

Equal Opportunity Policies & Hearings

Training Materials for Participants

Contents

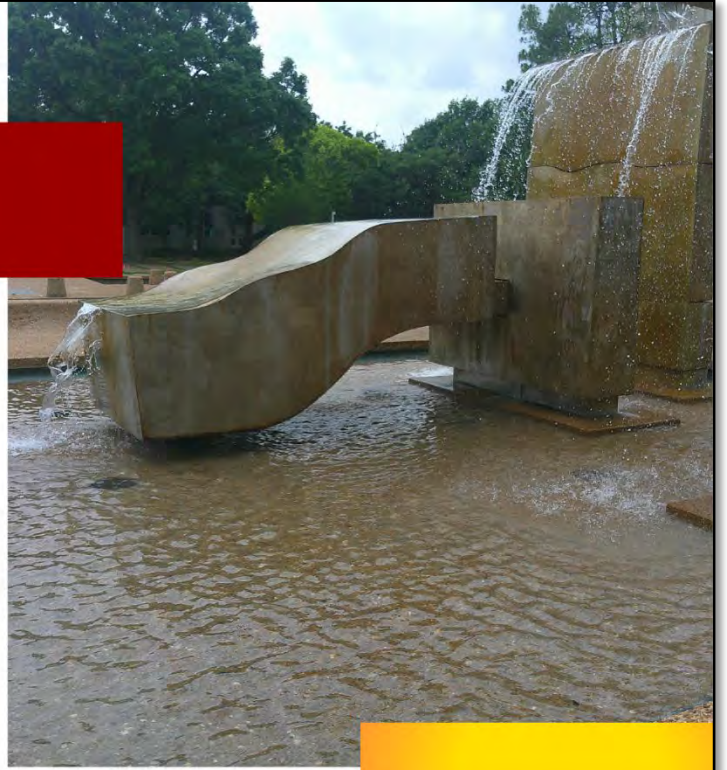
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Section Five

SECTION FIVE

This section overviews the Title IX Hearing (which only applies to certain cases under the Sexual Misconduct Policy). If you are preparing for a different type of hearing, you can skip this section.

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Slide Contents:

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Narrator Notes:

(same as above)

Learn About the Process

This series will overview the types of concerns covered by EOS policies and the various forms of resolution that may be applicable during EOS review.

1	Introduction to Equal Opportunity Services
2	Definitions of Misconduct Under EOS Policies
3	Preliminary Evaluation and Filing a Complaint
4	After a Formal Complaint: The Investigation Process
5	Understanding the Title IX Officer Hearing Process
6	Understanding the University Panel Hearing Process
7	Hearing Decorum and Preparing for the Hearing

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Learn About the Process (Content Roadmap)

This series will overview the types of concerns covered by EOS policies and the various forms of resolution that may be applicable during EOS review.

1. Introduction to Equal Opportunity Services
2. Definitions of Misconduct Under EOS Policies
3. Preliminary Evaluation and Filing a Complaint
4. After a Formal Complaint: The Investigation Process
5. Understanding the Title IX Officer Hearing Process (you are here about to start this section)
6. Understanding the University Panel Hearing Process
7. Hearing Decorum and Preparing for the Hearing

Narrator Notes:

After this section, continue on to section seven for general information about hearing preparation.

Policy Checkpoint (Section Five)

Policy Checkpoint

The University's policy and procedures on Title IX hearings is contained in **Appendix B** to the following policy:

SAM 01.D.08 – UH System [Sexual Misconduct Policy](#).

We recommend that a party reviews the procedures soon after receiving the investigative report to ensure that they are aware of their rights and how the hearing will proceed.

Remember that **Appendix A** to the same policy includes important definitions of prohibited conduct (be sure to review the Title IX definitions specifically).

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Slide Contents:

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We recommend that a party reviews the procedures soon after receiving the investigative report to ensure that they are aware of their rights and how the hearing will proceed.

Remember that **Appendix A** to the same policy includes important definitions of prohibited conduct (be sure to review the Title IX definitions specifically).

Narrator Notes:

Policy Checkpoint:

The University's policy and procedures on Title IX hearings is contained in Appendix B to the following policy:

SAM 01.D.08 – UH System Sexual Misconduct Policy.

We recommend that a party reviews the procedures soon after receiving the investigation report to ensure that they are aware of their rights and how the hearing will proceed.

Remember that Appendix A to the same policy includes important definitions of prohibited conduct (be sure to review the Title IX definitions specifically).

Key Parts of Investigative Report



Introduction and List of Evidence

The introduction of the report will state the types of claims reviewed and list the person interviewed as well as the exhibits collected.



Only Facts are Summarized

The report for a Title IX case will include **only a summary of facts** collected during the investigation, and not an analysis, decision of responsibility or referral for sanctions.



Classification Statement

After the summary of the facts, the report will state the reasons **why the report has been classified as Title IX**. Either party may appeal the classification decision before the report becomes final.



Next Procedural Steps

A brief section at the end of the report will include details about next steps (preparing for a Title IX hearing) to reach the conclusion of the case.



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Slide Contents:

Introduction and List of Evidence

- The introduction of the report will state the types of claims reviewed and list the person interviewed as well as the exhibits collected.

Only Facts are Summarized

- The report for a Title IX case will include only a summary of facts collected during the investigation, and not an analysis, decision of responsibility or referral for sanctions.

Classification Statement

- After the summary of the facts, the report will state the reasons why the report has been classified as Title IX. Either party may appeal the classification decision before the report becomes final.

Next Procedural Steps

- A brief section at the end of the report will include details about next steps (preparing for a Title IX hearing) to reach the conclusion of the case.

Narrator Notes:

The investigative report will include a few key parts. (same as above)

Steps Before a Title IX Hearing

- 1 Step One: Hearing Officer**
EOS send notice of the hearing officer to the parties, and they have 5 business days to object to the officer for cause.
- 2 Step Two: Hearing Date & Time**
EOS will provide possible hearing dates/times to the parties and ask for availability. Each party should provide as many timeslots as possible to find a date that works for the parties, advisors, officer and EOS participants.
- 3 Step Three: Confirm Materials & Witnesses**
EOS will ask the parties to confirm the materials and witnesses they intend to present at least five business days before the hearing.
- 4 Prepare with Personal or Hearing Advisor**
EOS will ask the parties for the name of their advisor(s), and provide a Hearing Advisor for a Title IX hearing if the party does not already have one.



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Slide Contents:

Step One: Hearing Officer

- EOS send notice of the hearing officer to the parties, and they have 5 business days to object to the officer for cause.

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- EOS will provide possible hearing dates/times to the parties and ask for availability. Each party should provide as many timeslots as possible to find a date that works for the parties, advisors, officer and EOS participants.

Step Three: Confirm Materials & Witnesses

- EOS will ask the parties to confirm the materials and witnesses they intend to present at least five business days before the hearing.

Prepare with an Advisor

- EOS will ask the parties for the name of their advisor, and provide a hearing advisor for a Title IX hearing if the party does not already have one.

Narrator Notes:

Let's consider some Steps Before a Title IX Hearing:

According to the Sexual Misconduct Policy, Appendix B, sections 2.3 and 2.4, "The Complainant and Respondent(s) will be notified of the identity of the Hearing Officer for their hearing. Within five business days of this notification, the

Complainant and Respondent(s) have the opportunity to object in writing to the Hearing Officer for cause. The Title IX Coordinator, in consultation with the Hearing Officer, will consider any objection and replace the Hearing Officer if appropriate. In the event that the Hearing Officer recuses themselves, an alternative Hearing Officer will be assigned." Equal Opportunity staff will then work on scheduling the hearing, with each party recommended to provide as much availability as possible to expedite the hearing.

The Policy then states, "No later than five business days prior to the hearing, all materials that will be used at the hearing must be submitted to the Title IX Coordinator. The Title IX Coordinator will simultaneously make this material available for inspection or provide the materials to both parties as well as the Hearing Officer. The materials must include:

All documents and other tangible evidence that will be used as evidence during the hearing.

The names of any witnesses and a brief summary concerning the subject matter of the witness' expected testimony.

The name of any advisor to be in attendance at the hearing and whether that person is an attorney. Only one Personal Advisor and one Hearing Advisor per party is allowed to attend."

Each party may then prepare for the hearing with their respective advisor.



Hearing Officer

External Individual

The Hearing Officer is not the investigator or affiliated with the University. They independently issue a Written Determination on any responsibility and sanction or remedy as applicable.

Access to Conduct Personnel

A designated representative from the University may be present at a hearing to serve as a resource to the Hearing Officer for sanctioning purposes in the case of a finding.

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External Individual

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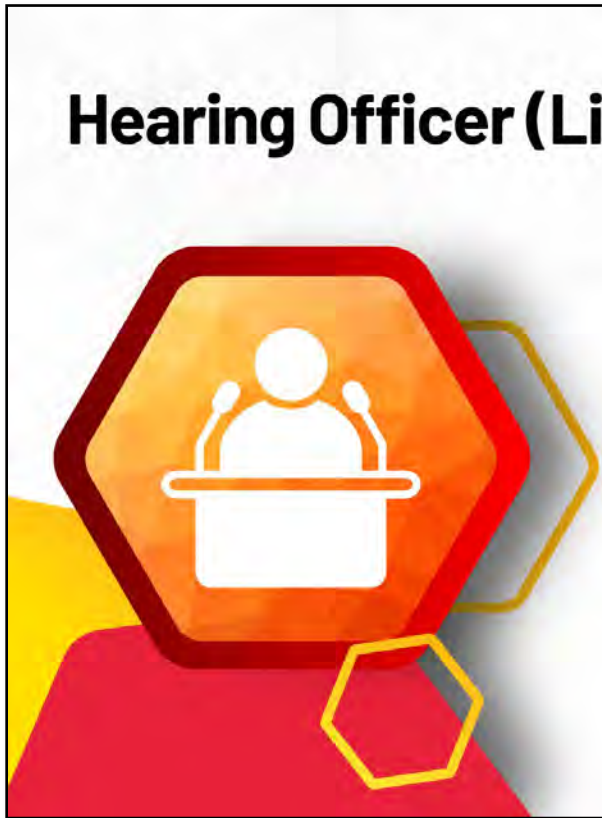
Narrator Notes:

Hearing Officer

Per section 3.10 of the Sexual Misconduct Policy, the Hearing Officer is "an individual not affiliated with the University who serves over the hearing process in a Title IX Grievance Procedures hearing and issues a Written Determination regarding responsibility and any sanction or remedy as applicable." They are not an investigator on the case.

Per section 3.24, a Written Determination is a "decision of responsibility simultaneously [provided] to the Title IX Coordinator and the parties. This document will contain both the finding(s) and the sanction(s) or remedies, if applicable."

Per section 3.1.1, "A designated representative may be present at a hearing to serve as a resource to the Hearing Officer for sanctioning purposes in the case of a finding."



Hearing Officer (Limitations)

-  **Consider Only the Record**

The decisionmaker should consider only the facts and evidence in the record (including testimony at a hearing) and not let outside information or preconceptions affect their decisions.
-  **When to Consider Sanctions**

Sanctions and their implications should only be considered once a violation has been determined, and not in the midst of the hearing or evaluation of the evidence.

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Slide Contents:

Consider Only the Record

- The decisionmaker should consider only the facts and evidence in the record (including testimony at a hearing) and not let outside information or preconceptions affect their decisions.

When to Consider Sanctions

- Sanctions and their implications should only be considered once a violation has been determined, and not in the midst of the hearing or evaluation of the evidence.

Narrator Notes:

Let's consider limitations for Hearing Officers.

As part of their deliberations, the decisionmaker should consider only the record (the facts and evidence hearing materials and the testimony at a hearing), and not let outside information or preconceptions affect their decisions.

Sanctions and their implications should only be considered once a violation has been determined, and not in the midst of the hearing or evaluation of the evidence.

Advisors at the Hearing



Hearing Advisor

One participates for each party at **Title IX Hearings only.**

The Hearing Advisor may act on behalf of their party during the Title IX hearing (make opening comments, present evidence, ask witness questions and make closing comments) while respecting rules of decorum.



Personal Advisor

Each party may have one and they do not participate.

A Personal Advisor is a private support person for one party and may not question witnesses, the Equal Opportunity representative or the Hearing Officer during the hearing. However, if a Hearing Officer has a question for the Personal Advisor, they may answer the question.

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Personal Advisor

- Each party may have one and they do not participate.
- A Personal Advisor is a private support person for one party and may not question witnesses, the Equal Opportunity representative or the Hearing Officer during the hearing. However, if a Hearing Officer has a question for the Personal Advisor, they may answer the question.

Narrator Notes:

Now let's turn to advisors at the Hearing.

During a Title IX Hearing, Appendix B, section 1.1 explains that, "both parties' Hearing Advisors will have the opportunity to present relevant evidence and ask questions of the parties and witnesses." However, a Personal Advisor does not have the same role and participation in a hearing as a Hearing Advisor.

According to the Sexual Misconduct Policy, section 3.14, a Personal Advisor is chosen by a party to be "present during any meeting related to the investigation of Sexual Misconduct. This advisor may be an attorney, provided at the party's expense, with no cost to the University. Personal Advisors may not speak on behalf of the individual they are advising or be a witness at any hearing that they attend in the capacity of Personal Advisor or Hearing Advisor. A Personal Advisor

may ask to briefly suspend any meetings, interviews, or hearings to provide private consultation related to the meeting or proceeding in process. An individual serving as a Personal Advisor may serve as a Hearing Advisor under Title IX Grievance Procedures." Per section 3.1.3(A), "The Hearing Officer may question any individual at any time during the hearing."



Advisors at the Hearing (Limitations)

Limits of Confidentiality

Confidentiality may be limited by others laws and processes. For instance if a civil or criminal process issues a lawful subpoena, advisors may have to testify and share confidences. Warn participants about the possible limits of confidentiality.

Employee Advisors

While employee advisors may help a party to understand and participate in the process, they are still bound by University policies. If a party wants an advisor to breach a policy, the advisor can explain their limited role.

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Limits of Confidentiality

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Employee Advisors

- While employee advisors may help a party to understand and participate in the process, they are still bound by University policies. If a party wants an advisor to breach a policy, the advisor can explain their limited role.

Narrator Notes:

Limitations for Advisors at the Hearing:

As stated in the Sexual Misconduct Policy, section 11.4, "The University will protect the anonymity of all individuals involved in a report or a Formal Complaint by refusing to disclose their identifying information to anyone outside the University to the maximum extent permitted by law." University confidentiality limits may be superseded by other legal processes, such as a lawfully issued civil or criminal court subpoena. Therefore advisors may warn participants that their discussions will be confidential only within the bounds of the University's process.

While employee advisors from the University may help a party to understand and participate in the process, they are still bound by University policies. If a party wants an advisor to breach a policy, the advisor can explain their limited role.

For instance, if a student asked an employee advising the student to access confidential University data in order to help their case, the employee should not violate secure data. However, the employee could explain to the student other options to make an information request or notify the Equal Opportunity Coordinator about possible evidence.

Witnesses



- **Party Responsible for Witness**

Parties must secure their own witnesses to attend the hearing. The University cannot compel a witness to attend.
- **Not for Character Statements**

Witnesses must have observed the acts in question or have information relevant to the incident and cannot be participating solely to speak about an individual's character.
- **Decorum and Access**

Witnesses must adhere to the rules of decorum. Witnesses may be present in a hearing only during their testimony."

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Party Responsible for Witness

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Decorum and Access

- Witnesses must adhere to the rules of decorum. Witnesses may be present in a hearing only during their testimony."

Narrator Notes:

Witnesses:

According to the Sexual Misconduct Policy, Appendix B, section 3.1.5, "Parties are responsible for requesting their witnesses to attend the hearing and securing their witness' attendance. The University cannot compel a witness to attend. Witnesses must have observed the acts in question or have information relevant to the incident and cannot be participating solely to speak about an individual's character. The Hearing Officer will determine whether to allow a witness to speak at the hearing. Witnesses must adhere to the rules of decorum. Witnesses may be present in a hearing only during their testimony."



Other Participants (Title IX Hearing)

-  **EOS Representatives**
EOS staff participate in the hearing to serve as resources on the investigation record (for related questions) and to help coordinate technical support.
-  **Office of General Counsel**
A representative from UH System Office of General Counsel may attend the hearing in case officials have questions about an applicable System policy during the hearing.

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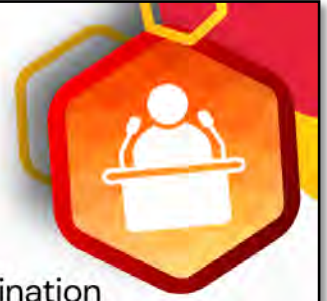
Narrator Notes:

Other Participants at a Title IX Hearing:

Per section 3.3.3 of Appendix B, "After both parties have presented their witnesses, the Title IX representative may provide testimony and documentation regarding their investigation to the Hearing Officer. The Title IX representative may be questioned by the Hearing Advisors or Hearing Officer."

A representative from UH System Office of General Counsel may attend the hearing in case officials have questions about an applicable System policy during the hearing.

Tips for the Hearing Officer



- Consider drafting a script for the introduction.
- Review the types of information required for your written determination and applicable policy sections before the hearing.
- Ask all persons to introduce themselves once the hearing starts for the record.
- Summarize the parts of the hearing for the parties and their advisors.
- Explain to witnesses that you need to make a decision on each question before it is answered, and if you interrupt, they should stop speaking.

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Slide Contents:

Tips for the Hearing Officer

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- Summarize the parts of the hearing for the parties and their advisors.
- Explain to witnesses that you need to make a decision on each question before it is answered, and if you interrupt, they should stop speaking.

Narrator Notes:

Here are some possible tips for the hearing officer.

(same as above)

More Tips for the Hearing Officer



- If a party does not show up, ask their Hearing Advisor if they will make opening and closings comments on the person's behalf.
- If needed, pause the hearing to confer off the record with UHS Office of General Counsel about UH System policies.
- Double check the allegation list before concluding the hearing to make sure all allegations have been discussed at the hearing, as appropriate.
- Deliberate your decision about the outcome in private, off the record.
- Block time on your schedule to draft the written determination, so the parties receive a timely decision.

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More Tips for the Hearing Officer

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- Block time on your schedule to draft the written determination, so the parties receive a timely decision.

Narrator Notes:

(same as above)

More About the Hearing Advisor



Once a party confirms their Hearing Advisor with EOS, the Hearing Advisor:

- Receives a copy of the draft and final investigation reports.
- Receives access to materials prepared by EOS for the Hearing.
- **Conducts cross-examination** for any person who testifies at the hearing.
- May ask for a short break during the hearing to address a private concern with the party.

If a party does not attend the hearing or is unable to participate fully in a Title IX hearing, the Hearing Advisor may present evidence and ask witness questions, as well as give the opening and closing comments on behalf of the party.

If a party does not have a Hearing Advisor, the University will provide one at no cost (but they are not required to be an attorney).

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If a party does not have a Hearing Advisor, the University will provide one at no cost (but they are not required to be an attorney).

Narrator Notes:

Here are some more details About the Hearing Advisor:

According to the Sexual Misconduct Policy, Appendix B, section 14.7, "Prior to the completion of the investigative report, the Title IX investigator(s) will send to each party and their Advisor, if any, a draft copy of the investigative report and all evidence obtained as part of the investigation, including all inculpatory or exculpatory evidence. The parties will be given ten business days to review the draft report and evidence and provide a written response before the investigative report becomes final. The Title IX investigator(s) will finalize the investigative report after considering the responses from the parties and will provide a copy to the parties and their Personal Advisors, if any, at least ten business days prior to the hearing."

As mentioned previously and in section 3.1.2 of the Sexual Misconduct Policy, "A Hearing Advisor is responsible for advising and acting on behalf of a named party as to presentation of witnesses. Each party may have one Hearing Advisor. A Hearing Advisor may present evidence, question witnesses, and will conduct cross examination of the parties and witnesses. Each party will present their own opening and closing statements, which will be limited to fifteen minutes each. Hearing Advisors shall not directly address the opposing Hearing Advisor or the opposing party outside of cross-examination. Hearing Advisors and parties shall not cause unreasonable delays by failing to schedule or appear for a meeting as requested by a Hearing Officer. Hearing Advisors must adhere to the rules of decorum."

As previously explained and in section 3.8, "If an individual is unable to obtain a Hearing Advisor [for a Title IX Hearing], the University will provide one to any named party at no charge."

Tips for the Hearing Advisor

- Confirm the best contact information for the party.
- Check in with the party regularly, if they are willing to communicate.
- Discuss the final investigative report with the party, if possible.
- Review the materials to prepare for the hearing.



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Tips for the Hearing Advisor

- Confirm the best contact information for the party.
- Check in with the party regularly, if they are willing to communicate.
- Discuss the final investigative report with the party, if possible.
- Review the materials to prepare for the hearing.

Narrator Notes:

(same as above)

Planning with a Hearing Advisor



- Discuss what the party would like you to present (if they do not attend the Title IX hearing whether planned or not). For instance:
 - Is there something important they would like the Hearing Advisor to share in the opening or closing comments?
 - Are there specific questions they would like to ask the other party (if that person testifies), the EOS representative or any witnesses?
 - Is there a piece of evidence they want to present (document, text message, recording, etc.)? And have they followed the process to submit it by the deadline?

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Slide Contents:

Discuss what the party would like you to present (if they do not attend the Title IX hearing whether planned or not). For instance:

- Is there something important they would like the Hearing Advisor to share in the opening or closing comments?
- Are there specific questions they would like to ask the other party (if that person testifies), the EOS representative or any witnesses?
- Is there a piece of evidence they want to present (document, text message, recording, etc.)? And have they followed the process to submit it by the deadline?

Narrator Notes:

(same as above)

Questioning Witnesses

- Parties may present and ask questions of their own witnesses.
- An involved party in a complaint may not question any other party or other parties' witness(es) directly.
 - The Hearing Advisor may ask questions of the other party or their witness(es) during a Title IX hearing.
 - Parties may not address each other at all during the hearing.
- The Hearing Officer may also question witnesses.

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Slide Contents:

Parties may present and ask questions of their own witnesses.

An involved party in a complaint may not question any other party or other parties' witness(es) directly.

- The Hearing Advisor may ask questions of the other party or their witness(es) during a Title IX hearing.
- Parties may not address each other at all during the hearing.

The Hearing Officer may also question witnesses.

Narrator Notes:

Let's consider Questioning Witnesses:

As stated in section 3.3.3(B), "The Complainant or the Hearing Advisor for Complainant shall present evidence (including calling and questioning their own witnesses) to the Hearing Officer." Then per section (D), "The Respondent or the Hearing Advisor for the Respondent shall have the same opportunity to present their evidence and their own witnesses."

According to the Sexual Misconduct Policy, Appendix B, section 3.1.4, "Complainants and Respondents are precluded from conducting cross-examination personally. The only method for conducting cross-examination is by a party's Hearing Advisor. Parties shall not address each other during the hearing."

According to section 3.1.2, "A Hearing Advisor may present evidence, question witnesses, and will conduct cross examination of the parties and witnesses. Each party will present their own opening and closing statements, which will be limited to fifteen minutes each. Hearing Advisors shall not directly address the opposing Hearing Advisor or the opposing party outside of cross-examination."

Per section 3.1.3, "The Hearing Officer may question any individual at any time during the hearing. . . . The Hearing Officer has the authority to request the attendance of a witness who was not designated by the parties if the Hearing Officer determines the witness may have relevant information."

What to Expect in the Decision

The written determination should be provided simultaneously to the parties within a reasonable time period, and include:

- Allegations
- Procedural steps in the case (notifications, interviews, site visits, methods to gather evidence, and hearings)
- Findings of fact supporting the determination;
- Conclusions regarding the application of the Policy;
- A statement and rationale as to the determination for each allegation; and
- A statement of any disciplinary sanctions
- Whether any remedies will be provided to the Complainant.
- Procedures and permissible grounds for appeal.

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The written determination should be provided simultaneously to the parties within a reasonable time period, and include:

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- Findings of fact supporting the determination;
- Conclusions regarding the application of the Policy;
- A statement and rationale as to the determination for each allegation; and
- A statement of any disciplinary sanctions
- Whether any remedies will be provided to the Complainant.
- Procedures and permissible grounds for appeal.

Narrator Notes:

What to Expect in the Decision:

The Policy states in section 3.24 that, "The Hearing Officer will provide a written decision of responsibility simultaneously to the Title IX Coordinator and the parties. This document will contain both the finding(s) and the sanction(s) or remedies, if applicable."

Appendix B, section 3.5.6 states:

The Written Determination will include the following statements from the Hearing Officer:

- Identification of the allegations at issue;

- Description of the procedural steps taken throughout the case including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
- Findings of fact supporting the determination;
- Conclusions regarding the application of the Sexual Misconduct Policy;
- A statement and rationale as to the determination for each allegation; and
- A statement of any disciplinary sanctions imposed on the Respondent and whether any remedies will be provided to the Complainant.
- The Written Determination will also include a description of the procedures and permissible grounds for appeal.

Procedures for Final Appeal

The Complainant or Respondent(s) may appeal the Officer's decision.

- Any appeal must be submitted in writing to the Title IX/Equal Opportunity Coordinator within five (5) business days of the decision. **If no one files an appeal within the time period, the decision becomes final.**

For a final appeal, the appealing party may appeal the dismissal(s), Finding(s), sanction(s) and/or remedies.

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The Complainant or Respondent(s) may appeal the Officer's decision.

- Any appeal must be submitted in writing to the Title IX/Equal Opportunity Coordinator within five (5) business days of the decision. If no one files an appeal within the time period, the decision becomes final.

For a final appeal, the appealing party may appeal the dismissal(s), Finding(s), sanction(s) and/or remedies.

Narrator Notes:

Procedures for Final Appeal:

According to the Sexual Misconduct Policy, Appendix B, section 4.1, "The Complainant and the Respondent both have the right to appeal to the appropriate administrator a Title IX dismissal or Written Determination by submitting their written appeal to the Title IX Coordinator within five business days from the date they receive the Title IX dismissal or Written Determination. The appealing party may appeal the dismissal, finding, sanction, or remedy."

What are grounds for a final appeal?

What are grounds for a final appeal?

- Procedural irregularity
- Weight of the evidence
- New evidence that was not reasonably available
- Conflict of interest or bias
- Erroneous relevance determinations during the hearing
- Inappropriate sanctions

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- Procedural irregularity that affected the outcome;
- The weight of the evidence does not support or is contrary to the Hearing Officer's determination;
- New evidence that was not reasonably available at the time the determination that could significantly affect the outcome;
- The Title IX Coordinator, investigator(s), Hearing Officer, or designated representative had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that affected the outcome of the matter;
- Erroneous relevance determinations during the hearing that significantly affected the outcome;
- Sanctions are not commensurate with the violation(s) found.

Narrator Notes:

What are grounds for a final appeal?

According to the Sexual Misconduct Policy, Appendix B, section 4.2 Grounds for Appeal are:

- Procedural irregularity that affected the outcome of the matter;
- The weight of the evidence does not support or is contrary to the Hearing Officer's determination;
- New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could significantly affect the outcome of the matter;
- The Title IX Coordinator, investigator(s), Hearing Officer, or designated representative had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that affected the outcome of the matter;

- Parties may appeal erroneous relevance determinations during the hearing if they significantly affected the outcome; and
- The sanctions are not commensurate with the violation(s) found.

Next Steps in a Final Appeal

Next Steps in a Final Appeal

Once one party appeals, then the other party is notified and has the option to submit a written statement in response to the appeal within five (5) business days.

EOS staff will then forward the appeal record to the appropriate administrator.

The appropriate administrator's decision is a review of the record only, not a de novo review or new investigation. Their decision is to **accept, remand or reject** the previous decision. The administrator's decision is final.

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Narrator Notes:

Now we come to the Next Steps in a Final Appeal.

According to the Sexual Misconduct Policy, Appendix B, section 4.1, "The non-appealing party will be notified of the appeal and be permitted to submit a written statement in response within five business days of receiving notice of the appeal."

Per section 4.3, "The role of the appropriate administrator is to accept, reject, or remand the Title IX dismissal or Written Determination." And section 4.5 clarifies, "The appropriate administrator will review the record on appeal which may include the investigative file, hearing recording, and appeal documentation from the parties only[.]"

What about a sanction decision?

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The Hearing Officer's Written Determination will include sanctions, which may be appealed.

Appeals of sanctions are processed through:

- For **faculty** Respondents, the Faculty handbook/manual.
- For a **non-faculty employee**, the employee discipline policies and procedures.
- For **students**, the Student Code of Conduct (or equivalent).

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Appeals of sanctions are processed through:

- For faculty Respondents, the Faculty handbook/manual.
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- For students, the Student Code of Conduct (or equivalent).

Narrator Notes:

What about a sanction decision?

The Hearing Officer includes in their Written Determination, "A statement of any disciplinary sanctions imposed on the Respondent," according to Appendix B, section 3.5.6 of the Sexual Misconduct Policy. Per section 4.6:

If the party's appeal includes an appeal of the sanction(s) determined by the Hearing Officer, the appropriate administrator will refer the appeal for further process as follows:

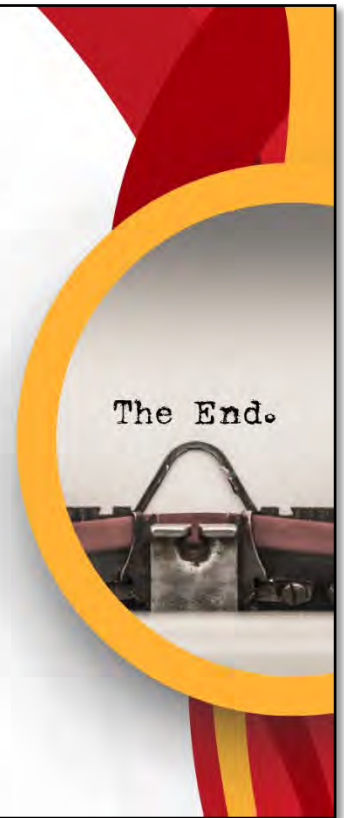
- [For a] sanction against a faculty member, [address] through the University's faculty handbook/manual policies and procedures related to faculty grievances;
- [For a] sanction against a non-faculty University employee, [address] through the University's policies and procedures related to employee grievances; and
- [For a] sanction against a student, [address] through the final appeal process in the University's Student Code of Conduct or its equivalent.

Notices at End of Process

Equal Opportunity staff will simultaneously notify the parties in writing of the outcome of the following stages:

- The outcome of any appeal, including any changes to the Finding(s),
- Any interim sanctions imposed,
- Any changes to interim sanctions,
- The final outcome of the complaint,
- Any imposed sanctions,
- Changes to sanctions related to the party once the outcome is finalized, and
- Any additional remedies.

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Equal Opportunity staff will simultaneously notify the parties in writing of the outcome of the following stages:

- The outcome of any appeal, including any changes to the Finding(s),
- Any interim sanctions imposed,
- Any changes to interim sanctions,
- The final outcome of the complaint,
- Any imposed sanctions,
- Changes to sanctions related to the party once the outcome is finalized, and
- Any additional remedies.

Narrator Notes:

Finally, there are Notices at the End of the Process:

According to the Sexual Misconduct Policy, Appendix C, section 12.1:

The Equal Opportunity office will simultaneously notify the Complainant and the Respondent(s) in writing of the outcome of the following stages of the process: . . .

- The outcome of any appeal, including any changes to the finding(s),
- Any interim sanctions imposed,
- Any changes to interim sanctions,
- The final outcome of the complaint,
- Any imposed sanctions,

- Changes to sanctions related to the party once the outcome is finalized, [and]
- Any additional remedies.

Learn About the Process

This series will overview the types of concerns covered by EOS policies and the various forms of resolution that may be applicable during EOS review.

1	Introduction to Equal Opportunity Services
2	Definitions of Misconduct Under EOS Policies
3	Preliminary Evaluation and Filing a Complaint
4	After a Formal Complaint: The Investigation Process
5	Understanding the Title IX Officer Hearing Process
6	Understanding the University Panel Hearing Process
7	Hearing Decorum and Preparing for the Hearing

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Narrator Notes:

You have completed section five. For general information on preparing for a Title IX hearing, skip to section seven. Section six discusses panel hearings (not applicable for Title IX sexual misconduct).