



Goals for Today's Workshop

1. Familiarize members of HPU's Executive Committee and supporting administrators with the applicable policies and laws related to appeals
2. Develop your understanding of the investigation and adjudication processes for student conduct and Title IX/Sexual Misconduct matters
3. Practice issue spotting in deliberations and preparing rationales for appeal decisions



YOUR ROLE AS A MEMBER OF THE EXECUTIVE COMMITTEE

Overview of the EC's Work

- The EC may review appeals of decisions from:
 - University Conduct Board (UCB);
 - University Honor Board (UHB);
 - Threat Assessment Team (TAT); and
 - Title IX/Sexual Misconduct Hearing Board.
- Appeals **must** be submitted by the party; appeals submitted by a third party on behalf of a party **will not** be accepted.
- Appeal decisions are final.

Scope and Purpose of Appeal

- Scope of appeal is limited to the permissive grounds stated in HPU policy.
- Appeals are not intended to be a rehearing.
- Dissatisfaction or disagreement with the underlying decision is not a valid basis for appeal.
- Party requesting the appeal has the burden of proof.
 - However, if both parties have requested an appeal, both appeals can be considered together in one review process.

Sources of Information for EC Deliberations

- HPU policies and procedures, such as:
 - Conduct Code
 - Honor Code
 - Title IX/Sexual Misconduct Grievance Policies
- Written request for appeal
- Administrative and hearing record
- Applicable law (e.g., Title IX regulations)

Special Considerations for Title IX Appeals

- NEW Title IX Regulations effective August 14, 2020
 - Provides clear definition of sexual harassment prohibited by Title IX
 - Requires live hearings with cross-examination for Title IX offenses
 - Cross-examination of parties conducted directly, orally, and in real time by a party's advisor
 - Decision-maker determines relevancy of questions during hearing
 - Applies to faculty, staff and students

If conduct is not covered under Title IX...

- The parties will receive a notice of dismissal if reported conduct does not constitute conduct prohibited by Title IX.
 - HPU Policy provides for both mandatory and permissive dismissal.
 - **Both parties have the opportunity to appeal the dismissal of a formal complaint.**
- What does this mean?
 - The EC may receive appeals at two different points in the same Title IX matter—(1) dismissal and (2) determination of responsibility.

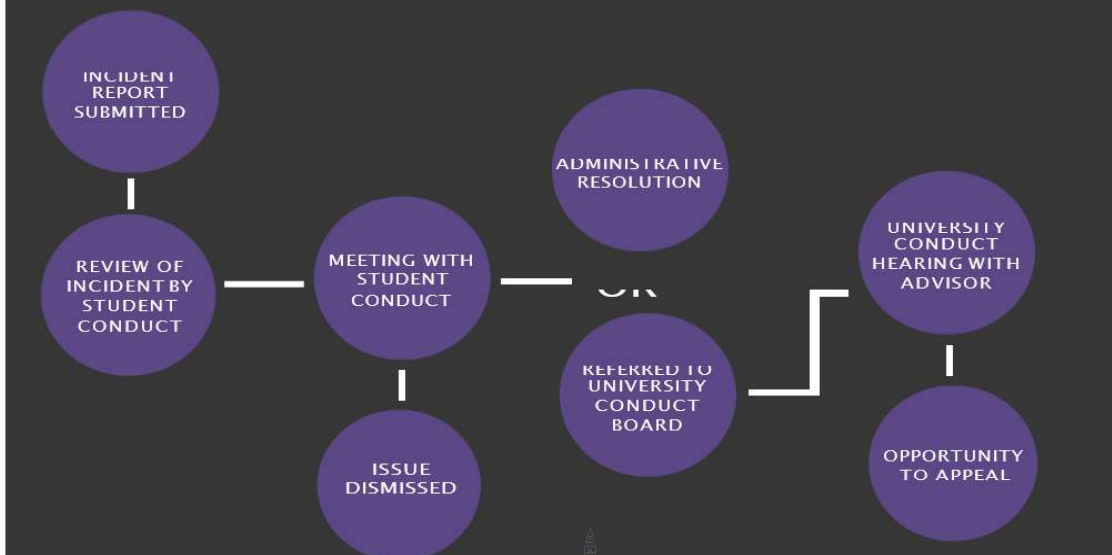
HPU STUDENT CONDUCT PROCESS





STUDENT CONDUCT PROCESS

OFFICE OF STUDENT CONDUCT AT HIGH POINT UNIVERSITY



HIGH POINT UNIVERSITY

Involuntary Leave of Absence

 A student (undergraduate or graduate) may be placed on an Involuntary Leave of Absence (ILOA) when, in the judgment of the University Threat Assessment Team (TAT), the student:

- cannot adequately be assisted or accommodated by the available resources at the university or in the surrounding community;
- refuses to accept or cannot adequately comply with recommended self-care responsibilities or the TAT process (i.e. the interview, individualized evaluation process, or action plan);
- based on behavioral indicators is unable or refuses to function effectively in the residential, academic, or greater campus community;



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Involuntary Leave of Absence

- threatens or engages in behavior that poses a reasonable possibility of significantly affecting the safety, health, or well-being of any members of the university community including its visitors;
- significantly disrupts the activities or functions of the university;
- is a respondent in a Title IX matter and an emergency removal is appropriate to address any imminent threat posed to any person's physical health or safety, which may arise out of the allegations in the Title IX report or complaint; and/or
- is subject to a court order, present on a sex offender registry, has a pending violent criminal charge, has been convicted of a violent crime, and/or is serving long-term incarceration.



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Involuntary Leave of Absence

- ✚ Any decisions limiting, banning, and/or prohibiting a student from educational programs and/or activities are considered final unless a written appeal is submitted to the Executive Committee within five (5) calendar days of the issuance of the written copy of the outcome/action plan. Appeals are limited to 1,500 words.



Appeal Grounds

Appeals are limited to 1,500 words including attachments. Grounds for the appeal must be clearly and concisely stated, and all relevant information substantiating the grounds for appeal should be included. The following constitute appropriate grounds for appeal:

-  1. The procedural irregularity that affected the outcome;
-  2. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; or
-  3. Title IX Coordinator, investigator, or decision-maker had a conflict of interest or bias for or against complainant or respondent generally or the individual complainant or respondent that affected the outcome of the matter.



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Appeal Grounds

Mere dissatisfaction with the prior outcome is not a valid basis for appeal. In addition, appeals are not intended to be a rehearing of the matter. The scope of the appeal stated above will be limited to the grounds for appeal included in the written appeal submissions. In any request for an appeal, the burden of proof lies with the party requesting the appeal, because the outcome will be presumed to have been decided reasonably and appropriately.



Appeal Process

Grounds

- ✚ 1. The procedural irregularity that affected the outcome;
- ✚ 2. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; or
- ✚ 3. Title IX Coordinator, investigator, or decision-maker had a conflict of interest or bias for or against complainant or respondent generally or the individual complainant or respondent that affected the outcome of the matter.

EC Options

- ✚ (1) affirm the outcome;
- ✚ (2) return the matter to the hearing panel, conduct officer, or other decision-maker to cure a procedural error, call witness(es), or consider newly discovered evidence and to assess the weight and impact of newly discovered information or reassess not previously considered information;
- ✚ (3) where deemed necessary by the Executive Committee, convene a hearing before a newly constituted hearing panel to rehear the matter;
- ✚ (4) change the sanction, outcome, or decision.



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Appeal Process

-  AVP receives appeal and uploads it to the EC shared drive pending word count and 5 calendar day limit was met.
 - Includes: Original Outcome letter, Board rationale sheet, Appeal, IR/Security reports, Board Recording
 - No Priors are provided
 - Guide to Campus Life in drive as a reference
-  AVP alerts Chair of the EC
 - Decisions by the Executive Committee are by a majority vote of Executive Committee members present and participating in the appeal consideration.

Appeal Process

- EC has 15 business days from date of notification to respond to appeals
- Chair alerts the AVP of outcome using the following form:
https://cm.maxient.com/reportingform.php?HighPointUniv&layout_id=24
- AVP sends out EC outcome letter on behalf of the EC Chair
- EC decision is final

HPU TITLE IX AND SEXUAL MISCONDUCT POLICY

Jurisdiction

Title IX Jurisdiction

Sexual Offenses

- ✚ Forcible Rape
- ✚ Forcible Sodomy
- ✚ Sexual Assault with an Object
- ✚ Forcible Fondling
- ✚ Incest
- ✚ Statutory Rape
- ✚ Domestic Violence
- ✚ Dating Violence
- ✚ Sexual Harassment
- ✚ Quid Pro Quo
- ✚ Stalking
- ✚ Retaliation

Scope

- ✚ Did it occur in the University's education program or activity?
- ✚ Did it occur against a person in the United States?
- ✚ Was the complainant participating in or attempting to participate in the education program or activity of the University at the time of filing?

Education Program or Activity



Includes locations, events, or circumstances over which the University exercised substantial control over **both the respondent and the context in which the sexual misconduct occurs**, and also includes any building owned or controlled by a student organization that is officially recognized by the University.

Examples of Participating in or Attempting to Participate



A complainant who

- has graduated may desire to apply to a graduate program or desire to remain involved in alumni events and organizations.
- is on a leave of absence may still be enrolled as a student even while on leave of absence or may intend to re-apply after a leave of absence.
- has left school because of sexual harassment but expresses a desire to re-enroll if HPU appropriately responds to the sexual harassment.



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HPU Student Sexual Misconduct Jurisdiction

Sexual Offenses

- ✚ Forcible Rape
- ✚ Forcible Sodomy
- ✚ Sexual Assault with an Object
- ✚ Forcible Fondling
- ✚ Incest
- ✚ Statutory Rape
- ✚ Domestic Violence
- ✚ Dating Violence
- ✚ Sexual Harassment
- ✚ Quid Pro Quo
- ✚ Stalking
- ✚ Retaliation
- ✚ ***Sex/Gender Discrimination***
- ✚ ***Interference with Procedures***
- ✚ ***Non-Consensual Viewing, Recording, Dissemination***
- ✚ ***Sexual Exploitation***

HPU Sexual Misconduct

- ✚ Does it fall outside of Title IX Jurisdiction?
- ✚ Is the Respondent a member of HPU's community and has the Coordinator determined that the conduct affects a substantial HPU interest?

Sexual Offenses

Consent is

-  voluntary,
-  informed,
-  clear permission
-  by word or action,
-  revocable at any time
-  to engage in sexual activity.



Consent is not

Force

Incapacitation

Coercion

Forcible Rape



Penetration



no matter how slight



of the vagina or anus with any body part or object,
or



oral penetration by a sex organ of another person,



without the consent of the Complainant.

Forcible Sodomy

-  Oral or anal sexual intercourse with another person,
-  forcibly
-  and/or against that person's will (non-consensually), or
-  not forcibly or against the person's will in instances in which the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.

Sexual Assault with an Object

-  The use of an object or instrument to penetrate
-  however slightly
-  the genital or anal opening of the body of another person
-  forcibly
-  and/or against that person's will (non-consensually), or not forcibly or against the person's will in instances in which the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.

Forcible Fondling



The touching of the private body parts of another person (buttocks, groin, breasts, etc.)



for the purpose of sexual gratification



forcibly



and/or against that person's will (non-consensually),



or not forcibly or against the person's will in instances in which the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.



Incest



Non-forcible sexual intercourse with the person's



(i) grandparent or grandchild, (ii) parent or child or stepchild or legally adopted child, (iii) brother or sister of the half or whole blood, or (iv) uncle, aunt, nephew, or niece.



Statutory Rape



Non-forcible sexual intercourse



with a person who is under the statutory age of consent of North Carolina.



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Domestic Violence



Violence,



on the basis of sex



committed by a current or former spouse or intimate partner of the Complainant,



by a person with whom the Complainant shares a child in common, or



by a person who is cohabitating with, or has cohabitated with, the Complainant as a spouse or intimate partner, or



by a person similarly situated to a spouse of the Complainant under the domestic or family violence laws of North Carolina or



by any other person against an adult or youth Complainant who is protected from that person's acts under the domestic or family violence laws of North Carolina.



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Dating Violence



Violence



on the basis of sex



committed by a person



who is in or has been in a social relationship of a romantic or intimate nature with the Complainant.

- The existence of such a relationship shall be determined based on the Complainant's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition –
- Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
- Dating violence does not include acts covered under the definition of domestic violence.



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Domestic/Dating Violence



Violence



Attempting to cause bodily injury, or intentionally causing bodily injury



Placing the complainant or a member of the complainant's family or household in fear of serious bodily injury or continued harassment, that rises to such a level as to inflict substantial emotional distress



Non-consensual sexual activity

Domestic/Dating Violence

Continued Harassment

Conduct directed at a specific person that torments, terrorizes, or terrifies that person and that serves no legitimate purpose.

Substantial Emotional Distress

Significant mental suffering or distress that may, but does not necessarily, require medical or other professional treatment or counseling.

Sexual Harassment



Unwelcome conduct



determined by a reasonable person to be



so severe, pervasive, and objectively offensive



that it effectively denies a person equal access to the HPU's education program or activity.

Sexual Harassment – Factors to Consider

 Pervasive → Existing in or spreading through most part of something

 How often, and over what period of time, the conduct occurred

 The extent to which the conduct denies a Complainant equal access to the HPU's education program or activity.

Sexual Harassment – Factors to Consider

- Severe → Something very great, extreme, harsh, or intense.
- Hostile, aggressive, or invasive and offends a reasonable person's sense of personal dignity or autonomy

Sexual Harassment – Factors to Consider

- 🏛️ Objectively offensive
- 🏛️ Reasonable person given the circumstances
- 🏛️ Causing someone to feel deeply hurt, upset or anger

Quid Pro Quo

- Sexual Misconduct



An employee of the HPU



conditions the provision of an aid, benefit, or service of HPU



on an individual's participation in unwelcome sexual conduct.

Stalking



Engaging in a course of conduct,



on the basis of sex,



directed at a specific person, that

- would cause a reasonable person to fear for the person's safety or
- the safety of others or
- suffer substantial emotional distress.

Stalking

 Course of conduct means two or more acts

 Reasonable person means a reasonable person under similar circumstances

 Substantial emotional distress means significant mental suffering or anguish that may but does not necessarily require medical or other professional treatment or counseling.

Retaliation

No institution or other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under Title IX.

HPU Definitions of Student Sexual Misconduct

-  Sex/Gender-Based Harassment
-  Interference with Procedures
-  Non-Consensual Viewing, Recording, Dissemination
-  Sexual Exploitation

Sex/Gender-Based Harassment



unwelcome conduct determined by a reasonable person to be so



severe or



pervasive, or



objectively offensive



that it unreasonably interferes with an individual's performance or creates an intimidating, hostile, or abusive working or learning environment.



Interference with Procedures



Knowingly falsifying, distorting, or misrepresenting information provided to the Title IX Coordinator, an investigator, hearing board, executive committee, or appeal official; and/or



Knowingly instituting a complaint without cause and in bad faith.

Non-Consensual Viewing, Recording, Dissemination

-  Intentional observing or recording by any means the nudity, partially nudity, or sexual activity of another without that person's consent and/or
-  Intentional sharing images or recordings of the nudity, partially nudity, or sexual activity of another without that person's consent

Sexual Exploitation

- ✎ An individual taking non-consensual or abusive sexual advantage
- ✎ of another for their own benefit or for the benefit of a third party,
- ✎ and that conduct does not otherwise constitute a sexual offense under this policy.

Title IX/SM Grievance Process

Statute of Limitation

A report or complaint may be reported at any time, regardless of the length of time between the alleged offense and the decision to report or file a complaint.



Step 1



File formal Complaint



Initial Intake Meetings with Complainant and the Respondent



Consider both parties' wishes with respect to supportive measures



Send Notice of Investigation to both parties

Step 2

Impartial and Fair Investigation



Investigator gathers and fact-finds, interviews parties/witnesses, gathers evidence, and conducts corroboration assessment



Impartial, Fair,
Thorough, Reliable, Prompt

Step 2

Impartial and Fair Investigation



Title IX/SM investigation report template



Relevant evidence goes in the investigation report



All directly related evidence that is not relevant goes into an appendix



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Step 3



The parties have 10 days to provide a response, which the investigator will consider prior to completion of the investigative report



Title IX Coordinator will send the final investigation report and appendix to the parties and Hearing Chair

Step 4



Notification of hearing date, time, and link



The Hearing Board will take place between 7 to 21 calendars days after the parties receive their final copy of the investigation report.



Live virtual hearing



Cross-examination



Relevancy considerations



Step 5

Hearing

Step 5

Title IX Hearing Example

-  Complainant opening → Hearing Board questions → Respondent advisor questions
-  Respondent opening → Hearing Board questions → Complainant advisor questions
-  Hearing Board questions to witnesses → Complainant/Respondent advisor questions
-  Investigator → Hearing Board questions to witness → Complainant/Respondent advisor questions
-  Complainant closing → Hearing Board questions → Respondent advisor questions
-  Respondent closing → Hearing Board questions → Complainant advisor questions

Preponderance of Evidence



- ✦ The Heard Board renders a determination based on the preponderance of evidence, whether it is more likely than not that the Respondent violated High Point University Policy.
- ✦ The Respondent is presumed to be not responsible. The presumption may be overcome only where there is sufficient evidence by a preponderance of evidence to support a finding that the respondent is responsible for violating University policy.

Submitting to Questioning

-  If a party or witness does not submit to questioning during the hearing,
-  the justices typically cannot rely on any statement of that party or witness
-  in reaching a determination regarding responsibility.

The justices cannot draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the hearing or refusal to answer questions.

Sanctions

Sanctions are designed to hold individuals accountable for their actions and to protect the safety of the university community. Sanctions are also designed to restore or preserve equal access to the University's education program or activity.

Step 6

-  Deliberation
-  Draft Outcome Letter
-  Hearing Chair will deliver outcome letter to the parties

Step 6

Outcome Letter

-  Identification of the allegations potentially constituting sexual offense
-  A description of the procedural steps taken
-  Findings of fact supporting the determination
-  Conclusions regarding the application of HPU's code of conduct to the facts
-  A statement of, and rationale for, the result as to each allegation, including determination regarding responsibility, any disciplinary sanctions and whether remedies designed to restore or preserve equal access to the HPU's education program or activity will be provided by the recipient to the complainant; and
-  HPU's procedures and permissible bases for the complainant and respondent to appeal.

Step 7

Appeals

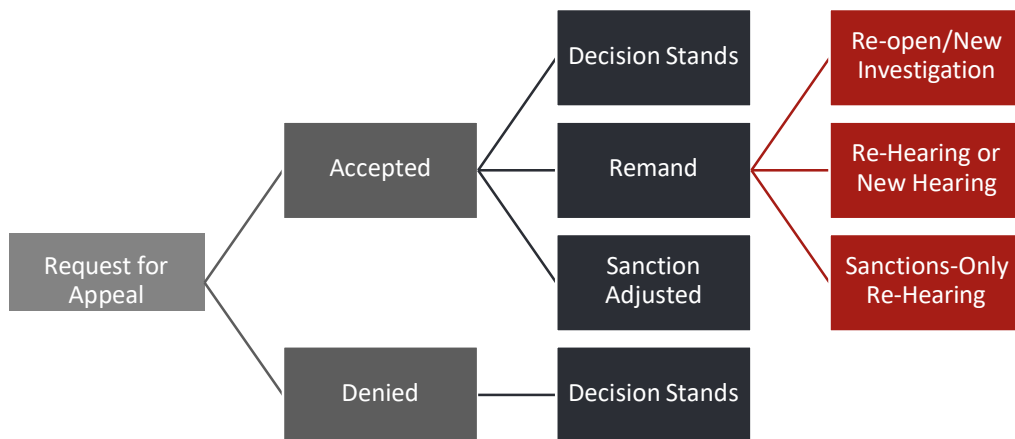
-  Procedural irregularity that affected the outcome of the matter;
-  New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and
-  The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.

Step 7

Appeal Outcomes (Title IX and Sexual Misconduct)

-  Affirm the outcome;
-  Return the matter to the original or a newly constituted Title IX/Sexual Misconduct Hearing Board with instructions to cure the procedural error, perceived conflict of interest/bias, or to consider the new evidence;
-  Return the matter to the original or a new investigator with instructions to cure the procedural error, perceived conflict of interest/bias, or to consider the new evidence;
-  Change the sanction(s); or
-  Overturn the dismissal.

THE APPEALS PROCESS



Informal Resolution

-  The IRP process is voluntary, and both the complainant and respondent must consent in writing to participating in the IRP process.
-  Any resolution through IRP must be mutually agreed upon in writing by the parties involved, and this written agreement will become the final outcome of the case.
-  At any time prior to agreeing to a resolution in writing, any party has the right to withdraw from IRP and resume the formal complaint process.

Mandatory Dismissals

-  It would not constitute sexual harassment/misconduct as defined under Title IX even if proved,
-  It did not occur in the University's education program or activity,
-  It did not occur against a person in the United States, or if
-  The complainant was not participating in or attempting to participate in the education program or activity of the University at the time of filing.

Discretionary Dismissal

- ✎ The allegations would not constitute sexual misconduct as set forth in the HPU Sexual Misconduct Policy even if proved,
- ✎ A complainant notifies the Title IX Coordinator in writing that they would like to withdraw the formal complaint or any allegations in the complaint,
- ✎ The respondent is no longer enrolled or employed by the University, or
- ✎ Specific circumstances prevent the University from gathering evidence sufficient to reach a determination as to the formal complaint or allegations in the complaint.

Impartial, Equitable, and Prompt

Avoiding Bias



Acts of sexual misconduct may be committed by any person upon any other person, regardless of the sex, sexual orientation, and/or gender identity of those involved.



Bias (prejudice) for or against complainants or respondents generally or the individual complainant or respondent that would consider unfair



Rights and Opportunities

Any rights or opportunities that the University makes available to one party during the investigation will be made available to the other party on equitable

- All rights and opportunities will be made available to parties on equal terms
- Right to an Advisor
- Right to Notice of Investigation
- Right to Present Evidence
- Right to Notification of Outcome
- Right to Appeal

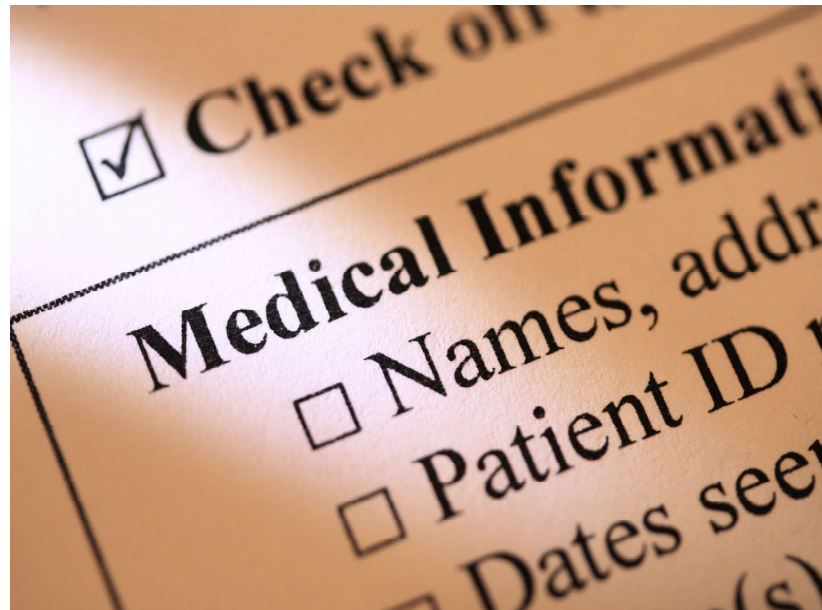
Complainant's Sexual Predisposition Or Prior Sexual Behavior

Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant unless

-  such questions and evidence about the complainant's prior sexual behavior is offered to prove that someone other than the respondent committed the conduct alleged by complainant,
-  or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the complainant and are offered to prove consent.

Protected Records

- ✚ No access to a party's protected records or information without the voluntary, written consent of the relevant party or individual.
- ✚ Examples of protected records:
 - Treatment records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional
 - Information protected under a legally recognized privilege (e.g. attorney-client, married individuals, clergy and communicant, psychotherapist and patient, physician and patient, etc.)



Confidentiality

- 🏛️ These are sensitive, often highly-charged situations; the information learned and shared in this process is “need to know” and subject to privacy laws
- 🏛️ **BUT** HPU cannot “under the guise of confidentiality concerns, impose prior restraints on students’ and employees’ ability to discuss (i.e., speak or write about) the allegations under investigation, for example with a parent, friend, or other source of emotional support, or with an advocacy organization.

Discretion

To
personnel

To delay or
advance



IMPORTANT CONCEPTS FOR EVALUATING APPEALS

Checklist for a Sound Appeal Process

- ✓ Appeal decision-makers must be free from conflict of interest and bias.
- ✓ All rights and opportunities made available to both parties on reasonable, equal terms.
- ✓ Appeal procedures and timelines followed as written.
- ✓ All relevant evidence evaluated objectively.
- ✓ Outcome must be in writing, include the rationale, and provided simultaneously to both parties.

Impartial * Equitable * Prompt

Beware of Bias



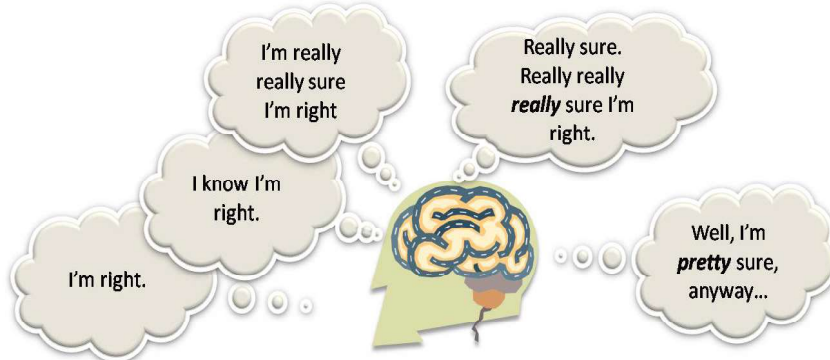
- Biased decision-making increases the risk of erroneous outcomes because bias, rather than evidence, dictates the conclusion.
- Other forms of bias on the part of individuals in charge of investigating and adjudicating allegations also lessen the likelihood that outcomes are reliable and viewed as legitimate.

An Unbiased Decision-maker...

- Follows established procedures and applies them equally to both parties.
- Suspends judgment and avoids assumptions.
- Avoids minimizing or unnecessarily commenting on the evidence.
- Reports any conflicts of interest.

Let's Discuss...

- What is a conflict of interest?
- How do you recognize conflicts of interest?
- Actual conflict v. appearance of conflict



Reviewing the Record

- Limited to reviewing the hearing record and the information presented in, and in response to, the appeal(s)
- Can you decide the matter based on the written submissions only?
 - If strictly necessary, the EC may interview or request documentation from any individual to gather more information about the basis for the appeal
 - Exercise this option equitably and carefully

Preparing for Deliberations

- Read the materials—then read them again
- Review the relevant procedures and grounds for appeal
- Engage in discussion with your fellow EC members
- Make decisions based on majority vote of EC members participating in appeal consideration
- Return all materials once you are done with your work

Tips for Navigating the Appeal Process

Step 1: Does the appealing party raise a proper basis for their appeal?

- Only appeals based on the following may be accepted:
 - i. New Evidence
 - ii. Procedural irregularity
 - iii. Conflict of interest or bias

If yes, go to step 2. If no, you summarily deny appeal and uphold original decision.

Tips for Navigating the Appeal Process (cont.)

Step 2: Review the information submitted in support of the appeal.

- How does it fit into the finding/outcome?
- Is it material?
- Could this information impact the outcome of the case?

If yes (material/could impact case), go to step 3. If no, uphold the original decision.

Tips for Navigating the Appeal Process (cont.)

Step 3 What is the proper remedy?

- Know your options based on the type of appeal
 - i. Affirm the outcome
 - ii. Uphold the original decision but change the sanction (more or less severe)
 - iii. Remand the case to the appropriate body
 - iv. Other options?

Make sure you can articulate a clear rationale for your decision.

“KIMs” for Deliberations: New Evidence

Keep In Mind...

- If an appeal is based on new evidence, the EC is asked to consider whether the evidence is (1) newly available and (2) whether it could impact the outcome.
- Role of the EC is not to engage in an investigation or fact-finding based on any new evidence presented

“KIMs” for Deliberations: Procedural Irregularities

Keep In Mind...

- Procedural irregularity = failure to follow procedures
- Procedural irregularity could look like evidence being improperly considered in the hearing process—or improperly excluded
 - Prohibited questions (e.g., prior sexual behavior, protected information, etc.)
 - Relevancy determinations
 - Hearsay/cross-examination requirements

“KIMs” for Deliberations: Bias and Conflicts of Interest

Keep In Mind...

- Consider an objective, common sense approach to evaluating whether bias exists.
- Be careful not to apply generalizations that might unreasonably conclude that bias exists.
- Sex-based bias is a specific risk in the context of sexual harassment allegations.

Confidentiality and Prohibition Against Retaliation

- The information learned and shared in the appeal process is “need to know” and subject to privacy laws (i.e., FERPA).
- Decisions of the EC are confidential and protected under privacy laws and policies.
- HPU prohibits retaliation against any individual for making a report of a violation of university policy and testifying, assisting, or participating in any manner in an investigation or other proceeding related to such a complaint.
- Maintaining confidentiality supports the prohibition against retaliation



PREPARING WRITTEN NOTIFICATIONS AND RATIONALE

Written Notification of Result

Executive Committee must provide, in writing,

- Simultaneous notification of the result to both the accuser and the accused
- Appeal process, if any appeal procedures are available
- Any change to result
- When result becomes final

Notification Tips

- Restate appellant's asserted grounds for appeal
- State permissible grounds for appeal under HPU policy
- Address each of the appellant's grounds for appeal
- State decision
- Clearly and succinctly explain rationale for decision



Writing Roadmap



- Background: names of parties, alleged policy violations, summary of original outcome, date of original decision, date of appeal
- State the issues on appeal and grounds for appeal
- Decision(s) of appeal panel: We find there is sufficient information to conclude that the grounds have been SATISFIED or NOT SATISFIED
- Rationale: Explain the reasons for the decision

Deliberations and Preparing Written Notifications

GROUP ACTIVITY AND DISCUSSION

ADDITIONAL QUESTIONS?

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