

Sex Discrimination & Sexual Harassment Training

2024-2025



What Is Title IX?

Title IX is a federal law that prohibits (1) **sex discrimination** and (2) **sexual harassment** in schools.



Title IX

“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”



College's Obligations

Title IX requires schools to take steps

1. to ensure that all students have the same opportunities for education and activities, regardless of sex, gender, or sexual orientation, and **(sex discrimination)**
2. to respond to reports and formal complaints of sexual harassment. **(sexual harassment)**



What Is the Scope of Title IX?

Title IX applies

1. in the school's education programs or activities
2. against a person in the U.S.



Where Does Title IX Apply?

Title IX applies to conduct that occurred

1. on school property and
2. at locations, events, or under circumstances where the school exercises substantial control over both the context **and** the person accused.



To Whom Does Title IX Apply?

Applies to conduct of any person in the U.S.—for example,

1. students
2. employees
3. contractors
4. volunteers
5. visitors



What Is Sex Discrimination?

Conduct that denies or limits an individual's ability to benefit from or fully participate in educational programs, activities, co-curricular programs, including athletics or employment opportunities, because of an individual's

1. sex
2. gender
3. gender identity
4. gender expression
5. sexual orientation
6. pregnancy



What Is Sexual Harassment?

1. Employee conditioning an aid, benefit, or service on an individual's participation in unwelcome sexual conduct (*quid pro quo* harassment);
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 a school's education program or activity; or
3. Sexual assault, dating violence, domestic violence, or stalking.



Examples of Triggering Conduct

- unwanted physical and/or sexual contact
- unwelcome sexual propositions, solicitations, and flirtations
- unwelcome sexual verbal expressions, including graphic sexual commentaries about a person's body, dress, appearance, or sexual activities
- unwelcome sexually degrading language, profanity, jokes, or innuendoes



Examples of Triggering Conduct

- displaying or distributing sexually explicit drawings, pictures, or written materials
- asking about, or telling about, sexual fantasies, sexual preferences, or sexual activities
- speculations about a person's sexual activities or sexual history, or remarks about one's own sexual activities or sexual history
- performing sexual gestures or touching oneself sexually in front of others



Examples of Triggering Conduct

- leering or staring at someone in a sexual way, such as staring at a person's breasts, buttocks, or groin
- spreading sexual rumors
- giving unwelcome personal gifts such as lingerie that suggest the desire for a romantic relationship
- circulating or showing e-mails or websites of a sexual nature
- sexually suggestive objects, pictures, graffiti, videos, posters, audio recordings or literature



Severe, Pervasive & Objectively Offensive

Whether conduct is so severe, pervasive and objectively offensive depends upon the surrounding circumstances, expectations, and relationships, including, but not limited to, the ages, number, disability status, and positions of authority of the individuals involved, among other factors and is an objective inquiry—*i.e.*, determined from the perspective of a reasonable person standing in the shoes of the complainant.



Sexual Assault

Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapacitated. Sexual assault includes rape, sodomy, sexual assault with an object, fondling, incest, and statutory rape.



Sexual Assault: Rape

The carnal knowledge of a person either

1. forcibly and/or against that person's will, or
2. not forcibly or against the person's will in instances where the victim is incapable of giving consent.



Sexual Assault: Sodomy

Oral or anal sexual intercourse with another person either

1. forcibly and/or against that person's will, or
2. not forcibly or against the person's will in instances where the victim is incapable of giving consent.



Sexual Assault: with an Object

To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person either

1. forcibly and/or against that person's will, or
2. not forcibly or against the person's will in instances where the victim is incapable of giving consent.



Sexual Assault: Fondling

The touching of the private body parts of another person for the purpose of sexual gratification either

1. forcibly and/or against that person's will, or
2. not forcibly or against the person's will in instances where the victim is incapable of giving consent.



Sexual Assault: Incest

Nonforcible sexual intercourse between two persons who are related to each other within the degrees wherein marriage is prohibited by law.



Sexual Assault: Statutory Rape

Nonforcible sexual intercourse with a person who is under the statutory age of consent.



Consent

Knowingly and willingly agreeing to engage in sexual activity through words or actions that a reasonable person would understand as agreement to engage in the sexual activity.

Consent must exist throughout a sexual encounter and **can be withdrawn at any time.**



When Can Consent Not Be Given?

A person cannot consent if they are

1. incapacitated,
2. purposely compelled by force, including threats, intimidation, or coercion, or
3. under the age of 16, pursuant to Ohio law.



Incapacity

The inability to make an informed and rational decision to consent to engage in sexual contact because the individual

1. lacks conscious knowledge of the nature of the act (*e.g.*, cannot understand “who, what, where, when, why or how” of the sexual interaction), and/or
2. is physically or mentally impaired (*e.g.*, physical or mental impairment resulting from drugs or alcohol, disability, sleep, unconsciousness, involuntary physical restraint, or illness).



Force

The use of physical violence or physical imposition to gain sexual access, including the use of threat, intimidation (implied threats), or coercion to overcome a person's free will or resistance.



Threat or Intimidation

Actual or implied declarations to inflict physical or psychological harm, to cause damage, or to commit other hostile actions to obtain sexual activity from an unwilling participant.



Coercion

Unreasonable pressure for sexual activity from an unwilling participant.



Dating Violence

1. Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim/survivor; and
2. Where the existence of such a relationship shall be determined based on consideration of the following factors:
 - a. the length of the relationship;
 - b. the type of relationship; and
 - c. the frequency of interaction between the persons involved in the relationship.



Domestic Violence

Felony or misdemeanor offenses of violence (as set forth in Ohio Revised Code 2901.01(A)(9)) committed:

1. by a current or former spouse or intimate partner of the victim/survivor;
2. by a person with whom the victim/survivor shares a child in common;
3. by a person who is cohabitating with or has cohabitated with the victim/survivor as a spouse or intimate partner;
4. by a person similarly situated to a spouse of the victim/survivor;
5. by any other person against an adult or youth victim/survivor who is protected from that person's acts under 's domestic or family violence laws.



Stalking

Engaging in a course of conduct directed at a specific person that would cause a reasonable person to

1. fear for his or her safety or the safety of others, or
2. suffer substantial emotional distress.



Introduction to Title IX Parties

Complainant Individual alleged to be the victim of conduct that could constitute sexual harassment (contact is parent/guardian if individual is a minor)

Respondent Individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment (contact is parent/guardian if individual is a minor).



Introduction to Title IX Team

Title IX Coordinator(s)	Designated agent with primary responsibility for receiving reports and formal complaints of sexual harassment, signing formal complaints, and generally coordinating the school's compliance with Title IX.
Investigator(s)	One or more individual(s) designated by Title IX Coordinator to conduct the investigation of the allegations following a formal complaint of sexual harassment.
Adjudicator	Third-party designated by the Title IX Coordinator to review relevant evidence, conduct a live hearing, and make a determination regarding responsibility and remedies and sanctions, if any.
Appeal Board	Three individuals designated by Title IX Coordinator to conduct a review of the complete record and the Adjudicator's determination and make a final determination.



Title IX Coordinator

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Title IX Coordinator Responsibilities

1. Receive reports and formal complaints of sexual harassment
2. Sign formal complaints
3. Oversee the school's response to reports and formal complaints of sexual harassment, including providing supportive measures
4. Generally coordinate the school's compliance with Title IX and the Policy, including all aspects of the grievance process



Title IX Coordinator Responsibilities

5. Communicate with and provide required notices and materials to parties
6. Document all procedural steps taken from the receipt of the formal complaint through the final determination
7. Oversee the school's documentation and recordkeeping
8. Provide educational materials and training on Title IX
9. Generally provide guidance and ensuring a fair process for individuals involved in Title IX complaints



Who Can Report?

Anyone, regardless of whether they are the complainant.



How Is a Report Made?

Reports may be made orally or in writing at any time.



To Whom Should Someone Report?

Title IX Coordinator(s)



Can Someone Report to an Employee?

Generally, yes, but...

while employees are expected to report allegations and incidents of sexual harassment, only a report made to officials with authority is guaranteed to trigger the College's knowledge and response.



Officials with Authority

Reports Involving Students

- President
- Vice President of Student Affairs/Dean of Students
- Vice President for Academic Affairs/Dean of Faculty
- Vice President for Community and Business Development (Online Program Only)
- Director of Diversity and Inclusion

Reports Involving Employees

- President
- Director of Human Resources
- Vice President for Academic Affairs/Dean of Faculty
- Vice President for Community and Business Development (Online Program Only)



College Response to a Report

Title IX Coordinator must

1. Promptly contact the complainant to discuss the availability of supportive measures, without or without filing of a formal complaint;
2. Provide to the complainant a copy of the policy; and
3. Explain to the complainant their right to file a formal complaint and the process for filing a formal complaint.



Supportive Measures

Non-disciplinary 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.



Examples of Supportive Measures

1. Counseling
2. Extensions of deadlines or other course-related adjustments
3. Modification of work or class schedule School or campus escort
4. Changes in work location
5. No-contact order
6. Leaves of absence
7. Increased security and monitoring
8. Other similar measures



Emergency Removal (Students)

The College may remove the respondent from its education programs or activities in emergency situations where it conducts an individualized safety and risk analysis and concludes that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal.



Administrative Leave (Employees)

Where a respondent is a non-student employee, the College may also elect to place the respondent on administrative leave with pay during the pendency of a grievance process. The Director of Human Resources may make administrative leave decisions on behalf of the College and may periodically reassess whether administrative leave is warranted during the grievance process.



Administrative Leave (Students)

Where the respondent is a student employee, the College may also elect to place the respondent on administrative leave with pay during the pendency of the grievance process where the College determines that administrative leave is an appropriate supportive measure for a complainant or is necessary as part of the College's obligation to respond in a manner that is not deliberately indifferent to sexually harassment.



Formal Complaints

A document filed by a complainant (*e.g.*, letter or email with the complainant's physical or digital signature) or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the College investigate the allegation of sexual harassment.



Who Can File a Formal Complaint?

The complainant currently participating in or attempting to participate in an educational program or activity of the College.



College Response to Formal Complaint

A formal complaint of sexual harassment will prompt supportive measures (if not already discussed and implemented) and the grievance process (*i.e.*, notice of allegations to the respondent, an investigation, a live hearing, a determination of responsibility, and an appeal).



Dismissal of Formal Complaint

The College **must** dismiss a formal complaint where the conducted alleged:

1. would not constitute sexual harassment, even if proved;
2. did not occur in the school's education program or activity; or
3. did not occur against a person in the United States.



Dismissal of Formal Complaint

The school **may** dismiss a formal complaint or an allegation therein if at any time

1. a complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein;
2. the respondent is no longer enrolled or employed by the school; or
3. specific circumstances prevent the school from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.



Informal Resolution

Where a formal complaint is filed, and at any time prior to reaching a determination regarding responsibility, the College may facilitate an informal resolution process, such as mediation, that does not involve a full investigation and adjudication.



Requirements for Informal Resolution

1. The parties must be provided with written notice of the allegations, the requirements of the informal resolution process, and any consequences resulting from participating in the informal resolution process.
2. The parties must provide voluntary, written consent to the informal resolution process.



Report v. Formal Complaint

	Report	Formal Complaint
Who can make it?	Anyone	Only complainant (or Title IX Coordinator)
What is the required form?	Any form (oral or written)	Must be in writing and signed by complainant
What happens next (school's required response)?	Initiates supportive measures and information about filing a formal complaint	Initiates supportive measures and the grievance process (notice, investigation, determination)
Informal resolution available?	No	Yes



Equity in the Grievance Process

The grievance process treats complainants and respondents equitably by

1. providing remedies to a complainant where a determination of responsibility for sexual harassment has been made against the respondent, and
2. following the grievance process before the imposition of any disciplinary sanctions or other actions that are not supportive measures (*i.e.*, respondents are presumed not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process).



Conflicts of Interest and Bias

The Title IX Coordinator, Investigator(s), Adjudicator, and Appeal Board—*i.e.*, Title IX team—may not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.



What Is a Conflict of Interest?

Generally, a conflict of interest is a personal, financial, or other interest that may impair an individual's ability to impartially fulfill an official responsibility or perform an official duty.



What Is Bias?

Generally, bias is a predisposition against or in favor of, or a preconceived opinion about, a party or a class of persons that inhibits an individual from impartially evaluating facts or making a determination.



How to Serve Impartially

In order to serve impartially in the Title IX process, you must avoid prejudgment of the facts, conflicts of interest, and biases for or against any party.



Reports of Conflicts of Interest and Bias

While anyone may report a potential conflict of interest or bias, members of the Title IX team are expected to self report potential conflicts of interest and bias if/when they arise.



Reports of Conflicts of Interest and Bias

Reports concerning Investigator(s), Adjudicator, or Appeal Board should be reported to the Title IX Coordinator.

Reports concerning the Title IX Coordinator should be reported to the Alternate Title IX Coordinator.



Reports of Conflicts of Interest and Bias

Reports of conflict of interest and bias should be evaluated in light of the particular circumstances and are determined using an objective analysis—*i.e.*, whether a reasonable person would believe bias exists—and a common-sense approach.



Grievance Process

1. Written notice to the respondent
2. Investigation
3. Live Hearing
4. Written determination
5. Appeal



Time Frame of Grievance Process

The College will exercise good faith to investigate and conclude the grievance process in a reasonably prompt time frame:

Formal complaint through investigation	60 days
Formal complaint through investigative report	90 days
Formal complaint through live hearing	120 days
Live hearing through written determination	14 days
Filing appeal through determination of approval	10 days
Filing appeal through final written decision	30 days



Temporary Delays & Extensions of Time

Temporary delay of the grievance process or a limited extension of time frames may be permitted for good cause and Title IX Coordinator should provide written notice to all parties.



Written Notice

Upon receipt of a formal complaint, the Title IX Coordinator will provide written notice to known parties that includes:

1. notice of the **grievance process**;
2. notice of the **allegations of sexual harassment**;
3. a statement that the **respondent is presumed not responsible** for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process;



Written Notice

4. notice that the parties may have an **advisor of their choice**;
5. notice that the parties may **inspect and review evidence** obtained as part of the investigation
6. notice of any provision in the school's code of conduct that **prohibits knowingly making false statements or knowingly submitting false information** during the grievance process; and
7. notice that making a **good faith formal complaint** that is not later substantiated does not constitute providing false or misleading information.



Advisors

In any related meeting, all parties have an equal opportunity to be accompanied by the advisor of their choice, who may be, but is not required to be, an attorney (*e.g.*, a parent, a member of the College community, an attorney, or another individual not affiliated with the College).



Advance Notice of Advisors

The parties are expected to notify the Title IX Coordinator and Investigator(s) of the identity of their advisors no less than two days before any meeting or interview.



Role and Expectations of Advisors

- Advisors should review the policy and all available information and assist advisees in preparing for meetings and interviews.
- Advisors are not permitted to engage in the grievance process on the party's behalf or participate directly in any related meeting or proceeding.
- An advisor may quietly consult with his or her advisee during a related meeting or proceeding in a manner that does not disrupt or interfere with the meeting or proceeding.



Limitations on Advisors

- All advisors are subject to the same rules, regardless of whether they are an attorney or not.
- If an advisor fails to act in accordance with these procedures, they may be asked to leave the meeting or proceeding.
- Any limitations placed on the advisors shall apply to the advisors for all parties.



Investigation

Following the receipt of a formal complaint of sexual harassment, the Title IX Coordinator will designate one or more Investigators—who may be faculty or staff who have received this training—to conduct the investigation.



Investigator Responsibilities

1. Objectively and impartially **gather evidence**
2. **Compile evidence** for review by the parties
3. **Create an investigative report** that fairly summarizes all relevant evidence



Goal of Investigation

Gather as much factual information as you can!



Gathering Evidence

1. **Evidence provided by the parties:** both the complainant and the respondent may present written and oral statements, names of witnesses, and other evidence to the Investigator(s).
2. **Evidence obtained by the Investigator(s):** the Investigator(s) must also actively discover additional evidence.
 - a. Interviews – the complainant, respondent, and any witnesses should be interviewed
 - b. Physical evidence and documentation – physical, documentary, or other evidence (*e.g.*, video, text messages, photos, police records, medical records etc.)



Document Efforts

Document all efforts to gather evidence, even if unsuccessful (including refusals to participate or cooperate).



Witness Interviews

Interviews are informal conversations, guided by questions, to gather facts of a case.



Types of Witnesses

1. Witness who does not share information
2. Witness who is comfortably shares information
3. Reluctant witness



Preparing for Interviews

Prior to any interview, the Investigator(s) should

1. review the formal complaint and any evidence already collected,
2. review definitions of alleged conduct to determine what information you need to elicit for the Adjudicator to make a determination, and
3. prepare an outline or list of potential questions.



Preparing for Interviews

Tips:

- Come prepared with questions, but don't let the questions you prepared control the interview.
- Treat your prepared outline or list of questions as a checklist—at the end of the interview, check the list to ensure you have covered the questions and information you planned. If you did not, follow up with the questions you prepared.
- Have a neutral notetaker.



Conducting Interviews: Getting Started

- Interviews are a conversation, not an interrogation.
- Take time at the beginning of the interview to **establish a rapport and trust**.
 - Introduce yourself
 - Acknowledge the elephant
 - Explain your role (and others, *e.g.*, notetaker, advisors)
 - Ask questions to get to know your witness (*e.g.*, neutral topics, not about the incident)



Conducting Interviews: The Incident

- Start with open-ended questions.
- Active listening.
- Avoid yes/no questions.
- Avoid leading questions that suggest an answer.
- Ask follow-up questions to get as much detail as possible (who, what, when, where, how, why?).
- Ensure the witness answered the question you asked.



Conducting Interviews: Tips

LISTEN!

- The witness is the star of the interview—let them shine.
- Consider environment and plan.
- Be aware of body language (Investigator and Witness).



Let's Discuss a Sample Interview

<https://www.youtube.com/watch?v=AG9oSHFxFlk>



Let's Conduct an Interview



Gathering Physical Evidence

Evidence that may be available from the parties and witnesses:

- Text messages
- Phone records
- Emails
- Police records
- Photos
- Medical records



Gathering Physical Evidence

Evidence that may be available from the school:

- Incident reports
- Video surveillance
- Access to location for site visit



Compiling Evidence

Prior to completion of the investigative report, the Investigators will compile all evidence gathered in electronic or hard copy form and provide the evidence to the Title IX Coordinator.



Inspection and Review of Evidence

Parties have an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint, including the evidence upon which the school does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to conclusion of the investigation.



Inspection and Review of Evidence

Upon receipt of all evidence from the Investigators, the Title IX Coordinator will

1. review the evidence and make any redactions as required by FERPA and
2. send the evidence in electronic or hard copy form to the parties and their advisors for review and inspection.



Written Response to Evidence

The parties will have at least 10 days to submit a written response, which the Investigator(s) will consider prior to completion of the investigative report.



Creating an Investigative Report

The Investigator(s) will create an investigative report that fairly summarizes relevant evidence that includes:

1. Summary of the **relevant evidence** gathered;
2. Summary of all procedural steps taken by the Investigator(s), including interviews, site visits, efforts and methods used to gather other evidence, and evidence and materials provided to the Title IX Coordinator; and
3. Written responses submitted by the parties.



What Is Relevant Evidence?

Generally, relevant evidence is evidence or information that makes an allegation more or less likely to be true.



Relevant Evidence

Relevant evidence includes

1. Inculpatory evidence (evidence that a respondent is responsible) and
2. Exculpatory evidence (evidence that a respondent is not responsible)



Irrelevant Evidence

Evidence about **the complainant's sexual predisposition or prior sexual behavior is not relevant**, unless

1. such evidence about the complainant's prior sexual behavior is offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or
2. the evidence concerns specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.



Review of Final Investigative Report

Upon receipt of the final investigative report—which must include all the written responses provided by the parties involved—the Title IX Coordinator will

1. review the report and make any redactions as required by FERPA,
2. send the final investigative report to the parties and their advisors, and
3. provide the final investigative report to the Adjudicator.



Decision Making

Prior to the finalization of the investigative report, the Title IX Coordinator will designate an Adjudicator—an independent third party who has received this training—to make a determination regarding responsibility.



Adjudicator Responsibilities

1. Review investigative report
2. Conduct a live hearing
3. Make a written determination of responsibility
4. Make a recommendation regarding remedies and sanctions to Title IX Coordinator



Live Hearing

The Adjudicator will conduct the live hearing, which will be recorded via audio or audiovisual recording or transcribed, within 120 days of the formal complaint being made.



Live Hearing

Both parties are permitted to attend, but neither is required to attend—a determination of responsibility cannot be made solely based upon a party's failure to attend or refusal to participate—*e.g.*, answer cross examination or other questions.



Live Hearing

Both parties are entitled to have others present during the hearing, including the opportunity to be accompanied by their choice of advisor, who may or may not be an attorney.



Virtual Hearing

Live hearings may be conducted with all parties physically present in the same geographic location or, at the College's discretion, any or all parties, witnesses, and other participants may appear at the live hearing virtually, with technology enabling participants simultaneously to see and hear each other.



Cross Examination by Advisors

Both parties may cross examine the other party and any witnesses—*i.e.*, to ask **relevant questions** and follow-up questions, including those challenging credibility—through their advisor.



Cross Examination by Advisors

If a party does not have an advisor present at the live hearing, the College will provide an advisor of the College's choice, who may or may not be an attorney, without fee or charge, to conduct cross examination on behalf of the party.



Evidentiary Standard

The Adjudicator's determination will be made using the **preponderance of the evidence** standard—*i.e.*, more likely than not.



Determining Responsibility

The Adjudicator must objectively and impartially

- 1. Evaluate the relevant evidence**, including inculpatory and exculpatory evidence.
- 2. Make a determination** as to whether the evidence supports a conclusion that it is more likely than not that the conduct occurred and that there was a violation of the policy; and
- 3. Prepare a written determination.**



Evaluating the Evidence

The Adjudicator must assess the weight—*i.e.*, importance— and credibility—*i.e.*, reliability—of the relevant evidence in the record.



Weighing Evidence

The Adjudicator may determine that a piece of evidence has no weight, little weight, or a lot of weight depending on how credible the evidence is.



What Is Credibility?

Generally, the quality that makes someone or something (a witness or evidence) worthy of belief.



Determining Credibility

In determining credibility, the Adjudicator may consider factors such as whether

- the evidence is corroborated (strongest indicator)
- there is a reason or evidence to suggest that a source of evidence may or may not be reliable (*e.g.*, there is evidence of a motive by a person to lie)
- a statement is inconsistent with a previous statement or other evidence
- the evidence is logical given other established facts



Determining Credibility

Example of guidance on determining credibility:

“A [claimant’s] account must be sufficiently detailed . . . so as to be plausible, and lack of corroborative evidence where such evidence logically should exist would undermine the allegation. By the same token, a general denial by the alleged harasser will carry little weight when it is contradicted by other evidence.”



What is Hearsay?

Generally, hearsay is statement offered to prove a fact, but is not based on personal knowledge.

Hearsay should not automatically be excluded—the Adjudicator should first assess its credibility and, if permitted, assign it appropriate weight.



Remedies and Sanctions

The grievance process treats complainants and respondents equitably by

1. Providing remedies to a complainant where a determination of responsibility for sexual harassment has been made against the respondent; and
2. Following a grievance process prior to the imposition of any disciplinary sanctions or other actions that are not supportive measures against a respondent.



Remedies

Where a determination of responsibility for sexual harassment has been made against the respondent, remedies are designed to restore or preserve equal access to the school's education programs or activities, to stop the conduct, prevent its recurrence, and address its effects—may apply to respondent, complainant, and the school community.



Remedies

Remedies may include supportive measures, but may also be disciplinary or punitive and need not avoid burdening the respondent—it is important to hold accountable those respondents determined to have engaged in sexual harassment.



Sanctions

Remedies and sanctions **for students** may include any of those set forth in the Student Handbook and Student Code of Conduct, including modification of living arrangements, dismissal, suspension, reporting to the local police, and other remedies and sanctions determined by the College to be appropriate.



Sanctions

Remedies and sanctions **for employees** may include any of those set forth in the Faculty Handbook or Staff Handbook, including termination, suspension, removal from campus, cancellation of contract, written reprimand, oral reprimand, and other remedies and sanctions determined by the College to be appropriate.



Written Determination

The Adjudicator must issue a written determination regarding responsibility that must include the following:

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



Written Determination

4. Conclusions regarding the application of the College's code of conduct/policy to the facts;
5. A statement of and rationale for the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions to be imposed on the respondent, and whether remedies designed to restore or preserve equal access to the College's education program or activity will be provided to the complainant; and
6. The College's procedures and permissible bases for the complainant and respondent to appeal.



Timing of Written Determination

The written determination will be provided simultaneously to the parties by the Title IX Coordinator within 14 days of receipt of the live hearing.



Final Determination

The determination regarding responsibility becomes final either on the date that the College provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.



Right to Appeal

Either party may appeal any determination and/or sanction or any dismissal of a formal complaint or any allegations therein.

The appeal must be made in writing to the Title IX Coordinator within 10 days from when the party receives the written decision of the Adjudicator, including the day on which the party receives the written decision.



Written Appeal

The written appeal must include

1. the bases for the appeal, and
2. all relevant information and arguments in support.



Appeal Board

Following the receipt of written request for appeal, the Title IX Coordinator will designate three members to the Appeal Board—who may be College faculty or staff who have received this training—to review the complete record and the Adjudicator’s determination and make a final determination.



Notice of Appeal

The Title IX Coordinator will promptly notify the other party in writing when an appeal is filed.



Appeal Board Responsibilities

1. Determine whether the appeal is permitted
2. Review the complete record (i.e., the investigative report, any written questions and answers, and the written determination of the Adjudicator)
3. Make a final determination
4. Prepare final written determination



Permitted Bases for Appeal

Either party may appeal any determination and/or sanction or any dismissal of a formal complaint or any allegations therein on any of the following bases:

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; 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.



Appeal Approval and Notification

The Appeal Board will review the written request for appeal and determine whether the appeal is permissible—*i.e.*, limited to one or more of the permissible bases—and the Title IX Coordinator will notify the parties whether the Appeal Board has permitted the appeal within 10 days of receipt of the written appeal.



Appellee Response

If an appeal is permitted, the appellee—*i.e.*, the party who did not submit the appeal—will be provided with the written appeal and shall have 10 days, including the date of receipt, to respond in writing to the statement of the appellant—*i.e.*, the appealing party.



Appeal Board Determination

The Appeal Board will determine—by a majority vote—the merit of the appeal applying the preponderance of the evidence standard and may affirm, reverse, or modify the determination and/or sanction of the Adjudicator, or remand the matter for further investigation and/or analysis.



Final Written Determination

The Appeal Board will prepare a final written determination describing the result of the appeal and the rationale for the result and provide it to the Title IX Coordinator who will send the written decision simultaneously to both parties, typically no more than 30 days after approval of the written appeal.



Confidentiality

The College will keep confidential the identity of any individual who has made a report or formal complaint of sex discrimination or sexual harassment, any complainant, any individual who has been reported to be the perpetrator of sex discrimination or sexual harassment, any respondent, and any witness, **except** under the following circumstances:

1. As may be permitted by the Family Educational Rights and Privacy Act;
2. As required by law; or
3. To carry out the purposes of the Title IX regulations, including the conduct of any investigation or determination.



Confidentiality

To the extent possible and consistent with the exceptions, the College's disclosure of information relating to a formal complaint will be limited to the individuals conducting the investigation or resolving the complaint.



Confidentiality

If the complainant requests confidentiality or asks that the complaint not be pursued or that the school stop the investigation process, the Title IX Coordinator will inform the complainant that

1. Its ability to respond may be limited as a result, but that it will take all reasonable steps to investigate and respond to the complaint consistent with the request for confidentiality or the request not to pursue an investigation;
2. Title IX prohibits retaliation and that it will take actions to prevent retaliation and take strong action against anyone who engages in retaliation; and
3. The complainant has a right not to participate in the grievance process.



Retaliation

The College strictly prohibits retaliation—*i.e.*, Intimidation, threats, coercion, or discrimination against any individual for the purpose of interfering with any right or privilege secured by Title IX, its regulations, or this policy, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under the policy.



Documentation & Recordkeeping

Where the Title IX Coordinator receives a report of an incident or allegation of sexual harassment or a formal complaint is filed, the school will create records of any actions, including any supportive measures, taken in response to a report or formal complaint.



Documentation & Recordkeeping

In each instance, the school will document the basis for its conclusion that its response was not **deliberately indifferent**—*i.e.*, not clearly unreasonable in light of the known circumstances—and document that it has taken measures designed to restore or preserve equal access to the school's education program or activity.



Record Retention

The following will be maintained by the school for a period of **seven years**:

1. Records of any actions, including any supportive measures, taken in response to a report or formal complaint;
2. Each sexual harassment investigation, including any determination regarding responsibility and any audio or audiovisual recording or transcript;
3. Any disciplinary sanctions imposed on the respondent, and any remedies provided to the complainant designed to restore or preserve equal access to the school's education program or activity;



Record Retention

4. Any appeal and the result therefrom
5. Any informal resolution and the result therefrom; and
6. All materials used to train Title IX Coordinators, investigators, decision-makers, including Adjudicators and Appeal Board members, and any person who facilitates an informal resolution process.



Title IX Resources

<https://www.wilmington.edu/current-students/title-ix>

Title IX Resources

Handouts

UNDERSTANDING CONSENT >

TITLE IX GRIEVANCE PROCESS >

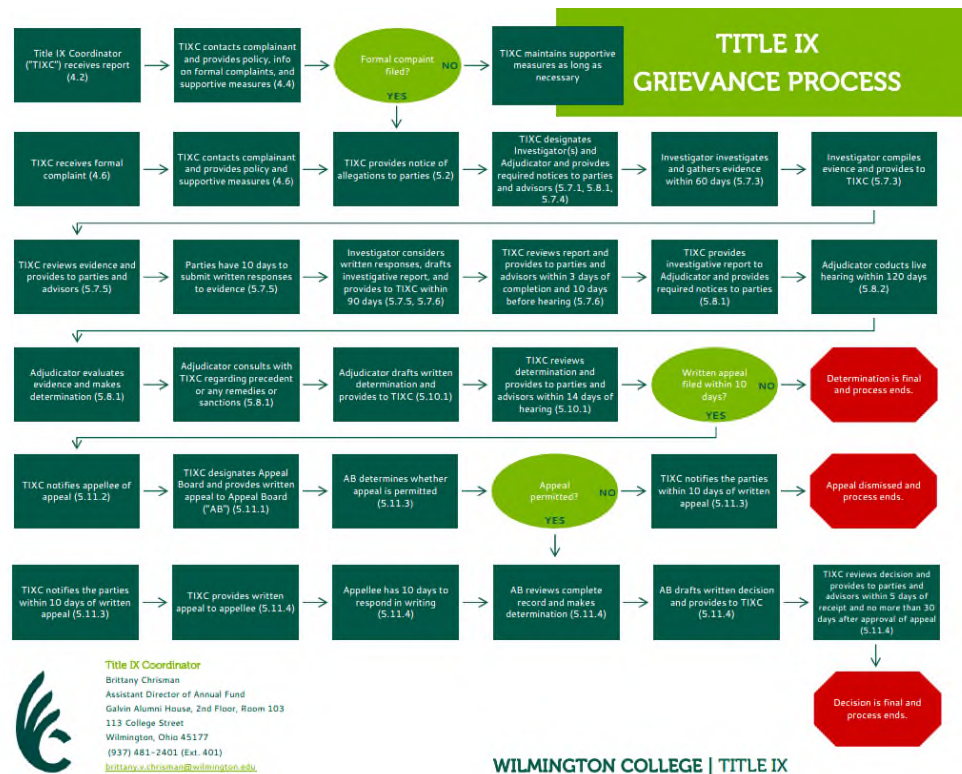
Training Materials

INVESTIGATOR & ADJUDICATOR TRAINING >

INTRODUCTION TO TITLE IX >



Title IX Resources



2024 Title IX Regulations

What is the status?



Questions?

