

Process Steps for Responding to Reports of Gender- Based Misconduct

FOR TITLE IX DEPUTIES, INVESTIGATORS, ADVISORS, AND HEARING
OFFICERS

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The policy:

Stetson University seeks to provide all members of the community with a safe and secure learning and work environment that is free of crime and/or policy violations motivated by discrimination, sexual and bias-related harassment, and other violations of rights. The University supports a zero-tolerance policy against gender-based misconduct, sexual assault, and interpersonal violence toward any member or guest of the Stetson University community. Any individual who has been the victim of an act of violence or intimidation is urged to make an official report. A report of an act of violence or intimidation will be dealt with promptly. Confidentiality will be maintained to the greatest extent possible within the constraints of the law.

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The policy, cont.

Stetson University has procedures in place regarding the receipt, investigation, and resolution of complaints of sex or gender-based discrimination. The University will initiate a prompt, thorough, and impartial investigation into allegations of sex or gender-based discrimination. This investigation is designed to provide a fair and reliable determination about whether the University's

Nondiscrimination, Sexual and Unlawful Harassment, and/or Gender-Based Misconduct, Sexual Assault, and Intimate Partner Violence policies have been violated. If so, the University will implement a prompt and effective remedy designed to end the discrimination, prevent its recurrence, and address its effects.

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Goal of the Process

- ▶ Determine if the policy has been violated
- ▶ Conduct a fair and impartial investigation
- ▶ Implement a prompt and effective remedy that:
 1. Ends the discrimination/harassment
 2. Prevents its recurrence
 3. Addresses its effects

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Report Received

- ▶ Maxient
- ▶ EthicsPoint
- ▶ Public Safety Incident Report
- ▶ Email
- ▶ In-person disclosure
- ▶ Phone

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Immediate needs addressed

- ▶ Health & Safety – includes medical attention, housing, support at work location, notification of PSafe/DPD
 - ▶ On-call, PSafe, Health Services, Title IX all could be involved
 - ▶ Email to faculty, outreach to HR if requested
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Review by Title IX

- ▶ Title IX Coordinator/Deputy review the report to identify policy application, who will reach out to the claimant, any additional information required
- ▶ Title IX Investigator reviews with Coordinator to determine if it meets the policy requirements
- ▶ Claimant is contacted by the Coordinator or Deputy to discuss the incident

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Histories of parties reviewed

- ▶ For students, review information in Maxient & SSC for HattersCare, prior/on-going incidents, course information, organizations, housing
- ▶ For employees, HR reviews any information on prior/ongoing incidents, work location & schedule

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Claimant Contacted

- ▶ Email, text, phone (usually send letter via Maxient for students)
- ▶ Request for meeting to discuss the incident
- ▶ At meeting, offer services and explain options to the claimant for moving forward (only services, informal process, formal process)
- ▶ Claimant does NOT have to decide on process immediately

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If claimant decides to move forward....

- ▶ Meet to discuss process and sign formal complaint
- ▶ Identify advisor (either own or University-appointed)
- ▶ Provide checklists, rights, process document
- ▶ Notify respondent
- ▶ Hold meeting with Respondent – provide checklists, rights, process documents, identify advisor
- ▶ Determine if formal or informal process
- ▶ Identify 2nd Investigator
- ▶ Set up meeting with investigator

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Standard of Evidence

- ▶ For informal and formal processes, Stetson uses the “preponderance of evidence” standard
- ▶ This means that it is more likely than not that the incident occurred as reported
- ▶ This standard is aligned with our standards for other processes (violation of community standards, honor system, etc.)

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Informal Process

- ▶ Must be agreed upon by all parties
- ▶ Can include an alternative/restorative process
- ▶ Still requires an investigation meeting with parties
- ▶ Can include facilitated meetings with the parties and lower-level sanctions
- ▶ University can require a formal process when the severity of the incident warrants
- ▶ Typically, the respondent admits responsibility in this process

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Formal Process

- ▶ Requires investigation and a full hearing with cross-examination
- ▶ Is required when an employee is reported for harassment towards a student
- ▶ Respondent can, at any time, admit responsibility and move directly to sanctioning
- ▶ Is NOT required for a party to receive supportive services
- ▶ Parties are NOT required to participate, but non-participation may mean the process cannot move forward

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Investigation

- ▶ Two investigators – one from Title IX office, the other from another area of the University
- ▶ Address potential conflicts of interest or bias before beginning
- ▶ Set up meetings with parties, witnesses, others with information
- ▶ Prepare an Investigation Report with relevant information
- ▶ Do NOT determine credibility or responsibility
- ▶ DO determine relevance of evidence
- ▶ Title IX Coordinator reviews report before sharing with the parties
- ▶ Parties may submit a written response to the report , which may result in changes to the report
- ▶ Final report sent to parties, written response permitted for attachment before report goes to Hearing Officers

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Hearing

- ▶ Conducted through live video between 3 rooms (Hearing Officers/Claimant & Advisor/Respondent & Advisor)
- ▶ Title IX staff provide support
- ▶ Are recorded
- ▶ Live cross-examination required, conducted by the Advisors
- ▶ Only questions deemed relevant by Hearing Officers may be answered
- ▶ What happens if a witness, complainant or respondent refuses to be subjected to cross examination? Their information (even that provided in previous interviews) cannot be considered in the matter.

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Decision & Sanctions

- ▶ The Hearing Officers determine credibility, relevance, responsibility, and sanctions
- ▶ The Title IX Coordinator prepares the decision letter, which is signed by the Hearing Officers and provided to the parties
- ▶ Sanctions must fall within those allowed by the University and mentioned in the Gender-Based Misconduct Policy, Code of Conduct/Community Standards or the Honor Code
- ▶ Sanctions in this process are in addition to sanctions that may be implemented by teams, clubs, organizations, etc.

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Appeal

- ▶ Appeals must be received by the Title IX Coordinator within 3 days of receipt of the decision letter;
- ▶ Either party can appeal;
- ▶ Appeals must be in writing and based on specific criteria (bias/conflict of interest, procedural error or omission, new evidence, sanctions not within the range allowed)
- ▶ Appeals are shared with the other party who is permitted to submit a written response
- ▶ Appeals are conducted by a single individual using the evidence available in the reports, letters, hearing recording, and the appeals documents
- ▶ Appeals decisions are final

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Need more information?

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