



# **Title IX Training For Decision-Makers In the Complaint Process**

**July 24, 2021**

# TRAINING TOPICS

- Purpose of Procedure 1.0601
- Role of a decision-maker
- Definitions
- Complaint acceptance
- Conducting a hearing
- Decision on responsibility
- Evidence
- Communication elements
- Determination of responsibility

# PURPOSE OF PROCEDURE

- Provide a grievance procedure addressing sexual harassment, a form of sex discrimination, as prohibited under Title IX.
- Respond promptly and supportively to reports.
- Resolve allegations of sexual harassment with due process for all parties, maintaining impartiality at all times.
- Effectively implement remedies addressing th conduct.

# ROLE

- A decision-maker makes a determination of responsibility.
- **Finding of responsibility:** the decision reached by the decision maker related to the complaint, following a hearing. Options for findings: “responsible” or “not responsible” for the alleged conduct.

# DEFINITIONS

- The definitions in Procedure 1.0601 set the stage for the investigation as a whole.
- A decision-maker will be called upon if the decision to accept the complaint is appealed or the determination following the hearing is appealed.

# DEFINITION OF SEXUAL HARASSMENT

Title IX defines sexual harassment as conduct on the basis of sex that satisfies one or more of the following:

- (1) An employee of the College conditioning the provision of an aid, benefit, or service of the College on an individual's participation in unwelcome sexual conduct;
- (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 College's education program or activity; or
- (3) Sexual assault, dating violence, domestic violence, or stalking.

# COMPLAINT ACCEPTANCE

- When the decision-maker must assess the decision to decline the complaint:
- Review the status of the Complainant against the definitions in the Procedure.
- Check the basis of the complaint. This process is for sexual harassment of students, only.
- Check the timeline and method of reporting.
- Follow Procedure 1.0601, 6.a-c, to make a decision to accept or decline.  
Communicate decision to all parties.

# INVESTIGATION RESULT

- The decision-maker will assess whether inappropriate training resulted in conflict of interest or biases being applied to the final decision.
- The College supports external training of the Title IX Coordinator.
- The Title IX Coordinator provides the training for designees investigating Title IX complaints or serving as decision-makers.
- This is the training for decision-makers.



# CONDUCTING A HEARING

- A decision-maker maintains order at the hearing.
- Each party presents evidence per Procedure 1.0601.
- Only the parties' advisors cross-examine the other party.

# DECISION

- A decision-maker considers available relevant evidence and makes a finding of responsibility.
- That requires one of two decisions: that the respondent is responsible for the conduct alleged or that the respondent is not responsible for the conduct alleged.
- The standard for the decision is preponderance of evidence.

# EVIDENCE

- Within five days following the hearing, the decision maker considers available relevant evidence and makes a finding of responsibility.
- The decision maker communicates the finding of responsibility to the complainant and respondent simultaneously. That notice includes:

# COMMUNICATION ELEMENTS

- The allegations potentially constituting sexual harassment.
- A description of the procedural steps taken from the receipt of the formal complaint through the determination of responsibility, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held.
- Findings of fact supporting the determination of responsibility.

# COMMUNICATION, PART DEUX

- Conclusions regarding the application of College Policy 3.090, Student Code of Conduct, or Procedure 2.1900, Employee Discipline, to the facts.
- A finding of responsibility for each allegation, with supporting reasoning.
- Disciplinary actions imposed on the respondent.
- Remedies designed to restore or preserve equal access to College's education program or activity provided to the complainant, with supporting reasoning.
- Appeal process per Procedure 1.0601, 16.

# APPEAL TO DETERMINATION

- The College selects a different decision maker to consider an appeal to the finding of responsibility.
- The decision maker at the appeal stage notifies both parties that an appeal has been filed and communicates a decision on the appeal to both parties within 10 days following the date on which the appeal is received by the College.
- That decision is the final step in the Title IX Grievance Procedure.

# SUMMARY

Your participation is appreciated.

Questions?

Janet Park Balanoff

Title IX Coordinator

SLM 204-L

407.708.2963

[balanoffj@seminolestate.edu](mailto:balanoffj@seminolestate.edu)