



TITLE IX FOR HEARING BOARD PANELISTS

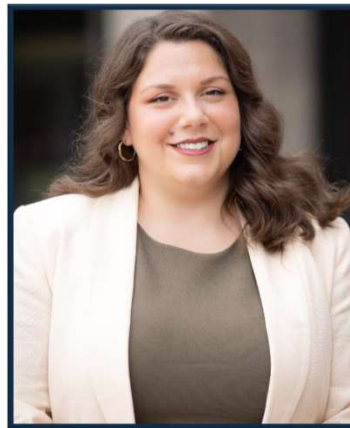
RETURNING TO THE 2020 RULE (DAY 1)

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ANDREW STAMMEL
Associate Counsel
Student Affairs Practice Group
SUNY Office of General Counsel



REBECCA NOVICK
Staff Attorney
Student Affairs Practice Group
SUNY Office of General Counsel

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Slide 2

RR0 Andrew and rebecca look different than normal, and yet the same?

Ribeiro, Ryan, 2024-07-23T12:30:50.381

NRO 0 I dig it - we can let the learners think we're triplets

Novick, Rebecca, 2024-07-24T02:18:03.558

SKO 1 LOL I fixed it on the ones I recorded. Fixing here now

Silver, Kerianne, 2024-07-25T16:39:47.748

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ALEXANDER WHEELER, M.S.ED.
Assistant Director
SUNY Student Conduct Institute



RYAN RIBEIRO, M.A.
Assistant Director
SUNY Student Conduct Institute

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DISCLAIMER

This presentation shall not constitute legal advice, nor create an attorney-client relationship. This presentation is for informational purposes only.

If you have any specific legal questions or require legal advice for specific situations, please contact or refer to your institutional, general, or outside counsel.



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DISCUSSION ROADMAP

- Tennessee v. Cardona – what happened?
- **Returning from 2024 to 2020**
- What is Title IX?
- **Compliance essentials**
- Legal foundations for hearings
- **From concepts to practice**

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WHAT HAPPENED?

Tennessee v. Cardona

January 9, 2025 Decision
U.S. District Court – E.D. Kentucky

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TENNESSEE
v.
CARDONA
Sixth Circuit
 January 9, 2025
 Decision

2024 RULE IS GONE.

DoE cannot utilize Title IX to prohibit discrimination based on gender identity

DoE overstepped when it reinterpreted the law through federal rule-making

Violated free speech rights of educators & students in mandating use pronouns associated with others' gender identity

Rejected utilization of Bostock decision to apply Title VII employment law to Title IX

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**HIGHLIGHTED
 DIFFERENCES
 2020 v 2024**

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RETURN TO 2020

DURING THE LIVE@DISTANCE, MEANINGFUL CHANGES FOR INSTITUTIONS RETURNING TO THE 2020 RULE WILL BE REFERENCED WITH THE FOLLOWING SYMBOL:



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RETURN TO 2020 - SCOPE

2024	RETURN TO 2020
Sex-based harassment included harassment using “sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity”	Sexual harassment uses a binary understanding of sex by aligning it with sex assigned at birth
All sex discrimination in the program or activity in the US was covered by the Rule and grievance procedures	Other sex discrimination outside of sexual harassment is not covered in grievance procedures
Subjectively and objectively offensive and severe or pervasive conduct that limits access is considered hostile environment harassment	“Severe, pervasive, and objectively offensive” conduct effectively “denies or bars access”
Extensive section on discrimination related to parental, family, or marital status, pregnancy or related conditions	This is not addressed in the 2020 Rule.

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RETURN TO 2020 - JURISDICTION

2024	RETURN TO 2020
Conduct occurring in an institution's program or activity included conduct occurring in a building owned or controlled by a student organization that is officially recognized by the institution and conduct subject to the institution's disciplinary authority	Locations, events, or circumstances when institution exercised substantial control over the respondent and the context in which conduct occurred
Most conduct, including off-campus conduct, fell under the institution's disciplinary authority and Title IX	Other conduct may be subject to other areas, including 129-B, codes of conduct, and other policies as designed, but NOT Title IX

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RETURN TO 2020 - NOTICE & INTAKE

2024	RETURN TO 2020
Detailed guidelines for employee notification, including of confidential employees. Requirements for notification around public awareness events	"Clearly unreasonable" when institutions have actual notice of sexual harassment & respondent in manner that was deliberately indifferent
An 8-factor analysis designed to assist TIXC in determining whether to initiate a complaint. "Is there an imminent and serious threat?"	There is no detailed analysis to assist TIXC determine whether to initiate a complaint
Sex discrimination complaints other than sex-based harassment could also be filed by any student or employee or anyone else participating or attempting to participate in the program or activity	Complainants must participate or attempt to participate in program or activity of institution

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RETURN TO 2020 – SUPPORT & TIMEFRAME

2024	RETURN TO 2020
TWO PROCEDURES: one for sex-based harassment involving students, the other for all other covered sex discrimination	One singular procedure, applies to both student & employee respondents
Flexible timeframes: institutions could establish “reasonably prompt timeframes for the major stages”	Strict timeframes: parties have 10 days to provide responses to evidence for an investigative report, and must be created at least 10 days prior to hearing
CLEAR PROCESS for modification or termination of supportive measures	NO PROCESS detailed for modification or termination of supportive measures
Imminent and serious threat to health and safety was the parameter for an emergency removal (included non-physical threats)	Immediate threat to the physical health or safety of any individual is the parameter for emergency removals

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RETURN TO 2020 – EVIDENCE, HEARINGS, & ROLES

2024	RETURN TO 2020
Flexible process to review evidence – equal opportunity to access either the relevant permissible evidence, or an accurate description of evidence. Reasonable opportunity to respond	Relevant evidence must be sent to each party & advisor prior to completion of investigation report
No formal complaint requirement: complaint may be provided verbally or written	Formal complaint requirement: complaint must be written and signed by complainant or TIXC
Live hearing only required for sexual violence cases w/ student respondent; cross examination not required. Single investigator and live meeting(s) in other cases allowed. Complex rules for transcripts, proposed follow-up questions, etc.	Live hearing w/ cross-examination by advisor required in all covered Title IX cases. Institution must provide advisor if one not available
Flexible rules for the role of the decision-maker	Decision maker cannot be the same person as the TIXC or investigator

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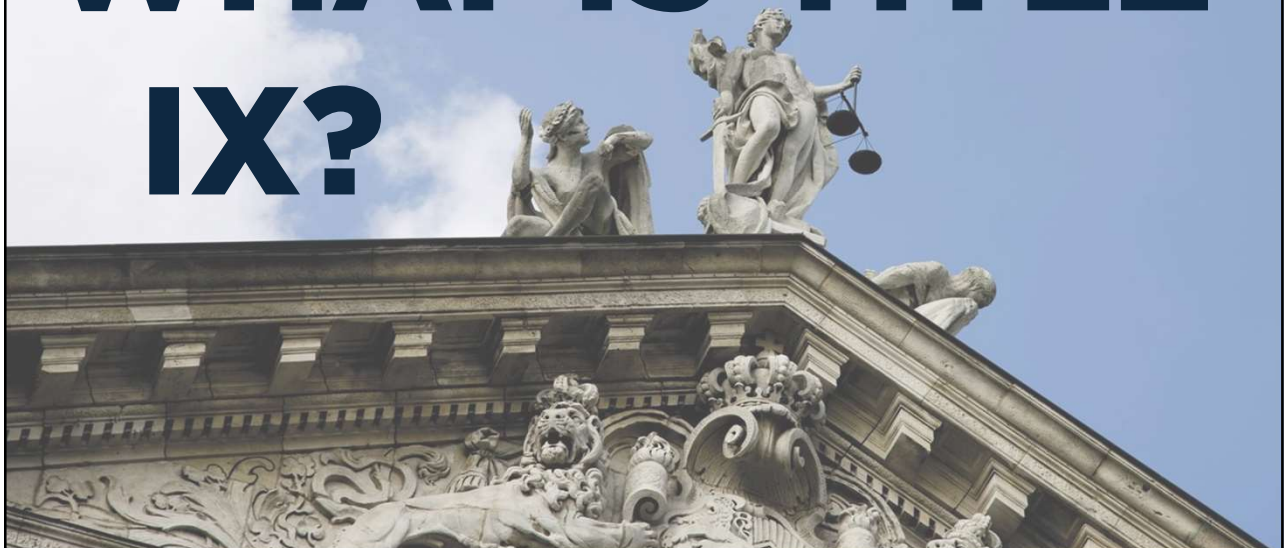
WHAT DOES THIS MEAN FOR HEARING BOARD PANELISTS?

- **Make sure you're following the correct policies & procedures for the case you are hearing**
- Ensure accurate definitions are utilized when determining responsibility
- **Ask your Title IX Coordinator or Panel Chair for assistance when issues arise**



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WHAT IS TITLE IX?



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TITLE IX OF THE EDUCATION AMENDMENTS OF 1972

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 educational program or activity
- Receiving federal financial assistance



- Denying admission in an educational program based on sex
- Disqualifying individuals from candidacy for opportunities on the basis of sex
- Providing unequal access to resources based on sex
- Engaging in gender-based or sexual harassment, such as unwelcome comments, advances, etc.

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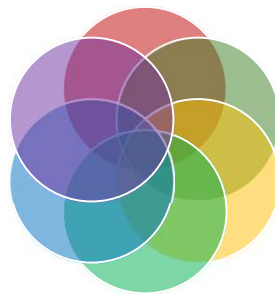
SEXUAL HARASSMENT = SEX DISCRIMINATION IN EDUCATIONAL PROGRAMS OR ACTIVITIES

EFFECTIVE IMPLEMENTATION OF REMEDIES FOR VICTIMS

PROMPT & SUPPORTIVE RESPONSES TO ALLEGED VICTIMS

DUE PROCESS PROTECTIONS FOR ALLEGED VICTIMS & ALLEGED PERPETRATORS.

PROMPT RESOLUTIONS TO ALLEGATIONS



PREDICTABLE & FAIR GRIEVANCE PROCESSES

TITLE 34 OF THE CFR PART 106 SUBPART D

TITLE IX DISCRIMINATION PROHIBITION ON THE BASIS OF SEX IN EDUCATIONAL PROGRAMS/ACTIVITIES

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SEXUAL HARASSMENT DEFINITIONS

QUID PRO QUO: A school employee conditioning educational benefits on participation in unwelcome sexual conduct; or

UNWELCOME CONDUCT that a reasonable person would determine is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the educational institution's education program or activity; or

SEXUAL ASSAULT (as defined in the Clery Act), or

DATING VIOLENCE, DOMESTIC VIOLENCE, OR STALKING (as defined in the Clery Act as amended by the Violence Against Women Act (VAWA))



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SEXUAL HARASSMENT SCOPE

SEXUAL ASSAULT

DATING VIOLENCE

DOMESTIC VIOLENCE

STALKING

SEX OFFENSES - any sexual act directed against another person without the consent of the victim, including instances where the victim is incapable of giving consent:

Rape - Sodomy - Fondling

Incest - Statutory Rape



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SEXUAL HARASSMENT: KEY DEFINITIONS



“SEXUAL ASSAULT” - “forcible or nonforcible sex offense under the inform crime reporting system of the Federal Bureau of Investigation.”
- 20 U.S.C. 1092(f)(6)(A)(v)

“STALKING” - “engaging in a course of conduct directed at a specific person that would cause a reasonable person to (a) fear for his or her safety or the safety of others; or (b) suffer substantial emotional distress.”
- 34 U.S.C. 12291(a)(30)

Consult with Institutional Counsel regarding application of the FBI Uniform Crime Reporting System definitions for Rape, Sodomy, Fondling, Incest, and Statutory Rape

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SEXUAL HARASSMENT: KEY DEFINITIONS



“DATING VIOLENCE” - “violence committed by a person who is or have been in a social relationship of a romantic or intimate nature with the victim; and where the existence of such relationship shall be determined by on consideration of the following factors: (i) the length of the relationship, (ii) the type of relationship, (iii) the frequency of interaction between the persons involved in the relationship.”

- 34 U.S.C. 12291(a)(11), see also 12291(a)(10)

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SEXUAL HARASSMENT: KEY DEFINITIONS



“DOMESTIC VIOLENCE” - “includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction.”

- 34 U.S.C. 12291(a)(8)

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- ACTUAL KNOWLEDGE
- THE CONDUCT MUST FALL WITHIN THE SCOPE OF THE TITLE IX SEXUAL HARASSMENT DEFINITIONS
- JURISDICTION



- EDUCATIONAL PROGRAMS & ACTIVITIES
- INSTITUTIONAL CONTROL (RESPONDENT & CONTEXT IN WHICH THE HARASSMENT OCCURS)
- FORMAL COMPLAINT

TITLE IX REQUIREMENTS: *KEY CONSIDERATIONS*

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NEUTRALITY

Fairness, equity, & ethics are at the forefront of all policy and decision making

COMPETENCE

Know your policies & codes, particularly when related to student rights



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CONSISTENCY

Policies & codes are maintained & routinely updated across facilities, departments, & programs

ACCURACY

Media (incl. websites, social media, etc.) reflects current institutional policies, procedures, etc.



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BALANCE

Student rights & responsibilities,
employee rights & responsibilities, &
administrative efficiency is balanced



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LEGAL FOUNDATIONS FOR HEARINGS

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DUE PROCESS: WHEN & HOW MUCH?

**GREATER
PROCESS
OWED**



**LESS
PROCESS
OWED**

GENERAL CONDUCT CHARGE

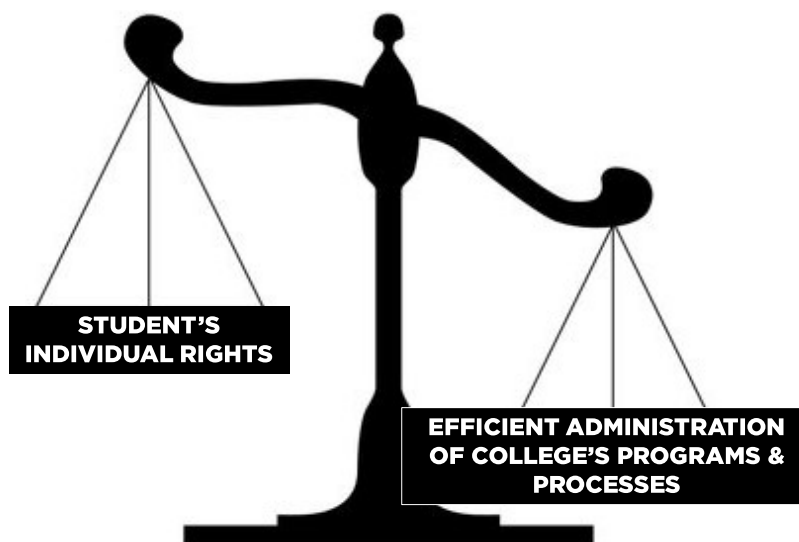
ACADEMIC DISCIPLINARY CHARGE (E.G., ACADEMIC DISHONESTY)

LACK OF ACADEMIC PROGRESS
DISMISSAL (E.G., ACADEMIC PERFORMANCE)



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DUE PROCESS: A BALANCING ACT



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FOUNDATIONAL DUE PROCESS: RIGHTS & PROTECTIONS

RIGHTS

- Confidentiality & privacy (with caveats)
- Advisor
- Access to disability accommodations
- Equitable treatment for complainants & respondents
- Evidence related to the complaint
- Fair hearing process with opportunity to be heard
- Appeal (under specified circumstances)

PROHIBITIONS:

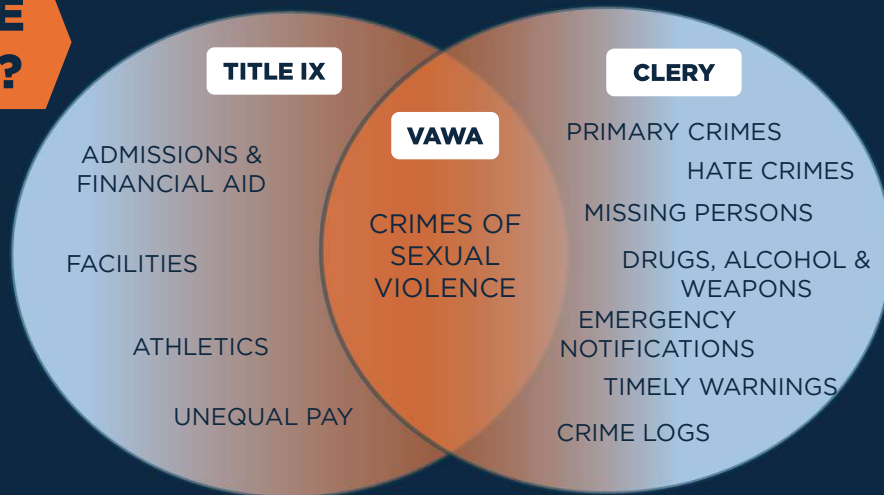
- Conflicts of interest & bias
- Retaliation



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THE VIOLENCE AGAINST WOMEN ACT (VAWA) & CLERY ACT

**STATE
LAW?**



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CASE LAW SUMMARY

CASE	COURT	KEY CONCEPT
DIXON V. ALABAMA	5 th Circuit	Notice & Opportunity to be heard
GOSS V. LOPEZ	SCOTUS	Public education is a property interest
GOLDBERG V. KELLY	SCOTUS	Right to a full hearing & confront witnesses
MATHEWS V. ELDRIDGE	SCOTUS	Balancing individual interests & gov't interests
WISCONSIN V. CONSTANTINEAU	SCOTUS	Right to be heard to defend reputation

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FERPA & CONFIDENTIALITY

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WHAT ARE “RECORDS?”

FERPA protects “education records” as

- directly related to a student, and
- maintained by an educational agency or institution or by a party acting for the agency or institution.

Student must be the focus of the record, not simply in the background or incidental to a report

Educational records include hearing transcripts, evidence submitted in the context of the case, the investigative report, etc.

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CONFLICTS & DISCLOSURES

Institutions are **REQUIRED** to share relevant evidence with the parties.

Students have “a right to inspect and review any witness statement that is directly related to the student, even if that statement contains information that is also directly related to another student, if the information cannot be segregated and redacted without destroying its meaning.”

When conflict exists, institutions are required to comply with Title IX regulations - **this FERPA override is known as “GEPA override”**

- Title IX includes federally protected due process rights-constitutional override

MAY NOT USE FERPA to avoid complying with Title IX



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CONFLICTS & BIAS IN TITLE IX



1. For or against complainants & respondents generally
 - For example, a perception that all respondents are automatically responsible or that complainants are always credible and/or correct
2. For or against the specific parties in the case
3. Overlapping investigator, decisionmaker, & appeals roles

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- Gender, research interests, work history of decisionmakers, investigators, or TIXC
- A background in advocacy
- Title IX Coordinator serving as investigator
- Title IX Coordinator serving as facilitator in informal resolution process

**NOT NECESSARILY
CONFLICTS & BIAS**

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**ACTUAL BIAS IS A HIGH LEGAL STANDARD, BUT
PERCEPTION OF BIAS IS IN THE EYES OF THE PARTIES
TO THE PROCESS & SHOULD BE AVOIDED.**

THINGS TO AVOID:

- Truly lop-sided investigations & adjudications, or
- Statements of investigator or panelist showing presumption of responsibility based on sex stereotypes, or
- Misapplying trauma-informed practice to explain away all inconsistencies in complainant's statements



ACTUAL VS. PERCEPTION OF BIAS

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RETALIATION

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WHAT IS RETALIATION?

- Intimidation,
- Threats,
- Coercion,
- Discrimination, and/or
- Charges for a code of conduct violation



WITH THE PURPOSE OF INTERFERING WITH
ANY RIGHT OR PRIVILEGE SECURED BY TITLE

IX

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ZERO TOLERANCE!



TITLE IX **PROHIBITS RETALIATION**
AGAINST PEOPLE WHO SEEK TO
ASSERT THEIR TITLE IX RIGHTS, for
example:

- Where the individual has made a report or complaint
- Where the individual testified, assisted, or participated in the Title IX Grievance Process
- Where the individual refused to participate in any manner in the Title IX Grievance Process

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TITLE IX: JURISDICTION

ONLY within the United States -
Educational programs & activities: (on- or off-campus)

- Locations, Events, or Circumstances

Over which the school exercises substantial control over both:

- The respondent and
- The context in which the sexual harassment occurs.

NOTE: includes any building owned or controlled by institution & used by officially-recognized campus organization.



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DISABILITY RIGHTS CONSIDERATIONS



- **EQUITY vs. EQUALITY**

- Fundamental alteration of programming is not a required accommodation
- Disability cannot be the basis for discipline
- Disability does not excuse misconduct
- Individuals posing as a “direct threat” are not entitled to accommodation


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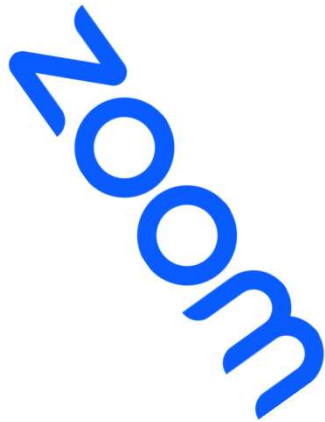
IMPARTIAL PROCESS

PLEASE NOTE: Findings of innocence & guilt are not applicable to Title IX or student conduct grievances. These processes are administrative processes & are not civil or criminal in nature.

A white compact fluorescent light bulb (CFL) is shown against a yellow background. The bulb is oriented vertically with its base at the bottom.

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FUNDAMENTALS



All parties, advisors, witnesses, and decision-makers **must be present** at the same time either **physically or remotely** via secure technology.

DECISION MAKERS

- Must be able to see & hear parties & witnesses (either physically or via secure technology)
- Ask questions of the parties & witnesses
- Decide whether or not question is relevant

ADVISORS

- Ask relevant cross-examination questions

“NO ADVERSE INFERENCE” RULE - No inference of responsibility from a student’s decision to not testify

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STANDARD OF EVIDENCE

Institutions must use one of two standard of evidence to utilize in their grievance process:

1. PREPONDERANCE OF THE EVIDENCE

- More likely than not to be true
- 50%, plus a feather

2. CLEAR & CONVINCING EVIDENCE

- Highly probably to be true
- Neither standard requires corroborating evidence
- Institutions use the same burden of proof or standard of evidence, for all cases of sexual harassment



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- **Parties must undergo live, relevant questions; as determined by decision-maker “in real time”**
- If question is refused, decision-makers can still rely on non-statement evidence & cannot **DRAW INFERENCE** about responsibility from party’s refusal
- **Institutions can “adopt rules to govern a Title IX grievance process” so long as they apply “equally to both parties”**



CROSS-EXAMINATION

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DECORUM

Colleges and universities “**are in a better position than the Department to craft rules of decorum best suited to their educational environment**” and build a hearing process that will reassure the parties that the institution “**is not throwing a party to the proverbial wolves.**”

- See, 85 Fed. Reg. 30026, 30319

ADVISORS WHO VIOLATE THE RULES OF DECORUM MAY BE REMOVED



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SPECIFIC EXCLUSIONS for TITLE IX HEARINGS

RAPE SHIELD (with two exceptions) 32 C.F.R. § 106.45(6)(i)

- Offered to prove someone else committed alleged conduct
- Offered to prove consent

PRIVILEGED INFORMATION: 34 C.F.R. § 106.45(1)(x)

UNDISCLOSED MEDICAL RECORDS: See, 85 Fed. Reg. 30026, 30294

DUPLICATIVE QUESTIONS: See, 85 Fed. Reg. at 30331

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CREDIBILITY DETERMINATIONS: OBJECTIVITY

- Cannot be based on the party's status
- Cannot apply **“predictive behaviors”**
- But you may consider:
 - The party/witness' stake in the outcome
 - The potential conflict of interest where an advisor is also a witness
 - Possible motive to fabricate testimony
 - The possibility of coaching



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Questions about what we've learned so far?

SUNY.EDU

system.suny.edu/sci/news


SYSTEM.SUNY.EDU/SCI/TIX2020


system.suny.edu/sci/titleix




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BREAK!

 **SUNY SCI**
STUDENT CONDUCT INSTITUTE

 **SUNY** The State University
of New York



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**TITLE IX
HEARING BOARD
PANELISTS**

**PUTTING LEGAL FOUNDATIONS
INTO PRACTICE**


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**RETURNING TO
2020 RULE
CHECKLIST**

This document just reminds you of what exactly you should do to ensure that your institution is compliant regarding the switch from the 2024 to the 2020 Title IX Final Rule

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TITLE IX TOOLKIT



TITLE IX TOOLKIT

SUNY UNIVERSITY INCIDENT REPORT	
INCIDENT REPORT #:	101225RD
COMPLETED BY:	Frankie Nicholson (RD)
DATE OF SUBMISSION:	10/10/2025
TIME OF SUBMISSION:	1:15 ET
BACKGROUND INFORMATION	
INCIDENT DATE:	10/9/2025
INCIDENT TIME:	~2:00 AM ET
INVOLVED PERSONS	
Frankie Nicholson – Resident Director, Courtin Hall Dawson Cooper – Resident Assistant, 2 nd floor, Courtin Hall Liana Jenkins – Complainant Cody Norman – Respondent Rahul Crawford – Witness	
DESCRIPTION OF INCIDENT	
<p>On Friday, October 10th, 2025, I, Resident Director (RD) Frankie Nicholson, was in my office in Courtin Hall when I heard a knock at my door around 12:30 PM. When I opened the door, Resident Assistant Dawson Cooper was at my door. I greeted RA Dawson and asked how I could help him and he shared that one of his residents, Liana Jenkins, had come to him upset and crying asking to speak with someone about something that had happened the night before. I agreed to speak with Liana, and went to the 2nd floor to RA Dawson's room.</p> <p>Upon entering RA Dawson's room, I could see that Liana was sitting on the floor in sweatpants and a hoodie and that her eyes looked red and bloodshot. Liana had a box of tissues on the bed next to her, along with her phone and laptop. I introduced myself and asked how I could help, and Liana replied that she wasn't sure.</p> <p>I asked if Liana had gone out the previous night, and Liana nodded. She then asked, "if something happened last night, would I get into trouble?" I asked Liana what she was concerned about and informed her that her safety was my top priority. It was at that time that Liana began to share an incident that occurred at a party she had attended the night prior, and that she thought she was sexually assaulted. At that time, I told Liana that I was required to report any incident of sexual misconduct to the Title IX Coordinator, and Liana said that she understood but wanted to tell someone responsible and that Dawson said that Liana could trust me.</p> <p>Liana stated that she had gone to an off-campus party on Thursday, October 9th, at a house known as the "soccer house," and that she had been drinking throughout the night. There were also green Jell-O shots and "jungle juice" given out in solo cups at the party. She stated that she had consumed "at least two Jell-O shots" and "two full red-solo cups of Jungle Juice." She could not tell me what type of alcohol was in the drinks but stated that it seemed like everyone had a solo cup in their hands and was drinking. She then stated that she ran into a person at the party that she had been avoiding for a while, Cody Norman, who had been sending her text and direct messages repeatedly</p>	

over the course of the past month. Cody had asked Liana to go out, and while Liana initially agreed to go out, they never went out on a date. When Liana said that she was no longer interested in going out, Cody began messaging Liana once a day through various means, including text messages from various numbers, email, written notes in their shared biology class, and direct messages on Instagram, Snapchat, and TikTok. Liana also received a daily message including a picture of her room door with a caption, saying "where r u?". Liana just blocked all the messages and never replied.

Liana said at the party, Cody asked why Liana wouldn't go out with him, and Liana stated that "she wasn't looking to date right now," and that she "was sorry about the whole thing." Cody stated that Liana "could make it up to" him that night and asked her to dance. Liana declined, but said that Cody kept asking, and would "follow her around the party." Liana stated that she had asked a friend, Rahul Crawford, to keep her company at the party until they left. Over the course of the night, though, Liana said that she kept drinking and got a "little too lit," and Rahul and Liana were separated at some point in the night.


Liana said she left the party alone around 1:00 AM and started walking back to Courtin Hall, where she lives. She said she felt sick as she got off the elevator on her floor and went into the bathroom to throw up. It was then that she felt someone grab her hair out of her face to help her vomit, and wiped her mouth with something. As she got up, she realized that it was Cody, and that Cody said that he was "gonna help her to her room." Liana said she couldn't remember what exactly happened next, but said around 2:00 AM she was in her bed with Cody and they were both naked. Liana said that Cody had one hand on her vagina and was "jerk[ing] off" with the other. Liana said that she didn't know what to do, but stayed still while Cody "finished up and wiped himself up." After that, she said that Cody got dressed, put a wastebasket by the bed for Liana to throw up in, and left the room without saying anything. Liana said she started crying until she fell asleep and then when she woke up, she texted her friend Rahul, who had gotten drunk himself and fell asleep at the soccer house. Rahul told Liana to talk to RA Dawson, and that's when Dawson asked me to come to his room.

After Liana finished speaking, I told her that she had the right to supportive measures and to utilize the College's grievance process. I told Liana that I have to report this incident to the Title IX Coordinator, Stephanie Gibson. Liana asked if he could go to the Title IX Coordinator that day, and I said I could go with her to Stephanie's office. At that time, I returned to my office while Liana changed clothes and after she came to my office, we walked to the Title IX Coordinator together.

SAMPLE DOCUMENT 1


- INCIDENT REPORT

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TITLE IX TOOLKIT

SCI UNIVERSITY - INTAKE FORM
TITLE IX REPORT INFORMATION




SAMPLE DOCUMENT
2 - INTAKE FORM

Use this form to record information needed for Title IX reporting purposes. This form and the accompanying Title IX Information Checklist must be completed by the College Official when meeting with the reporting individual.

NY campuses only: Read the following statement to the reporting individual: "You have the right to make a report to university police or campus security, local law enforcement, and/or state police or choose not to report; to report the incident to your institution; to be protected by the institution from retaliation for reporting an incident; and to receive assistance and resources from your institution."


INCIDENT INFORMATION	
Reporting Individual Name: Liana Jenkins	Reporting Individual Status: <input checked="" type="checkbox"/> Student <input type="checkbox"/> Employee <input type="checkbox"/> Other
Reporting Individual Local Address: Courtin Hall, 204	Telephone (Home): N/A (Cell): 315.222.3409

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TITLE IX TOOLKIT

NOTIFICATION OF MUTUAL NO CONTACT ORDER



SAMPLE DOCUMENT 3
- MUTUAL NCO

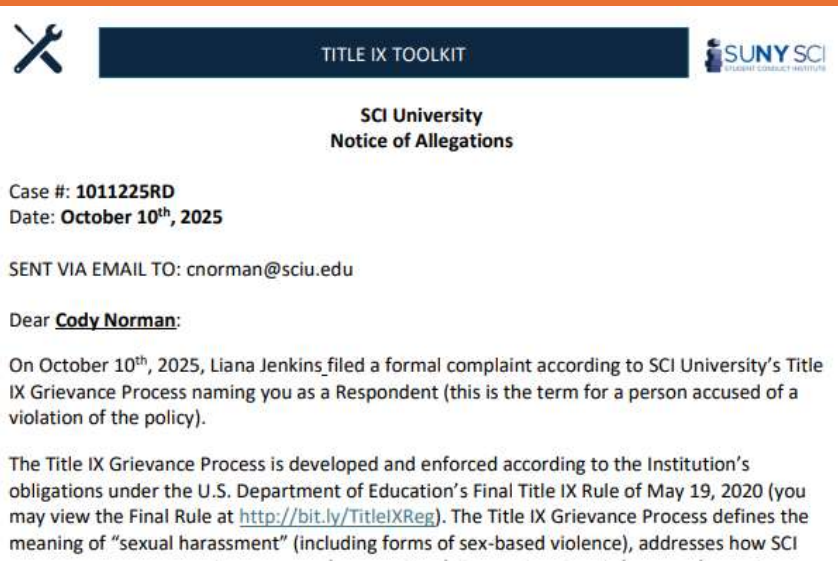
October 10, 2025


Liana Jenkins
Cody Norman
Case No.: 101225RD

SENT VIA EMAIL

On October 10th, 2025, Liana Jenkins filed a formal complaint under SCI University's Title IX Grievance Process regarding an incident of sexual harassment that allegedly occurred on October 9th, 2025. The Title IX Coordinator issued a Notice of Allegations on October 10th, 2025, identifying Cody Norman as the Respondent to that allegation, which was sent to the Respondent and Complainant via email on October 10th, 2025. The Office of Student Conduct then issued the Respondent a Notice of Allegations on October 10th, 2025, charging the Respondent with Stalking and Sexual Assault.

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TITLE IX TOOLKIT 

**SCI University
Notice of Allegations**

Case #: **1011225RD**
Date: **October 10th, 2025**

SENT VIA EMAIL TO: cnorman@sciu.edu


Dear **Cody Norman**:


On October 10th, 2025, Liana Jenkins filed a formal complaint according to SCI University's Title IX Grievance Process naming you as a Respondent (this is the term for a person accused of a violation of the policy).

The Title IX Grievance Process is developed and enforced according to the Institution's obligations under the U.S. Department of Education's Final Title IX Rule of May 19, 2020 (you may view the Final Rule at <http://bit.ly/TitleIXReg>). The Title IX Grievance Process defines the meaning of "sexual harassment" (including forms of sex-based violence), addresses how SCI

**SAMPLE DOCUMENT 4 -
NOTICE OF ALLEGATIONS**

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TITLE IX TOOLKIT 

**SCI UNIVERSITY
REQUEST FOR INTERVIEW
OCTOBER 10TH, 2025**

Case #: **101225RD**
Date: **10/10/2025**

SENT VIA EMAIL TO: ljenkins@sciu.edu

Dear Liana Jenkins:

TITLE IX TOOLKIT 

**SCI UNIVERSITY
REQUEST FOR INTERVIEW
OCTOBER 10TH, 2025**


Case #: **101225RD**
Date: **10/10/2025**

SENT VIA EMAIL TO: cnorman@sciu.edu


Dear Cody Norman:

**SAMPLE DOCUMENTS
5A & 5B - REQUEST
FOR INTERVIEW**

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TITLE IX TOOLKIT



SCI UNIVERSITY INVESTIGATIVE REPORT

OVERVIEW OF THE INVESTIGATION

The following investigative report summarizes the relevant evidence obtained in an investigation conducted in response to a report that Cody Norman (herein after "Respondent") violated certain provisions of the SCI University's Title IX Policy.

On or about October 10th, 2025, SCI University student Liana Jenkins (herein after "Complainant") filed a Formal Complaint with SCI University's Title IX Coordinator, wherein it is alleged that Respondent engaged in stalking behavior and sexual assault against the Complainant.

JURISDICTION

SCI University has jurisdiction to investigate this matter because the Respondent is a student and

1. The conduct is alleged to have occurred after August 14, 2020.
2. The conduct is alleged to have occurred in the United States.
3. The conduct is alleged to have occurred in on-campus premises (Courtin Hall).
4. The alleged conduct, if true, would constitute covered sexual harassment.

**SAMPLE
DOCUMENT 6 -
INVESTIGATIVE
REPORT**

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9:00 AM

Message from cody

9/24/2025 8:00 AM: how about that coffee?

10/1/2025 9:10 AM: that's not funny, cody

10/1/2025 9:12 AM: what?

10/2/2025 9:15 AM: please do not contact me anymore: not via text, social media, or in person. Please respect that

10:05

Message from (120) 345-6789


Sun 2 Jun at 17:00: god I want to take a bite outta that

10:04

mail Inbox

checkmeout@gmail.com 21:20 to me

i can hear you inside




Reply Forward

**SAMPLE
DOCUMENT 7
- EVIDENCE
APPENDIX**


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SAMPLE DOCUMENT 8 - HEARING SCRIPT



TITLE IX TOOLKIT



SCI UNIVERSITY HEARING SCRIPT

I. INTRODUCTION:

Administrative Hearing Officer: We are officially on the record at 9:00 AM on November 24, 2025 for case number 101225RD. I would ask everyone to turn off cell phones for the duration of the hearing and please could you all present your phones to ensure this practice? Thank you. My name is Joyce Conceição, and I am serving as today's hearing officer. Today's hearing is being recorded, therefore please be reminded to speak clearly throughout the hearing. The recording of this hearing will be made to be used in any deliberations by the decision-maker(s) or appeal board, and may be accessed by the parties prior to any appeal. This recording represents the sole official verbatim record of today's Title IX Hearing and is the property of this institution.

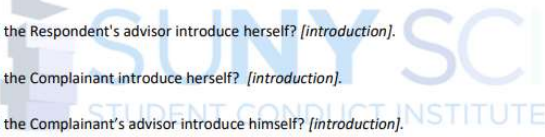
Would each member of the hearing panel please introduce themselves? We will begin to my left. *[introduction].*

Would the Respondent(s) introduce himself? *[introduction].*


Would the Respondent's advisor introduce herself? *[introduction].*

Would the Complainant introduce herself? *[introduction].*


Would the Complainant's advisor introduce himself? *[introduction].*



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TITLE IX TOOLKIT



SCI UNIVERSITY DECORUM POLICY

PURPOSE OF THE RULES OF DECORUM

Title IX hearings are not civil or criminal proceedings and are not designed to mimic formal trial proceedings. They are primarily educational in nature, and the U.S. Department of Education, writing about Title IX in the Final Rule "purposefully designed these final regulations to allow recipients to retain flexibility to adopt rules of decorum that prohibit any party advisor or decision-maker from questioning witnesses in an abusive, intimidating, or disrespectful manner." 85 Fed. Reg. 30026, 30319 (May 19, 2020). The Department has determined that institutions "are in a better position than the Department to craft rules of decorum best suited to their educational environment" and build a hearing process that will reassure the parties that the institution "is not throwing a party to the proverbial wolves." Id.

SAMPLE DOCUMENT 9 - DECORUM POLICY

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SAMPLE DOCUMENT 10 – SAMPLE QUESTIONS



TITLE IX TOOLKIT



RELEVANCY DETERMINATIONS

1. **Are these questions relevant?** Determine whether the questions below for the complainant and respondent are relevant or not.
2. **Why or why not?**
 - a. **Remember:** Questions are not relevant if:
 - i. It is about privileged information that has not been waived or is legally recognized
 - ii. The question is about complainant's prior sexual behavior, or sexual predisposition
 - iii. It does not ask whether a fact material to the allegations is more or less likely to be true

Questions for Complainant:

1. At the soccer house party, you told Cody that you weren't "looking to date right now." Have you been on dates with other men?
2. At the soccer house party, you told Cody that you weren't "looking to date right now." Have you told other men that you weren't dating right now?
3. At the soccer house party, you told Cody that you weren't "looking to date right now." Was that a lie?

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SAMPLE DOCUMENT 11 – RATIONALE

FINDINGS & RATIONALE

{For each allegation}:

- *Description of evidence reviewed (i.e. written statements, report filed through the Title IX Investigator, screen shots of various text message and social media conversations, as well as verbal testimony from witnesses)*
- *Description of relevant section of Code of Conduct / Title IX Grievance Process*
- *Description of standard of evidence*


{NB: The following sections should be filled in by your hearing decision-maker}

- *Re-statement of finding (not responsible/responsible)*
- *Description of rationale supporting that finding, including which evidence was relied on and what the substance of that evidence was, and if applicable, evidence that was not relied on.*
- *Any disciplinary sanctions imposed upon respondent*
- *A statement of whether remedies designed to restore or preserve equal access to the recipient's education program or activity will be provided by the recipient to the complainant.*

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TITLE IX TOOLKIT



Case Number: [101225RD](#)
Date and Time: December 10th, 2025

I, Cody Norman, the Respondent, wish to appeal this case due to the presence of a procedural irregularity that affected the outcome of Case [101225RD](#).

The procedural irregularity in question relates to the determination of relevancy made by Benji Houser, the Hearing Chair in this case. A question directed to the Complainant in this case: "At the soccer house party, you told Cody that you weren't 'looking to date right now.' Have you been on dates with other men?"

This question was determined irrelevant because it asked about the Complainant's prior sexual or dating history.

Relevancy determinations are only made when the question pertains to a Complainant's prior sexual history or conduct, not dating history. This determination was made incorrectly, in error, and affected the case because it inhibited the Complainant from confirming that the Complainant and Respondent were at minimum in a romantic relationship at the time of this incident.

Thank you,
Cody Norman



SAMPLE DOCUMENT 12 - RESPONDENT APPEAL