CASE PROCESS DECONSTRUCTED

1. Incident Reported
2. Student Conduct Process Initiated
3. Pre-Hearing Prep Investigation
4. Hearing Process
5. Appeal Process
6. Decision Implementation
CONDUCT OR GRIEVANCE PROCESS

INITIATED:

RECAP OF LEGAL REQUIREMENTS

- Institutions must investigate all “formal complaints” filed with the Title IX Coordinator.

- Who can file a formal complaint?
  - A person who is currently participating in the education programs or activities of the institution.
  - A person who is attempting to participate in those programs or activities.
  - The Title IX Coordinator.

- Multiple complaints arising from same incidents can be consolidated.

TX: FORMAL COMPLAINT
**Timing**
- Send to parties as soon as practicable after filing of formal complaint
- No investigative interviews until parties have sufficient time to review allegations

**Contents**
- Allegations of sexual harassment
- Identities of parties, if known, including the complainant’s name
- Date, time, and location of the incident, if known
- Parties’ basic procedural rights
- Presumption of non-responsibility

**Advisor**
- Notice must inform parties of right to advisor, who may be attorney
- School does not need to pay for attorney
- Reasonable restrictions ok...
- Unless they conflict with cross-examination role

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**TIX: NOTICE OF ALLEGATIONS & RIGHT TO ADVISOR**

**TIX: MANDATORY & DISCRETIONARY DISMISSAL**

- Institutions **must** dismiss formal complaints that don’t fall within the statutory criteria for the Title IX grievance process
  - Institution may still investigate through a non-Title IX process

- Institutions **may** dismiss complaints that do meet the criteria if:
  - Complainant notifies TIXC in writing they would like to withdraw the formal complaint/any allegations in it;
  - Respondent is not enrolled/employed by the institution; or,
  - Specific circumstances prevent the institution from gathering evidence sufficient to reach a determination

- Any party may appeal a dismissal determination
When Informal Resolutions are allowed under the Final Rule:

• After a formal complaint;
• When all parties and the TIXC coordinator consent;
• Any party can withdraw at any time.

Examples: Administrative resolution, restorative justice, mediation

Not allowed in cases involving employee respondents
TIXC can run the process, but it is not recommended
2. STUDENT CONDUCT PROCESS INITIATED

TIX Investigator Process Initiated
Charge Letter/ Notice of Allegations copied to both parties
Interim Restrictions formalized in writing sent to both parties
Resolution options for Respondent (communication with RI)

Meeting with Reporting Individual
- Review students’ rights, advisor, timeline

Meeting with Respondent
- Review Due Process rights, advisor, timeline

Conduct Hold (non-TIX)

Key Players:
- TIXC
- Conduct Staff
- UPD
- Hall Staff
- Hearing Board
- Appeals Board
- Registrar