



TITLE IX COORDINATOR TRAINING

Day 3

INTRODUCTIONS



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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.



INVESTIGATIVE REPORT TEMPLATE

- Overview of the investigation
 - Includes parties, applicable policies, allegations of misconduct, brief description of alleged misconduct
- Jurisdiction of educational institution
- Identify investigators
- Objective of the investigation & report
- Allegations, verbatim
- Identification of witnesses
- Description of evidence collected
- Summary of the relevant evidence
- Procedural next steps



INVESTIGATIVE REPORT



- Creation & sharing of investigative report summarizing evidence collected (*fairly*)
 - Shared with both parties at least 10 days before hearing
- Include procedural steps taken
- Redact or remove evidence deemed “irrelevant” including exempted evidence
- Parties may correct errors, contest inclusion of certain evidence, address issues of conflicts of interest or bias
- Use of appendix may be used for evidence institution may not wish to rely on for the case
- Should not include responsibility determination (*unless single-investigator model*)

EVIDENCE STORAGE

Secure, retrievable & accessible

May impose rules for sharing material like NDAs

Case management software allowed

Note legally-recognized & un-waived privilege

Opportunities to challenge evidence





- Both parties have equal opportunity to review & respond to evidence gathered prior to investigative report
- Ten days to review “any” relevant information & evidence
- Parties submit written response, which investigator reviews
- Includes chance to determine evidence as “irrelevant” or “not directly related” to allegation
- ED recommends a “privilege log”

EVIDENCE INSPECTION





Consider impact of trauma:

- Fragmented memory & non-linear event order
- Specific details about sensory events

Trauma-informed approach doesn't substitute for missing info, justification for not doing a full investigation, or cause a biased belief in a party's accuracy

Questioning & word usage

- “Help me understand ...” “What are you able to tell me about what you experienced?”
 - Describing another individual's experience
 - Framing your questions, avoiding why questions



TRAUMA- INFORMED INTERVIEWING

CULTURAL AWARENESS

STUDENT-CENTERED PROCESS

Individuals on hearing boards should be mindful that the participants may come from different backgrounds & cultures than their own

- Race
- Ethnicity
- Gender
- Religion
- Ability/disability
- Language (limited English proficiency)
- Immigration status
- Socioeconomic status
- Sexual orientation,
- Gender identity or expression
- Age





BIAS & KNOWLEDGE

- ENHANCE CULTURAL COMPETENCY
- ADAPT TO DIVERSE COMMUNICATION STYLES
- ADDRESS CULTURAL PERCEPTIONS OF AUTHORITY
- IMPLEMENT EQUITABLE PRACTICES



HOW CULTURE CAN IMPACT TITLE IX ADJUDICATION

ADJUST COMMUNICATION STYLES

- Encourage open dialogue
- Ensure students are comfortable sharing perspectives without constraints

AVOID OVERINTERPRETING BEHAVIOR

- Limited eye contact or formality could be indicative of many influences
- Avoid letting cultural differences influence decision-making processes



PRE-HEARING CONFERENCES

- Meet with all parties (& advisors) to discuss next steps, *particularly the resolution/grievance process*
 - Final review of investigative report
 - Re-review of resolution options (informal resolution or live hearing)
 - Confirm date & time of hearing
- Review rules of decorum for live hearing
- **CROSS-EXAMINATION**
- Walk through the hearing from start to finish
- Address any questions as needed

PRE-HEARING CONSIDERATIONS PHYSICAL SPACE & TECHNOLOGY

- Accessibility needs
- Reliable internet access
- Physical space for parties & advisors, hearing board members
- Access to appropriate equipment
- Technology settings
 - All parties must be able to see & hear each other (cameras must be on)
 - **decisionmakers must be comfortable with any tech used***
- Are you recording?

- Double check provided links & access to documents
- Back up plan & back up tech person
- Witness invites
- All party & advisor confirmations
- Confidentiality & privacy of communications

ABOUT DECORUM

Colleges & universities “**are in a better position than the Department to craft rules of decorum best suited to their educational environment**” & 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



QUESTIONS SHOULD BE ASKED IN A NEUTRAL TONE

No accusatory questions

No “duty of zealous advocacy” inferred or enforced, even for attorney-advisors

No abusive behavior: yelling, screaming, badgering, leaning in, or approaching witnesses/parties without permission

No use of profanity or personal attacks

Repetitive questions are not allowed

 **DECORUM** 



- Introductions
- Purpose of hearing, review of allegations
- Privacy & decorum expectations
- Due process rights
- Notice of allegations & claims
- Opening statements
- Presentation of investigative information
- Cross-examination & relevancy determinations
- Witnesses & cross-examination
- Closing statements
- End of hearing, move to deliberation



GENERAL HEARING PROCESS





A script helps make sure the institution complies with:

- Due process requirements
- Notice obligations
- Equal treatment of both parties



It provides a clear record that all mandated steps were followed.

A blurred background image of a person in a white lab coat sitting at a desk, writing in a notebook with a silver pen. A smartphone is also visible on the desk.

THE SCRIPT



PURPOSE OF A HEARING



- Determine responsibility of respondent for a violation of institution's Title IX policy
- Facilitate an equitable, fair process
 - *May not be perfect*
-
- Obligation of participants (including institution) of truthfulness & transparency
- Not a criminal proceeding

THE ROLE OF THE ADVISOR

Advisor of the **party's choice** (including attorneys)

Advisors serve **TWO essential** functions in the Title IX grievance space:

1. Support their advisee through the process, &
2. Ask questions through cross-examination



ADVISOR

ADVISOR RESOURCE GUIDE

INTRODUCTION: SERVING AS AN ADVISOR IN TITLE IX PROCEEDINGS

THE ROLE OF THE ADVISOR

PRE-HEARING PREPARATIONS

HEARINGS

CROSS-EXAMINATION & RELEVANCE

AFTER THE HEARING

CHECKLISTS & OTHER RESOURCES

Advisor Resource Guide for Title IX Investigations and Hearings

SEPTEMBER 2021

shorturl.at/iBjcZ

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CROSS-EXAMINATION



- Questions by a party's advisor to the other party (& witnesses)
 - Respondent advisor to complainant, and *vice versa*
- Before answering, decision-maker determines question relevant or not
- Decorum rules must be followed when questions are asked
 - Failure to abide by decorum rules may warrant removal

QUESTIONING

- Decision-makers determine relevance of questions prior to answering
- Relevant questions ask **whether facts material to allegations under investigation are more or less likely to be true**
- Decisions about relevancy are made question-by-question
- Bias rules insist determinations cannot be made based on:
 - Who asked the question,
 - Their possible (or clearly stated) motives,
 - Who the question is directed to, or
 - The tone or style used to ask about the fact.





WHAT MAKES A QUESTION IRRELEVANT?



Three clear exceptions to relevance:

1. Questions about privileged information,
2. Questions about complainant's prior sexual behavior, or sexual predisposition, and
3. Questions previously asked & answered.

Questions that pertain to these matters must be excluded & dismissed.



DECISION-MAKER

If decision-maker is a single individual, they are responsible for the decision.

If the decision-maker is a panel, the panel chair will be responsible for relevancy determinations.

The 2020 Final Rule *“does not require a decision-maker to give a length or complicated explanation.”*

HOW DO DECISION-MAKERS MAKE RELEVANCY DETERMINATIONS?



QUESTIONS ABOUT PRIVILEGED INFORMATION

- IRRELEVANT because they call for information shielded by a Medical or otherwise *LEGALLY-RECOGNIZED PRIVILEGE*
 - Physician, dentist, podiatrist, chiropractor, nurse, psychologist, psychiatrist
 - Clergy, rape crisis counselors, social workers
 - Each state may have specific rules pertaining to privilege





HOW TO DOCUMENT DECISIONS ABOUT PRIVILEGED INFORMATION

”This question is irrelevant because it calls for information shielded by a legally-recognized privilege - Questions about privileged information: [identify the privilege here].”

“The question is relevant because, although it calls for information shielded by a legally recognized privilege - Questions about privileged information [identify the privilege here], that privilege has been waived in writing, and the question tends to prove that a material fact at issue is more or. Less likely to be true.





COMPLAINANT'S PRIOR SEXUAL BEHAVIOR, OR SEXUAL PREDISPOSITION

Information about the complainant's sexual habits or predisposition, OR prior sexual behavior are not relevant unless they meet one of two exceptions:

1. Questions & evidence of this kind are offered to prove that someone other than the respondent committed the violation, or
2. If the information concerns specific incidents of the complainant's prior sexual behavior with respect to the respondent & is offered to prove consent was obtained.





RELEVANCY DETERMINATION RATIONALE - PRIOR SEXUAL BEHAVIOR OF THE COMPLAINANT

“This question is irrelevant because it calls for information about the complainant’s prior sexual behavior without meeting one of the two exceptions.”

“This question is relevant because although it calls for information about the complainant’s prior sexual behavior, it meets one of the two exceptions to the rape shield protections defined in 34 C.F.R. § 106.45(b)(6)(i), and it tends to prove that a material fact at issue is more or less likely to be true:

EXCEPTION 1: the question is asked to prove that someone other than the respondent committed the conduct alleged by the complainant.

EXCEPTION 2: the question concerns specific incidents of complainant’s prior sexual behavior with respect to the respondent and is asked to prove consent.”





GENERAL FACT FINDING QUESTIONS

REPETITIVE QUESTIONS, or questions that do not address the allegations in any meaningful way, may be DETERMINED IRRELEVANT.

“This question is relevant because it asks whether a fact material to the allegation is more or less likely to be true.”

“This question is irrelevant because it asks about a detail that does not touch on whether a material fact concerning the allegations is more or less likely to be true.”

”This question has been asked and answered. [CITE]”





DETERMINING RESPONSIBILITY

- ❑ Identify the allegations potentially constituting sexual harassment
- ❑ Describe the procedural steps taken
- ❑ Identify findings of fact supporting the determination
- ❑ Identify which section of the grievance policy respondent has or has not violated
- ❑ For each allegation, provide a statement of and rationale for:
 - ❑ The result, including a determination regarding responsibility;
 - ❑ Any disciplinary sanctions imposed on the respondent; &
 - ❑ Whether remedies designed to restore or preserve equal access to recipient's education program or activity will be provided to the complainant; &
- ❑ Describe the recipient's appeal procedures



EVIDENCE

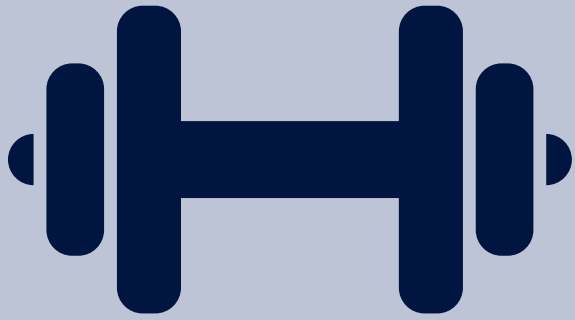


DIRECT

CORROBORATING



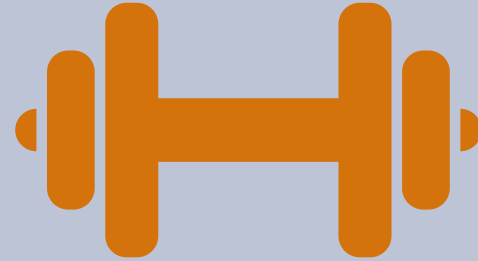
CIRCUMSTANTIAL



DIRECT

First-hand observations & evidence of incident or surrounding circumstances

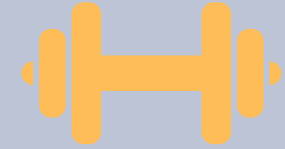
CONSIDERABLE WEIGHT
(witness testimony of first-hand account of incident)



CORROBORATING

Statements or tangible materials that confirm direct evidence regarding incident

SOME WEIGHT
(video evidence, text message threads, security footage, etc.)



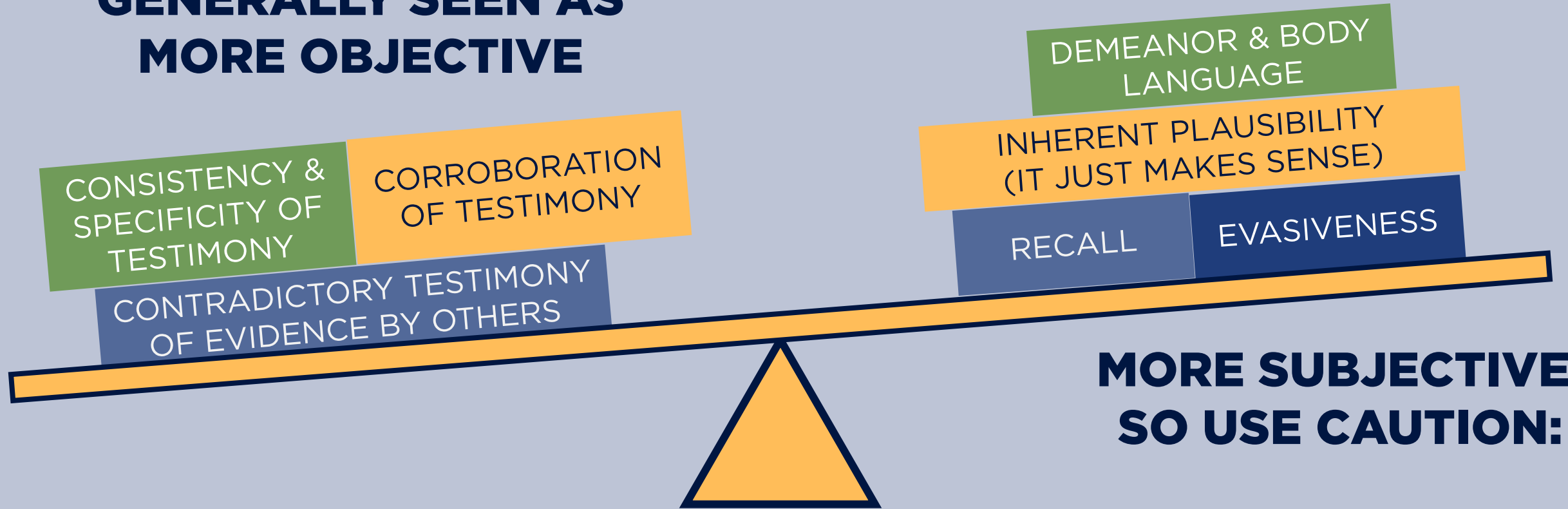
CIRCUMSTANTIAL

Statements or tangible materials that rely on inference

LEAST WEIGHT
(photo of location of alleged sexual assault showing several empty vodka bottles)

ASSESSING WEIGHT

**GENERALLY SEEN AS
MORE OBJECTIVE**



**MORE SUBJECTIVE,
SO USE CAUTION:**

WEIGHING TESTIMONY & EVIDENCE

CREDIBILITY DETERMINATIONS: OBJECTIVITY

- Cannot be based on the party's status
- Cannot apply “predictive behaviors”
- But decision-makers 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





CREDIBILITY

SPECIFICITY
CONSISTENCY
CONTRADICTION
MOTIVE TO DECEIVE
DEMEANOR &
EVASION

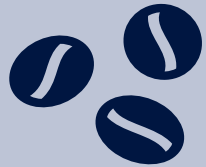
Credibility judgments may feel subjective – decision-makers are asked to evaluate whether a person *they don't know* is being honest in an unfamiliar & stressful situation.

Many traditional approaches to assess credibility may **REINFORCE BIASES** rather than promote an effort to get at the truth. The areas on the left can help decision-makers determine credibility.

DELIBERATION



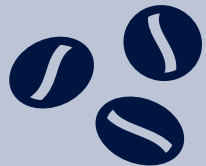
Establish roles, assess board member strengths



Review allegations, claims, evidence, hearing notes



Utilize tools for success, sanctioning guidelines, bias chart, etc.



Scheduling, flexibility



Seek consensus, or lack thereof



DETERMINATION & REMEDIES



Not Responsible/Not In Violation
revisiting restrictions



Responsible/In Violation
sanction guidelines, prior history, readmission



Considerations, resources, consistency, non-discrimination

TIME FOR AN ATTENDANCE CHECK

1. If you are brought to a login page, please sign into your SUNY SCI account using the **local login function**, this should bring you to the attendance check page where you can begin the quiz.
2. Complete the attendance check survey in the **same browser** in which you are accessing this Zoom call.
3. Log into your **SUNY SCI Dashboard**, scroll down to the **My Courses** section, select today's L@D course and choose the **Attendance Checks** module where you can complete the check. 😊
4. If you experience issues, please direct message **@StudentConductInstitute** in the Zoom chat or email STUDENTCONDUCTINSTITUTE@SUNY.EDU.

**ATTENDANCE QUIZ APPEARS DURING THE TRAINING BREAK *FOR A LIMITED TIME.*
PLEASE TAKE THE QUIZ IMMEDIATELY ONCE IT IS POSTED IN THE CHAT.**



SANCTIONS AND/OR REMEDIES

APPROPRIATE SANCTIONS

If the student is found responsible, outline the sanctions. IF IT'S AN EMPLOYEE, SANCTIONS WILL LIKELY BE ISSUED LATER

APPROPRIATE REMEDIES

If remedies are being provided to the complainant, they would be outlined here

RATIONALE FOR SANCTIONS OR REMEDIES

Explain why the chosen sanctions/remedies are appropriate, considering factors such as the severity of the offense, past conduct history, & educational outcomes or institutional obligations to the complainant


DETERMINING SANCTIONS

CLOSING STATEMENTS
IMPACT OF SANCTIONS
PROPORTIONALITY
CONSISTENCY
PRIOR DISCIPLINARY
HISTORY
EDUCATIONAL MISSION





BOTH PARTIES CAN SUBMIT IMPACT STATEMENTS

- 
- Provide context for their behavior
 - Suggest possible options for the board to consider
 - Describe the impact the process has had on them, the other party, or their community
 - Suggest sanctioning or request leniency



SANCTION SEVERITY

SANCTIONS SHOULD ADDRESS ANY AGGRAVATING AND/OR MITIGATING FACTORS OF A CASE

AGGRAVATING FACTORS INCREASE SEVERITY
OF A VIOLATION

EX: Lack of remorse or understanding, presence of
weapons, premeditation

MITIGATING FACTORS DECREASE SEVERITY OF
A VIOLATION

EX: Non-violent offense, demonstrated capacity or
willingness to change behavior

CONSIDER!

Restorative measures rather than
purely punitive sanctions

Disproportionate effect on student
unrelated to the circumstances



PROPORTIONALITY

SANCTIONS PROPORTIONAL TO OFFENSE

Is sanctioning consistent with the kind of violation considered before the hearing panel?

Mitigating/Aggravating Factors

Rationale needed when deviating

**OPEN
CONTAINER OF
ALCOHOL**

Warning

**VIOLENT
OFFENCE
INVOLVING
ALCOHOL**

??

CONSISTENCY

DEVIATION FROM INTERNAL CONSISTENCY CAN BE SEEN AS ARBITRARY & CAPRICIOUS

Individual treatment of cases an imperative

Many cases may have similar circumstances & outcomes

- Colleges must have record keeping protocol

History & guidance can assist in sanction development

Disregarding consistent sanctioning response must be rationalized

| STUDENT 1 | STUDENT 2 |
|--------------------------|--------------------------|
| Responsible for Stalking | Responsible for Stalking |
| Removal from Housing | Warning & Reprimand |
| Rationale | ??? |



PRIOR DISCIPLINARY HISTORY

REMEMBER: PRIOR MISCONDUCT IS NOT EVIDENCE OF RESPONSIBILITY FOR NEW MISCONDUCT

Hearing panels can use prior findings of responsibility to assist in determining sanctions for new responsible findings

Prior similar violations with similar circumstances may indicate a need for more impactful sanctioning

- Frequency of violation, also

More punitive motivation than other considerations

SAMPLE STUDENT

Responsible for Stalking

Responsible for Stalking

January 2025

December 2025

Probation
Counseling
Educational
Sanctions

???

INSTITUTIONAL MISSION

***WHAT DOES YOUR INSTITUTIONAL MISSION
HAVE TO SAY ABOUT STUDENT MISCONDUCT?***



Institutional philosophy may influence your office & practice

Scheduling systems for sanction, predetermined outcomes for responsible findings

Collaborative approaches with other offices, or with responsible students

Performance plans or behavioral agreements



COMMON SANCTIONS

| SANCTION TYPE | DESCRIPTION & EXAMPLES |
|---|--|
| WARNINGS OR REPRIMANDS | Both written and/or verbal |
| CREATIVE OR EDUCATIONAL | Reflection papers, presentations, letters to future-selves, pre-made programs designed for specific circumstances |
| PUNITIVE MEASURES | Probation, suspension, or permanent separation from the institution |
| RESTORATIVE MEASURES | Intentional dialogues with community members, service dedicated to repairing harm or restoring relationships |
| ENGAGEMENT WITH RESOURCES OR SERVICE | Counseling, or wellness-related services, partnerships with on-campus offices to engage students with community & campus |



RATIONALE, IN PRACTICE

- DESCRIPTION OF EVIDENCE REVIEWED (i.e. written statements, report filed through TIX Investigator, screen shots of various message threads, & witness testimony)
- Description of relevant CODE OF CONDUCT / TITLE IX GRIEVANCE PROCESS section
- Description of STANDARD OF EVIDENCE
- RE-STATEMENT OF FINDING (not responsible/responsible)
- RATIONALE supporting finding, including evidence was relied on & what the substance of that evidence was, & if applicable, evidence that was not relied on
- Any DISCIPLINARY SANCTIONS imposed upon respondent
- Any REMEDIES DESIGNED TO RESTORE OR PRESERVE EQUAL ACCESS to the education program or activity will be provided to the complainant



APPEALS PROCESS

3 MANDATED GROUNDS

PROCEDURAL IRREGULARITY

Procedural irregularity that affected the outcome of the matter (i.e. a failure to follow the institution's own procedures)

NEW EVIDENCE

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

CONFLICTS OF INTEREST, OR BIAS

The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against an individual party, or for or against complainants or respondents in general, that affected the outcome of the matter



“An opportunity for a student to bring forward specific concerns that may have impacted the result of the original hearing (as defined in your institution’s code of conduct)”

(Kalagher, S.S. & Curran, R. D., 2020)



WHAT IS AN APPEAL?



Appeals are not mulligans or do-overs

No second-guessing or micro-management of hearings

Cannot deviate from procedures

All parties must be notified of appeals

All new panel to hear appeals

Conflicts of interest and/or bias prohibited

Additional grounds for appeal may be considered, but only if
publicly available & applicable to all

APPEAL CONSIDERATIONS



**WHEN CAN
A PARTY
APPEAL?**

APPEALS CAN TAKE PLACE ANY TIME A DECISION IS MADE.

This includes, but may not be limited to:

- Supportive measures (any kind)
- Emergency removals
- Relevance determinations
- Evidence or question exclusions
- Adjustments made throughout the process
- Decisions/determinations
- Dismissals of complaint

YOUR INSTITUTION REQUIRES A MECHANISM TO HEAR CHALLENGES.



Appeal decisions must be **in writing**.

Parties notified simultaneously through official communication.

The decision must include, at minimum:

- The grounds for appeal, or grounds considered;
- The rationale for granting or denying the appeal;
- If the appeal is granted, what are the next steps for remedy & why?

What is a remedy?

- Example: increase or decrease the severity of sanction for the respondent



APPEAL DECISION

- Finding of Responsibility
- Policy Jurisdiction
- Formal Complaint Summary
- Investigatory Procedures
- Inspection & Review of Evidence
- Review of Investigative Report
- Delays & Adjournments
- Live Hearing Procedures Summary
- Appeal Rights
- Findings & Rationale
- Sanctions & Remedies



DETERMINATION NOTICE





| AREA | CONSIDERATIONS |
|-------------------------|---|
| PERSON CENTERED | Summary Letter |
| CAPACITY | Board Member Schedules, Timeframes, Deadlines |
| SKILLSETS | Board Members assigned to specific tasks |
| STYLE | Findings section may vary depending on the type of case; Create an outline with your analysis mapped-out before drafting |
| TECHNOLOGY & PRIVACY | What are some considerations here? How is information shared and kept private? |
| TRAINING | Senior board members may be better equipped to write rationales |

DETERMINATION NOTICE



NOTIFICATION OF DETERMINATION

Supportive
measures or interim
restrictions remain
in place through
appeal

Either party can
appeal (same
timeline)

Preparation for any
reactions during this
time-period



Reactions v. Responses

Reflective Responses:
Restate, Reflect, Validate

Choices

Consistent Communication &
Offerings for Parties

FERPA Considerations



REACTIONS & CONSISTENT COMMUNICATION



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





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



WHICH ROLES NEED TRAINING?

**TITLE IX
COORDINATORS**

**DECISION-
MAKERS**

INVESTIGATORS

**INFORMAL
RESOLUTION
FACILITATORS**



REQUIRED TIXC TRAINING

- Definition of sexual harassment (106.30)
- Scope of institution's education programs or activities (i.e. its Title IX "jurisdiction")
- How to investigate
- How to conduct grievance processes (including hearings, appeals, informal resolutions if using)
- Technology used at live hearings
- Issues of relevance of questions & evidence
- Rape shield protection
- Issues of relevance in creating an investigative report
- How to serve impartially (avoiding prejudgment of facts at issue, conflicts of interest, & bias)
- Trainings may not rely on sex stereotypes & must promote informal investigations & adjudications of formal complaints of sexual harassment



DECISION-MAKERS

- ❑ Definition of sexual harassment (106.30)
- ❑ Scope of institution's education programs or activities (i.e. its Title IX "jurisdiction")
- ❑ How to conduct grievance processes (including hearings, appeals, informal resolutions)
- ❑ Technology used at live hearings
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INVESTIGATORS

- ❑ Definition of sexual harassment (106.30)
- ❑ Scope of institution's education programs or activities (i.e. its Title IX "jurisdiction")
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- ❑ Issues of relevance in creating an investigative report
- ❑ How to serve impartially (avoiding prejudgment of facts at issue, conflicts of interest, & bias)
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INFORMAL RESOLUTION FACILITATORS

- ❑ Definition of sexual harassment (106.30)
- ❑ Scope of institution's education programs or activities (i.e. its Title IX "jurisdiction")
- ❑ Issues of relevance of questions & evidence
- ❑ Rape shield protection
- ❑ How to serve impartially (avoiding prejudgment of facts at issue, conflicts of interest, & bias)
- ❑ Facilitation of informal resolution processes (including administrative review, mediation, and/or restorative justice)
- ❑ Trainings may not rely on sex stereotypes & must promote informal investigations & adjudications of formal complaints of sexual harassment



NY-129 B REQUIREMENT

All students have the right to:

- Make a report to local law enforcement and/or state police;
- Have disclosures of domestic violence, dating violence, stalking, and sexual assault treated seriously;
- Make a decision about whether or not to disclose a crime or violation and participate in the judicial or conduct process and/or criminal justice process free from pressure from the institution;
- Participate in a process that is fair, impartial, and provides adequate notice and a meaningful opportunity to be heard;
- Be treated with dignity and to receive from the institution courteous, fair, and respectful health care and counseling services, where available;



MORE NY-129 B REQUIREMENTS

- Be free from any suggestion that the reporting individual is at fault when these crimes and violations are committed, or should have acted in a different manner to avoid such crimes or violations;
- Describe the incident to as few institutional representatives as practicable and not to be required to unnecessarily repeat a description of the incident.
- Be free from retaliation by the institution, the accused and/or the respondent, and/or their friends, family and acquaintances within the jurisdiction of the institution;
- Access to at least one level of appeal of a determination;
- Be accompanied by an advisor of choice who may assist and advise a reporting individual, accused, or respondent throughout the judicial or conduct process including during all meetings and hearings related to such process;
- Exercise civil rights and practice of religion without interference by the investigative, criminal justice, or judicial or conduct process of the College.



CONSENT





NYS DEFINITION

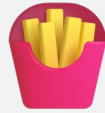
“Affirmative consent is a knowing, voluntary, and mutual decision among all participants to engage in sexual activity. Consent can be given by words or actions, as long as those words or actions create clear permission regarding willingness to engage in the sexual activity. Silence or lack of resistance, in and of itself, does not demonstrate consent.”



NY-129 B REQUIREMENT



F.R.I.E.S.



 Planned Parenthood

**FREELY GIVEN
REVERSIBLE
INFORMED
ENTHUSIASTIC
SPECIFIC**

NYS SCHOOLS MUST REFLECT CERTAIN PRINCIPLES IN GUIDANCE:

- Consent to any act or prior act between any party does not imply or constitute consent to another act
- Required regardless if person initiating is under the influence of drugs/alcohol
- Consent may be withdrawn as well as given
- Incapacitated individuals cannot give consent
- Consent cannot be coerced
- When consent is withdrawn or cannot be given, sexual activity must stop



RECORDKEEPING

INSTITUTIONS MUST KEEP, FOR AT LEAST SEVEN YEARS, RECORDS OF:

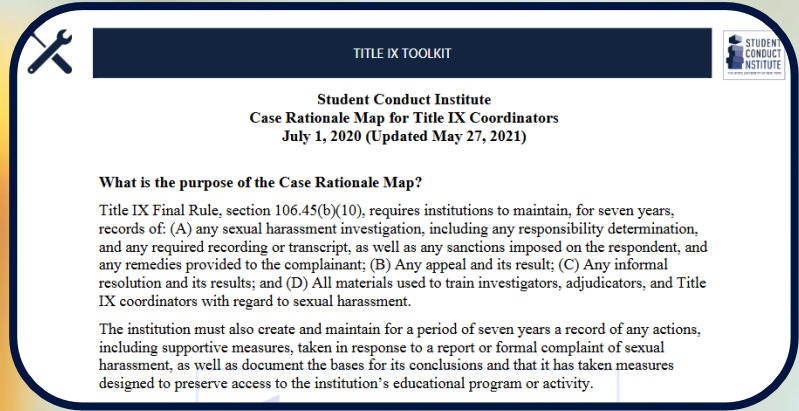
- Each sexual harassment investigation, including
 - Determination regarding responsibility,
 - Any audio or audiovisual recording or transcript,
 - Any disciplinary sanctions imposed on respondent,
 - Any remedies provided to complainant designed to restore or preserve equal access to institution's educational programs or activities
- Any appeal & results of said appeal
- Any informal resolution & results of said resolution
- Any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment
 - Basis for conclusion, & that institution was not deliberately indifferent
 - If no actions taken, the rationale for why response was appropriate & not deliberately indifferent
- All training materials for TIX Coordinators, investigators, decisionmakers, & any informal resolution facilitator
 - Training materials must be publicly available on its website, or make them available upon request for inspection by members of the public

This document is designed to help Title IX Coordinators map the decision-making process for:

- all reports & formal complaints of Title IX sexual harassment, including reports that do not result in an investigation or adjudication.

This work may be completed by several different offices & individuals on campus, (e.g. Student Conduct, Human Resources, Office of Disability Services) but it is the Title IX Coordinator's responsibility to track these items.

We created this document to help our members track every aspect of response in every case, in real time, reducing the need to re-create responses & information long after the conclusion of a case.



The thumbnail shows the cover of the 'Case Rationale Map for Title IX Coordinators' document. It features a dark blue header with a wrench and screwdriver icon on the left and the text 'TITLE IX TOOLKIT' on the right. Below the header, the title 'Case Rationale Map for Title IX Coordinators' is centered, followed by the date 'July 1, 2020 (Updated May 27, 2021)'. The main body of the thumbnail contains the text: 'What is the purpose of the Case Rationale Map? Title IX Final Rule, section 106.45(b)(10), requires institutions to maintain, for seven years, records of: (A) any sexual harassment investigation, including any responsibility determination, and any required recording or transcript, as well as any sanctions imposed on the respondent, and any remedies provided to the complainant; (B) Any appeal and its result; (C) Any informal resolution and its results; and (D) All materials used to train investigators, adjudicators, and Title IX coordinators with regard to sexual harassment. The institution must also create and maintain for a period of seven years a record of any actions, including supportive measures, taken in response to a report or formal complaint of sexual harassment, as well as document the bases for its conclusions and that it has taken measures designed to preserve access to the institution's educational program or activity.'



CASE RATIONALE MAP



TIME FOR AN ATTENDANCE CHECK

1. If you are brought to a login page, please sign into your SUNY SCI account using the **local login function**, this should bring you to the attendance check page where you can begin the quiz.
2. Complete the attendance check survey in the **same browser** in which you are accessing this Zoom call.
3. Log into your **SUNY SCI Dashboard**, scroll down to the **My Courses** section, select today's L@D course and choose the **Attendance Checks** module where you can complete the check. 😊
4. If you experience issues, please direct message **@StudentConductInstitute** in the Zoom chat or email STUDENTCONDUCTINSTITUTE@SUNY.EDU.

**ATTENDANCE QUIZ APPEARS DURING THE TRAINING BREAK *FOR A LIMITED TIME.*
PLEASE TAKE THE QUIZ IMMEDIATELY ONCE IT IS POSTED IN THE CHAT.**