act in which either party does not or cannot **CONSENT** is sexual assault.
- ❑ Dating Violence
- ❑ Stalking

What is Sexual Misconduct?

- Sexual Misconduct means any unwelcome conduct of a sexual nature, including any conduct or act of a sexual nature perpetrated against an individual without consent.
 - Sexual misconduct can occur between strangers or acquaintances, including people involved in an intimate or sexual relationship
 - Sexual misconduct can be committed by men or women
 - Sexual misconduct includes, but is not limited to:
 - Dating violence
 - Domestic violence
 - Non-forcible sex acts
 - Sexual assault
 - Sexual exploitation
 - Sexual harassment
 - Stalking

Dating Violence

- Dating Violence occurs when:
 - Committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; or
 - Where the existence of such a relationship is 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 involved in the relationship

Domestic Violence

- Domestic Violence includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim; a person with whom the victim shares a child in common; a person who is cohabiting with or has cohabited with the victim as a spouse or intimate partner; a person similarly situated to a spouse of the victim under the domestic or family violence laws of the State of North Carolina; or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the State of North Carolina.

Non-Forcible Sex Acts

- Non-forcible sex acts are unlawful sexual acts where **consent is not relevant**, such as: sexual contact with an individual under the statutory age of consent as defined by North Carolina law or between persons who are so closely related they are not permitted to marry.

Sexual Assault

- Sexual Assault is any actual, attempted, or threatened sexual act with another person without that person's consent. Includes, but is not limited to:
 - Rape and attempted rape
 - Intentional and unwelcome sexual touching (including disrobing or exposure), however slight, with any body part or any object, without effective consent; or coercing, forcing, or attempting to coerce or force another to touch you, themselves, or a third party when such touching would be reasonably and objectively offensive
 - Any sexual act in which there is force, violence, or use of duress or deception upon the victim
 - Any sexual act perpetrated when the victim is unable to give consent
 - Sexual intimidation, which includes but is not limited to:
 - Threatening, expressly or implied, to commit a sexual act upon another person without his or her consent
 - Stalking or cyber-stalking
 - Engaging in indecent exposure

Sexual Exploitation

- Any act of taking nonconsensual, unjust or abusive sexual advantage of another person for one's own advantage or benefit or to benefit or advantage anyone other than the person being exploited. Sexual exploitation includes, but is not limited to:
 - Causing or attempting to cause the incapacitation of another person in order to gain a sexual advantage over such person
 - Prostituting another person (i.e., personally gaining money, privilege, or power from the sexual activities of another)
 - Nonconsensual videotaping, photographing, or audio-taping of sexual activity and/or distribution of these materials via media such as, but not limited to, the internet, text, social media, etc.
 - Exceeding the boundaries of consent (e.g., allowing another person to observe consensual sex without the knowledge of or consent from all participants)
 - Voyeurism
 - Knowingly or recklessly transmitting a sexually transmitted disease

Sexual Harassment

- Any unwelcome verbal, nonverbal, written, electronic, or physical conduct of a sexual nature
- Sexual Harassment includes instances when:
 - Submission or consent to the behavior is reasonably believed to carry consequences for the individual's education, employment, on-campus living environment, or participation in a College activity. Examples include:
 - Pressuring an individual to engage in sexual behavior for some educational or employment benefit
 - Making a real or perceived threat that rejecting sexual behavior will carry a negative educational or employment consequence

Sexual Harassment

- Other examples of Sexual Harassment include:
 - Acts of intimidation, bullying, aggression, or hostility based on gender or gender-stereotyping, even if the acts do not involve conduct of a sexual nature
 - Instances in which the behavior is so severe or pervasive that it has the effect of substantially interfering with the individual's work or educational performance by creating an intimidating, hostile, or demeaning environment for employment, education, on-campus living, or participation in a College activity. Examples may include:
 - One or more instances of Sexual Assault
 - Persistent unwelcome efforts to develop a romantic or sexual relationship
 - Unwelcome sexual advances or requests for sexual favors
 - Unwelcome commentary about an individual's body or sexual activities
 - Repeated and unwelcome sexually-oriented teasing, joking, or flirting
 - Verbal abuse of a sexual nature

Stalking

- Engaging in a course of conduct directed at a specific person that would cause a reasonable person to:
 - Fear for his or her safety or the safety of others; or
 - Suffer substantial emotional distress

Material Sexual Misconduct

- “Material Sexual Misconduct” means sexual misconduct that, taking into account the totality of the circumstances, is sufficiently serious and significant to warrant adjudication under, and discipline pursuant to, the Sexual Misconduct Policy.
- To determine whether Sexual Misconduct rises to the level of Material Sexual Misconduct, you should consider the following criteria:
 - The type, frequency, and duration of the conduct (the more severe the conduct, the less the need to show a repetitive series of incidents, particularly if the conduct is physical)
 - The identity of and relationship between the Complainant and Respondent
 - The number of individuals involved
 - The age of the Complainant and Respondent
 - The location of the incidents and the context in which they occurred
 - Whether there have been similar incidents

Consent

- Consent means words or actions that indicate a willingness to participate in mutually-agreed upon sexual activity
- Consent must be:
 - Informed
 - Freely and actively given – silence does not infer consent
 - Mutually understandable
 - Consent is mutually understandable when a reasonable person would consider the words or actions to have manifested an agreement between them to engage in certain conduct
- If at any point during a sexual act any confusion or ambiguity is or should reasonably be apparent on the issue of consent, it is the responsibility of each individual involved to stop and clarify:
 - The other's willingness to continue
 - The other's capacity to consent

Consent

- Consent CANNOT be inferred from:
 - Silence, passivity, or lack of resistance
 - A current or previous dating or sexual relationship or the existence of such a relationship with someone else
 - Attire
 - Buying of dinner or spending money on a date
 - Consent previously given
 - Consent given for a different sexual act
- Consent CANNOT be gained by ignoring or acting in spite of objections
- Consent is NOT effective if it is obtained through the use of physical force, violence, duress, intimidation, coercion, or the threat, expressed or implied, of bodily injury

Consent

- Consent can NEVER be given by:
 - Minors, even if the other participant did not know the minor's age
 - Mentally disabled persons, if their disability was reasonably knowable to a sexual partner who is not mentally disabled
 - Persons who are:
 - Incapacitated (whether the result of drugs, alcohol, or otherwise)
 - Unconscious
 - Asleep
 - Physically helpless
 - Mentally or physically unable to make informed, rational judgments

Consent

- Incapacitation as result of the ingestion of drugs and/or alcohol
 - Incapacitation on the part of the Respondent
 - The use of alcohol or drugs does not diminish one's responsibility to obtain consent and does not excuse conduct that constitutes sexual misconduct
 - Incapacitation on the part of the Complainant
 - The question is whether the complainant was incapacitated, not whether the respondent knew
 - Evidence of incapacitation includes:
 - Slurred speech
 - Bloodshot or unfocused eyes
 - Unsteady gait
 - Vomiting
 - Outrageous or unusual behavior
 - Concern by others regarding the individual
 - Loss of memory or disorientation

New Guidelines

Effective August 14, 2020

A school must respond to claims of misconduct when:

1. The school has actual knowledge of the misconduct.
2. The misconduct occurred within the school's education program or activity.
3. Against a person in the United States.

OCR: Enforcing Title IX

- The Department of Education says that it has initiated a “record number” of proactive investigations, and that agreements with colleges include “robust, far-reaching remedies.”
 - Complainant alleged that when she made a report, an administrator asked her what she could have done to provoke the behavior and told her that the accused student’s admissions that he had harassed her “was punishment enough.”
- Sometimes initiated as the result of complaints
- Sometimes initiated by OCR without having first received a complaint

OCR: Investigations

- OCR has investigated many institutions to include, elite research universities, public universities, community colleges, and small liberal arts colleges...everyone.

Examples include:

- Amherst College
- Boston University
- Cedarville University (OH)
- College of William and Mary
- Dartmouth College
- Guilford College
- Emerson College
- Emory University
- Florida State University
- Hobart & William Smith Colleges
- Knox College
- Occidental College
- Oklahoma State University
- Swarthmore College
- UC Berkeley
- UNC Chapel Hill
- University of Southern California
- Vanderbilt University

And many more

Student Response: Complainant

- A number of complainants have claimed that their institutions did not respond appropriately to their allegations of sexual misconduct.
- Types of claims brought by complainants:
 - **Breach of Contract:** Complainants can bring claims against institutions if the failure to follow policies and procedures results in harm to the complainant
 - **Title IX:** An institution can face civil liability for violating Title IX
 - A school will be found liable for student-on-student harassment if:
 - An official with the authority to take corrective measures had actual notice of the harassment;
 - The school official (i) failed to respond or (ii) responded in a way that was clearly unreasonable in light of known circumstances; and
 - The misconduct was so severe, pervasive, and objectively offensive as to deprive the victim access to the educational benefits or opportunities provided by the school
 - **Tort:** Uconn paid \$1.3 million to settle 5 women's sexual assault lawsuits (The Chronicle of Higher Education, 08/09/14)

Student Response: Respondent

- Lawsuits filed by accused students allege processes violated their rights and were unfair or biased.
Examples of schools that have received these claims:
 - University of Massachusetts Amherst
 - St. Joseph's University
 - Vassar College
 - Western Colorado State University
 - Xavier University
 - Williams College
 - Bucknell University
 - College of the Holy Cross

New Due Process Guidelines

Effective August 14, 2020

- Give both 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
- 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;

New Due Process Guidelines

Effective August 14, 2020

- 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
- Obtain the parties' voluntary, written consent before using any kind of "informal resolution" process, such as mediation or restorative justice
- Prohibits use of an informal process where an employee allegedly sexually harasses a student

New Due Process Guidelines

Effective August 14, 2020

- Apply a presumption that the respondent is not responsible during the grievance process
- The school bears the burden of proof
- Use either the preponderance of the evidence standard or the clear and convincing evidence standard and use consistently with all cases under Title IX
- Ensure the decision-maker is not the same person as the investigator or the Title IX Coordinator

New Due Process Guidelines

Effective August 14, 2020

- Requires live hearings that allow cross-examination **by party advisors** (never by the parties themselves). Live hearings can be in person or virtual.
- Protect all complainants from inappropriately being asked about prior sexual history (“rape shield” protections)
- Send both parties a written determination regarding responsibility explaining how and why the decision maker reached conclusions

New Due Process Guidelines

Effective August 14, 2020

- Effectively implement remedies for a complainant if a respondent is found responsible for sexual harassment
- Offer both parties an equal opportunity to appeal
- 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

New Due Process Guidelines Effective August 14, 2020

- Make all materials used to train Title IX personnel publicly available on the school's website
- Document and keep records of all sexual harassment reports and investigations

Belmont Abbey College's Response

- The College has a well-established Sexual Misconduct Policy that complies with Title IX guidance and is appropriately tailored to the College with the goals of:
 - Alerting the campus community to the issue of sexual misconduct
 - Preventing incidents from occurring
 - Encouraging reporting of sexual misconduct
 - Providing support
 - Adjudicating complaints swiftly and fairly

The Investigation Process

Planning the Investigation

- **Failing to plan is planning to fail!**
- Break down the complaint and list each allegation individually
- Gather and carefully review all available information, including:
 - Relevant internal policies and procedures;
 - Any documentation regarding the incident in question (e.g., police reports, available videotapes, communications (voicemail, text, social media, etc.), building entry and exit logs, etc.);
 - Written statements from all parties involved
- Create a list of both known and potential witnesses

Planning the Investigation

- Determine the order in which parties/witnesses will be interviewed
 - Always start with the Complainant; consider interviewing key witnesses before interviewing the Respondent
- Determine what information will be sought from each interviewee
- Determine the necessary documents to collect from each interviewee
- Create a detailed timeline for completion of all investigative tasks (interviews, collection of evidence, drafting of report, etc.)

Planning the Investigative Meetings

- Consider the location of the Investigative Meetings
 - Should be a discreet and comfortable location
- Consider accommodations
 - Assess whether any accommodations are needed for the meetings (e.g., disability, language translation, etc.)

Preparing for the Investigative Meetings

- Develop a list of questions
 - Be flexible to allow for follow-up questions and conversations
- Allow plenty of time
 - You may need to allow conversation to wander in order to build rapport and gather all necessary facts; thoroughness, not speed, should be the goal
- Have an understanding of the potential traumatic effect of sexual misconduct on a victim
- Be aware that the interview process is stressful for both parties

Effective Questioning Techniques

- Ask questions of both parties with:
 - Impartiality
 - Objectivity
 - Sensitivity
 - Respect
 - Patience
 - Thoroughness
 - Thoughtfulness
- Refrain from being judgmental, condescending, disbelieving, or insensitive
- Begin with neutral questions to build rapport
- Ask open-ended questions and build to more specific
- Do not start with tough questions

Effective Questioning Techniques

- Request documentary evidence from the interviewee that he or she thinks may be relevant
 - Photos
 - Communications (texts, voicemails, emails, screenshots of social media, etc.)
 - Videos or audio recordings
- Authenticate and discuss documentary evidence
 - Discuss the documentary evidence as it relates to the conversation and written statements provided; especially if there is conflicting information

Effective Questioning Techniques

- Avoid:
 - Multiple questions at one time; ask questions serially, allowing adequate time for a complete response
 - Loaded questions that imply an expected or correct response
 - Use “what do you think about...” instead of “don’t you think...”
 - Unfounded assumptions or hasty conclusions
 - Use “Is it true that you...” instead of “why did you...”
 - Vague, ambiguous, and overly broad questions; strive for clarity to ensure it is understood and receives an accurate response

Effective Questioning Techniques

- Avoid:
 - Leading questions
 - Questions that suggest prejudgment; use objectivity free from bias
 - Loaded terms such as victim, perpetrator, etc.
 - Evaluative commentary such as “that’s outrageous”
 - Victim blaming
 - See Appendix C to the Sexual Misconducts Complaints Guide
 - Filling silence
 - Patience, patience, patience

Effective Questioning Techniques

- Help interviewees avoid omissions in pertinent information; ask relative follow-up questions to have a thorough understanding when vague responses are provided
- Use open-ended and yes/no questions appropriately
 - Open-ended to obtain expanded information without leading to a specific response
 - Yes/no when a direct response is needed
- Ask awkward or uncomfortable questions with maturity and in a straightforward manner

Effective Questioning Techniques

- Be a good listener
 - Maintain eye contact when in conversation
 - Take notes
 - Don't interrupt; listen carefully and patiently to all responses
 - If you are unclear following a response or feel the question wasn't answered:
 - Restate the question; or
 - Repeat the answer provided to ensure you understood it correctly as it related to the question
 - If you sense a line of questioning is unproductive, move to another topic
 - Schedule a follow-up interview if necessary
 - Invite the interviewee to follow-up with you if additional information is discovered or with questions

Confidentiality and Retaliation

- Explain to all interviewees that absolute confidentiality is not possible when conducting an investigation, but sharing of information with others is minimized to the extent possible; advise that investigators are committed to discretion
- Encourage interviewees to keep the fact of your discussion and all information confidential
- Instruct all interviewees that retaliation against individuals who complain or participate in an investigation is strictly prohibited
 - Protection from retaliation is provided by Title IX and cases will be handled just as seriously as the original claim

Interviewing

- Provide assurances regarding retaliation
- Give the Complainant an opportunity to raise objections regarding the Investigator's impartiality
- Refer to the Title IX Coordinator for procedural questions
- **Recognize that people react differently to trauma and take counterintuitive behaviors into account**
 - See Sexual Misconduct Complaints Guide

Interviewing

- Questions should be designed to elicit all pertinent information in detail
 - Seek to clarify exactly what happened: who did what, when, where, and why
- Ask the Complainant to describe the alleged incident, listing as many details and feelings as possible
- To the extent the Complainant alleges sexual activity without consent, ask him or her to detail what “no” looked or felt like - without victim blaming and remember silence is not consent

Interviewing

- Exemplar Questions:
 - Who was involved in the events under investigation?
 - Who observed them?
 - Who may have relevant information?
 - Are there any notes, records, photographs, or other physical evidence of what happened or of relevant information?
 - Have you posted anything on social media regarding the events? Has anyone else?
 - With whom were the incidents discussed?
 - Were the incidents isolated or part of a pattern?
 - Are there any other issues that need to be discussed?
 - What other information/facts may be important for me to know?

Collecting Evidence

- Documents
 - Written statements from all parties
- Physical Evidence
 - Graphic images or photographs
 - Weapons
 - Drugs/alcohol
- Electronic Evidence
 - Text messages
 - Social media messages
 - Voice mail messages
 - Email messages

Documentation

- Always obtain written statements from all parties
- Take notes of all interviews and use quotations around words that come directly from the interviewee
- Make the source of the information clear
 - Do not use language that adopts an interviewee's statement as true
 - Distinguish “facts” provided by the interviewee from your thoughts or impressions
- Avoid speculation, assumption, interpretations, and premature conclusions
- Create a timeline of the investigative process

Types of Evidence

- You should consider and weigh all evidence presented; and should determine the appropriate weight for each
- Do not be concerned about whether evidence could be labeled “direct” or “circumstantial”
 - “Direct evidence” is evidence that directly proves a fact, without an inference or presumption, and that in itself, if true, conclusively establishes facts
 - Commonly, evidence in the form of testimony from a witness who actually saw the acts done; heard the sounds or words spoken; etc.
 - “Circumstantial evidence” is evidence not based on actual personal knowledge or observation of the facts in controversy, but of other facts from which deductions are drawn, showing indirectly the facts sought to be proved
- Hearsay evidence can be considered
 - Hearsay is a statement made out of the interviews that is offered at the interviews to prove the truth
 - Stated differently, hearsay is not direct knowledge, but knowledge repeated from what others have said occurred
- *The indirect nature of evidence affects credibility, not admissibility*

Weighing Evidence

- Use common sense in weighing evidence
- Consider evidence in light of common knowledge relative to events and assign appropriate weight accordingly
- If you reasonably believe evidence leads to a conclusion, you are free to reach that conclusion
- Decisions must be made only on evidence presented; do not let rumors, suspicions, or biases influence judgment
 - Decisions should be based on character, weight, quality, and credibility of the evidence
- Be aware of the potential for bias

The Formal Resolution Process

Before the Panel Hearing

- The Sexual Misconduct Panel (and its Chair) will be appointed:
 - The appointments are made by the Title IX Coordinator
 - The Panel will consist of three faculty and/or staff members – never students
- The Title IX Coordinator will share information with the Sexual Misconduct Panel:
 - The Complaint
 - The Investigative Report – timeline, written statements, collected evidence
 - Contact information for the Complainant and the Respondent
 - List of witnesses and contact information
- The Panel will review all documents and confer to:
 - Review procedures
 - Determine which parties to call for interview
 - Discuss questions that it intends to ask the parties

Panel Hearings

- Both Claimant and Respondent will have the opportunity to appear in person before the Panel; the Panel may interview other individuals as it deems necessary
- The hearing may be held virtually if requested by either party.

Panel Hearings

- Each party may have one personal advisor / representative who is allowed to cross examine anyone appearing before the panel.
- Although not mandatory, the advisor / representative may be an attorney.
- If a party shows up for the hearing without an advisor / representative, the college is required to provide them with one.
- Claimants and Respondents are not allowed to cross examine anyone appearing before the panel.

Panel Hearings

- Questions regarding the Claimant's past sexual activity are not allowed except to prove someone other than the Respondent committed the act of misconduct or to establish consent.
- Failure to Appear:
 - If either the Claimant or the Respondent fails to appear before the Panel, the process will proceed to determine the resolution of the complaint.
 - The college must provide an advisor / representative to cross examine parties and witnesses to represent an absent party.

Assessing Witness Credibility

- Each panel member is their own judge of credibility of the witnesses
- You may believe all, some, or none of a witness's testimony
- Weight given to evidence is not contingent on how much is presented, but how believable each witness and statement is

Assessing Witness Credibility

- Factors to consider when determining witness credibility include:
 - The opportunity and ability of the witness to see/hear/know the things to which they testify
 - The quality of the witness's understanding and memory
 - The witness's demeanor while testifying
 - Whether the witness has an interest in the outcome, any motive, bias, or prejudice
 - Whether the witness is contradicted by their own statements or other evidence
 - How reasonable the witness's testimony is when considered in light of other evidence you believe
 - Cooperation of the witness in the investigation
 - Evidence of a cover up or an effort to destroy evidence
 - Indications of coordination of testimony among witnesses
 - Does the evidence meet standards of common sense

Standard of Proof

- Preponderance of the Evidence
 - You must be persuaded, considering all of the evidence, that it is more likely than not that the Respondent committed Material Sexual Misconduct as accused
- Preponderance of the Evidence is not:
 - Clear and convincing evidence
 - Beyond a reasonable doubt

Determination/Outcome

- After the Panel has completed interviews, it will confer and by majority vote determine whether the evidence establishes that it is more likely than not the Respondent committed Material Sexual Misconduct
 - Evidence Includes:
 - Testimony of the parties
 - Testimony of witness if applicable
 - Evidence presented at the interviews
 - Investigative Report
 - Written Statements
- The Sexual Misconduct Panel will render a finding of “Responsible” or “Not Responsible”

Sanctions

- The Sexual Misconduct Panel will determine sanctions for a finding of responsibility and tell the Title IX Coordinator what those sanctions are
- In setting sanctions, the Panel will give consideration to:
 - The nature and gravity of the misconduct and/or any record of prior discipline for sexual misconduct
 - Whether a given sanction will:
 - Bring an end to the violation in question
 - Reasonably prevent a recurrence of a similar violation
 - Remedy the effects of the violation

Sanctions

- Examples of Sanctions:
 - Expulsion or suspension from the College
 - Disciplinary probation
 - Expulsion from campus housing
 - Mandated counseling
 - Community Service
 - Educational sanctions
 - Participation in school activities or student life

Final Outcome Letter

- The Final Outcome Letter must be issued concurrently to the Complainant and the Respondent
 - Typically the Title IX Coordinator handles this step
 - Sent via email and registered mail
 - Very specific language is used

Questions or Comments?