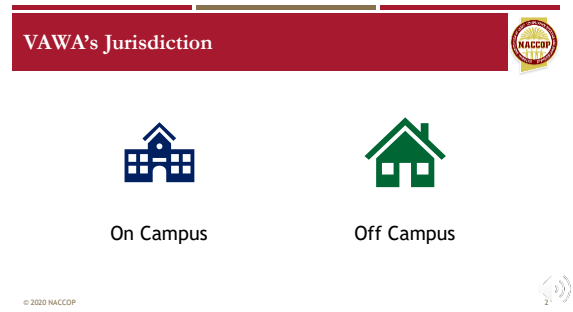


1



2



3



4

Terms - VAWA Offenses



Sexual Assault

- Rape
- Fondling
- Statutory Rape
- Incest

Domestic Violence

Dating Violence

Stalking

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5

Terms - Procedures and Processes



Clery Act

- Institutional Disciplinary Action
- Disciplinary Proceeding

Title IX

- Grievance Procedures
- Grievance Process

Student Conduct

- Student Conduct Process
- Resolution Process

Employment

- Disciplinary Procedures

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6

Terms - Roles



Clery Act/VAWA

- Victim/Accuser
- Accused

Title IX

- Complainant
- Respondent

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7

Differences between Title IX and the Clery Act



Refer to Title IX
Regulations and Training

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8

Reporting



Clery Act
Campus Security Authority



Title IX
*Title IX Coordinator
Official with Authority*

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9



Notice Requirements

Written explanation of the student's or employee's rights and options whether the VAWA offense occurred on or off campus



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10

Written Explanation of Rights and Options



Preserve
Evidence



Reporting
Options



Notification
Options



Existing
Services



Protective
Measures



No Contact
and
Restraining
Orders



Confidentiality



Procedures

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11

Providing Support for the Respondent

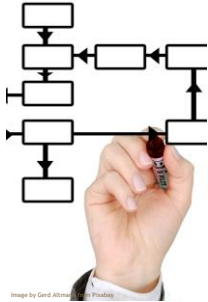


Respondent

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12



ASR and Disciplinary Proceedings

Annual Security Report must include “a clear statement of policy that addresses the procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking, as defined in paragraph (a) of this section, and that...”(34 CFR Part 668)

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Disciplinary Proceedings



A prompt, fair, and impartial process from the initial investigation to the final result



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1

Prompt, Fair, and Impartial



Reasonably Prompt Timeframes



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2

Prompt, Fair, and Impartial



Consistent and Transparent Process



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3

Prompt, Fair, and Impartial



No Conflict of Interest or Bias



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4

Disciplinary Proceedings



Annual Training -
VAWA Offenses



Annual Training -
How to Conduct an Investigation and
Hearing Process



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5

Disciplinary Proceedings



Types of Proceedings



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6

Disciplinary Proceedings



Steps and Timelines



How to File



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7

Disciplinary Proceedings



Advisor of Choice



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8

Disciplinary Proceedings



Standard of Evidence



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9

Standards of Evidence



Preponderance of the Evidence
Standard

- “More likely than not”

Clear & Convincing Evidence

- “Highly probably”

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10

Hearings



Clery Act
Silent



Title IX
*Live Hearings with Cross-
Examination*



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11

Disciplinary Proceedings



Sanctions

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12

Disciplinary Proceedings



Notification of Results



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13

Appeals



Allowed for Both Parties if Offered



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14

Recordkeeping



Seven Years



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15

FERPA



Compliance with all information in the Procedures for institutional disciplinary action section does not constitute a violation of the Family Educational Rights and Privacy Act (20 U.S.C. 1232g).

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16



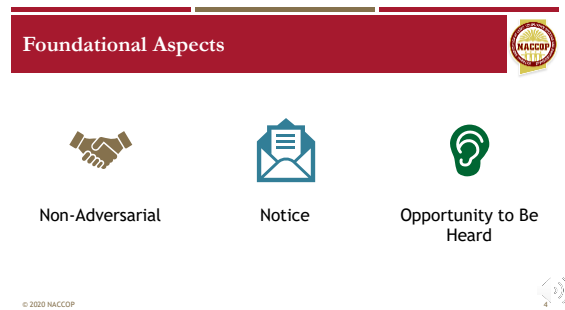
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4

Types of Models



Single
Adjudicator



"Paper Review"



Hybrid

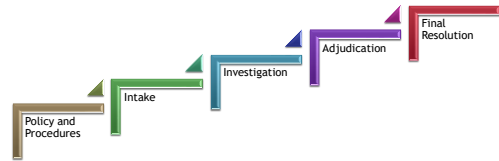


Restorative
Justice

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5

Five Elements of a Resolution Process



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6

Personnel



Selection



Training

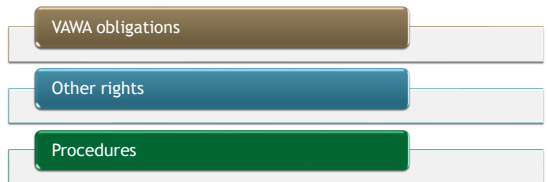


Evaluation

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7

Policy and Procedures



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8

Intake



Point of
contact



Written
materials



Options



Resources



Protective
and/or
Supportive
Measures



Rights



Procedures

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9

Intake - Assessing the Report



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10

Investigation



Interviews



Evidence



Evaluation



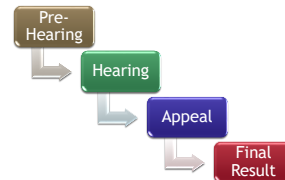
Investigative
Report

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11

Adjudication



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12

Adjudication - Pre-Hearing



Review the investigative report



Review the hearing procedures



Explain hearing rights and options



Offer alternative resolutions, if applicable

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13

Adjudication - Hearing



- Hearing Panel
 - Fair and impartial
 - No conflict of interest
 - Non-adversarial
 - Culturally competent
 - Collaborate



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14

Adjudication - Hearing



- Physical Setup
 - In person vs. virtual
 - Both Complainant and Respondent need to use the same medium
 - Breakout rooms
 - Accommodations
 - Recordings

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15

Adjudication - Hearing



Building



virtual

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16

Adjudication - Hearing



- Behavioral standards
 - Provided to all participants
 - Remind about retaliation policy



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17

Adjudication - Hearing



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18

Hearing - Fact-Finding

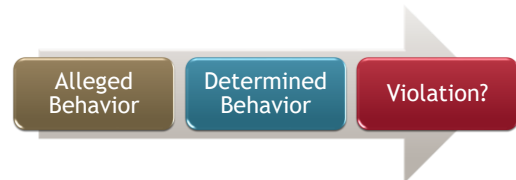


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19

Hearing - Deliberations



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20

Hearing - Sanctions



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21

Notification of Results



Simultaneous



Writing

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22

Notification of Hearing Results



- Behavioral Allegation
- Behavioral Finding
- Determination on Violations
- Rationale for Finding
- Sanction(s) Imposed
- Rationale for Sanctions
- How to Appeal



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23

Appeal

Not Required for
non-Title IX casesIf offered, both
parties can appeal

Common grounds

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24

Notification of Final Result



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