


Agenda: July 30, 2020

- 9:00 am Icebreaker - Q&A from Day 1 - Jennifer Childress-White / Dr. Eva Frey
- 9:30 am Specific Roles in Title IX Process - Jennifer Childress-White
- 10:15 am Break
- 10:30 am Timeline for Title IX Process - Dr. Eva Frey**
- 11:15 am Informal Resolution Process - Jennifer Childress-White
- 12:00 pm Lunch break
- 1:00 pm Q&A / Case Studies - Jennifer Childress-White / Dr. Eva Frey/ Valarie Zeeck
- 3:00 pm Dismiss
- 



Title IX

Formal Process Timeline

From allegation to final resolution



University is ON NOTICE - Response Required

- Alleged sexual harassment victim or other person provides notice that sexual misconduct occurred
- Upon receipt of the “**actual knowledge**”, the Title IX Coordinator meets with the alleged victim confidentially and begins “**process counseling**”
- The Title IX Coordinator begins triage of the complaint and decides if it falls under the Title IX definition of sexual harassment, and is within the institution’s jurisdiction
- The Title IX Coordinator informs the alleged victim about the “supportive measures” the university provides, and instructs the alleged victim about the grievance process and how to file a “formal complaint”
- The alleged victim must be informed that the “**supportive measures**” are available with or without filing a formal complaint; and that they have the right to withdraw their complaint at anytime during the process



Complainant chooses NOT to proceed

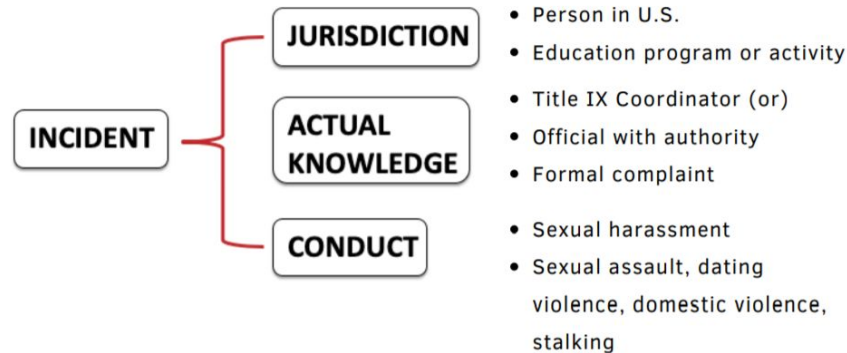
- If the Title IX Coordinator deems the threat non-egregious and not a threat to the community, the process ends here. Case is documented and closed out with appropriate notes.
- Supportive Measures remain available to the complainant

- Title IX Coordinator has the right to sign the formal complaint if safety of the student or campus is at risk

Formal Complaint Initiates Title IX Process

- Formal complaint is filed in writing, including complainant's signature and date.
- A narrative report of alleged sexual misconduct must accompany the formal complaint.

Title IX Coordinator - COMPLETES DETERMINATION IF MISCONDUCT FALLS UNDER TITLE IX





Complaint is not Title IX

The complaint MUST BE DISMISSED as not meeting the Title IX threshold if:

- Conduct definition does not meet Final Rules definition of sexual harassment
- The conduct did not occur within the jurisdiction
- The complainant no longer is accessing or participating in an educational program or activity

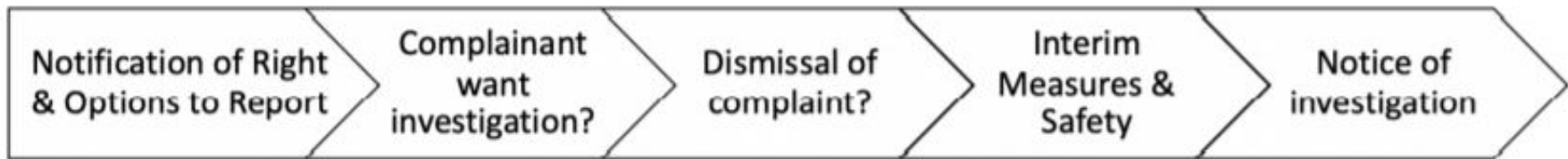
The complaint will then be directed to the Office of Students Rights and Responsibilities



Complaint Requires Title IX Action

Title IX Coordinator Meets with Respondent

- Title IX Coordinator must respond promptly and in a manner that is not deliberately indifferent; and include the presumption that the respondent is not responsible
- Interim Measures and Safety Plans are implemented if necessary
- Title IX Coordinator will meet with the Respondent
- Process Counseling and discussion of the student's rights
- Written notice that a sexual harassment investigation for the purpose of Title IX is beginning
- Sent to the complainant and respondent simultaneously
 - Included in the notice: the university's grievance process, explanation of the opportunity for an informal resolution, the actual allegations and facts constituting sexual harassment, a presumption of innocence statement, right to an advisor, the right for parties to inspect evidence, and information regarding the Code of Conduct and false statements





Investigation Timeline

- PLU will outsource the investigator role
- Title IX Coordinator will organize the dates, times and locations of investigative interviews and/or meetings.
- The investigative process will take a reasonable amount of time, and will include interviews with both parties, and any witnesses deemed appropriate
- The Complainant and the Respondent will have a deadline to submit the following information to the Investigator:
 - Written narrative of the incident including a personal impact statement
 - Supplemental Documentation (examples include, but are not limited to text messages, medical documentation, etc.)



Investigation Continued...

- The Investigator will compile all interview transcriptions, supplemental documentation, and other materials they gathered (examples include door access times, video camera footage, etc.) into an Investigative Report.
- The initial report is shared with the complainant, respondent, and their advisors through a secured PDF format to view
- Parties will have **TEN days** to examine report
- At the end of TEN days, the Complainant and Respondent must have sent the Investigator any factual corrections or responses to the material they would like to make
- The investigator will then issue a Final Investigative Report



Final Investigative Report

The Investigator will compile all of this and complete the Final Investigative Report, which will include the following:

- Background information of the case
- Involved parties
- A summary of the factual events
- Areas of important discrepancies
- Interview transcripts of the Complainant, Respondent, and witnesses
- Written personal narratives by the Complainant and the Respondent
- Supplemental Documentation submitted by the Complainant and the Respondent
- Supplemental Documentation submitted by the Investigator
- Questions to ask by the Complainant and Respondent
- Questions to ask by the Investigator
- Formal correspondence to the Complainant and the Respondent



Final Investigative Report

- Once the investigative report is finalized, the report is presented to the Title IX Coordinator and circulated to the parties through a secured PDF format
- Each party has a minimum of TEN days to review the investigation report and prepare before the hearing begins
- During these ten days - the Title IX Coor organizes the timeline for the upcoming hearing, including appointment of personnel, locale, and necessary modalities for the hearing
- The final investigative report is shared with the hearing Decision Makers
- The DMs inspect and review the final report and prepare their questions for the hearing process



Hearings / Review Meetings

- TEN days following the presentation of the final investigative report, the LIVE hearing will begin
- Parties may be located in separate rooms - attached virtually
- During the hearing the DMs will present their questions
 - First to the complainant
 - Then the respondent
 - Lastly any witnesses in attendance
- The parties' advisors will be given time for cross-examination
- Final Responses
 - The Complainant will have time to respond to any information from the cross examination, and make closing statements as applicable.
 - The Respondent will have time to respond to any information from the cross examination, and make closing statements as applicable.
- Lead Decision Maker will dismiss parties and provide timeline moving forward



Determination Letter

- The Decision Makers will have **FIVE** business days to make a determination based on a :”clear and convincing” evidentiary standard. Determinations may be:
 - Responsible
 - Not Responsible
 - Inconclusive
- Sanctions will be suggested by the DMs for a determination of Responsible
- The DMs will provide a written determination regarding:
 - Responsibility with findings of facts
 - Conclusions about whether the alleged conduct occurred
 - Rationale for the result as to each allegation
 - Any disciplinary sanctions imposed on the respondent
 - Any remedies to be provided to the complainant
 - Information on how to file an appeal
- Title IX Coordinator will provide the complainant and respondent the written determination and answer any questions they may have



Appeal Opportunity

- Both the Complainant and the Respondent have the right to appeal
 - Must be allowed on three grounds
 - Procedural irregularity
 - Newly discovered evidence
 - Bias / Conflict of interest
- Appeals are NOT re-hearings
- Appeal timeline is within **FIVE** days of receiving the Determination Letter
- Vice President of Student Life will review the appeal and make a final determination
- A determination will be made within **TEN** business days
- The Title IX Coordinator will provide written notices regarding the outcome of the appeal



Conclusion and Record Keeping

- Title IX Coordinator and Dean of Students must ensure all sanctions and remedies are being processed and upheld.
- Supportive Measures must continue as needed
- The institution is required to keep all information regarding the Title IX formal complaint process on file for seven years
- The Title IX Coordinator is responsible for collecting and maintaining all the correspondences, reports, transcripts, recordings, evidence, etc. to do with the Title IX process.