

# Title IX Process Flowchart

Report of sexual harassment received by the Title IX Office

Title IX Coordinator will promptly contact the identified Complainant to discuss the availability of supportive measures and to explain and discuss the Title IX process.

If Complainant is unidentified, a limited investigation may be conducted to identify the Complainant.

If a Formal Complaint is filed, an investigation will be initiated and the Title IX Coordinator will send to the known Parties the Notice of Allegations.

During the Title IX Process and prior to a determination of responsibility, each Party is allowed to have a Support Person of their choice accompany them to any related meeting or interview. The University may assign a Trained Support Person if requested by a student Party.

The burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rests on the University. The Parties shall be permitted to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in the Formal Complaint. Prior to the completion of the Investigative Report, the University will make it available to each Party and Advisor (if any) for their review and response. The final Investigative report will be sent to each Party and Advisor (if any) at least 10 days prior to a hearing or other time of determination regarding responsibility.

During or upon the completion of the investigation, if the Formal Complaint does not describe a possible violation, if the conduct did not occur in the University's education program or activity, or the conduct did not occur against a person in the U.S., the matter will be dismissed.

If the Formal Complaint is not dismissed, the matter will continue through the process.

Notice of Dismissal will be sent to both Parties. Either Party may appeal a dismissal.

## Types of Resolution:

Informal Resolution (pg. 11), Hearing Panel Resolution (pg. 12) and Academic Medical Center Process (pg. 14)

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# Title IX Process Flowchart (continued)

## Type of Resolution: Informal Resolution

Upon the filing of a Formal Complaint, the Parties may choose to engage in Informal Resolution (i.e., facilitated dialogue, mediation, administrative resolution). Each Party's decision to participate in Informal Resolution must be voluntary, informed, and in writing.

### Facilitated Dialogue/Mediation

A neutral, University-assigned facilitator will foster dialogue between the Parties to try to reach a mutually agreed upon resolution, if possible. Failure to abide by the agreed-upon resolution may result in sanctions. If the Parties are unable to reach a resolution, the investigation will be referred to the Hearing Panel Resolution process.

### Administrative Resolution

*\*This process is not available for Academic Medical Centers.  
\*This process is not available where a student has alleged that an employee sexually harassed the student.*

The decision-maker will attempt to meet separately with the Complainant and the Respondent to review the alleged policy violations, the investigative report, and evidence provided by the Parties. At any time prior to a final determination being rendered, either Party may request that the Formal Complaint shift to the Hearing Panel Resolution Process.

Each Party may provide a list of questions for the decision-maker to ask the other Party. If those questions are deemed appropriate and relevant, they may be asked on behalf of the requesting Party; answers will be shared with the requesting party.

The Respondent may choose to admit responsibility for all or part of the alleged policy violations at any point in the process. If the Respondent admits responsibility, in whole or in part, the decision-maker will render a finding that the individual is in violation of University policy for the admitted conduct.

For any disputed violations, the decision-maker will render a finding utilizing the preponderance of evidence standard.

The decision-maker will also render a finding on appropriate sanctions or remedial actions, if applicable.

Either Party may appeal a decision under Administrative Resolution.

The decision-maker will inform each Party of the finding on the alleged policy violation(s) and sanction(s), if applicable.

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*This flowchart is intended to provide a general overview. A full explanation of the resolution process can be found in the policy available in [CRR 600.030](#)*

# Title IX Process Flowchart (continued)

## Type of Resolution: Hearing Panel Resolution

*\*This process is not available for Academic Medical Centers.*

At least 20 business days prior to the hearing, a Notice of Hearing letter will be sent to the Parties providing specific information about the hearing, including a copy of the final investigative report and exhibits.

In the Notice of Hearing, the Parties will be given the names of each of the Hearing Panel members and must raise any objection to any panelist at least 15 business days prior to the hearing.

At least 10 business days prior to the hearing, the Investigator will provide to each Party the names of proposed witnesses and proposed documentary evidence that the other Party intends to call or use at the hearing.

The Hearing Officer shall preside at the hearing, and together with other Hearing Panel members may ask questions of the Parties or any witnesses including the Investigator at any time during the hearing.

The Complainant will proceed first and may give a verbal statement of their allegations of sexual harassment against the Respondent, and then be subject to cross-examination by the Advisor of the Respondent and questions of the hearing panel. The Complainant may also call witnesses who will be subject to questioning by the Advisor of the Complainant, questioning by the Hearing Panel and cross-examination by the Advisor of the Respondent. The Complainant may also submit documentary evidence.

Next, the Respondent may give a verbal statement in response to the allegations of sexual harassment made by the Complainant, subject to questions by the Hearing Panel and cross-examination by the Advisor of the Complainant. The Respondent may also call witnesses who will be subject to questioning by the Advisor of the Respondent, questioning by the Hearing Panel, and cross-examination by the Advisor of the Complainant. The Respondent may also submit documentary evidence.

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# Title IX Process Flowchart (continued)

The Investigator will then be available to answer questions of the Hearing Panel, subject to cross-examination by the Advisors of the Complainant and the Respondent. The Investigator may also call witnesses who will be subject to questioning by the Hearing Panel, and cross-examination by the Advisors of the Complainant and Respondent. The Investigator may also submit documentary evidence.

The Hearing Panel will deliberate with no others present, except any legal advisor to the Hearing Panel, to determine whether or not the Respondent is responsible for the policy violation(s) in question. The panel will base its finding on a preponderance of the evidence (i.e., whether it is more likely than not that the Respondent committed each alleged violation). If a Respondent is found responsible by a majority of the panel, the panel will determine appropriate sanctions and remedial actions by a majority vote.

The Hearing Officer will prepare a written determination (“Hearing Panel Decision”) and deliver it to the Title IX Coordinator within five (5) business days of the end of deliberations.

The Title IX Coordinator will inform each Party of the finding(s) on the alleged policy violation(s) and sanction(s), if applicable, within five (5) business days of receipt of the hearing panel decision. Notification to each Party will be made in writing.

Either Party may appeal the finding(s) and sanction(s) by submitting a request to the Equity Resolution Appellate Officer within 5 business days of the delivery of the notice of the hearing panel decision.

# Title IX Process Flowchart (continued)

## Type of Resolution: Academic Medical Center (AMC) Process

At least 15 business days prior to the initial meeting with the decision-maker, a Notice of AMC Meeting letter will be sent to the Parties providing specific information about the allegations, applicable policies/procedures, information regarding upcoming AMC meeting, and a copy of the investigative report and exhibits.

At least 10 business days prior to the initial AMC meeting, each Party shall provide to the Title IX Coordinator all objections in writing to the named decision-maker.

At least 10 business days prior to the initial AMC meeting, each Party may provide the decision-maker with written, relevant questions the Party wants asked of any Party or witness.

At least 5 business days prior to the initial AMC meeting, the decision-maker will provide each Party with the answers, and allow for additional, limited follow-up questions from each Party. The Parties may also provide documentary evidence.

Decision-maker will meet separately with each Party and all meetings between the decision-maker and the Parties and/or witnesses shall be recorded.

The decision-maker must issue a written determination regarding responsibility within 10 business days of the last meeting with any Party or witness.

Finding(s) and sanction(s) are subject to appeal.