

DELIBERATION & DETERMINING RESPONSIBILITY



LEARNING OBJECTIVES

- Learners taking this course will understand how Title IX deliberations should function and their purpose.
- Learners taking this course will be able to write a rationale detailing any determination made by a decision-maker.



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

RATIONALE, IN PRACTICE

- As with any determination of responsibility, the decision to impose sanctions and what kinds must come with a written analysis or rationale. When rationales are written, there is a foundation of learning and behavioral adjustment outlined for the responsible student. Students should be able to follow the train of thought and understand clearly how any decision was developed whether they agree with it or not.
- While it may be frustrating for the student responsible to read, this rationale must be clearly written and easily understood.
- Other offices with overlapping concerns or responsibilities will need to understand this decision. Particularly if there is some deviation from how other similar cases have been resolved, how and why that deviation was necessary would need to be detailed. In other cases, those same offices may wonder why there wasn't a deviation.
- Failing to provide a coherent and clear rationale for any decisions made can result in litigation.



WRITING A RATIONALE

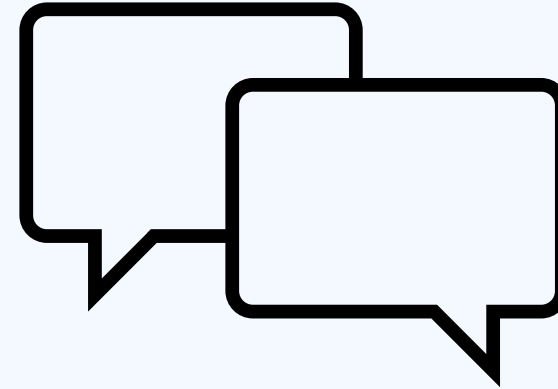
- Identify the allegations potentially constituting sexual harassment
- Describe the procedural steps taken
- Identify findings of fact supporting the determination
- Identify which section of the grievance policy respondent has or has not violated
- For each allegation, provide a statement of and rationale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

ALLEGATION(S) DESCRIPTION

RESTATE THE CHARGES

Sample case:

- Stalking: Engaging in a course of conduct directed at a specific person (Complainant) 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.
- Sexual Assault: Forcible or nonforcible sex offense under the informal crime reporting system of the Federal Bureau of Investigation



STANDARD OF EVIDENCE DESCRIPTION

For each charge, state the standard of evidence being used

- Preponderance of the Evidence, *or*
- Clear & Convincing

“By a preponderance of the evidence the hearing board has found the respondent, Cody Norman, is more likely than not...”

DESCRIPTION OF EVIDENCE REVIEWED

Provide a BRIEF SUMMARY of the evidence used in making the decision

- Witness testimony – “Verbal testimony given by the complainant that observed ... “
- Witness testimony – “Verbal testimony given by witness #1 that stated ... corroborated ... ”
- Text messages – “Text messages sent between the respondent and complainant during the days of 09/23/25 and 10/10/25 ...”
- Email Communications – “Screenshots of emails sent to the complainant between the days of 09/23/25 and 10/10/25 ...”

DESCRIPTION OF EVIDENCE REVIEWED

continued

Provide a BRIEF SUMMARY of the evidence NOT USED in making the decision

- Witness testimony – “Verbal testimony given by the complainant that was not relevant because ... “
- Text messages – “Text messages sent between the respondent and complainant during the days of 09/23/25 and 10/10/25 that did not provide additional context...”
- Email Communications – “Screenshots of emails sent to the complainant between the days of 09/23/25 and 10/10/25 that were not related to the charges...”

SANCTIONS AND/OR REMEDIES

- Appropriate Sanctions: If the student is found responsible, outline the sanctions.
- Appropriate Remedies: If remedies are being provided to the complainant, outline them here
- Rationale for Sanctions/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

tone & style

- Objective & Neutral: Avoid personal opinions or emotional language.
- Concise but Comprehensive: Include enough detail for clarity but avoid unnecessary repetition.
- Consistent with Institutional Policies: Ensure alignment with the student conduct code.

