

# WAICU Title IX Training

June 23, 2020  
Via Microsoft Teams

**WAICU Title IX Training Planning Committee:**

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# Notice

7KH LQIRUPDWLRQV SURYLGHG LQ WKH LQIRUP  
LQWHQG HG WR FRQVWLWXWH OHJDO DG  
FRQWHQW DQG PDWHULD V DYDLODEOH  
WUDLQLQJ SXUSRHV DQG JHQHUDO LQIR

# Overview

.DWLH .DVVXONH  
7LWOH , ; &RRUGLQDWRU  
0HGLFDO &ROOHJH RI :LVFRQV  
..DVVXON#PFZ HGX

# Welcome and Agenda

- y 7RS ,; 'XWLHV IRU WKH 7LWOH ,; &RRUG
- y 7KH UROH RI WKH DGYLVRU
- y 6XSSRUWLYH PHDVXUHV
- y )RUPDO FRPSODLQWV
- y 'LVPLVDOV
- y &RQIOLFWV RI LQWHUHVW DQG ELDVHV
- y ,QIRUPDO UHVROXWLRQ
- y \*ULHYDQFH SURFHVV XQGHU
  - f ,QYHVWLJDWLRQ
  - f +HDULQJ SURFHVV
  - f \$SSHDOV
- y 5RDGPDS WR FRPSOLDQFH
- y 4 \$

# The Expanded Role of the Title IX Coordinator

&DUD +DUGLQ  
7LWOH ,; 'HSXW\ &RRUGLQDWR  
0DUTXHWWH 8QLYHUVLW\  
FDUD KDUGLQ#PDUTXHWWH HG

# Title IX Coordinator – Role and “IX” Duties

† DRI WKH ILQDO UHJXODWLRQV UHTXL  
GHVLJQDWH DQG DXWKRULJH DW OHDVW R  
7LWOH ,; &RRUGLQDWRU DQG FRUWV  
FRPSO\ ZLWK WKH ILQDO UHJXODWLRQV

,

1RWLI\LQJ DSSOLFQWV IRU DGPL  
HPSOR\PHQW VWXGHQWV HPSOR\  
XQLRQV RU SURIHVVLQRQDO RUJDQ  
KROGLQJ FROOHFWLYH EDUJDLQLG  
SURIHVVLQRQDO DJUHHPHQWV ZLWK

†

‡ 7KH QDPH DQG FRQWDFW LQIRUPDWLRQ  
&RRUGLQDWRU

‡ 7KDW SHUVQR PD\ UHSRUW VH[ GLVFULP  
WR WKH 7LWOH , ; &RRUGLQDWRU LQ SHU  
RWKHU PHWKRG †DW DQ\ WLP

,

1RWLI\LQJ DSSOLFQWV IRU DGPL  
HPSOR\PHQW VWXGHQWV HPSOR\  
XQLRQV RU SURIHVVLQRQDO RUJDQ  
KROGLQJ FROOHFWLYH EDUJDLQLG  
SURIHVVLQRQDO DJUHHPHQWV ZLWK

†

‡

7KDW WKH VFKRRO GRHV QRW GLVFULPL  
ZLWKLQ LWV SURJUDPV DQG DFWLYLWLH  
DQG HPSOR\PHQW DQG WKDW WKH VFKR  
QRW WR GLVFULPLQDWH† LQ ~~E~~XFK D PDQ

‡

7KDW TXHVWLRQV DERXW WKH DSSOLFQW  
5HJXODWLRQV PD\ EH UHIHUHG WR WKH  
WKH \$VVLVWDQW 6HFUHW~~E~~DU\ RU ERWK



,

” ”

, , , 5HVSRRQLQJ WR UHSRUWV DQC  
RI VH[XDO KDUDVVPHQW

<sup>3</sup>\$FWXDO NQRZOHGJH' RI VH[XDO KDUDVVPHQW  
GXW\ IRU WKH VFRRRO 7LWOH , ; &RRUC  
† D

, , , 5 H V S R Q G L Q J W R U H S R U W V D Q Q  
R I V H [ X D O K D U D V V P H Q W

' H I L Q L W L R Q R I 6 H [ X D O + D U D V V P H Q W

& R Q G X F W R Q W K H E D W L L W I R L I H V H R Q W K B R U O P R U Z H Q R I V

‡ 4 X L G 3 U R K 4 X B V V P H Q W \$ Q H P S O R \ H H R I Q W K H U  
W K H S U R Y L V L R Q M D R Q D L H G Y E H Q H R Q W K H U H F L  
L Q G L Y L G X D O † V S D U W L F L S D W L R Q L Q X Q Z H O F R I

‡ + R V W L O H H Q Y L U R Q P 18 Q Z H K O P R D M V P R I Q Q W X F W G H V  
D U H D V R Q D E O H S H U V R Q W R E H V R V H Y H U H S H  
R I I H Q V L Y H W K D W L W H I I H F W L Y H O \ G K H Q L H V D S  
V F K R R O † V H G X F D W L R Q S U R J U D P R U D F W L Y L W

‡ 3 6 H [ X D O D V V D X O W ' 3 G D W L Q J Y L R O W O F D O N E 13 Q R  
D V W K R V H W H U P V D U H G H I L Q H G X Q G H U W K H &

, , , 5HVSRRQLQJ WR UHSRUWV DQC  
RI VH[XDO KDUDVVPHQW

y , QIRUPLQJ FRPSODLQDQWV RI WKH DYDL  
PHDVXUHV DQG RI WKH SURFHVV IRU ILC  
DQG LI IRUPDO FRPSODLQW ILOHG IROO  
† D E

y : RUNLQJ ZLWK UHVSRRGHQWV WR SURYL  
DSSURSULDWH

y 'HWHUPLQLQJ ZKHWKHU DQ HPHUJHQF\ U  
LV QHFHVVDU\ DQG LI VR HD ~~SRRQ~~ ~~QZ~~ ~~HQKH~~ ~~WI~~  
FKDOOHQH WKH GHFLVLRQ

, 9 \$ F F H S W V R U ) L O H V ) R U P D O & R F

y \$ G K H U H V W R W K H Z E R R S I O D L Q D Q W W K H U W F  
IRUPDO FRPSODLQW ZKHQ SRVVLEOH

y ) L O H V D I R U P D O F R P S O D L Q W Z K H Q Q R W 3  
G H V S L W H F R P S O D L Q D Q W V Z L V K H V

y ) L O H V V X S S O H P H Q W D O R U D P H Q G H G F R P S

y ' H W H U P L Q H V Z K H W K H U F R Q V R O L G D W L R Q  
V K R X O G R F F X U

9 & R R U G L Q D W H V , Q I R U P D O 5 H V R O  
E

9, 5XOHV RQ 'LVPLVVDOV RI )RUPD  
&RPSODLQWV

y 0DQG DWRU\ FDXVHV IRU GLVPLVVDO

y 'LVFUHWLRQDU\ FDXVHV IRE GLVPLVVDO



9 , , 2 Y H U V H H V \* U L H Y D Q F H 3 U R F H V V



\$ S S R L Q W V L Q Y H V W L J D W R U V D Q G P D N H  
L Q W H U H V W E † L L L

\$ S S R L Q W V G H F L V L R Q P D N H U V D Q G P D  
F R Q I O L F W R I L Q W H U H V W L †



\$ S S R L Q W V D G Y L V R U V I R U W K H S D U W L H  
† E L



( Q V X U H S D U W L H V D U H W U H D W H G H T X L W  
S U R F H V V †

9 , , 2YHUVHHV \*ULHYDQFH 3URFHVV

&RRUGLQDWHV DQG PRQLWRUV KHDULQJ

\$SSRLQWV DSSHDO RIILFHU DQG FRRUGL

9 , , 5 H F R U G . H H S H U

;



# Defining the Role of Advisor

‡ (DFK SDUW\ KD V D ULJKW WR DQ DGYLVR  
ZKR PD\ RU PD\ QRW EH DQ EWWW4%Jf@HfG2b



# Supportive Measures and Formal Complaint

0 L F K H O H : L W W O H U  
5 L S R Q & R O O H J H  
\$ V V R F L D W H ' H D Q R I ) D F X O W \  
D Q G 5 H J L V W U D U  
Z L W W O H U P # U L S R Q H G X









# Formal Complaint

y \$ VFKRRO PXVW LQYHVWLJDWH VH[XDO  
DQ\ IRUPDO FRPSODLQW ZKLFK FDQ EH  
RU VLJQHG E\ D 7LWOH ,; &RRUGLQDWR

y \$ FRPSODLQDQW VZLWK UHVSHFW WR ZK  
LQYHVWLJDWHV VKRXOG EH UHVSHFWH  
&RRUGLQDWRU GHWHUPLQH WKDW VLJ  
LQLWLDWH DQ LQYHVWLJDWLRQ RYHU V  
LV UHDVRQDEOH JLYHQ WKH FLUFXPVW

## Formal Complaint

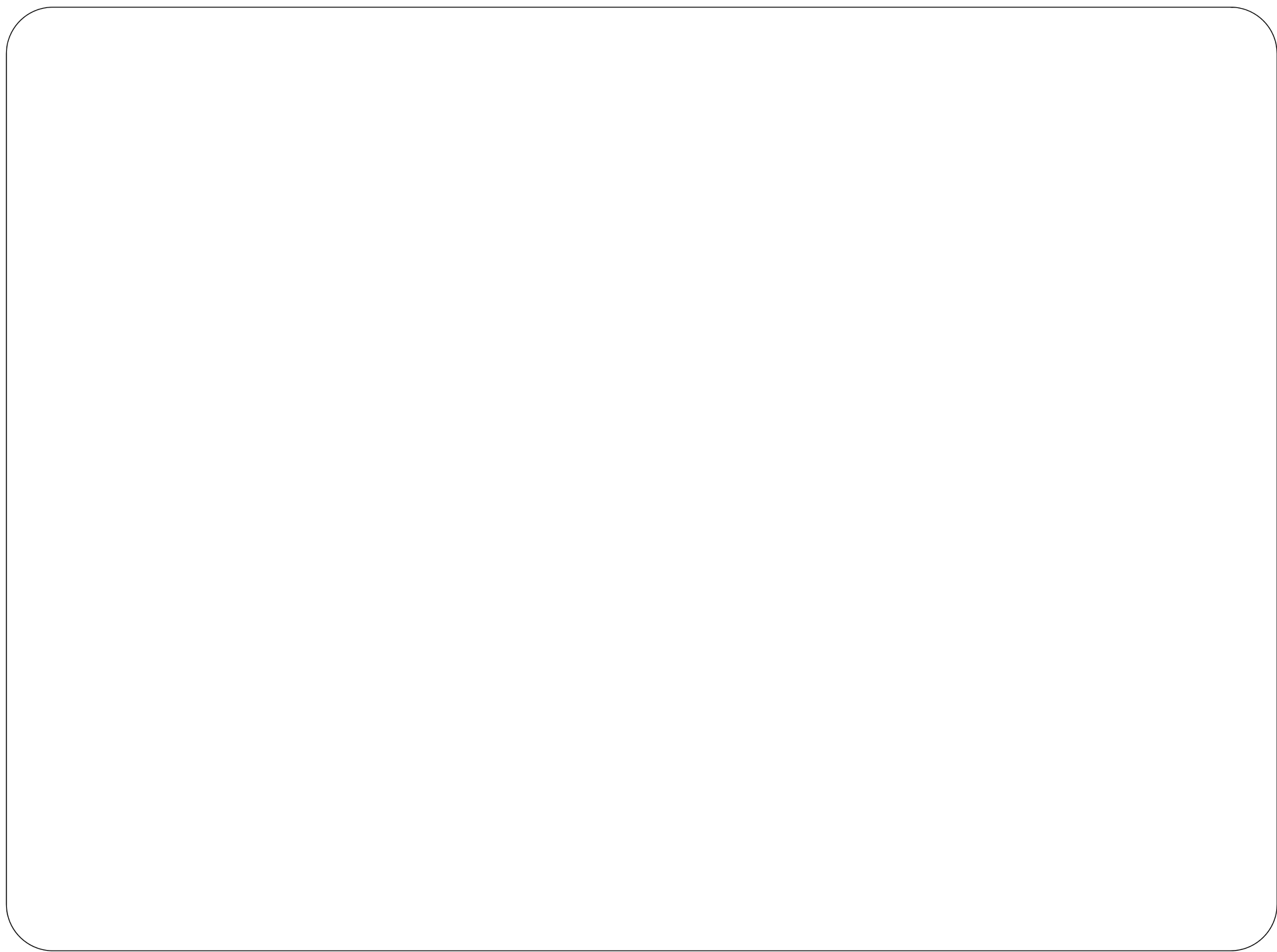
y \$<sup>3</sup>IRUPDO FRPSODLQW' LV D GRFXPHQW  
RU VLJQHG E\ WKH 7LWOH ,; &RRUGLQD  
KDUDVVPHQW DJDLQVW D UHVSQRGHQW  
VFKRRO LQYHVWLJDWH WKH DOOHJDWL

y \$W WKH WLPH RI ILOLQJ D IRUPDO FRPS  
EH SDUWLFLSDWLQJ LQ RU DWWHPSWLQ  
HGXFDFLRQ SURJUDP RU DFWLYLW\ RI  
IRUPDO FRPSODLQW LV ILOHG

## Formal Complaint

y \$IRUPDO FRPSODLQW PD\ EH ILOHG ZLW  
&RRUGLQDWRU LQ SHUVRQ E\ PDLO E\  
DQ\ DGGLWLRQDO PHWKRQ GHVLJQDWH  
FRQWDLQ WKH FRPSODLQDORQWGLVJLWDO V  
RWKHUZHVLH LQGLFDWH WKH FRPSODLQ  
IRUPDO FRPSODLQW

y :KHUH WKH 7LWOH ,; &RRUGLQDWRU VL  
WKH 7LWOH ,; &RRUGLQDWRU LV QRW D  
GXULQJ D JULHYDQFH SURFHVV DQG P  
UHTXLUHPHQWV IRU 7LWOH ,; SHUVRQD  
LQWHUHVW



# Dismissals

6KDQLTXD &UDZIRUG - '  
7LWOH ,; &RRUGLQDWRU  
/DZUHQFH 8QLYHUVLW\  
VKDQLTXD O FUDZIRUG#ODZUHQF

# What are the Grounds for Dismissal?

0 D Q G D V

† †

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' L V F U H W

† †

E

L L



# Mandatory Grounds: §106.45(b)(3)(i)

, I W K H F R Q G X F W D O O H J H G L Q W K H I R U P D  
F R Q V W L W X W H V H [ X D O K D U D V V P H Y Q W D M G  
S U R Y H G G L G Q R W R F F X U «

y , Q W K H U H F L S L H Q W ¶ V

## Discretionary Grounds: §106.45(b)(3)(ii)

7KH UHFLSLHQW PD\ GLVPLVV WKH IRUPDO  
DOOHJDWLRQV WKHUHLQ LI DW DQ\ WLP  
KHDULQJ

y :ULWWHQ 5HTXHVW EW &RWFSDYLODQHW,;  
&RRUGLQDWRUWKUHD)RUPDO &RPSODLQW  
DOOHJDWLRQV WKHUHLQ

y 7KH HVSRQGLQWRQJHU RUERORHGG  
WKH UHFLSLHQW 25

y 6SHFLILF FLUFXPVW WKH UHFLSLHQW IURP  
JDWKHULQJ HYLGHWRUHD)FLKFDHQHWHUP  
IURP WKH )RUPDO &RPSODLQW RU DOOH



# Preamble Dive for More Understanding

y 1R GLVPLVVDO IRU IULYRORXV RU PHUL

y 5HFSLSLHQW PXVW RIIHU ERWK SDUWL  
GLVPLVVDO RI D IRUPDO FRPSODLQW R  
WKHUHLQ

y 5HJV RQO\ PHDQW WR SUHV FULEH SDUV  
IRU VH[XDO KDUDVVPHQW DV GHILQHGH

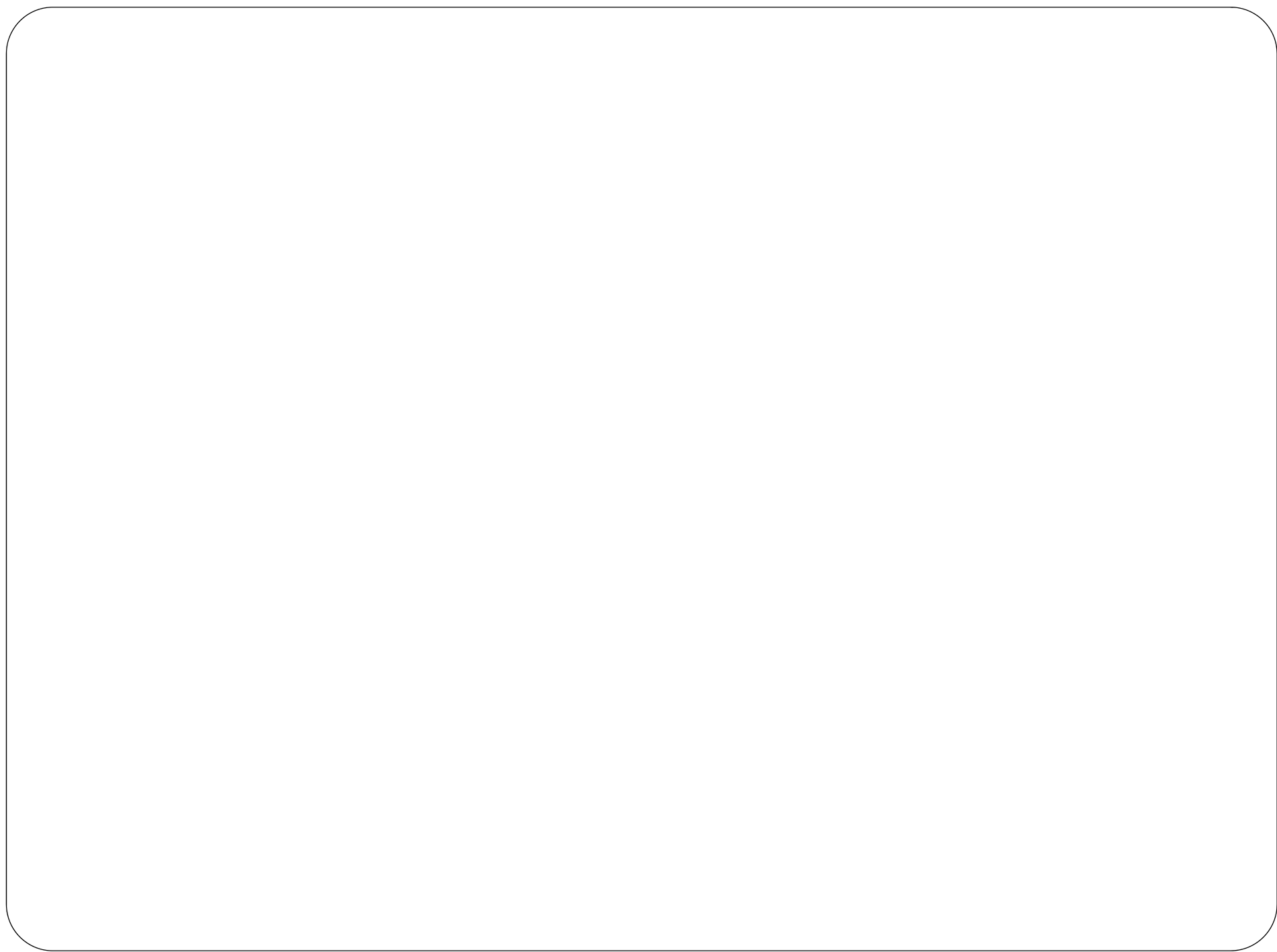
f 5HFSLSLHQW PD\ UHVSRRQG WR PRUH FRQGX  
UHJV


- o \$OOHJDWLRQV RI PLVFRQGXFW WKDW GRH  
KDUDVVPHQW XQGHU WLWOH ,;

- o \$OOHJDWLRQV RXWVLGH RI WKH UHFLSLHQ


- o 7R SURYLGH VXSSRUW UHVRXUFHV WR FRP  
DGGUHVV VH[XDO PLVFRQGXFW DJDLQVW D

8 6





\$QG\ /XSWDN  
7LWOH ,; &RRUGLQDWRU  
&RQFRUGLD 8QLYHUVLW\ :LVFR  
DQG\ OXSWDN#FXZ HGX



# Who Can Be an Informal Resolution Facilitator

7KH )DFLOLWDWRUV PXVW

y EH IUHH IURP FRQIOLFWV RI LQWHUHVW D

f >7@KH 'HSDUWPHQW OHDYHV UHFLSLHQWV  
WR LPSOHPHQW WKH SURKLELWLRQ RQ FRQ  
LQFOXGLQJ ZKHWKHU D UHFLSLHQW ZLVKH  
SDUWLHV WR DVVHVVH DLQWURJUHFWLRQ  
LQYHVWLJDWLRQ S

## Who Can Be an Informal Resolution Facilitator

*y* PXVW UHFHLYH WKH VDPH WUDLQLQJ DV U  
LQYHVWLJDWRUV DQG GHFLVLRQ PDNHUV

*f* WKH GHILQLWRQ RI VH[XDO KDUDVPHQW

*f* WKH VFRSH RI WKH XUDLQSWRUDFV

*f* KRZ WR FRQGXFW LQIRUPDO UHVROXWLRQ SU

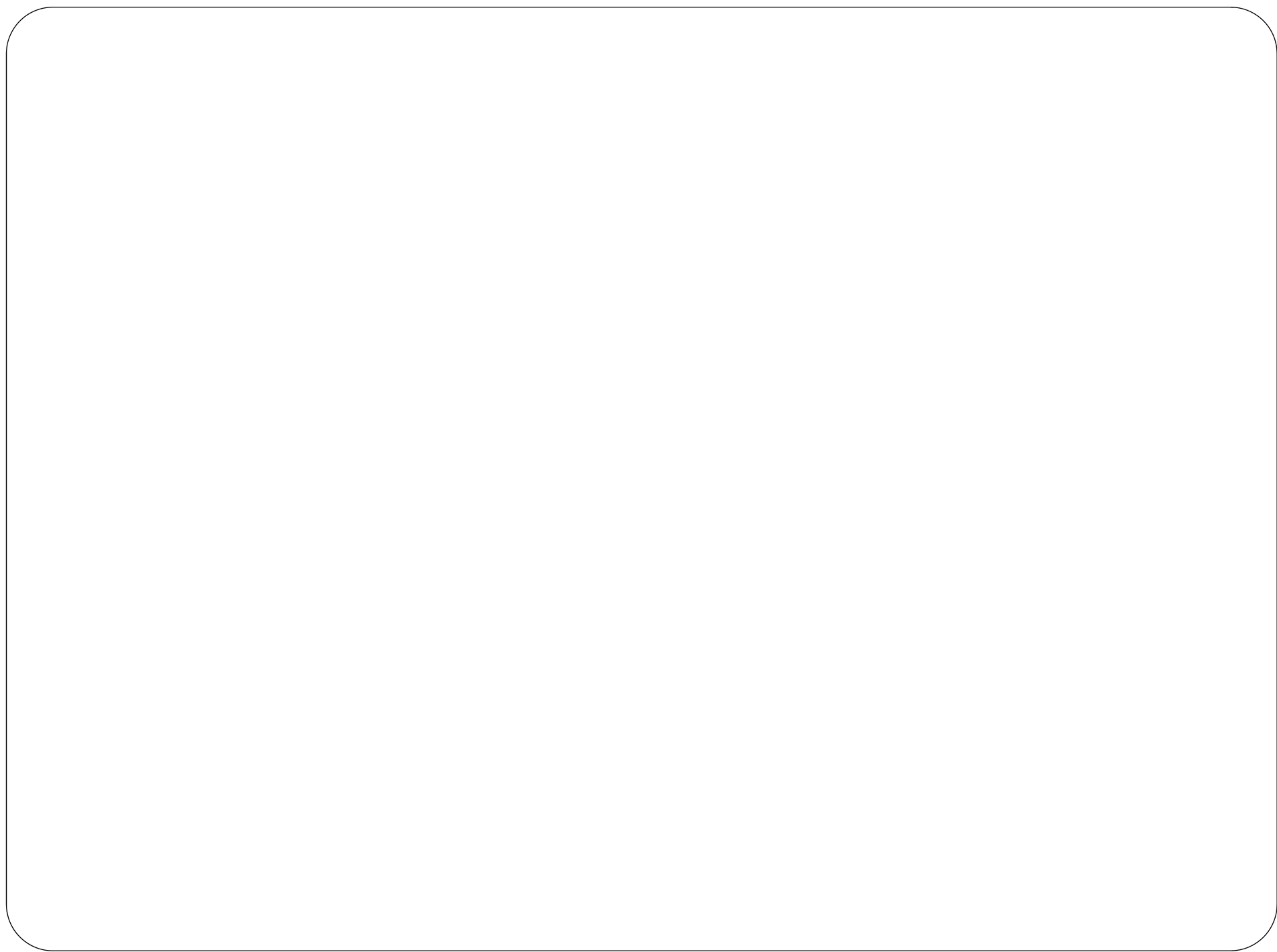
*f* KRZ WR VHUYH LPSDUWLDO\ LQFOXGHQW DY  
DW LVVXH FRQIOLFWV RI LQWHUHV RU ELD

*y* FRQGXFW WKH SURFHVV LQ UHDFRQDEO\ S









## Process Requirements

x 5 H F L S L H Q W R V      \$ U H F L S L H Q W L V S U R K L

f U H T X L U L Q J V W X G H Q W V R U H P S O R \ H H V W R Z D  
J U L H Y D Q F H S U R F H V R I D H V Q D F R O Q G H L O W R R Q H P S O  
H Q M R \ P H Q W R I D Q \ R W K H U U L J K W

f U H T X L U L Q J W K H S D U W L H V W R S D U W S U R F S D W H

f R I I H U L Q J L Q I R U P D O U H V R O X W L R Q X Q H L W K H D  
S D U W \ K D V W K H U L U R K W L V Q R R Z L P D I O G U B Z R I O X W L F  
J U L H Y D Q F H S U R F H V V D W D Q \ W L P H E H I R U H D

f R I I H U L Q J R U I D F L O L W D W L Q J D Q L Q I R U P D O U H  
D O O H J D W L R Q V W K D X D D Q \ H P S O D R X M H G V B [ V W X G

## Process Requirements

‡ :LWK UHVSHFW WR LQIRUPDO UHVROXWL  
VHUYLQJ DV ZLWQHVVHV LQ VXEVHTXHQ  
SURFHVVHV ZH OHDYH WKLV SRVVLELO  
>'2( H[SHFWV FOHDU GLVFORVXUH WR W

# Models of Informal Resolution

‡ ,QIRUPDO UHVROXWLRQ PD\ HQFRPSDVV D  
UHVROXWLRQ VWUDWHJLHV LQFORGLQJ  
PHGLDWLRQ RU UHVWRUDWLYH MXVWLFH

‡ 7KH 'HSDUWPHQW H[SHFWV LQIRUPDO UHV  
WUHDWHG DV FRQWUDFW WKH SDUWLHV  
WHUPV RI WKH DJUHHPHQW DQG RQFH HQ  
ELQGLQJ DFFRUGLQJ WR LWV WHUPV S

x 5HVWRUDWLYH -XVWLFH  
TRWKLQJ LQ >WKH UHJXODWL  
UHFLSLHQWV IURP XVLQJ UHVWRUDWLYH M  
SURFHVV WR DGGUHVV VH[XDO PLVFRQGXI

f \$UHFLSLHQW FRXOG XVH D ~~letter~~ WRUDWLYH  
GHHUPLQDWLRQ IRUQHVS RQHWRLOGLHQW UH  
QRWKLQJ LQ WKH ILQDO UHJXODWIDRUV GLF  
VDQFWLRQ D UHFLSLHQW PD\ RU PXVW LPS

x OHGLDWLRQ >:@KHUH D UHFLSLHQW EHO  
IURP PHGLDWLRQ RU RWKHU LQIRUPDO UH  
DOWHUQDWLYH WR WKH IRUPDO JULHYDQF  
DWWHPSW PHGLDWLRQ RU RWKHU IRUP RI  
UHPDLQ ZLWK HDFK SDUW\ S

## Models of Informal Resolution

x 1 H J R W L D W H G 5 H X S W D H N L R Q \$ Q L Q I R U P D O  
U H V R O X W L H R Q X P D M L Q G L V F L S O L Q D U \ R U S Y  
7 K H ' H S D U W P H Q W Q R W H V W K D W Q  
' E U H T X L U H V D Q L Q I R U P D O U H V R O X Y  
L Q Y R O Y H W K H S D U W L H V F R Q I U R Q W L Q J H D  
S U H V H Q W L Q W K H S V D P H U R R P



# Resources

## Mediation is Making an Impact on College Campuses

E\ -DQH &XWOHU \*UHHQVSDQ 7KH \$PHULFDQ %DU \$  
+LJKHU (GXFDWLRQ

## The Benefits of Using External Adjudicators for Campus Sexual Assault Proceedings

E\ -DQH \*UHHQVSDQ 7KH \$PHULFDQ %DU \$  
-\$06 -XGLFLDO \$UELWUDWLRQ DQG OHGLD

BREAK

# Grievance Process for Formal Complaints - the Investigation

/RUL (YDQV  
'LUHFWRU RI 6WXGHQW -XGLFLD  
6W 1RUEHUW &ROOHJH  
/RUL HYDQV#VQF HGX

# Formal Report is made

- ‡ &RPSODLQDQW DVNV IRU DQ LQYHVWLJD  
&RRUGLQDWRU &KRRVHV WR LQLWLDWH
- ‡ 7LWOH , ; &RRUGLQDWRU DVVLJQV WUDL  
LQYHVWLJDWH
- ‡ 7KH EXUGHQ RI SURRI DQG WKH EXUGHQ  
UHVWV RQ WKH VFKRRO QRW WKH 0 a

# Notice of Allegation †106.45(b)(2)(i)(B)

y 0XVW EH LQ ZULWLQJ DQG LQFOXGH

f 1RWLFH RIDOO DOOHJDWLRQF RKGHQXDC  
VXIILFLHQW GHWDLOV DQZQREDFWRQLQ

f \$VWDWHPHQW WKDW WKH UHVSRRGHQW  
QRUWHVSRQVLEOH IRU WKH DOOHJHG FRQ

f 1RWLFH WRDWKDYFKDQ DGYELWRUFR IWKHI

f 1RWLFH WRDWLQVSKFW DQGLGHYQFZ

f ,QIRUPDWLRQ UHJDUGLQJ SRZLQJ OWKPDW  
IDOVH VWDWHPLHQWVPRWLROVH

y 6XIILFLHQW WLPHPXVW EHJLYHQWR  
5HVSRRGHQW WR SUHSHDNDQDQLHMLSDRQV  
LQWHUYLHZ

# Process Advisors †106.45(b)(5)(iv)

y ,W PD\ EH KHOSIXO WR RIIHU D SURFHVV  
SHUVRQ DW WKH VWDUWDRH DQULYRXW  
RIIHU WR ERWK

f 6WXGHQWV W\SLFDOO\ IHHO PRUH VXSSRU

f \$GYLVRUV PDW\GHIQWWLQ SUKHS\DWLQWHRU  
DQG WKH KHDULQJ DSSHDO

f \$GYLWRXUSOLMIGHELQVWLDVXLVOLLFDZSXW  
SROLFLHV SURFHGXUHV DQG UHVRXUFHV

y 6XSSRUW SHRSOH DQG DGYLVRUV FDQ E

## Process Advisors

- y 7KH SDUWLHV KDYH ~~DDQU~~ ~~GWVWR~~ ~~SDMVH~~  
LQWHUYLHZV ZKR PD\ RU PD\ QRW EH D  
† E LY
- y OD\ HVWDEOLVK UHVWULFWLRQV UHJDUC  
WHDG YLVRU PD\ SDUWLFLSDW ~~XIVWQ~~ ~~EWKH~~ S  
HTXDO

# Investigative Interviews

y 0XVSWURYLGH ZULWWHQ QRWLFH RI GDW  
SDUWFLSDQWV DQG GQSYHUSWRLVJHD WIRYH LC  
PHHWLQJV ZLWK VXIILFLHQW VELPHYWR

y ,QYHVWLJDWRUV PXVW SURYLGH HTXDO  
WR SUHVHQW ZLWQHVVHV LQFOXGLQJ  
DQG RWKHU LQFXOSDWRU\ DQG H[FXOS  
† E LL

y ,QYHVWLJDWRU PD\ GHFOLQH WR LQWH  
SURYLGH UHOHYDQW LQIRUPDWLRQ ,Q  
LQWHUYLHZLQJ FKDUDFWHU ZLWQHVVHV  
LQIRUPDWLRQ UHJDUGLQJ WKH DOOHJD



## Investigative Interviews

y , QIRUPDWLRQ SURWHFWHG E\ OHJDO SU

## Investigative Interviews

y \$IWHU WKH , QYHVWLJDWRU LQWHUYLHZ  
5HVSRRGHQW DQG ZLWQHVVHV LW LV  
WUDQVFULSW RU VXPPDU\ RI WKH LQWH  
DSSURYDO

y , QYHVWLJDWRU ~~UMVWDLF27~~ WKH DELOLW\  
GLVFXVV WKH DOOHJDWLRQV RU JDWKH  
HYLGH†QFH E LLL

# Investigatory Report

y , QYHVWLJDWRU PXVW FRPSLOH DOO LQ  
VXPPDULHV WUDQVFULSWV DQG HYLGH  
ILOH GUDIW WKH LQYHVWLJDWRU\ UHS  
UHSRUW ZLWK HODFKWSDUQ\FLIQ UPDW RU

y 7KH &RPSODLQDQW DQG 5HVSRQGHHQDW  
GD\VUWRRLHZ DQG VXEPLW D ZULWWHG

† E YL

## Investigatory Report

y \$IWHU ERWK SDUWLHV KDYH UHYLHZHG  
ZULWLQJ WR WKH GUDIW UHSRUW , QYH  
LQYHVWLJDWLYH UHSRUW WKDW IDLUOV  
HYLGHQFH DQG VXEPLWV WKH UHSRUW  
, ; &RRUGLQDWRU†IRU DSSURYLO





## Pre-Hearing Preparation

+HDULQJ 2IILFHU RU +HDULQJ 3DQHO ZLOO

‡ 5HDG WKH , QYHVWLJDWLYH 5HSRUW DQG

‡ 'HWHUPLQH ZKLFK ZLWQHVVHV QDPHG LC  
5HSRUW WKH\ ZDQW WR TXHVWLRQ

+HDULQJ &RRUGLQDWRU ZLOO

‡ \$VN WKH SDUWLHV ZKLFK ZLWQHVVHV QD  
5HSRUW WKH\ ZDQW WR EH TXHVWLRQHVG

‡ \$UUDQJH IRU DOO QDPHG ZLWQHVVHV WI  
KHDULQJ

# Basic Hearing Logistics

- ‡ 8VH D TXLHW FRQIHUHQFH URRP ZLWK D V  
GHFLVLRQPDNHU V FDQ VLW DFURVV IUR  
DYRLG FHQWUDOO\ ORFDWHG URRPV LQ
- ‡ +DYH DQRWKHU VSDFH SUHSDUHG IRU HD  
YLUWXDOO\
- ‡ , UHFRPPHQG SUHSDULQJ KHDULQJ ELQGI  
GHFLVLRQPDNHU V WKDW LQFOXGH WKH  
, QYHVWLJDWLYH 5HSRUW DQG WKH HYLG
- ‡ , I WKH SDUWLHV ZLOO ERWK SDUWLWLS DW  
VWDII PHPEHU HQVXUH WKDW WKH\ GRQ



## Basic Hearing Logistics

- ‡ <RX PXVW SURYLGH WHFKQRORJ\ WKDW Z  
DQG KH DU ZKDW ¶V KDSSHQLQJ LQ WKH KI  
† E L
- ‡ <RX PXVW UHFRUG WKH KHDULQJ DQG SU  
WUDQVFULSW WR WKH SDUEWLHV WR UHYL
- ‡ 7UDLQ WKH GHFLVLRQPDNHUV DQG KHDUL  
WHFKQRORJ\ \RX XVH DQG EH VXUH WR W  
KHDULQJ

# Hearing Process

‡

## Hearing Process

‡ 5HVSRQGHQW DSSHUV VHFRRG DFFRPS  
DQVZHU WKH GHFLVLRQPDNHU V ¶ TXHVX

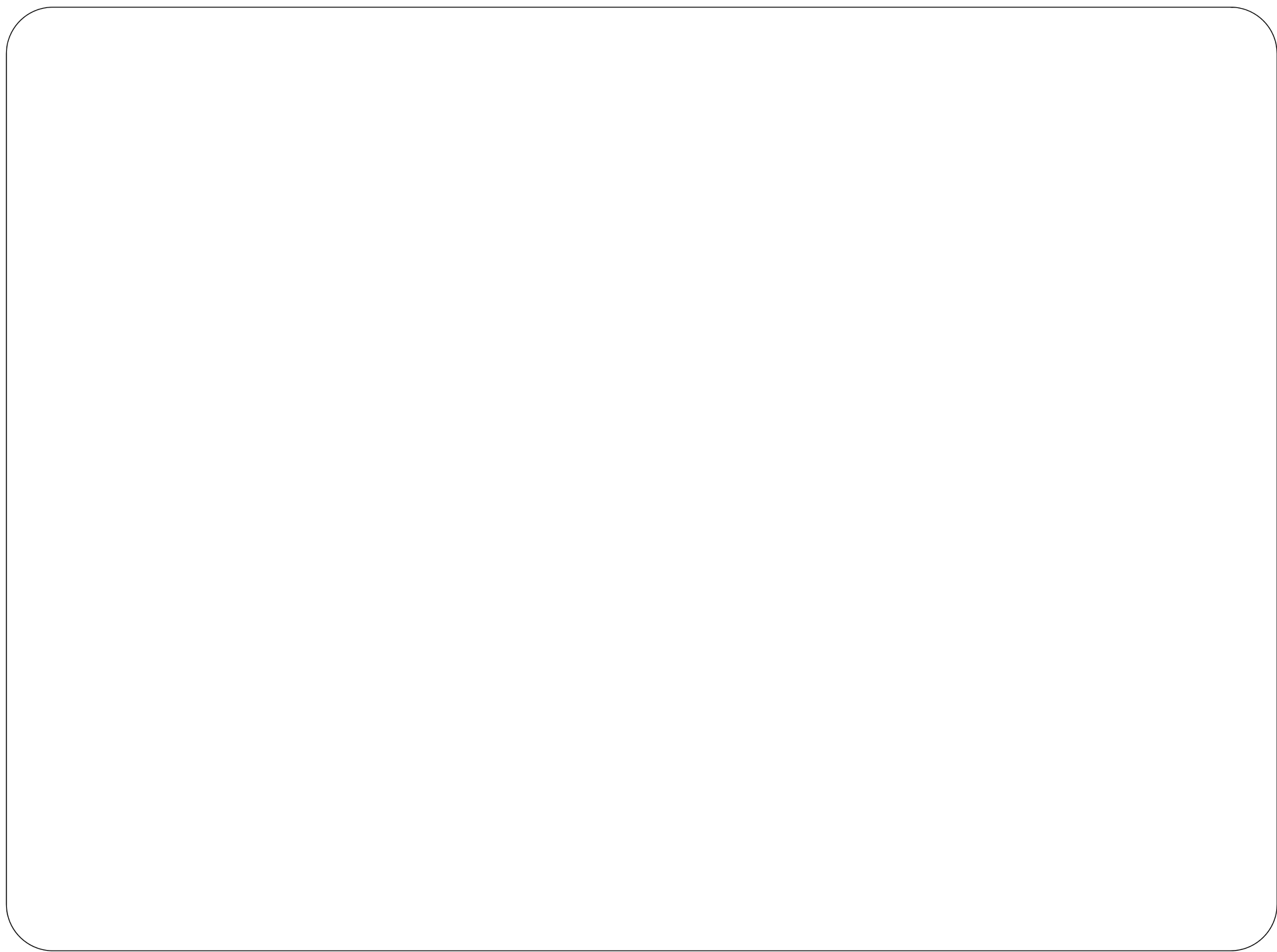
## Hearing Process

‡ 'HFLVLRQPDNHU V PD\ UHFDOO SDUWLFL  
TXHVWLRQLQJ

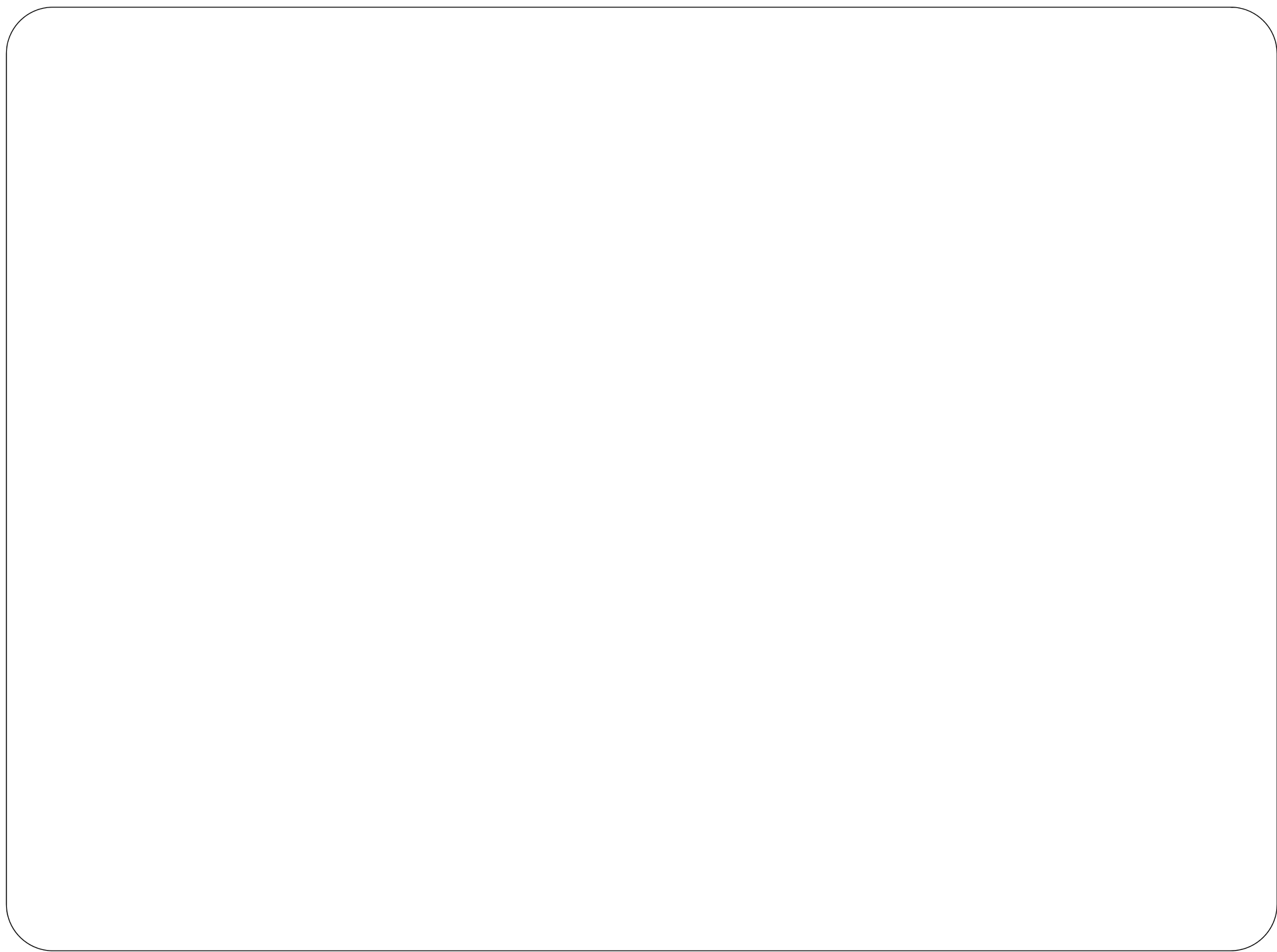
‡ <RX FDQ SHUPLW SDUWLHV WR SURYLGH  
WR OLPLW WKHLU OHQJWK

‡ 'HFLVLRQPDNHU RU +HDULQJ &RRUGLQDV  
WLPHIUDPH IRU WKH RXWFRPH DQG DGMF











Cross-Examination

'HFLVLRQPDNHU V PXVW QRW UHO\ RQ WK  
ZLWQHVV ZKR GRHV QRW VXEPLW WR FURV

‡ <sup>3</sup> 6WDWHPHQW ~~any~~ ~~LOW~~ ~~W~~ ~~GH~~ ~~H~~ ~~Q~~ ~~W~~ PDGH E\ D S  
ZLWQHVV WKURXJKRXW WKH LQYHVWLJD  
UHSRUWV 6\$1( UHSRUWV DQG PHGLFDO  
VXEPLWV WR FURV ~~3~~ ~~U~~ ~~H~~ ~~D~~ ~~P~~ ~~E~~ ~~Q~~ ~~E~~ ~~S~~ L R Q

'HFLVLRQPDNHU V PXVW QRW GUDZ DQ\ L  
SDUW\ ~~1~~ V IDLOXUH WR DSSHDU RU VXEPLW

‡ E L

## Cross-Examination

([DP SOHV RI WKH UHTXLUHPHQW WR H[FO]

‡ 7H[W FRQYHUVDWLRQ HYLGHQFH FDQ RQ  
LQGLYLGXDOV SDUWLFLSDWLQJ LQ LW V  
RQH SDUW\ VXEPLWV ZKLOH RWKHUV GR  
ZULWWHQ E\ WKDW ~~WQSDG~~ ~~WURD~~ \EEHGFFLV

‡ ,I D SDUW\ PDNHV D VWDWHPHQW LQ YLC  
VXEPLW WR FURVV H[DPLODWRQ WKDW  
FRQLGHUHG E\ WKH ~~G3UFLDPRQFDS~~ NHU V

*f* 7KLV LV WUXH HYHQ LI WKH VWDWHPHQW



## Decisionmaker(s) Determination

7KH ZULWWHQ GHWHUP†QDWLRQR P~~X~~VW LQF

† 7KH DOOHJDWLRQV RI VH[XDO KDUDVVF

† \$GHVFULSWLRQ RI WKH SURFHGXUDO V  
WKH IRUPDO FRPSODLQW WKURXJK GH  
WR SDUWLHV LQWHUYLHZV ZLWK SDUW

*f* 7KLV SURFHGXUDO LQIRUPDWLRQ VKR  
LQYHVWLJDWLYH UHSRUW

## Decisionmaker(s) Determination

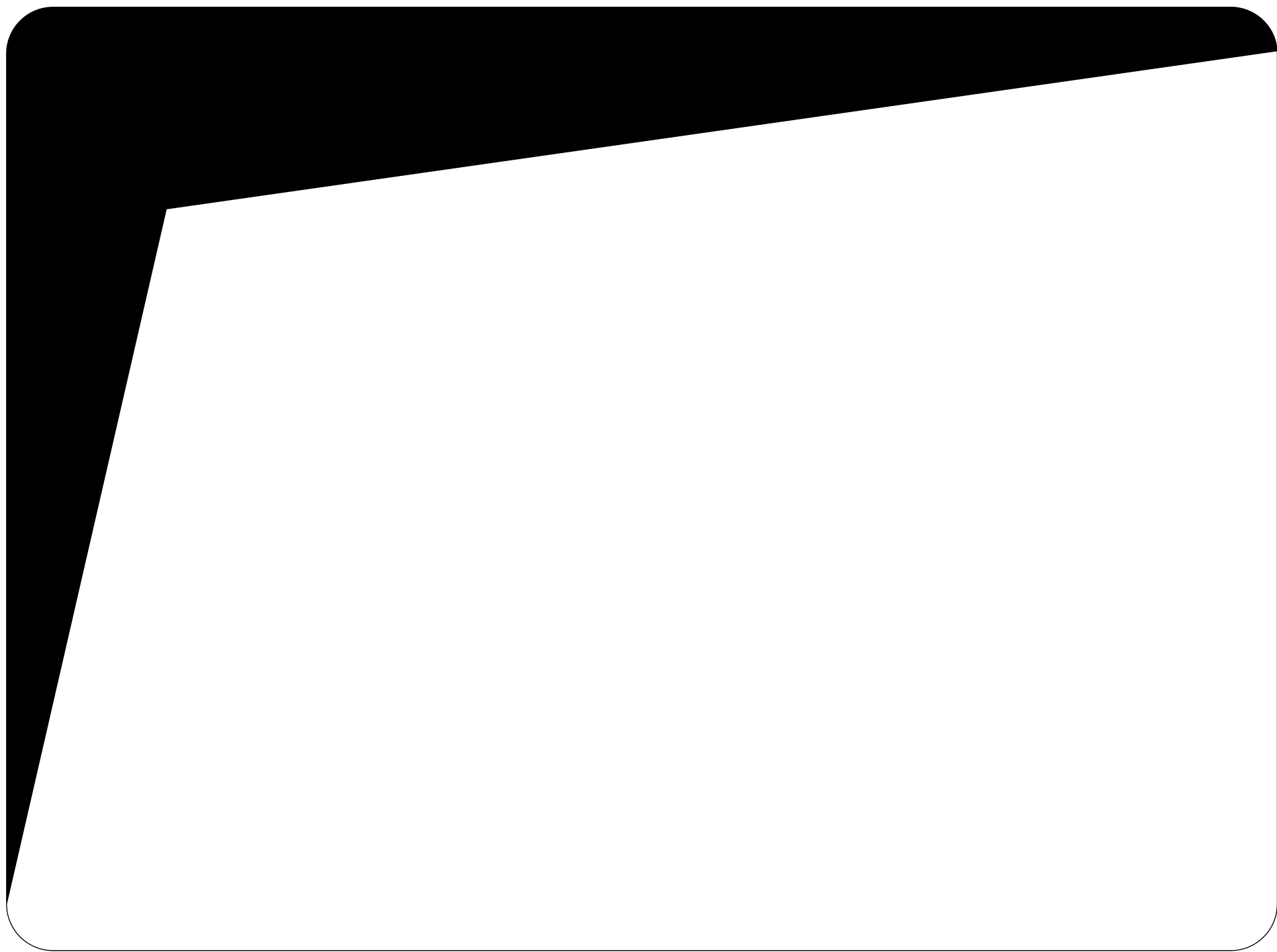
7KH ZULWWHQ GHWHUP†QDWLRQR PXVW LQF

† )LQGLQJV RI IDFW ZKDW KDSSHQHG"

† &RQFOXVLRQV RI ODZ DSSO\ \RXU SRO

† 7KH UHVXOW RI HDFK DOOHJDWLRQ DG  
5HVSRRGHQW†V WKHVSRRQVEWLRQW DQG  
IRU WKH &RPSODLQDQW

† 3URFHVV DQG JURXQGV IRU DSSHDO





# Grounds for Appeal

\$ 352 & ('85\$55 (\*8/\$5,7WKDW DIIHFW  
RXWFRPH RI WKH PDWWHU

% 1 (: (9, '(1&( WKDW ZDV QRW UHD  
WKH WLPH WKDW FRXOG DIIHFW WK

& \$ &21)/,2)7,17(5(625 %, \$6 7KH 7L  
&RRUGLQDWRU LQYHVWLJDWRUV









# Roadmap to Compliance



# Decisions

y &UHDWLRQ RI RQH SROLF\ RU WZR"

y 6WDQGDUG RI HYLGHQFH

y /LYH +HDULQJ ORGHO

y \$FWXDO .QRZOHGJH

y \$GYLVRUV

y :KDW H[WHUQDO UHVRXUFHV WR XVH"

y 7UDLQLQJ SODQ IRU 7,; &RRUGLQDWRU  
2IILFHU 3DQHO 2IILFLDOV ZLWK DXWKR  
FRPPXQLW\

# Wrap Up

# Resources

y KWWSV ZZZ HG JRY DERXW RIILFHV OL V W  
XQRIILFLDO SGI

y 7LWOH ,; 5HJXODWLRQV \$GGUHVVLQJ 6H[XD  
&RS\3') 0

y 7LWOH ,; 8 6 'HSDUWPHQW RI (GXFDWLRQ  
2YHUYBHZ .

y 7LWOH ,; 6XPPDU\ RI 0DMRU 3URYLVLRQV R  
(GXFDWLRQ¶V 7LW3H ,; ).LQDO 5XOH

y 7LWOH 6XPPDU\ RI 0DMRU 3URYLVLRQV RI WKH  
(GXFDWLRQ¶V 7LWOH ,; )LQDO 5XOH DQG &F  
13503' .

y 2&5 :HELQDWOH ,; 5HJXODWLRQV \$GGUHVVL  
+DUDVPHQW /HQJWK



# Resources

y 5RDGPDS WR &RPSOLDQFH

y 'RFXPHQW RQ ELDVHV DQG PLFURDJJUHVVVL

y \$7,;\$1V 3UHSRQGHUDQF&HORID(YDQIGQ&RIQYLQI  
ZKLWH SDSHU KWWSV FGQ DWLID RUJ ZHI  
FRQWHQW XSORDGV \$7,;\$ 3RVL  
RQ \$GRSWLQJ WKH 3UHSRQGHUDQFH RI WKH  
3URRI )LQDO SGI

‡ On June 15, 2020, the U.S. Supreme Court ruled that Title VII protects gay and e