



GICA Compliance Collaborative

This PowerPoint is part of a 3-hour training program. The first hour used the PowerPoint; two hours were devoted to Title IX Hearing Panel Member training videos.

Sexual harassment
Education program or activity
Formal complaint
Complainant
Respondent

Preponderance of evidence
Clear and convincing

Definition
Role Advisor
Represent or permit advisor participation
Restrictions on who can be an Advisor
Rules of decorum

No conflict of interest or bias
Reasonable prompt time frames
No gag order
Written notice required
Presumption of not responsible

Rights of Complainant and Respondent

Informal Resolution

Not permitted to require as condition of employment or continuing in education program

Not permitted to resolve allegations that employee sexually harassed a student

Formal Resolution

Inspect and review evidence

Preliminary Report

Investigative Report

Non-Disclosure agreement

Must have Live Hearing

Option – Informal Resolution prior to adjudication

Parties physically present

Recording

Order of hearing

Advisor

Attendance at hearing

Must submit to cross-examination

Questions of parties and witnesses by Advisor

Cross-examination

Determination by Decision-maker

“Waiving” question

Relevant questions

Ruling

Not relevant questions

Legally recognized privilege

Rape shield protection

Medical records

Hearsay

<https://www.federalregister.gov/documents/2020/05/19/2020-10512/nondiscrimination-on-the-basis-of-sex-in-education-programs-or-activities-receiving-federal#citation-1152-p30294>