



NORTH GREENVILLE  
UNIVERSITY  
*Christ Makes the Difference*

# TITLE IX ADJUDICATION PANEL TRAINING



## **NGU PHILOSOPHY**

- ❖ NORTH GREENVILLE UNIVERSITY IS A CHRIST-CENTERED HIGHER EDUCATION INSTITUTION COMMITTED TO PROMOTING, MAINTAINING AND STRENGTHENING AN ENVIRONMENT ROOTED IN THE BIBLICAL PRINCIPLES OF **TRUTH, LOVE AND GRACE.**
- ❖ NGU AFFIRMS THAT ALL MEMBERS OF OUR COMMUNITY ARE CREATED IN THE IMAGE OF GOD AND, THEREFORE, SHOULD BE TREATED WITH **DIGNITY AND RESPECT.**
- ❖ NGU RESPECTS THE INHERENT WORTH OF EACH MEMBER OF THE COMMUNITY AND **DOES NOT TOLERATE ANY FORM OF HARASSMENT OR DISCRIMINATION.**

## **WHAT IS TITLE IX**

**TITLE IX OF THE EDUCATION AMENDMENTS OF 1972 STATES,  
“NO PERSON IN THE UNITED STATES SHALL, ON THE BASIS OF  
SEX, BE EXCLUDED FROM PARTICIPATION IN, BE DENIED THE  
BENEFITS OF, OR BE SUBJECTED TO DISCRIMINATION UNDER  
ANY EDUCATIONAL PROGRAM OR ACTIVITY RECEIVING FEDERAL  
FINANCIAL ASSISTANCE.”**



### **NO Statute of Limitations:**

as long as University has control of  
respondent - Still a student or Still employed

# WHO MUST COMPLY WITH TITLE IX?

- STUDENTS
- EMPLOYEES
- THIRD PARTIES
  - VISITORS
  - VENDORS
  - SUBCONTRACTORS



# UNIVERSITY RESPONSIBILITIES

IF A SCHOOL **KNOWS** ABOUT SEXUAL HARASSMENT, IT MUST TAKE ACTION

TO:

- ELIMINATE IT,
- PREVENT ITS RECURRENCE, AND
- ADDRESS ITS EFFECTS



## **UNITED EDUCATORS' STUDY**

- **28% OF REPORTS RESULTED IN LAWSUITS, DEMAND LETTERS, OR FEDERAL TITLE IX COMPLAINTS**
- **78% INVOLVED ONE OR BOTH PARTIES CONSUMING ALCOHOL**
- **40% OF COMPLAINANTS DELAYED REPORTING, WAITING, ON AVERAGE, NEARLY A YEAR AFTER THE INCIDENT**
- **80% OF COMPLAINANTS WERE FRESHMEN OR SOPHOMORES**
- **90% OF COMPLAINANTS KNEW THE RESPONDENT**

# DEFINITIONS



- DOE = DEPARTMENT OF EDUCATION – GOVERNING AGENCY
- OCR = DEPARTMENT OF EDUCATION'S OFFICE FOR CIVIL RIGHTS – ENFORCEMENT AGENCY
- CLERY ACT = CONSUMER PROTECTION ACT AIMS TO PROVIDE TRANSPARENCY AROUND CAMPUS **CRIME** POLICY AND STATISTICS
- SAVE ACT = CAMPUS SEXUAL VIOLENCE ELIMINATION ACT AMENDS CLERY TO REPORTING, RESPONSE, AND PREVENTION EDUCATION REQUIREMENTS AROUND VAWA **CRIMES**.
  - REQUIRES THAT ALLEGED VICTIMS BE INFORMED OF THEIR RIGHTS TO:
    - BE ASSISTED BY CAMPUS AUTHORITIES IF REPORTING A CRIME TO LAW ENFORCEMENT
    - CHANGE ACADEMIC, LIVING, TRANSPORTATION, OR WORKING SITUATIONS TO AVOID A HOSTILE ENVIRONMENT
    - OBTAIN OR ENFORCE A NO CONTACT DIRECTIVE OR RESTRAINING ORDER
    - HAVE A CLEAR DESCRIPTION OF THEIR INSTITUTION'S DISCIPLINARY PROCESS AND KNOW THE RANGE OF POSSIBLE SANCTIONS
    - RECEIVE CONTACT INFORMATION ABOUT EXISTING COUNSELING, HEALTH, MENTAL HEALTH, VICTIM ADVOCACY, LEGAL ASSISTANCE, AND OTHER SERVICES AVAILABLE BOTH ON-CAMPUS AND IN THE COMMUNITY
- VAWA = VIOLENCE AGAINST WOMEN REAUTHORIZATION ACT - EXTENDS CLERY CRIMES TO INCLUDE SEXUAL ASSAULT, DOMESTIC VIOLENCE, DATING VIOLENCE, AND STALKING. 1) REQUIRES DISCIPLINE PROCEDURES FOR ADDRESSING SEXUAL MISCONDUCT; 2) REQUIRES EDUCATION PROGRAMS TO PROMOTE AWARENESS
- FERPA = FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT
- CS = CAMPUS SAFETY
- COMPLAINANT/REPORTING PARTY
- RESPONDENT/RESPONDING PARTY

# **SEXUAL MISCONDUCT**



- ❖ **SEXUAL HARASSMENT**
- ❖ **SEXUAL EXPLOITATION / SEXUAL INTIMIDATION**
- ❖ **NON-CONSENSUAL SEXUAL CONTACT/ASSAULT**
- ❖ **DOMESTIC VIOLENCE / DATING VIOLENCE / STALKING**
- ❖ **NGU SEXUAL MISCONDUCT**
  - **HANDLED BY STUDENT ENGAGEMENT OR HR**
- ❖ **DIFFERENTIAL TREATMENT BASED ON GENDER**  
**(INCLUDING GENDER STEREOTYPES)**

# **SEXUAL HARASSMENT**

*UNWELCOME SEXUAL ADVANCES, REQUESTS FOR SEXUAL FAVORS OR OTHER VERBAL OR PHYSICAL CONDUCT OF A SEXUAL NATURE, ON OR OFF CAMPUS, **WHEN:***

- SUBMISSION TO SUCH CONDUCT IS MADE EITHER EXPLICITLY OR IMPLICITLY A CONDITION OF AN INDIVIDUAL'S EMPLOYMENT OR ACADEMIC STANDING, OR PROGRESS; **OR**
- SUBMISSION TO OR REJECTION OF SUCH CONDUCT IS USED AS THE BASIS FOR EMPLOYMENT DECISIONS OR FOR ACADEMIC EVALUATION, GRADES, OR ADVANCEMENT; **OR**
- UNWELCOME CONDUCT THAT A REASONABLE PERSON WOULD DETERMINE IS SO SEVERE, PERVASIVE AND OFFENSIVE THAT IT DEPRIVES THE INDIVIDUAL OF EQUAL ACCESS TO ACADEMIC OPPORTUNITIES, PROGRAMS OR ACTIVITIES.
  - *ALSO **INCLUDES** ACTS OF INTIMIDATION, BULLYING, AGGRESSION OR HOSTILITY BASED ON GENDER (GENDER STEREOTYPES), **EVEN IF THE ACTS DO NOT INVOLVE CONDUCT OF A SEXUAL NATURE***

## **TYPES OF HARASSMENT**

- ❖ **VERBAL HARASSMENT.**
- ❖ **PHYSICAL HARASSMENT.**
- ❖ **VISUAL OR WRITTEN HARASSMENT.**
- ❖ **ENVIRONMENTAL HARASSMENT.**



## **SEXUAL EXPLOITATION**

- ✓ NONCONSENSUAL UNJUST OR ABUSIVE SEXUAL ADVANTAGE OF ANOTHER PERSON
  - ELECTRONICALLY RECORDING, PHOTOGRAPHING, OR TRANSMITTING INTIMATE OR SEXUAL UTTERANCES, SOUNDS, OR IMAGES; VOYEURISM (SPYING ON OTHERS WHO ARE IN INTIMATE OR SEXUAL SITUATIONS); DISTRIBUTING INTIMATE OR SEXUAL INFORMATION ABOUT ANOTHER PERSON; PROSTITUTING OR TRAFFICKING ANOTHER PERSON.

## **SEXUAL INTIMIDATION**

- THREATENING ANOTHER PERSON THAT YOU WILL COMMIT A SEX ACT AGAINST THEM OR ENGAGE IN OTHER ILLEGAL SEXUAL MISCONDUCT

## **STALKING**

- PATTERN OF REPEATED AND UNWANTED ATTENTION, HARASSMENT, CONTACT, OR ANY OTHER COURSE OF CONDUCT DIRECTED AT A SPECIFIC PERSON
- THAT WOULD CAUSE A REASONABLE PERSON TO FEEL FEAR
  - CAN INCLUDE FRIGHTENING COMMUNICATIONS, DIRECT OR INDIRECT THREATS, AND HARASSMENT VIA THE INTERNET.

## **DOMESTIC VIOLENCE**

- ✓ PATTERN OF ABUSIVE BEHAVIOR IN A RELATIONSHIP
  - CAN BE PHYSICAL, SEXUAL, EMOTIONAL, ECONOMIC, OR PSYCHOLOGICAL ACTIONS OR THREATS OF ACTIONS THAT INFLUENCE ANOTHER PERSON.
- ✓ USED BY ONE PARTNER TO MAINTAIN POWER AND CONTROL OVER ANOTHER CURRENT OR FORMER INTIMATE PARTNER
  - INTIMIDATES, MANIPULATES, HUMILIATES, ISOLATES, FRIGHTENS, TERRORIZES, COERCES, THREATENS, HURTS, INJURES, OR WOUNDS SOMEONE.

## **DATING VIOLENCE**

- ✓ VIOLENCE AND/OR ABUSE COMMITTED BY A PERSON
  - PHYSICAL, PHYSIOLOGICAL/EMOTIONAL, OR SEXUAL ABUSE
  - ALSO INCLUDES “DIGITAL ABUSE”, THE USE OF TECHNOLOGY, SUCH AS SMARTPHONES, THE INTERNET, OR SOCIAL MEDIA, TO INTIMATE, HARASS, THREATEN, OR ISOLATE A VICTIM
- ✓ TO EXERT POWER AND CONTROL OVER A CURRENT OR FORMER DATING PARTNER

# NON CONSENSUAL SEXUAL CONTACT / ASSAULT

A CONTINUUM OF CONDUCT FROM RAPE TO NONPHYSICAL FORMS OF PRESSURE THAT COMPEL INDIVIDUALS TO ENGAGE IN SEXUAL ACTIVITY AGAINST THEIR WILL

## REQUIRES:

- ✓ SEXUAL CONTACT/ACT
- ✓ LACK OF CONSENT
  - AGAINST HIS/HER WILL
  - INCAPACITATED  
(ASLEEP, UNCONSCIOUS, ALCOHOL, DRUGS)
  - MINOR



CONSENT IS:

# CLEAR COHERENT WILLING ONGOING

## CLEAR

Consent is active.

It's expressed through words or actions that create mutually understandable permission.

Consent is never implied, and the absence of a no is not a yes.

Silence is NOT consent.

"I'm not sure," "I don't know," "Maybe" and similar phrases are NOT consent.

## COHERENT

People incapacitated by drugs or alcohol cannot consent.

Someone who cannot make rational, reasonable decisions because she or he lacks the capacity to understand the "who, what, when, where, why or how" of the situation cannot consent.

People who are asleep or in another vulnerable position cannot consent.

## WILLING

Consent is never given under pressure.

Consent is not obtained through psychological or emotional manipulation.

Consent cannot be obtained through physical violence or threat.

Someone in an unbalanced power situation (i.e. someone under your authority) cannot consent.

## ONGOING

Consent must be granted every time.

Consent must be obtained at each step of physical intimacy. If someone consents to one sexual activity, she or he may or may not be willing to go further.



## **DIFFERENTIAL TREATMENT BASED ON GENDER**

- HE OR SHE WAS **TREATED** DIFFERENTLY THAN OTHER EMPLOYEES/STUDENTS WHO WERE SIMILARLY SITUATED, AND THAT THE DIFFERENCE WAS BASED ON THE GENDER OF THE COMPLAINANT.
- POSITIVE AS WELL AS NEGATIVE TREATMENT
  - NOT ASSIGNING FEMALE STUDENTS LATE NIGHT CLASSES
  - TREATING MALE COMPLAINANTS LESS COMPASSIONATELY THAN FEMALE COMPLAINANTS

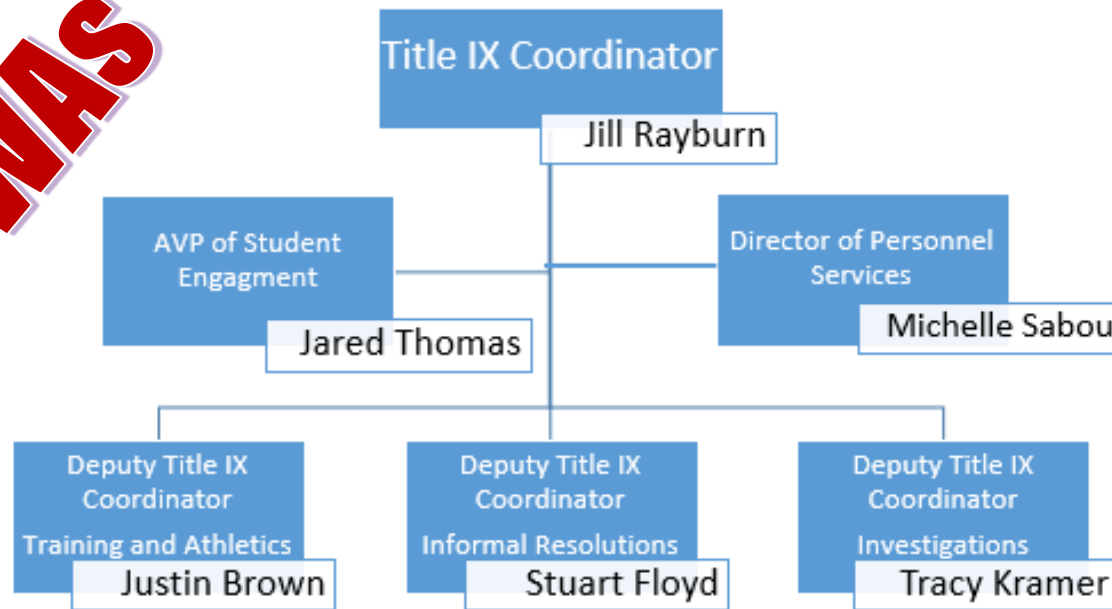
# NGU SEXUAL MISCONDUCT



- HANDLED BY STUDENT ENGAGEMENT OR HR
- NON-LEGAL TERM
- CONDUCT OF A SEXUAL NATURE THAT AS A CHRISTIAN HIGHER EDUCATION INSTITUTION, THE UNIVERSITY DETERMINES, IN ITS SOLE DISCRETION, IS INAPPROPRIATE BASED UPON THE TEACHING AND ETHICAL STANDARDS DRAWN FROM SCRIPTURE.
- DIFFERENTIATES THE UNIVERSITY STANDARDS OF CONDUCT, WHICH ARE BIBLICALLY BASED FROM TITLE IX AND FROM THE CRIMINAL AND CIVIL JUSTICE SYSTEMS IN WHICH PEOPLE ARE CHARGED WITH CRIMES THAT CARRY CRIMINAL PENALTY OR FOUND LIABLE FOR CIVIL VIOLATIONS.

***THE UNIVERSITY MAY FIND THAT A PERSON HAS COMMITTED SEXUAL MISCONDUCT EVEN THOUGH THE LEGAL STANDARD MAY NOT HOLD THEM ACCOUNTABLE.***

**NGU OWAS**



**OFFICERS WITH AUTHORITY** INCLUDE THOSE UNIVERSITY EMPLOYEES WHO HAVE THE AUTHORITY TO REDRESS PROHIBITED MISCONDUCT UNDER TITLE IX. THESE EMPLOYEES INCLUDE THE TITLE IX COORDINATOR, THE DEPUTY COORDINATORS, THE AVP OF STUDENT ENGAGEMENT, AND THE DIRECTOR OF PERSONNEL SERVICES. *OTHER EMPLOYEES MAY BE REQUIRED BY THE UNIVERSITY TO REPORT ANY KNOWN ALLEGATIONS OF A TITLE IX VIOLATION; HOWEVER, THEY ARE NOT AUTHORIZED BY THE UNIVERSITY TO RESOLVE OR REDRESS SEXUAL MISCONDUCT ON BEHALF OF THE UNIVERSITY.*

# HOW TO REPORT



- **ONLINE COMPLAINT FORM:** SEE [HTTPS://WWW.NGU.EDU/TITLEIX.PHP](https://www.ngu.edu/titleix.php)
- **BY MAIL:** NORTH GREENVILLE UNIVERSITY, ATTN: TITLE IX COORDINATOR, 405 LANCASTER AVE, GREER, SC 29650
- **IN PERSON OR BY EMAIL:**
  - **JUSTIN BROWN,** [JUSTIN.BROWN@NGU.EDU](mailto:JUSTIN.BROWN@NGU.EDU), DEPUTY TITLE IX COORDINATOR OF TRAINING AND ATHLETICS, TINGLE STUDENT LIFE CENTER, ROOM 104 PHONE: 864-977-7075
  - **STUART FLOYD,** [STUART.FLOYD@NGU.EDU](mailto:STUART.FLOYD@NGU.EDU), DEPUTY TITLE IX COORDINATOR OF INFORMAL RESOLUTIONS, TINGLE STUDENT LIFE CENTER, ROOM 129, PHONE: 864-977-7669
  - **DR. TRACY KRAMER,** DEPUTY TITLE IX COORDINATOR OF INVESTIGATIONS, [TRACY.KRAMER@NGU.EDU](mailto:TRACY.KRAMER@NGU.EDU), TIM BRASHIER CAMPUS, ROOM 231, PHONE: 864-977-7256
  - **DR. JILL RAYBURN,** [JILL.RAYBURN@NGU.EDU](mailto:JILL.RAYBURN@NGU.EDU), TITLE IX COORDINATOR, TIM BRASHIER CAMPUS, ROOM 237, 405 LANCASTER AVE, GREER, SC 29650, PHONE: 864-977-7256
  - **MICHELLE SABOU,** [MICHELLE.SABOU@NGU.EDU](mailto:MICHELLE.SABOU@NGU.EDU), DIRECTOR OF PERSONNEL SERVICES, FIRST FLOOR, DONNAN, PHONE: 864-977-7200
  - **JARED THOMAS,** [JARED.THOMAS@NGU.EDU](mailto:JARED.THOMAS@NGU.EDU), AVP STUDENT ENGAGEMENT, TINGLE STUDENT LIFE CENTER, FIRST FLOOR, PHONE: 864-663-0148

# THE PROCESS

THOROUGH,

ADEQUATE,

RELIABLE,

FAIR

- ☐ Initial Process Meeting with each party
- ☐ Notice of Allegations provided Respondent
- ☐ Interim Measures
- ☐ List of Community Resources provided
- ☐ Interview of Parties
- ☐ Equal opportunity for parties
  - ✓ Rebut the other's statement and witness' statement
  - ✓ Identify/present fact witnesses and evidence
  - ✓ Access to evidence (if any)
  - ✓ Right to an advisor/participation by a lawyer
- ☐ Participate in pre-hearing meeting (if any)
- ☐ Identify/present character witnesses (if any)
- ☐ Live Hearing
- ☐ Cross-examination
- ☐ Written notice of outcome
- ☐ Right to Appeal



## THE PROCESS

# THE ADJUDICATION



- DETERMINE THE SEXUAL MISCONDUCT INVOLVED
- OUTLINE THE ELEMENTS
- ARE THERE FACTS WHICH MEET THE REQUIREMENTS OF EACH ELEMENT?
  - WHAT EVIDENCE SUPPORTS THE COMPLAINANTS VERSION VS. RESPONDENT'S VERSION?
- WEIGH THE EVIDENCE
  - PREPONDERANCE OF THE EVIDENCE STANDARD – “MORE LIKELY THAN NOT”
  - *ALL EVIDENCE PRESENTED MUST BE CONSIDERED.*
  - *ANY EVIDENCE NOT SUBJECT TO CROSS-EXAMINATION MUST NOT BE CONSIDERED*
  - THE EVIDENCE PRESENTED IS THE BEST AVAILABLE – IF NOT ENOUGH TO PERSUADE, THEN FIND NO VIOLATION.
- MAKE A FINDING – IT'S THE JOB!
- MAKE RECOMMENDATION OF SANCTIONS
- WRITE A OUTCOME
  - IMPORTANCE OF ACCOUNTABILITY FOR INDIVIDUALS FOUND TO HAVE COMMITTED SEXUAL VIOLENCE
  - NEED FOR REMEDIAL ACTIONS FOR THE PERPETRATOR, COMPLAINANT, AND SCHOOL COMMUNITY

# TYPES OF EVIDENCE

- STATEMENTS OF THE PARTIES
- STATEMENTS OF WITNESSES
- PHYSICAL EVIDENCE
- MEDICAL EVIDENCE
  - (ONLY CONSIDERED IF WRITTEN CONSENT AND PROVIDED TO BOTH SIDES)
- CIRCUMSTANTIAL EVIDENCE
- CHARACTER EVIDENCE
- PRIOR BAD ACTS
  - ALLEGATION V. POLICY VIOLATION
  - PREJUDICIAL IMPACT VS PROBATIVE VALUE
  - MAY BE RELEVANT IN FACT-FINDING *AND/OR* SANCTION DETERMINATION
- INCONSISTENT / CONTRADICTORY STATEMENTS
- HEARSAY\*



# RELEVANCE

- EVIDENCE, WHETHER INCULPATORY OR EXCULPATORY, ON WHICH THE SCHOOL WILL RELY IN REACHING A DETERMINATION REGARDING RESPONSIBILITY
- INFORMATION OR EVIDENCE THAT HAS A CLEAR RELATIONSHIP TO THE ALLEGATIONS AT ISSUE BUT IS NOT NECESSARY TO REACH A DETERMINATION REGARDING RESPONSIBILITY



INFORMATION OR EVIDENCE THAT HAS NO CLEAR RELATIONSHIP TO THE ALLEGATIONS AT ISSUE



DUPLICATIVE EVIDENT

# SOME EVIDENCE MAY NOT BE CONSIDERED

- ATTORNEY/CLIENT
- MEDICAL & PSYCHOLOGICAL RECORDS
  - *UNLESS WRITTEN CONSENT TO BE USED*
- RAPE SHIELD

## RAPE SHIELD:

- OFFERED TO PROVE THAT SOMEONE OTHER THAN RESPONDENT COMMITTED THE CONDUCT
- CONCERN SPECIFIC INCIDENTS OF PRIOR SEXUAL BEHAVIOR WITH RESPONDENT AND OFFERED TO PROVE CONSENT

***\*QUESTIONS/EVIDENCE ABOUT RESPONDENT'S SEXUAL PREDISPOSITION OR PRIOR SEXUAL BEHAVIOR MAY BE RELEVANT***

# **VIRTUAL HEARINGS**

**MICROSOFT TEAMS  
DEMONSTRATION**



# CHECK YOUR IMPARTIALITY



## ➤ *CONFLICT OF INTEREST*

- ✓ COULD THE OUTCOME OF THIS CASE IMPACT ME ONE WAY OR ANOTHER? (I.E. DO I HAVE A DOG IN THIS FIGHT?)
- ✓ RELATIONSHIP – PARTY OR WITNESS
- ✓ REPUTATION INTEREST – FINANCIAL, PROGRAMMATIC

## ➤ *BIAS*

- ✓ **IMPLICIT**
- ✓ **APPEARANCE**

## ➤ *PRE-JUDGMENT*

# HEARING PROCEDURE

## *PRELIMINARY – TITLE IX COORDINATOR*

1. TEST AUDIO / VISUAL FOR ALL PARTIES
2. CONDUCT OF PARTIES/WITNESSES
3. INTRODUCTIONS OF PARTIES/PANEL
4. ROLE OF THE ADJUDICATION PANEL
5. VERIFY: RECORDING OF PROCEDURE
6. VERIFY: WITNESS LIST FOR CROSS-EXAMINATION
7. INSTRUCTIONS TO ADVISORS

## *ADJUDICATION CHAIR*

1. INTRODUCTION OF INVESTIGATIVE REPORT
2. LIST ALL SUPPORTING EVIDENCE IN THE FILE
  - OBJECTIONS/QUESTIONS?
3. PANEL MAY ASK ANY QUESTIONS OF THE PARTIES/WITNESS
4. CROSS-EXAMINATION OPPORTUNITY
  - WITNESSES TO BE CROSSED MUST BE SUBMITTED IN ADVANCE TO TITLE IX COORDINATOR
  - OPPORTUNITY FOR PRE-APPROVED QUESTIONS
  - ADVISORS MUST QUESTION –ONLY **AFTER** QUESTION APPROVED AS RELEVANT BY PANEL
  - RELEVANT QUESTIONS ONLY
5. EACH PARTY OPPORTUNITY TO ADDRESS THE PANEL – IMPACT STATEMENT

# FACTORS TO CONSIDER WHEN WEIGHING THE EVIDENCE:



- IS INFORMATION THE WITNESS PROVIDED ACCURATE BASED ON OTHER EVIDENCE?
- HOW DID THE WITNESS LEARN THE FACTS?
- HOW WELL DID HE OR SHE RECALL FACTS?
  - NOT RECALLING IS NOT **NECESSARILY** A DENIAL
  - REMEMBER EFFECTS OF TRAUMA, ALCOHOL, DRUGS
- HOW FORTHCOMING WAS THE WITNESS?
- DID THE WITNESS SEEM HONEST AND SINCERE? (*CAUTION*)
- WHAT ARE THE POSSIBLE MOTIVES FOR BEING LESS THAN TRUTHFUL?
- WHAT IS THE WITNESS'S RELATIONSHIP TO THE COMPLAINANT AND RESPONDENT?
- ARE THERE OTHER FACTORS THAT BEAR ON THE BELIEVABILITY OF THE WITNESS?
- CONSIDER **ALL** RELEVANT EVIDENCE PROVIDED
- DO NOT CHERRY-PICK EVIDENCE THAT SUPPORTS YOUR CONCLUSION
- DO NOT IGNORE CONTRARY EVIDENCE
- IF EVIDENCE SUPPORTING BOTH CONCLUSIONS EXISTS:
  - IS SOME EVIDENCE STRONGER THAN OTHER EVIDENCE? IF SO, **WHY**?
  - DO YOU FIND ONE PARTY MORE CREDIBLE THAN THE OTHER PARTY? IF SO, **WHY**?
  - IF A WITNESS'S STATEMENT IS CONTRARY TO YOUR CONCLUSION, **WHY** DO YOU NOT BELIEVE THE WITNESS?

# NGU STANDARDS AND SEXUAL MISCONDUCT

- A VIOLATION OF THE TITLE IX MAY RESULT IN DISCIPLINARY ACTION AND/OR *RESTORATIVE ACTIONS*
- SANCTIONS ARE NOT EQUALLY APPLIED TO DISSIMILARLY SITUATED PEOPLE



# DISCIPLINARY ACTIONS/ SANCTIONS (STUDENT):

DISCIPLINARY ACTION(S) MAY BE IMPOSED INDIVIDUALLY OR IN COMBINATION. FOR VIOLATIONS OF THIS POLICY, THE FOLLOWING DISCIPLINARY ACTION(S) MAY BE IMPOSED:

**ACCOUNTABILITY & MENTORING:** STUDENTS WILL BE ASSIGNED TO A MEMBER OF THE UNIVERSITY FACULTY OR STAFF FOR ACCOUNTABILITY AND MENTORSHIP. THIS PERSON IS ASSIGNED BY THE ASSOCIATE VICE PRESIDENT OF STUDENT ENGAGEMENT, AND WILL PROVIDE REGULAR UPDATES TO THE OFFICE OF STUDENT ACCOUNTABILITY.

**EDUCATION OR OBSERVATION HOURS:** STUDENTS WILL BE REQUIRED TO ATTEND SUPPORT GROUPS, SEMINARS, LECTURES, OR CLASSES. ON-LINE COURSES MAY ALSO BE MANDATORY. STUDENTS ISSUED EDUCATION/OBSERVATION HOURS ARE REQUIRED TO PROVIDE A WRITTEN SUMMARY OF THEIR TIME TO THE OFFICE OF STUDENT ACCOUNTABILITY.

**FINE:** STUDENTS WILL BE CHARGED A MONETARY FINE. FINES WILL BE IMPOSED IN CONJUNCTION WITH OTHER SANCTIONS. FINES MAY VARY BASED ON OFFENSE AND PRIOR DISCIPLINARY RECORD. THE MAXIMUM FINE FOR ANY VIOLATION IS \$800. *NORTH GREENVILLE UNIVERSITY INSTITUTIONAL FINANCIAL AID CANNOT BE USED TO PAY A DISCIPLINARY FINE.*

**NO CONTACT ORDER:** A "NO CONTACT ORDER" MEANS A STUDENT MUST MAKE ALL REASONABLE EFFORT TO AVOID ANY CONTACT WITH A PARTICULAR MEMBER OF THE UNIVERSITY COMMUNITY. CONTACT IS DEFINED AS, BUT NOT LIMITED TO, CLOSE PROXIMITY TO, CONTACT THROUGH OTHER MEMBERS OF THE UNIVERSITY COMMUNITY OR OUTSIDE PERSONS, OR CONTACT VIA ANY DIGITAL OR SOCIAL MEDIA PLATFORM. THIS SANCTION IS APPLIED TO ON CAMPUS AND OFF CAMPUS SITUATIONS. FURTHER DETAILS WILL BE PROVIDED TO THE PERSONS INVOLVED WHEN THE SPECIFIC NO CONTACT ORDER IS DRAFTED.

**ON OR OFF CAMPUS COUNSELING:** STUDENTS WILL BE REQUIRED TO ATTEND COUNSELING SESSIONS. THE COUNSELOR, IN CONTRACT WITH THE STUDENT, WILL DETERMINE THE NUMBER OF COUNSELING SESSIONS APPROPRIATE FOR THE STUDENT. COUNSELING IS CONFIDENTIAL UNDER GUIDELINES GIVEN BY THE COUNSELOR. IN COMPLIANCE WITH COUNSELING CONFIDENTIALITY, A REPORT OF SATISFACTORY COMPLETION OF COUNSELING WILL BE ISSUED TO THE OFFICE OF STUDENT ACCOUNTABILITY.

**PARENT/GUARDIAN NOTIFICATION:** STUDENTS WILL BE ISSUED THIS SANCTION AT THE DISCRETION OF THE ASSOCIATE VICE PRESIDENT OF STUDENT ENGAGEMENT. PARENTS OR GUARDIANS WILL ALWAYS BE NOTIFIED OF WITHDRAWAL, SUSPENSION, OR EXPULSION.

**RESTRICTIONS:** STUDENTS' CAMPUS ACTIVITIES, AMENITIES, AND/OR MOVEMENTS WILL BE RESTRICTED. WHEN APPROPRIATE IN CASES INVOLVING BEHAVIORAL MISCONDUCT BETWEEN MEMBERS OF THE COMMUNITY, RESTRICTIONS MAY BE PLACED ON ACCESS TO SPACE AND/OR RESOURCES OR ON PARTICIPATION IN ACTIVITIES SO AS TO LIMIT OPPORTUNITIES FOR CONTACT BETWEEN THE PARTIES.

**RESTITUTION:** STUDENTS WILL BE REQUIRED TO REIMBURSE THE UNIVERSITY OR COMMUNITY MEMBER FOR DAMAGE TO AND/OR MISAPPROPRIATION OF PROPERTY.

**RESIDENCY RELOCATION:** WHEN APPROPRIATE TO THE INFRACTION, RELOCATION WITHIN UNIVERSITY HOUSING MAY BE ADDED TO ANY OF THE OTHER PENALTIES LISTED ABOVE EXCEPT WARNING.

**RESIDENCY TERMINATION:** STUDENTS ARE ISSUED A RESIDENCY TERMINATION WHEN THEY ARE INELIGIBLE TO LIVE IN UNIVERSITY HOUSING, BUT ALLOWED TO REMAIN A STUDENT.

**EXPULSION:** STUDENTS ASSIGNED AN EXPULSION STATUS WILL BE EXPELLED AND NOT ALLOWED TO RETURN TO ANY UNIVERSITY CAMPUS OR ATTEND ANY EVENT SPONSORED BY THE UNIVERSITY WITHOUT PRIOR WRITTEN CONSENT FROM THE ASSOCIATE VICE PRESIDENT OF STUDENT ENGAGEMENT.

**DISCIPLINARY NOTICE:** A DISCIPLINARY NOTICE SERVES AS A WARNING FOR STUDENTS. STUDENTS WHO CONTINUE TO VIOLATE UNIVERSITY POLICIES WILL BE SUBJECT TO FURTHER SANCTIONS AND INCREASED STATUS LEVEL.

**DISCIPLINARY WITHDRAWAL:** STUDENTS ASSIGNED A DISCIPLINARY WITHDRAWAL HAVE EGREGIOUSLY VIOLATED THE POLICIES OF THE UNIVERSITY. DISCIPLINARY WITHDRAWAL SERVES AS A TEMPORARY EXPULSION. STUDENTS WILL NOT BE ALLOWED TO RETURN TO ANY UNIVERSITY CAMPUS OR ATTEND ANY EVENT SPONSORED BY THE UNIVERSITY WITHOUT PRIOR WRITTEN CONSENT FROM THE ASSOCIATE VICE PRESIDENT OF STUDENT ENGAGEMENT. STUDENTS MUST FOLLOW GUIDELINES GIVEN BY THE OFFICE OF STUDENT ACCOUNTABILITY FOR READMITTANCE. TWO (2) DISCIPLINARY WITHDRAWALS WILL RESULT IN FINAL EXPULSION. STUDENTS ASSIGNED A DISCIPLINARY WITHDRAWAL FROM THE UNIVERSITY, EVEN FOR A SHORT PERIOD OF TIME, MAY FACE ADDITIONAL CONSEQUENCES IN OTHER AREAS, SUCH AS: TUITION, RESIDENCE HALL COSTS, AND FEES (SUSPENSION DOES NOT FORGIVE FINANCIAL OBLIGATIONS), STUDENT FINANCIAL AID (INCLUDING STATE FUNDED SCHOLARSHIPS), ATHLETIC PARTICIPATION AND ELIGIBILITY, UNIVERSITY HOUSING AND MEAL PLAN, USE OF CAMPUS RESOURCES AND ACCESS TO CAMPUS, IMMIGRATION STATUS FOR INTERNATIONAL STUDENTS, STATUS AND BENEFITS OF VETERANS AND DEPENDENTS OF VETERANS, ACADEMICS

**OUT OF GOOD STANDING:** STUDENTS OUT OF GOOD STANDING ARE PROHIBITED FROM ACTIVELY PARTICIPATING IN EXTRA-CURRICULAR ACTIVITIES, UNLESS REQUIRED TO FULFILL AN ACADEMIC REQUIREMENT. LEADERSHIP POSITIONS IN ANY CLUB, ORGANIZATION, OR TEAM WILL BE FORFEITED. IT IS UP TO UNIVERSITY OFFICIALS IF STUDENTS ARE ALLOWED TO RETURN TO PRIOR LEADERSHIP POSITIONS. STUDENTS ARE INELIGIBLE FOR AWARDS WHILE OUT OF GOOD STANDING.

**ADDITIONAL REMEDIES:** REGARDLESS OF THE OUTCOME, THE ADJUDICATION PANEL MAY RECOMMEND ADDITIONAL REMEDIES TO ADDRESS THE EFFECTS OF THE CONDUCT, RESTORE THE INDIVIDUAL'S ACCESS TO UNIVERSITY PROGRAMS AND ACTIVITIES, AND RESTORE, TO THE EXTENT POSSIBLE, BENEFITS AND OPPORTUNITIES LOST AS A RESULT OF THE PROHIBITED CONDUCT. THE ADJUDICATION PANEL MAY ALSO IDENTIFY REMEDIES TO ADDRESS THE EFFECTS OF THE CONDUCT ON THE UNIVERSITY COMMUNITY. EXTENDED PROTECTIVE MEASURES MAY BE INCLUDED IN THE DISCIPLINARY ACTION(S).

# DISCIPLINARY ACTIONS/SANCTIONS (EMPLOYEE):

- DISCIPLINARY ACTION(S) MAY BE IMPOSED INDIVIDUALLY OR IN COMBINATION. FOR VIOLATIONS OF THIS POLICY
- **COUNSELING OR TRAINING**
- **REPRIMAND**
- **WRITTEN WARNING**
- **PROBATION**
- **SUSPENSION**
- **SUSPENSION WITH CONDITIONS**
- **FINANCIAL PENALTY**
- **UNPAID LEAVE OF ABSENCE**
- **DEMOTION**
- **REASSIGNMENT OF DUTIES**
- **TERMINATION OF EMPLOYMENT**
- DISCIPLINARY ACTION(S) WILL BE DETERMINED BASED ON THE SERIOUSNESS OF THE MISCONDUCT AND ON THE INDIVIDUAL'S

PRIOR DISCIPLINARY HISTORY, IF ANY. THE FINDINGS OF FACT AND RESPONSIBILITY, AND IN CASES WHEN VIOLATIONS OF UNIVERSITY POLICY OCCURRED, ANY SANCTIONS WILL BE COMMUNICATED TO THE PARTIES IN WRITING BY THE TITLE IX ADJUDICATION PANEL. THE NOTIFICATION WILL INCLUDE THE PARTIES' RIGHTS OF APPEAL. IN ALL CASES INVOLVING SEX DISCRIMINATION OR SEXUAL MISCONDUCT, THE FILE WILL BE ARCHIVED BY THE TITLE IX COORDINATOR.

- **ADDITIONAL REMEDIES:** REGARDLESS OF THE OUTCOME, THE ADJUDICATION PANEL MAY RECOMMEND ADDITIONAL REMEDIES FOR THE COMPLAINANT TO ADDRESS THE EFFECTS OF THE CONDUCT ON THE COMPLAINANT, RESTORE THE COMPLAINANT'S ACCESS TO UNIVERSITY PROGRAMS AND ACTIVITIES, AND RESTORE TO THE COMPLAINANT, TO THE EXTENT POSSIBLE, BENEFITS AND OPPORTUNITIES LOST AS A RESULT OF THE PROHIBITED CONDUCT. THE ADJUDICATION PANEL MAY ALSO IDENTIFY REMEDIES TO ADDRESS THE EFFECTS OF THE CONDUCT ON THE UNIVERSITY COMMUNITY. EXTENDED PROTECTIVE MEASURES MAY BE INCLUDED IN THE DISCIPLINARY ACTION(S).

# WRITTEN DECISION



- IDENTIFICATION OF THE ALLEGATIONS
- DESCRIPTION OF THE PROCEDURAL STEPS
- FINDINGS OF FACT
- STATEMENT OF RESULT FOR EACH ALLEGATION
  - ☐ DETERMINATION OF RESPONSIBILITY
  - ☐ RATIONALE
  - ☐ DISCIPLINARY RECOMMENDATION
  - ☐ REMEDIES TO BE PROVIDED TO COMPLAINANT
  - ☐ DISMISSAL FOR LACK OF TITLE IX JURISDICTION
- PROCEDURES FOR APPEAL

# **FIDUCIARY DUTY:**



- YOU ARE A PANEL. MAJORITY VOTE = YOUR DECISION
  - DO NOT *PUBLICALLY* CONTRADICT THE VOTE OF THE PANEL
- YOUR JOB IS TO DECIDE
- YOUR JOB IS TO RECOMMEND BASED ON FACTS IN FRONT OF YOU
  - STUDENT ENGAGEMENT WILL TAKE INTO ACCOUNT PRIOR BAD ACTS
  - HR WILL ADD TO PERSONNEL RECORD AND TAKE INTO ACCOUNT THE WHOLE PICTURE
- PRIVACY – ALL DOCUMENTS RETURNED TO TITLE IX COORDINATOR FOR DESTRUCTION. WATERMARKED.
- DO NOT DISCUSS RATIONALE OR DECISION MAKING CONVERSATIONS OUTSIDE OF TITLE IX OFFICE/COORDINATORS
- SUPPORT TITLE IX POLICY AND PROCEDURES
  - COMPLAIN (CRITIQUE) UP
  - AFFIRM DOWN

# ADVISOR'S ROLE

- AS THE VOICE OF THE PARTY ONLY
- NO INDEPENDENT "RIGHTS" IN THE HEARING

see something • hear something • know something

**say  
something!**

Title  
IX