

Best Practices for Writing Title IX Decisions

Session 1 – June 10, 2026
with Jessica Galanos



Disclaimer

- This presentation is only open to individuals who are employed by institutions of higher education in Ohio due to ODHE sponsorship. If that's not you, please log off now.
- Feel free to ask questions about the material, or to pose hypotheticals!
- If you are looking for legal advice on a particular situation, please consult with competent legal counsel in a private setting.
- This presentation does not constitute legal advice.

Housekeeping

- We are not recording this session today.
- You will get a copy of the slides by email on **Thursday**, along with the assignment we'll be discussing for next session.
- Yes, you have permission to post these materials on your website. See 34 CFR 106.45(b)(10)(i)(D).

Agenda – Session 1 (Today)

- The role and responsibilities of the Title IX Decision-Maker
- Strategies for capturing and incorporating information provided during the hearing
- Best practices for writing clear, compliant Title IX Decisions
- Introduction to a take-home exercise involving the review and editing of a draft hearing decision

Agenda – Session 2 (June 24, 2026)

- Group review of mock hearing decision
- How to incorporate findings of fact and policy analysis into the decision
- Best practices for reviewing and issuing hearing decisions

Decision-Maker Role Per the Regulations

- Review the evidence file, final investigation report, and responses of the parties
- Consider what elements are disputed and what material facts need further questioning at the hearing
- Permit relevant cross-examination by party advisors at the hearing
- Ask questions at hearing to ensure you have the information you need for the decision
- Maintain neutrality (tone, body language, and word choice)

Decision-Maker: Your Goal

- Have enough information on every element of every charge so that you can render a decision by a preponderance of the evidence
- Have enough information to make decisions regarding the credibility of the parties and witnesses
- Make relevancy determinations after every question asked by the advisors
- Maintain decorum at all times, by all participants

Tips for Case File Review

- Advisors and Hearing Officer:
 - Make a list of questions you want to ask each witness
 - Note when the questions refer to particular documents
 - Plan for the documents to be pulled up on the screen during the hearing – write down page numbers!
- Hearing Officer:
 - Identify undisputed facts (and write down citations)
 - Identify disputed facts (and write down citations)
 - Questions should help resolve or clarify disputed facts
 - Ensure that there is sufficient information on all elements of the charged policy violations (e.g. impact?)

Decision-Maker Role: Key Concepts on Writing

- Proper grammar, punctuation, spelling, and pronouns (when used)
- Neutral tone when describing the evidence
- Clear statement of origin for all information considered
- Capture voices and perspectives without being judgmental
- Teach the file to the reader, and assume the reader is unfamiliar with your campus
 - Identify disputed and undisputed facts
 - Maps, drawings, and photographs
 - Explanations of slang

Responsibilities When Writing a Decision

- Include all the required topics outlined in the 2020 Title IX Regs
- Resolve Disputed Material Facts
 - Determine the amount of weight to give to each piece of evidence, including party and witness accounts
 - Show your work
- Apply Findings of Fact to your Policy Definitions
- Make sure that someone unfamiliar with the case will understand what happened during the investigation and at the hearing
- Make sure that someone unfamiliar with the case will understand your rationale for the findings of fact and application to the Policy

Requirements of a Written Decision

34 C.F.R. 106.45(b)(7)(ii)(A)-(B)

(ii) The written determination must include -

(A) Identification of the allegations potentially constituting sexual harassment as defined in § 106.30;

(B) A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held

Requirements of a Written Decision (2 of 4)

34 C.F.R. 106.45(b)(7)(ii)(C)-(D)

(ii) The written determination must include -

(C) Findings of fact supporting the determination;

(D) Conclusions regarding the application of the recipient's code of conduct to the facts;

Requirements of a Written Decision (3 of 4)

34 C.F.R. 106.45(b)(7)(ii)(E)

(ii) The written determination must include -

(E) A statement of, and rationale for, the result as to each allegation,
including:

- a determination regarding responsibility,
- any disciplinary sanctions to be imposed on the Respondent,
and
- whether remedies designed to restore or preserve equal access
to the education program or activity will be provided to the
Complainant

Requirements of a Written Decision (4 of 4)

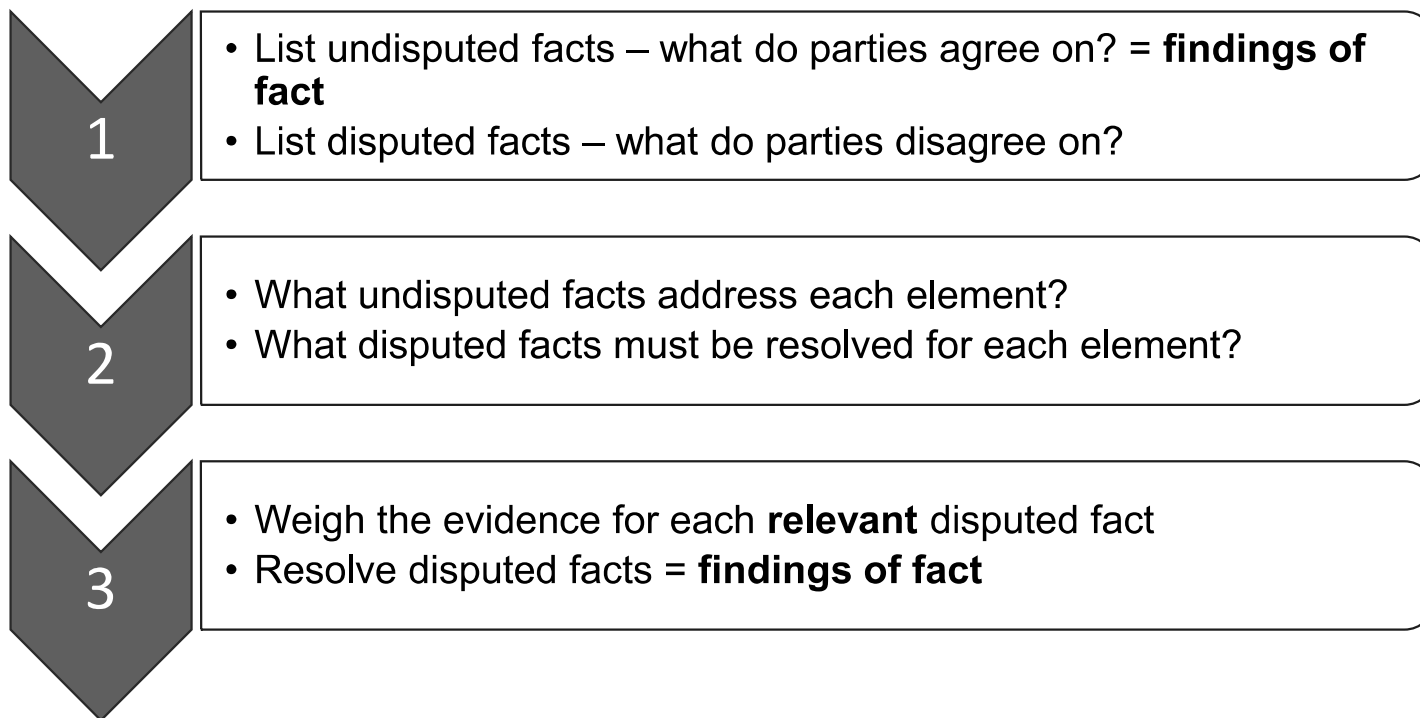
34 C.F.R. 106.45(b)(7)(ii)(F)

(ii) The written determination must include -

(F) The recipient's procedures and permissible basis for the complainant and respondent to appeal.

Resolving Factual Disputes

Fact Finding Process:



Fact Finding Process – Step 1

- Undisputed vs. Disputed Facts
 - List undisputed facts
 - What do parties agree on? = findings of fact
 - List disputed facts
 - What do parties disagree on?

Fact Finding Process – Step 2

- How do the facts fit the elements?
 - What undisputed facts address each element?
 - These will be findings of fact that MUST be included
 - What disputed facts must be resolved for each element?
 - Resolve in next step
 - These will be findings of fact that MUST be included

Fact Finding Process – Step 3

Resolve remaining factual disputes:

- Weigh the evidence for each relevant disputed fact
 - Remember the funnel – your list of relevant disputed facts should be pared down by this point

Weighing the Evidence

The Preamble identifies the following considerations:

- That parties may benefit from the opportunity to challenge the opposing party's **“consistency, accuracy, memory, and credibility so that the decision-maker can better assess”** the narrative to be believed. (Preamble, 30315).
- That parties may direct the decision-maker's attention to **“implausibility, inconsistency, unreliability, ulterior motives, and lack of credibility”** in a party's statements. (Preamble, 30330).

Quality Versus Quantity

- It is the weight of the evidence, or its strength in tending to prove the issue at stake, that is important
- The quality of the evidence is not determined by its quantity
 - Don't compare 1 witness to 3 witnesses and make assumptions
 - Quantity *can* be a factor, but it should not be automatic

Even Weight Distribution

If nothing tips the scale:

- No finding of violation
- Remember your standard of evidence
 - Clear and Convincing
 - Preponderance of the Evidence

Strategies for capturing and incorporating information provided during the hearing

Incorporating Details from the Hearing (1 of 2)

- Don't forget to incorporate information from the hearing – even if it's repetitive
 - The fact that parties and witnesses provided consistent information during the investigation and at the hearing is highly RELEVANT to credibility
 - This may be as simple as writing:

“In both their investigative interview and during the hearing, Respondent consistently described the sequence of events from the time the parties entered the apartment to the time Complainant left the next morning.” (FIR, p. 10; Hearing, 2:15:10).

- **ALWAYS** cite your sources

Incorporating Details from the Hearing (2 of 2)

- Often, there will be variations in what a party or witness says during the investigation and during the hearing
- Assess whether those are material or not
 - If they are material deviations = may reduce their credibility
 - If they are not materials deviation = may bolster their credibility
- Assessing materiality
 - Is the detail important or unimportant?
 - Is there a reason the account may have changed over time? If you don't know – ASK

“I’m going to pull up page 10 of your interview transcript so you can see it on the screen. Do you see here where you told the investigator that Respondent sent you 29 text messages after you told them to stop contacting you? Earlier today you testified that you never told Respondent to stop contacting you. Can you help me understand why you provided different information to the investigator?”

Best Practices

Things to Keep in Mind

- Each case includes at least TWO “stories,” maybe more
- Set the scene (visually and structurally)
- Be clear as to the source of information
- ALWAYS cite the investigation report, transcript, hearing video, etc.
- Make sure it is readable
 - Could someone unfamiliar with the incident pick up the decision and understand what happened?
 - If you were verbally telling someone about this, where would you start? What information would you include and when does it make sense to include it?

Incorporating the “Story” of the Case

- Each case includes at least TWO “stories,” maybe more
 - (1) The facts of the underlying case
 - On August 25, 2025, Complainant and Respondent attended a party together at Thompson Point Residence Hall.
 - Complainant reports A, B, and C.
 - Respondent reports X, Y, and Z.
 - (2) The procedural history of the case
 - On August 20, 2025, Complainant filed a formal complaint.
 - On September 5, 2025, Complainant participated in an interview.
 - On December 10, 2025, Complainant shared the investigation report with Witnesses 1, 2, and 3 to ensure their statements at the hearing were consistent with Complainant’s statements.

Different Ways to Tell These Stories

- Structural Considerations
 - Template
 - Typical practice for your institution
 - Remember the required components
 - Common structural tools
 - Chronology
 - Subject Matter
 - IRAC or CRAC

Where to Begin?

- Introduction

- Should preview both stories
- How did the underlying story get to the Title IX Office?
- What about the underlying story was reported?
- What are the **allegations**?
 - Remember to use the names of violations as they existed when the conduct is reported to have occurred
 - Same policy for definitions and procedure? Or a split?

Process and Procedure

- Procedural Steps must be included
 - (B) A description of the **procedural steps** taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held (34 C.F.R. 106.45(b)(7)(ii)(B))
 - Works well between the introduction and discussion of facts
 - Pieces of this description may need to be repeated later
 - This is a logical place to discuss determinations re: relevance

Explaining the Facts

Telling two or more stories

- Infinite ways to structure a decision
 - We are providing suggestions *ONLY*
- Structure may need to change depending on the type of case and information presented
 - Think about this early in the writing process
- Remember – you are telling at least TWO stories to anyone reading your decision
 - Both must be readable

Subject Matter/ Chronologically

Pre-Game at Apartment B

- Combine accounts of everyone in attendance
- Note discrepancies
- Preview the importance of facts included later

Complainant's Room

- Fewer factual accounts (possibly)
- Combine subjects to tell more than one account of what happened (removal of clothing, progression from one physical act to the next)

Text Messages the Next Day

- Copy and paste messages
- Combine context for messages from various sources

Source of the Information

Complainant's Statement to the Investigator

- Summarize information from investigation report
- Note discrepancies between party accounts ("Contrary to Respondent's account, Complainant reported that..."

Complainant's Hearing Testimony

- Summarize information from the hearing
- Note discrepancies between investigation and hearing
- Note discrepancies between Complainant and Respondent

***Repeat for Respondent**

Individual Factual Allegations

Overview of Disputed Facts

- Claimant's account of the night in question (Investigation and Hearing)
- Respondent's account of the night in question (Investigation and Hearing)
- Witness statements (Investigation and Hearing)

Factual Allegations

(1) Factual Allegation #1

- Combine all information re: this allegation – party statements, police report, SANE exam, etc.
- Describe Finding of Fact and rationale

(2) Factual Allegation #1

- Repeat for each allegation

Example Structure: Subject Matter/ Chronologically

Use Headings to Signal the Progression of Events

Pre-Game at Apartment B

- Combine accounts of everyone in attendance
- Note discrepancies
- Preview the importance of facts included later

Complainant's Room

- Fewer factual accounts (possibly)
- Combine subjects to tell more than one account of what happened (removal of clothing, progression from one physical act to the next)

Text Messages the Next Day

- Copy and paste messages
- Combine context for messages from various sources

Example Structure: Subject Matter/ Chronologically Pros and Cons

- Easiest way to tell the underlying story
 - But time-consuming to write
 - Requires synthesis of facts from multiple sources
- Reader-Friendly
- Use Subject Matter/Chronological Headings
- Works for a range of cases
 - Multiple locations and witnesses
 - Cases where timing of events is particularly important
 - Incapacitation or where something changes over time

Example Structure: Source of the Information (1 of 2)

Begin with Complainant:

Complainant's Statement to the Investigator

- Summarize information from investigation report
- Note discrepancies between party accounts ("Contrary to Respondent's account, Complainant reported that...")

Complainant's Hearing Testimony

- Summarize information from the hearing
- Note discrepancies between investigation and hearing
- Note discrepancies between Complainant and Respondent

Example Structure: Source of the Information (2 of 2)

Move to Respondent:

Respondent's Statement to the Investigator

- Summarize information from investigation report
- Note discrepancies between party accounts ("Contrary to Complainant's account, Respondent reported that...")

Respondent's Hearing Testimony

- Summarize information from the hearing
- Note discrepancies between investigation and hearing
- Note discrepancies between Complainant and Respondent

Example Structure: Source of the Information

Pros and Cons

- Less time-consuming to write, but...
- Less readable than other examples
 - Requires the reader to go back and forth between different accounts of the same events
 - Repetitious
- Works well in a narrow set of cases
 - Cases with few or no witnesses
 - Cases where consistency, or a lack thereof, is crucial

Example Structure: Individual Factual Allegations

Begin with an overview – then get specific

Overview of Disputed Facts

- Claimant's account of the night in question (Investigation and Hearing)
- Respondent's account of the night in question (Investigation and Hearing)
- Witness statements (Investigation and Hearing)

Factual Allegations

- (1) Factual Allegation #1(Ex: Respondent kissed Complainant without Complainant's consent)
 - Combine all information re: this allegation – party statements, police report, SANE exam, etc.
- (2) Factual Allegation #2 (Ex: Respondent choked Complainant)
 - Combine all information re: this allegation – party statements, police report, SANE exam, etc.

Example Structure: Individual Factual Allegations

Pros and Cons

- Valuable in cases where credibility varies by fact
 - Credibility is determined fact-by-fact, not witness-by-witness
 - If a party or witness account is credible for one factual allegation but less credible for other factual allegations, separating those allegations may help with explaining credibility
- Reader-friendly in cases with multiple factual allegations and sources of information

Structuring Your Facts

- Remember, these are suggestions only – no particular structure is *required* by the regs
- Use the structure that works for your institution
- Use the structure that works for the particular case
 - Your structure may change depending on the case
 - Think about the following:
 - Chronology
 - When does synthesizing facts help the reader?
 - When does separating facts help the reader?
 - Where does hearing testimony fit?

Synthesizing Information

- Look for opportunities to logically combine related facts
 - Undisputed facts at the beginning of a decision
 - May give a framework without creating repetition
 - Disputed facts
 - Facts may be related by:
 - Timing
 - Source
 - Topic

Synthesis Example – Subject Matter/ Chronologically

Pre-Gaming at Apartment B

Complainant and Witnesses A, B, and C, reported that they each took 3 shots of vodka when they arrived at Apartment B. (Report, pp. 3, 6-7). This was largely consistent with their hearing testimony, except for Witness C who said they misspoke during their Title IX interview. (Hearing Transcript, p. 4). At the hearing, Witness C testified that they only took one shot of vodka at the party. (Hearing Transcript, p. 4). Later in the evening, approximately two hours after Complainant and Witnesses A, B, and C arrived and took vodka shots, Respondent arrived at Apartment B with Witness D. During his Title IX interview and at the hearing, Respondent reported that he did not take any shots of vodka and had a clear memory of the night. (Report, p. 4; Hearing Transcript, p. 6). Respondent also reported in his interview and at the hearing that he did not observe Complainant take any shots of vodka that night, did not see Complainant stumbling when she walked around the apartment, and did not hear Complainant slur her speech at any time. (Report, p. 4; Hearing Transcript, p. 6).

Synthesis Example #1 – Takeaways

Several things worth noting in this example:

- The information is presented under a topic heading
 - "Pre-Gaming at Apartment B"
- Information comes from different people and is blended together
 - Parties and witnesses
- Information comes from different documents and is blended together
 - The Investigation Report and the Hearing Transcript

Synthesis Example #1 – Takeaways (cont).

Several things worth noting in this example:

- Discrepancies between the investigation and hearing testimony are noted
 - Witness C
- Transitions to demonstrate shifts in time or topic
 - "Later in the evening, approximately two hours after Complainant and Witnesses A, B, and C arrived and took vodka shots, Respondent arrived at Apartment B with Witness D."

Synthesis Example – Individual Factual Allegations

Report that Respondent choked Complainant

As previously mentioned, Complainant reported four separate acts that might rise to the level of a policy violation. First, Complainant reported that Respondent choked her during their argument on September 1, 2020. Report, p. 1. When Complainant described this incident to the Title IX investigator, she said that Respondent used his hand to encircle her throat and then squeeze, preventing her from breathing or talking. Report, p. 4. Under cross-examination at the hearing, Complainant stated that Respondent used his left hand only, but that his hand was large enough to wrap entirely around Complainant's neck. Hearing Transcript, p. 10. Complainant submitted photographs of her neck during the Title IX investigation, which were included in the investigation report on pages 10 and 11. Two witnesses, Witness A and Witness B, reported to the Title IX investigator that they observed bruising on the Complainant's neck when they saw the Complainant the morning of September 2, 2020. Report, p. 6. Both witnesses provided testimony at the hearing that was consistent with their prior statements to investigators. Hearing Transcript, p. 12.

Respondent has consistently denied that he choked Complainant. In his statement to the Title IX Investigator...

Synthesis Example #2 - Takeaways

Several things worth noting in this example:

- The information is presented under a topic heading
 - “Report that Respondent Choked Complainant”
- Information comes from different people and is blended together
 - Parties and witnesses
- Information comes from different documents and is blended together
 - The Investigation Report and the Hearing Transcript

Synthesis Example #2 – Takeaways (cont.)

- Discrepancies between the investigation and hearing testimony are noted
 - Complainant's description of the choking
- Transitions to demonstrate shift from individual factual allegation to the response to that allegation
 - First discussing information supportive of Complainant's report
 - New paragraph to discuss response from Respondent

Drafting Your Rationale

- Apply your Findings of Fact to the Policy language
 - IRAC or CRAC
 - Issue/Conclusion
 - Rule
 - Application
 - Conclusion
 - “Rule” = the Policy provisions cited in your Notice of Investigation
 - “Application” = your explanation of whether the findings of fact amount to a policy violation
 - Conclusion = the result of your analysis for each allegation

IRAC Example #1

Finding of Fact: A preponderance of the evidence supports a finding that Complainant was visibly incapacitated by alcohol at the time Respondent penetrated Complainant's vagina with his penis. The evidence further supports a finding that Respondent knew Complainant was incapacitated at the time.

Issue: Did Complainant consent to sexual penetration by Respondent?

Rule: A person who is incapacitated by drugs or alcohol cannot consent to sexual activity.

Sexual Assault is defined as non-consensual sexual activity.

Application: Because Complainant was incapacitated by alcohol at the time of sexual penetration, Complainant could not consent to sexual activity.

Conclusion: A preponderance of the evidence supports the determination that Respondent engaged in non-consensual sexual activity when he penetrated Complainant's vagina with his penis while Complainant was incapacitated.

IRAC Example #2

Finding of Fact: A preponderance of the evidence supports a finding that Complainant was aware of her name, aware that she was having conversations with her roommate and Respondent, aware of where she was at, and aware of Respondent's physical advances just prior to sexual penetration.

Issue: Did Complainant consent to sexual penetration by Respondent?

Rule: ... Factors to consider in determining whether an individual is incapacitated include whether the person is aware of their circumstances or surroundings (e.g., an inability to understand the who, what, where, how, and/or why of the circumstances).

Application: Complainant was aware of the circumstances of her surroundings, include who she was with, where she was located, what she was doing, and what was happening just prior to sexual penetration.

Conclusion: For these reasons, Complainant was not incapacitated as that term is defined in the Title IX Policy. However, this does not end the inquiry on consent because Complainant further reported...

Citing the Source of the Information

- Compare:
 - “Jessica said that she observed Respondent leave Complainant’s room at 2:00 a.m.”
 - “Respondent left Complainant’s room at 2:00 a.m.”
- The first sentence shows the source of this information
 - Neutral
 - Based on the evidence
- The second sentence assumes the fact to be true
 - May create the perception of bias
 - Based on your trust in Jessica’s account
- If you’ve already explained the rationale for trusting Jessica’s account – the second sentence may be okay
 - This will necessarily be later in the decision – after findings of fact have been made

Final Required Components

- Sanctions, Remedies and Appeal Rights
 - These may be included earlier in the decision, but likely make more sense near the end
 - Form language from your Student Conduct Office, Title IX Office, or Human Resources?
 - Be consistent
 - If there is a reason your explanation is different, explain that reason in your decision

Writing Decisions that are Clear and Readable

Verbs

- Consider:
 - Bob stated...
 - Bob said...
 - Bob alleged...
 - Bob admitted...
 - Bob clarified...
 - Bob recalled...
 - Bob remembered...

Clear Verbs

- Start every sentence with “So-and-so stated” or “So-and-so said”
 - Clarity
 - Consistency
 - Neutrality
- Write everything in past tense – because it occurred in the past!
 - Bob isn’t saying things now. He said them in an interview or at the hearing
 - This helps ensure consistency

Pronouns

- If using pronouns, use the proper pronouns
- Be careful to ensure that the reader always knows who is saying or doing what

Terminology

- People
- Places
- Slang

Places

All of these might refer to the same place...

- Bob's Room
- Room 408
- Room 408A
- Smith 408
- Smith Hall 408
- Respondent's Room
- Joe's Room

How can we be clearest?

Slang

Yes, Urban Dictionary is your friend, but the best definition is the one that the person who used the word understands it to mean!

Slang may also refer to people or places. The person who picks up this report will need that context, so include this as well!

Adjectives and Adverbs

- Stay away from charged words:
 - Clearly, obviously
 - Really drunk
 - Forcefully pushed

- Did the party/witness use that term?
 - If so, use quotes or consider whether this is clear from the context

Quotations

- Use quotation marks appropriately
 - Do not cite to the investigator's language in an interview summary
 - If you put it in quotation marks, it will appear as though the party or witness used the words, which may be inaccurate

Referring to Evidence

- If there is a key piece of evidence that was discussed, embed it in the decision itself
- If there was a key exchange at the hearing, quote the exchange in the decision itself
- If that's not practical:
 - Quote the evidence as relevant
 - Provide citations to the evidence so the reader can quickly find it

Sentences

- Each sentence needs a subject and a verb

Subject	Verb
Bob	stated

- Avoid run-on (“toddler story”) sentences that should be separate sentences
- If a sentence is more than five lines, consider whether it should be two or more sentences

Paragraph Structure

Heading

Bob said he needed a topic sentence. Bob said he had more information about this topic. Bob said more things about this topic.

Bob said things about a new topic that was still related to the same heading. When asked if Bob wanted to talk about anything else, Bob said, “No,” and said he had more information to share about this topic.

Talking about Tone

Will They Feel Heard?

- Will the parties feel like you heard them? (good)
- Will the tone you use in the decision inflame the parties? (this may be harder to avoid in a decision than an interview – show your work)
- Will the parties feel vilified or blamed? (stay neutral)

Editing Exercises

Editing Exercise #1

Respondent engaged in sexual intercourse with Complainant from behind.

What issues do we see here?

Editing Exercise #1 (Cont.)

Respondent engaged in sexual intercourse with Complainant from behind.

Issues:

- No source of the information
- From behind what? Complainant?
- Word choice

Fix: Complainant reported that Respondent and Complainant were both standing near the pool table at the time that Respondent began to sexually penetrate Complainant's vagina with his penis. Complainant reported that her body was facing away from Respondent at the time, towards the table, and that Respondent pushed her forward...

Editing Exercise #2

As they exited the Student Union, Complainant alleges that Respondent pushed her and said, “Get away from me.”

What issues do we see here?

Editing Exercise #2 (Cont.)

As they exited the Student Union, Complainant alleges that Respondent pushed her and said, “Get away from me.”

Issues:

- Confusing
- Literally says the allegation was made as they exited the Student Union

Fix: Complainant alleges that as the parties exited the Student Union, Respondent pushed her and said, “Get away from me.”

Editing Exercise #3

There was no evidence to support Complainant's assertion that the activity occurred without her consent.

What issues do we see here?

Editing Exercise #3 (Cont.)

There was no evidence to support Complainant's assertion that the activity occurred without her consent.

Issues:

- Sounds judgmental because the allegation that led to the case is being disregarded
- If Complainant's allegation was not tested by cross-examination, make that clear
- If Complainant's allegation was not as credible as contradictory evidence, make that clear

Fix: Complainant reported that the sexual activity occurred without her consent. This assertion must be weighed against the testimony of two eyewitnesses, both of whom provided consistent accounts of their observations, and the testimony of Respondent.

Editing Exercise #4

Between the investigation and the hearing, Complainant consistently reported that when Respondent arrived, the parties engaged in consensual kissing.

What issues do we see here?

Editing Exercise #4 (Cont.)

Between the investigation and the hearing, Complainant consistently reported that when Respondent arrived, the parties engaged in consensual kissing.

Issues:

- “Between the investigation and the hearing” is an actual period of time
- This makes it sound as though Complainant made consistent statements about this subject between the investigation and the hearing

Fix: During the investigation and at the hearing, Complainant consistently reported that when Respondent arrived, the parties engaged in consensual kissing.

Editing Exercise #5

Clearly, Respondent had consent for the sexual encounter.

What issues do we see here?

Editing Exercise #5 (Cont.)

Clearly, Respondent had consent for the sexual encounter.

Issues:

- The use of “clearly” makes the statement sound judgmental.
- The “clear” evidence can and should be explained to support the determination, but this is not a neutral way to explain this.

Fix: Complainant acknowledged that they told Respondent, “Yes,” in response to Respondent’s question, “Do you want to have sex?” Complainant further admitted at the hearing that they did not inform Respondent at any point that they were no longer agreeable to have penetrative sex.

Intro to Exercise

What We Give You

- A draft hearing decision in a case involving charges of Hostile Environment Sexual Harassment and Dating Violence.
- This is also not a real case! It's only an exercise.

Your Mission

- You are the hearing officer's supervisor.
- How would you suggest revising the decision?
- What feedback would you give to the hearing officer?

You do not have to turn this in for review. We'll go over the assignment together in our second session on June 24th.

Upcoming Events

Free Events

- June 10 – Legal Ethics Considerations for Civil Rights Compliance in Education
- Register for both at www.bricker.com/events

Title IX in Focus Series: www.bricker.com/t9if

Monthly series starts August 27th – What HR Needs to Understand About Title IX