

UNG Sexual Misconduct Training for Volunteers

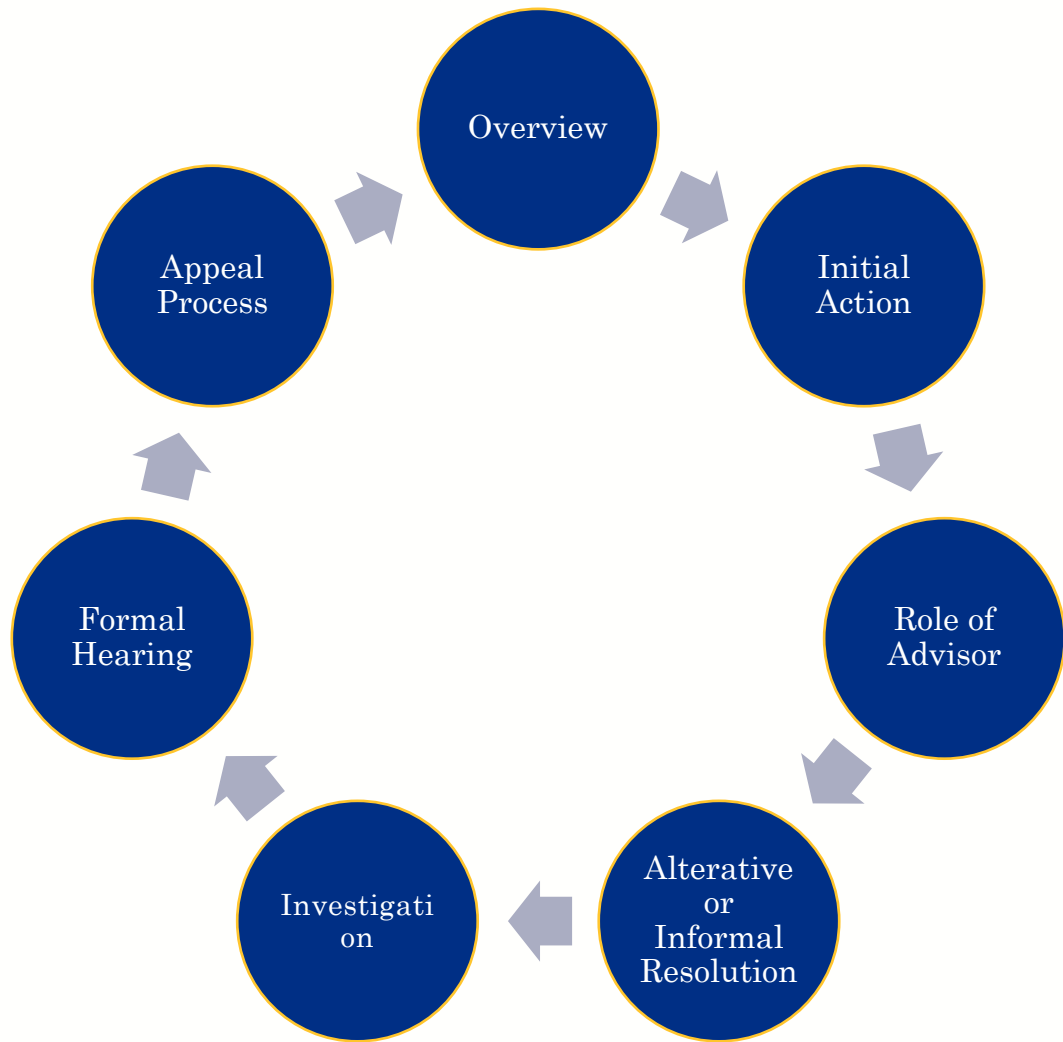


Misty McDonald
Title IX Coordinator

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What do you want to know or understand by the end of the presentation?



Training Agenda



Overview



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Sexual Misconduct Overview

The University of North Georgia is committed to providing a safe work, learning, and living environment free from Sexual Misconduct, assault, harassment, discrimination based on sex, sexual orientation, or gender-related identity.

In accordance with federal and state law, including Title IX of the Education Amendments of 1972 and Title VII of the Civil Rights Act of 1964, the University prohibits discrimination on the basis of sex in any of its education programs, activities, or employment.

The Title IX law 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 education program or activity receiving Federal financial assistance...”



General Definitions

- **Complainant** – A student or employee alleged to have experienced conduct that violates the UNG Sexual Misconduct Policy.
- **Respondent** – A student or employee alleged to have engaged in conduct that violates the UNG Sexual Misconduct Policy.
- **Advisor** - An individual who may attend any portion of the conduct process at the request of a Respondent or Complainant to advise their Party. The Parties may have anyone serve as their Advisor, including an attorney (at their expense).

Role of Title IX Coordinator

- Coordinates the University's compliance with the Sexual Misconduct Policy, Title IX, and other federal and state laws and regulations relating to sex-based discrimination.
- Oversees procedural integrity
- Oversees the whole process and helps ensure the written and applied processes are the same.
- Ensures investigators, decision-makers, informal resolution officers, and appeals officers are properly trained
- Makes decisions on new issues that arise to maintain compliance with the Sexual Misconduct Policy

Scope: Title IX vs. Non-Title IX

Title IX Scope

- **Location:** In the United States, on University property, or at University-sponsored or affiliated events.
- **Control:** The University exercises substantial control over both the Respondent and the context or in buildings owned or controlled by an officially recognized student organization

Non-Title IX Scope

- **Location:** Domestic or abroad, University property, institution-sponsored or affiliated events, or off-campus.
- **Control:** Consideration is given as to if the Complainant and Respondent are students or employees at the time of the incident or report.

Note: Within the Title IX regulations are additional pieces to the scope. However, the University has incorporated those elements into the overall UNG Sexual Misconduct Policy. The above differences will determine (1) if an alternative or informal resolution process is used, (2) if an employee Respondent case can be resolved informally, and (3) the role of an advisor in a hearing.

Prohibited Conduct

- Sexual Harassment
- Dating Violence
- Domestic Violence
- Stalking
- Sexual Exploitation
- Non-Consensual Sexual Contact
- Non-Consensual Sexual Penetration



Sexual Harassment: Student on Student

Unwelcome verbal, nonverbal, or physical conduct based on sex (including gender stereotypes), determined by a Reasonable Person to be so severe, pervasive, **AND** objectively offensive that it effectively denies a person equal access to participate in or to benefit from an institutional education program or activity.



Sexual Harassment: Other than Student on Student

Unwelcome verbal, nonverbal, or physical conduct based on sex (including gender stereotypes) that may be any of the following

- Implicitly or explicitly a term or condition of employment or status in a course, program, or activity;
- A basis for employment or educational decisions; or
- Is sufficiently severe, persistent, **OR** pervasive to interfere with one's work or educational performance creating an intimidating, hostile, or offensive work or learning environment, or interfering with or limiting one's ability to participate in or to benefit from a University program or activity.



Dating Violence

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

Dating violence includes but is not limited to...

- Sexual or physical abuse
- Threats of sexual or physical abuse

Note: The existence of such a shall be determined based on the totality of the circumstances (i.e., length of the relationship, type of relationship, frequency of interactions between the parties).



Domestic Violence

Violence committed by a

- current or former spouse or intimate partner of the Complainant;
- person with whom the Complainant shares a child in common;
- 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.



Stalking

Engaging in a course of conduct directed at a specific person that would cause a Reasonable Person to fear for their safety or the safety of others or suffer substantial emotional distress.

- A course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with person's property.
- Substantial emotional distress means significant mental suffering or anguish that may but does not necessarily, require medical or other professional treatment or counseling.



Sexual Exploitation

Taking non-consensual or abusive sexual advantage of another for one's own advantage or benefit or for the benefit or advantage of anyone other than the one being exploited. Examples of sexual exploitation may include, but are not limited to, the following:

- Invasion of sexual privacy;
- Prostituting another individual;
- Non-Consensual photos, video, or audio of sexual activity or intimate body parts;
- Non-Consensual distribution of photo, video, or audio of sexual activity or intimate body parts, even if the sexual activity or capturing of the activity was Consensual;
- Intentional observation of non-consenting individuals who are partially undressed, naked, or engaged in sexual acts;
- Knowingly transmitting an STD or HIV to another individual through sexual activity;
- Intentionally and inappropriately exposing one's breasts, buttocks, groin, or genitals in non-consensual circumstances; and/or
- Sexually-based bullying.



Non-Consensual Sexual Contact

Any physical contact with another person of a sexual nature without the person's Consent.

It includes but is not limited to touching a person's intimate parts (such as genitalia, groin, breasts, or buttocks); touching a person with one's own intimate parts; or forcing a person to touch their own or another person's intimate parts.

This provision also includes “Fondling” defined by the Clery Act.



Non-Consensual Sexual Penetration

Any penetration of the vagina, anus, or mouth by a penis, object, tongue, finger, or other body parts; or contact between the mouth of one person and the genitals or anus of another person without the person's Consent.

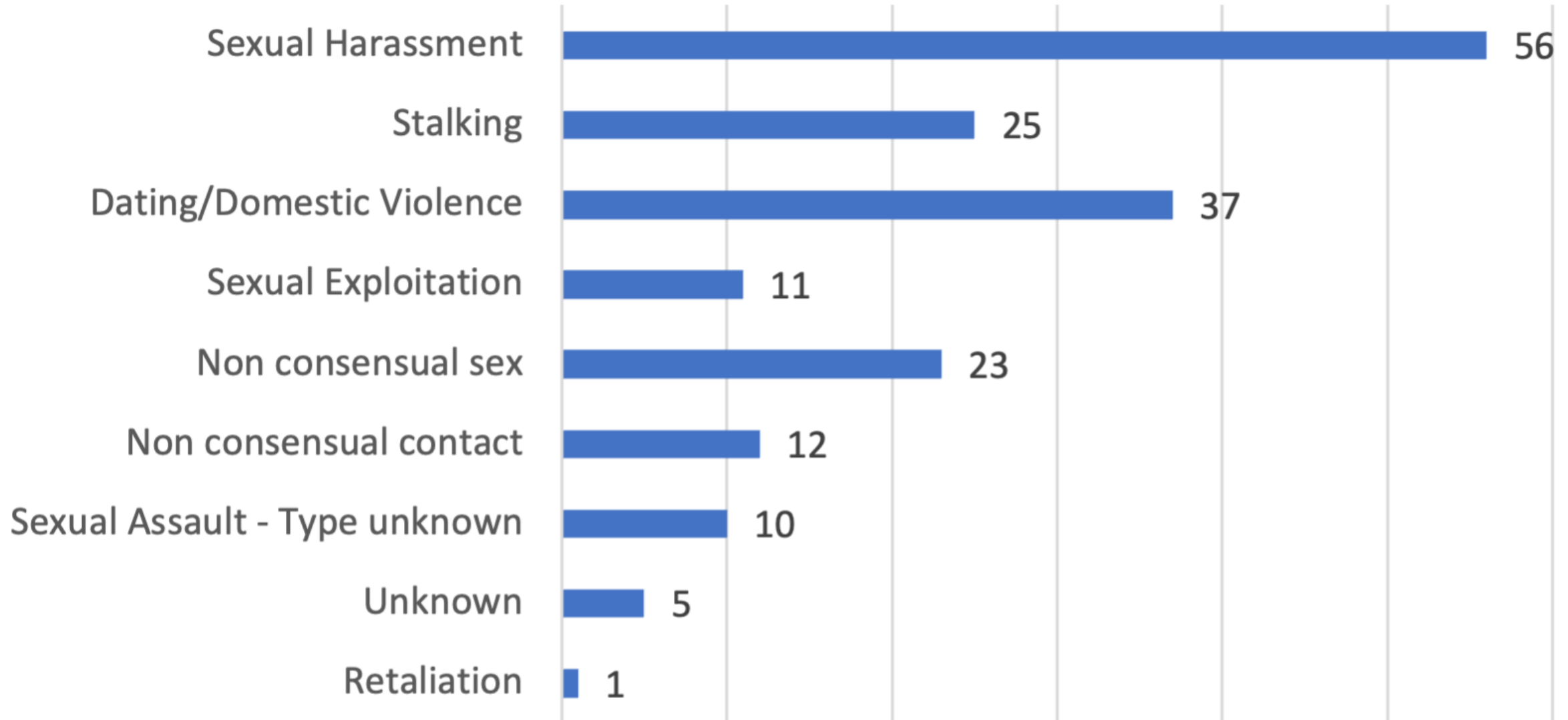
This provision also includes “Rape, Incest, and Statutory Rape” as defined by the Clery Act.

2022 Statistics for UNG



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Allegation Categories



Demographics of Complainants

Status

- Students – 160
- Faculty – 1
- Staff – 2
- Unaffiliated – 3
- Unknown – 0

Affiliations

- Corps of Cadets* – 10
- Fraternity/Sorority* – 11
- Student Athlete – 5

Gender

- Female – 147
- Male – 16

* Two are both in the Corps
and are in a fraternity/sorority

Demographics of Respondents

Status

- Students – 75
- Faculty – 8
- Staff – 4
- Unaffiliated – 33
- Unknown – 33

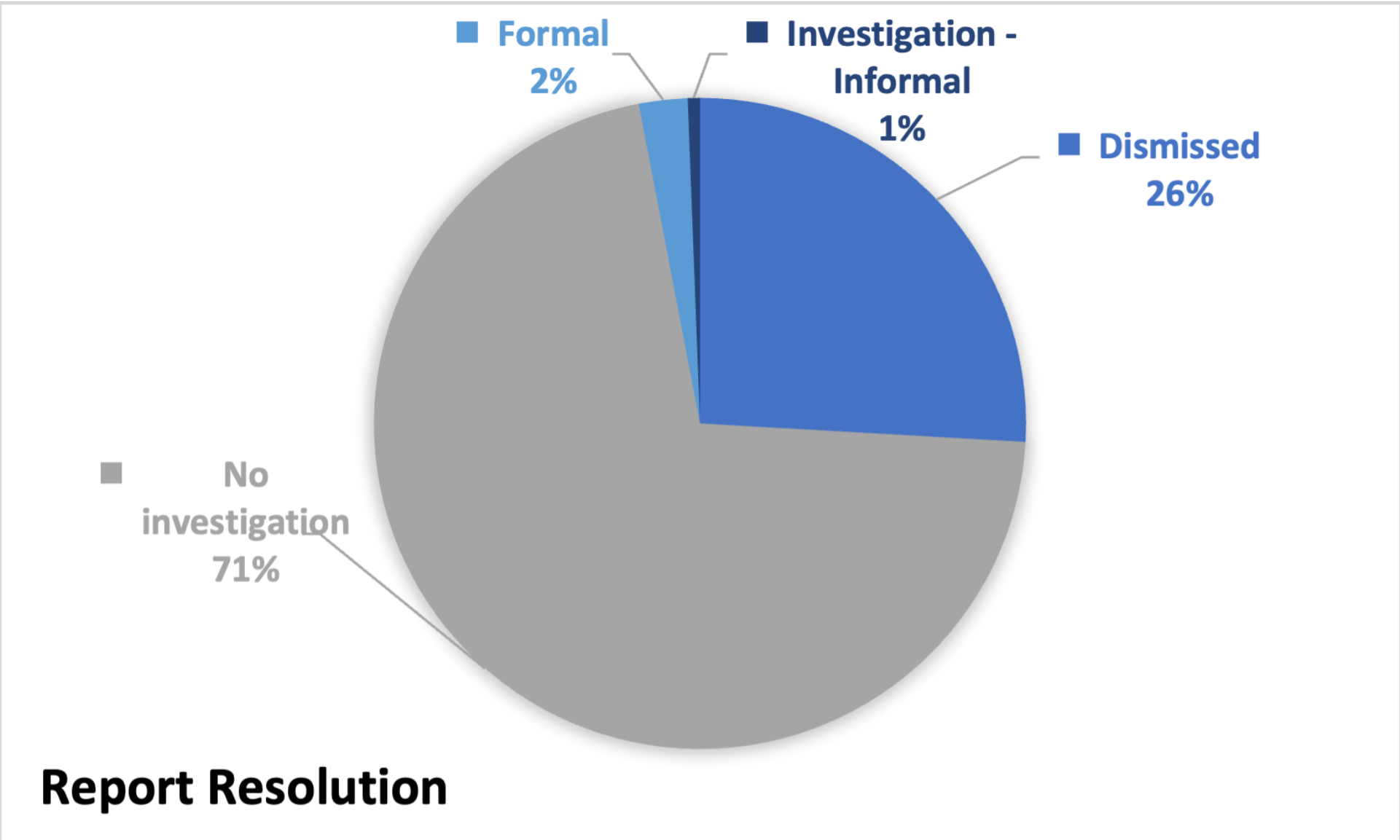
Affiliations

- Corps of Cadets* – 18
- Fraternity/Sorority – 12
- Student Athlete – 2

Gender

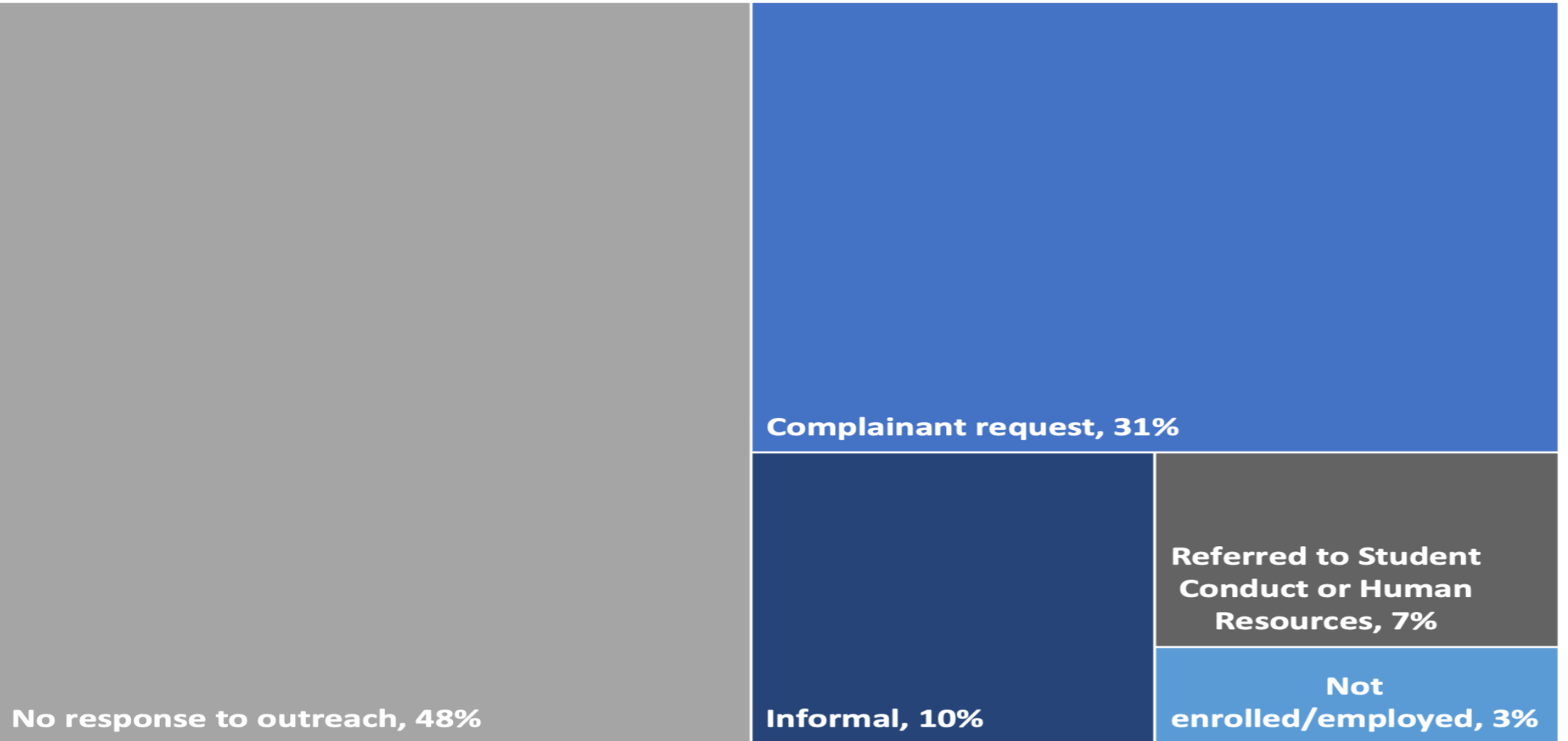
- Female – 12
- Male – 95
- Unknown – 44

* Seven are both in the Corps and are in a fraternity/sorority



Report Resolution

Reasons for No Investigation



Grievance Process



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Reporting



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Reporting

- Reporting can be done by way of the online Sexual Misconduct Reporting form, any online form, email, phone, in-person, or telling a mandatory reporter.
- Mandatory employees include all administrators, supervisors, faculty members, and other employees who are not confidential or privileged employees. Students such as teaching assistants, graduate assistants, residential assistants, student managers, and orientation leaders are considered mandatory reporters.
- Reports should include as much information as possible (names, dates, description of allegations, evidence, etc.).
- They can be made anonymously. However, this may limit the University's ability to respond to the anonymous report. Mandatory Reporters must disclose all information shared with them and cannot submit anonymous reports.



Outreach

- Immediately after receiving a report, the Title IX Coordinator will reach out to the Complainant (if known); if unknown, the outreach will be made to the reporter.
- The outreach communication which includes resources, rights, and an offer to meet.
- The Respondent will be sent the same information in the Title IX Coordinator's initial communication.



Privacy and Confidentiality

Privacy

- Generally speaking, the information related to a report of misconduct will only be shared with a limited circle of individuals who have a legitimate need to know the information to assist in the response, investigation, and resolution of the complaint.
- While not bound by confidentiality, these individuals will be discreet and respect the privacy of all individuals involved in the process.

Confidentiality

- Confidentiality is not the same as privacy. Confidentiality means that the information shared with a specific employee or outside professional cannot be disclosed to others without the express permission of the individual who shares the information. They are obligated by law to maintain confidentiality, subject to that office's stated terms of confidentiality.



Amnesty and Retaliation

Amnesty

- Information a Student reports during an investigation concerning the consumption of alcohol or other drugs will not be used against the Student in a disciplinary proceeding (i.e., Student Code of Conduct) or voluntarily reported to law enforcement. Amnesty for Employees is at the discretion of Human Resources.
- Amnesty may not apply in situations where alcohol or other drugs were used as a tool to facilitate a violation of this Policy.
- Students and Employees may be given resources on counseling and/or education related to alcohol and other drugs.

Retaliation

- Anyone who has provided information, assisted, participated, or refused to participate in the Sexual Misconduct grievance process shall not be subjected to retaliation.



Initial Action



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Supportive and Interim Measures

Support measures: Support given to either Party regardless of any action being taken on the matter. Types of supportive measures are counseling, health services, student financial aid, extensions of deadlines or other course-related adjustments, modifications of schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures.

Interim measures: Ensure equal access to its education programs and activities and foster a more stable and safe environment during the grievance. These may include housing assignment; issuance of a no-contact order; restrictions or bars to entering specific University property; changes to academic or employment arrangements, schedules, or supervision; or other measures designed to promote the safety and well-being of the Parties and the University's community. Includes Emergency Removal and Administrative Leave.



Options for Complainant

Title IX Coordinator reaches out to the Complainant to provide resources, offer support, and invite them to meet to obtain additional information and discuss options.

While dependent on the circumstances of the report, typically speaking, the Complainant has three options:

1. Take no action. The report and all accompanying material (e.g., statements and evidence) are kept on file.
2. Request an alternative/informal resolution.
3. Request an investigation.

***Note:** The University will respect wishes to pursue or not pursue a complaint where legally possible formally; however, in the interest of the community, the University may choose to investigate where there is a safety concern. If a Complainant (victim/survivor) wishes to remain anonymous or desires to take no further steps, it may hinder the response by the university.*



Review for Dismissal

Title IX Coordination can dismiss a report on the following grounds:

- The alleged conduct, on its face or as clarified, would not constitute a violation of the Sexual Misconduct Policy.
- The Complainant provides written notice that they want to withdraw the complaint or allegation(s).
- The Respondent is no longer enrolled or employed by the University. If the Respondent was enrolled or employed at the time of the conduct, a dismissal will be considered but is not required.
- Circumstances that may prevent the University from gathering relevant evidence sufficient to reach a determination regarding the complaint.

A report that does not meet the Title IX scope (i.e., the location where the conduct occurred) will be dismissed under Title IX and reviewed under the general dismissal reasons.



Trauma and the Brain



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TRAUMA AND
THE **BRAIN**



Impact of Trauma:

- **Memory Consolidation:** When a person experiences a traumatic event, the brain often prioritizes the consolidation of the emotional aspects of that memory. This means that the emotional intensity of the experience is more likely to be stored in long-term memory, while other details may be less well-preserved.
- **Fragmented Memories:** Traumatic memories can be fragmented or incomplete. Individuals who have experienced trauma may remember specific emotional and sensory aspects of an event but struggle to recall the sequence of events or other contextual details.
- **Flashbacks:** Trauma survivors might experience intrusive flashbacks, where they vividly relive the traumatic event as if it were happening in the present. These flashbacks are often accompanied by intense emotions and sensory experiences, making it difficult for the individual to focus on the sequence or context of the memory.

Impact of Trauma (cont'd)

- **Memory Gaps:** Some individuals may experience memory gaps or amnesia for certain parts of a traumatic event. These memory gaps can be a protective mechanism, as the brain may suppress or block out particularly distressing details to reduce emotional distress.
- **Hyperarousal and Hypervigilance:** People who have experienced trauma might also exhibit heightened states of arousal and hypervigilance. This hyperarousal can make it challenging to concentrate and recall information accurately, as their attention is often focused on potential threats in the environment.
- **Triggers:** Trauma-related memories can be triggered by various stimuli, such as sights, sounds, or smells associated with the traumatic event. These triggers can lead to a flood of emotions and memories, further affecting memory recall.

Alternative/Informal Resolution



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Alternative/Informal Resolution

Alternative Resolution is for Non-Title IX, and Informal Resolution is for Title IX.

- The difference is that informal resolution requires a formal complaint to be submitted, and the Respondent cannot be an employee.

The processes require that:

- The Respondent received a notice of the allegations.
- The Complainant, Respondent, and the University agree to enter into the process.
- All parties agree on the terms of the resolution.

At any point, either party can request an investigation, the Complainant can request no action, or the Respondent can accept responsibility.

The final terms are sent to the parties if and when an agreement is made. The agreement cannot be appealed.

Investigation



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Basic Information

Key Elements of an Investigation

- The respondent is presumed not responsible until a determination is made at the conclusion of the grievance process.
- Both parties have the right to present evidence and witnesses.
- The burden of proof rests with the University.
- The burden of proof is a preponderance of evidence – more likely than not.

Investigators:

- We utilize a co-investigator model.
- The parties can challenge investigators for bias or conflict of interest.
- The investigations must be prompt, thorough, and equitable.

During the investigation

The basic steps in the process are:

- Parties are notified that an investigation is occurring. They are asked to provide a list of witnesses and any evidence.
- The investigators conduct interviews, typically in the order of:
 - Complainant
 - Witnesses
 - Respondent
- The investigators collect and review evidence
- Throughout the process, information and evidence are shared with both parties.

After the investigation

- The investigators compile a comprehensive report, summarizing the gathered information, delineating relevant evidence, and offering considerations for the decision-makers.
- The report is distributed, and the parties have ten (10) business days to review it and respond with:
 - Response options
 - Either party can request a hearing
 - Either party can request to engage in the alternative/informal resolution
 - The Complainant can request no action
 - The Respondent can accept responsibility.
 - Provide feedback on the content of the report (e.g., edits, additional information, etc.).

After the investigation (cont'd)

- After responses are received, the investigators can either open the investigation or finalize the report.
- The final report is submitted to the Title IX Coordinator for next steps.
 - Move to the sanction-only process
 - Start the alternative/informal resolution process
 - Close the case
 - Move to Formal hearing

Formal Hearing



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During the hearing

- The Chair serves oversees the hearing, deliberation, and determination. They also answer procedural questions. They are not decision-makers.
- The Complainant and Respondent are given equal opportunity to speak.
- Witnesses can be called by either party. The investigator may also testify as a witness regarding the report.
- The parties have the right to question the other party and witnesses.
- In Title IX cases, the advisor asks the questions. In Non-Title IX cases, the party asks the questions.
- The University must provide an advisor if a party does not have an advisor for a Title IX hearing.

After the hearing

- The hearing panel will deliberate in private.
- Using the preponderance of evidence standard (more likely than not), they will determine if there was a violation of policy.
- The panel will move to the sanctioning phase if the Respondent is deemed responsible.
 - Imposes sanctions for a student Respondent.
 - Recommends sanctions to Human Resources for an employee Respondent.
- A decision letter, with rationale, is prepared for distribution to the parties.

Appeal Process



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Appeals

Both parties have the right to appeal the determination of responsibility and the imposed or recommended sanctions.

Grounds for appeal

- A procedural irregularity.
- New relevant evidence.
- An individual involved in the grievance process had a conflict of interest or bias for or against the Complainant or Respondent.
- The finding of responsible or not responsible and/or the imposed or recommended sanction(s) was inconsistent with the weight of the information.

There is only one level of appeal at the University for determination of responsibility and imposed sanctions.

Case is Closed



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Closing Cases

Closure letters are sent when

- The Complainant does not want any action.
- The case is dismissed.
- An agreement was reached through the alternative/informal process.
- A final determination has been made on the case.

All documents or items related to the report are kept on file for seven (7) years.

Bias



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Recognize and Address Bias

Recognizing and addressing your own biases is a challenging but crucial endeavor. While biases are a natural aspect of human cognition, the first step in mitigating their impact on your thoughts and actions is to become aware of them. Here are some strategies to help you reduce bias and strive for fairness and objectivity:

- **Awareness:** Recognize that bias exists and can influence your thinking. Being aware of this fact is the first step in mitigating bias.
- **Self-Reflection:** Regularly reflect on your beliefs, attitudes, and reactions. Consider your thoughts or feelings about a particular issue or group.
- **Examine Stereotypes:** Be conscious of any stereotypes you might hold and actively challenge them. Seek out counterexamples and individual stories that defy stereotypes.
- **Feedback:** Be open to feedback from others who may point out biases in your thinking or behavior.
- **Critical Thinking:** Approach information and situations critically. Be skeptical of your initial judgments and consider alternative explanations.

Recognize and Address Bias (cont'd)

- **Diverse Input:** Seek out diverse sources of information and engage in conversations with people who have different perspectives. This can broaden your understanding and reduce the impact of bias.
- **Objectivity:** Strive for objectivity in your decision-making. Base your judgments and actions on evidence and rational thinking rather than preconceived notions.
- **Empathy:** Practice empathy by trying to understand the perspectives and experiences of others, especially those from different backgrounds or with different viewpoints.
- **Challenge Biased Language:** Be mindful of the language you use, and avoid making assumptions or using terms that perpetuate bias or stereotypes.
- **Listen Actively:** When engaging in conversations or making decisions, actively listen to others and consider their perspectives before forming your own conclusions.
- **Bias Training:** Consider participating in bias awareness and diversity training programs to enhance your understanding of bias and its impact.

Impact of Bias

Bias during an investigation can have significant and far-reaching consequences, potentially undermining the integrity and fairness of the process. Here are some of the key impacts of bias during an investigation:

- **Unfair Outcomes:** Bias can lead to unjust or unfair outcomes in the investigation. This may result in the wrong party being held responsible or in a failure to uncover the truth.
- **Loss of Trust:** When bias is perceived or evident in an investigation, it erodes trust in the process and the institution conducting the investigation. This can have long-term consequences for the organization's reputation.
- **Emotional Impact:** Bias in an investigation can cause emotional distress to those involved, making it difficult for them to trust the system and causing stress, anxiety, or feelings of injustice.
- **Limited Accountability:** If bias leads to underreporting or under-investigating certain types of misconduct, it can limit accountability for wrongdoers and perpetuate harmful behavior.

Grievance Process Prior to Hearing

1. A report was submitted outlining the allegation(s).
2. A Formal Complaint was filed alleging sexual misconduct against a Respondent and requesting that the University open an investigation. The Respondent received a notice of allegations.
3. An Alternative/Informal resolution was not attempted, or it failed.
4. The Title IX Coordinator assigned the case to investigators, and the parties were notified of the investigation.
5. The investigation was conducted.
6. The initial investigation report was distributed for response and review.
7. The Parties either did not want to attempt an alternative/informal resolution, or it failed.

Adjudication

Deliberation of Responsibility

- The Hearing Chair will walk you through the deliberation process.
- Listen to the other decision-makers and their viewpoint. Decision must be majority, not unanimous.
- Analyze statements and evidence presented at the hearing
- Review the investigation report
- Make a determination of the relevancy and weight of the evidence presented
- Assess credibility
- Use the preponderance of evidence standard (more likely than not) to determine responsibility

Goal of Sanctioning

Sanctions are imposed as a response to violations and aim to achieve several objectives:

- Accountability
- Deterrence
- Protection
- Education and Awareness

Sanctions must:

- Be a proportionate response to the violation.
- Be equitable and fair in relation to similar cases

Possible Disciplinary Sanctions

- Expulsion/Termination
- Suspension/Administrative Leave
- Probation
- Reprimand
- Coaching/Educational Conversation
- Restrictions
- Restitution
- Education/Training
- Separation of Parties
- Academic Penalty (Students Only)

UNG Sexual Misconduct Appellate Officer Training



Misty McDonald
Title IX Coordinator

Richelle Keilholz, Ed.D.
Assistant Dean of Students, Student Conduct & Integrity

Duties

- The Appellate Officer reviews submitted appeals and renders a decision.
- The president or their designee shall serve as the Appellate Officers for all outcomes other than case dismissal, emergency removals, and recommended sanctions for Employees.
- The University will designate someone other than the President or their designee to serve as the Appellate Officer for matters involving dismissals, emergency removals, and recommended sanctions for Employees.
- The Appellate Officer cannot be the same person(s) as the Title IX Coordinator, the Investigator(s), or the Hearing Panelist(s).

Expectations

- Be a neutral decision-maker who gives a fair and unbiased review of the matter
- Adhere to the current policy provisions – definitions and stands, procedural rights
- Reasonable, prompt review of the matter – communication with the Title IX Coordinator
- Maintain confidentiality of the parties and the case.



Appealable Decisions

Dismissal

Case Dismissal

Regardless of how the University becomes aware of alleged Sexual Misconduct, the Title IX Coordinator shall ensure a prompt, fair, and impartial review and resolution of complaints.

Where a report of Sexual Misconduct has been made, the Title IX Coordinator shall review the complaint to determine whether the allegation(s), as described, would violate UNG's Sexual Misconduct Policy.

This may require some inquiry to obtain more information.

Case Dismissal – Title IX

Must dismiss if the complaint or allegation(s):

1. Would not constitute Title IX Sexual Misconduct even if proven;
2. Did not occur in the University's education program or activity; or
3. Did not occur against a person in the United States.

Case Dismissal – Non-Title IX

Can dismiss, not required:

1. The alleged conduct, on its face or as clarified, would not constitute a violation of the Sexual Misconduct Policy.
2. The Complainant provides written notice that they want to withdraw the complaint or allegation(s).
3. The Respondent is no longer enrolled or employed by the University. If the Respondent was enrolled or employed at the time of the conduct, a dismissal will be considered but is not required.
4. Circumstances that may prevent the University from gathering relevant evidence sufficient to reach a determination regarding the complaint.

Emergency Removal

Emergency Removal

The Title IX Coordinator, in consultation with appropriate administrators, can act to remove, on an emergency basis, a Respondent entirely or partially from their education program and activities or employment activities when necessary to maintain safety. It should be limited to those situations where the University has undertaken an individualized safety and risk analysis and determined that the Respondent poses a serious and immediate danger or threat to persons or property.

Emergency Removal (cont'd)

In making such an assessment, the University shall consider the existence of a significant risk to the health or safety of the Complainant or the campus community; the nature, duration, and severity of the risk; the probability of potential injury; and whether less restrictive means can be used to mitigate the risk significantly. There are specific procedures related to the Emergency Removal process.

Decision on the Case

Determination of Responsibility

Utilizing the preponderance of evidence standard of review, the hearing panel determines whether a policy violation has occurred.

Determine if Responsible or Not Responsible for violating the Sexual Misconduct Policy.

If Responsible, a decision must be made on sanctions.

Sanctions

Sanctions are determined after a Respondent is found responsible during a formal hearing and during the sanction-only process.

Sanctions are imposed on Students and recommended for Employees.

The severity of the imposed or recommended sanctions, following will be considered: the frequency, severity, and nature of the offense; history of past conduct; the Respondent's willingness to accept responsibility; previous University response to similar conduct; the strength of the relevant evidence; and the well-being of the University community.

If the Respondent is an Employee, responsibilities and expectations within their employment position may also be considered.

Employee Sanctioning

Sanctioning for Employees – Two Step Process

Hearing Panel Recommends

- At the conclusion of a hearing, the Hearing Panel will determine responsibility. If an Employee is found responsible for a violation of the Sexual Misconduct Policy, the Panel recommends sanctions.

Human Resources Imposes

- The sanction(s) imposed by Human Resources may or may not be those that were recommended. If there is no appeal, Human Resources will notify the Title IX Coordinator of the imposed sanctions and the rationale for the sanctions within ten (10) business days of the date of the decision letter. The University shall simultaneously provide both Parties with the imposed sanction(s) and their right to appeal, as outlined in these procedures.

Sanction Only Process

Sanction-Only Process

- A sanction-only process occurs when there is an acceptance of responsibility. A sanction-only process may not occur for Title IX Sexual Misconduct allegations where the Respondent is an Employee and the Complainant is a Student.
- Decision Maker(s) will review all relevant evidence, impose sanctions on Students, and recommend sanctions for Employees.
- After the Decision Marker(s) reach a decision, the parties are notified of the imposed or recommended sanction(s). Either Party may appeal the imposed or recommended sanctions following the appeals process.
- After Human Resources imposes sanctions on Employees, the parties are notified and have the right to appeal.



Basics

Logistics of an Appeal

Parties have the right to appeal at various stages in the process (emergency removal, case dismissal, determination of responsibility, sanctions for students, and recommended and imposed sanctions for employees).

Typically they have five (5) business days after a letter of determination to file an appeal. A decision on an appeal may only be rendered once the filing deadline has passed, including the deadline for the other Party to respond to the appeal submission.

In the letter outlining the appeal process, the parties are to thoroughly and precisely outline the basis for your challenge, including the grounds for the appeal and evidence supporting it.

Logistics of an Appeal

The records to be provided to the Appellate Office shall include all the written decisions and the appeal and response documents submitted by the parties. The appellate officer may request and review additional information. There is no requirement for the appellate office to reexamine all of the evidence to see if they would reach the same conclusion.

Under no circumstances shall the Appellate Officer supplant the function of the Hearing Panel. The appeal shall only be a review of the record, not to re-hear a complaint.

Grounds for an Appeal

1. A procedural irregularity that affected the outcome of the matter.
2. New relevant evidence that was not reasonably available when the dismissal or determination regarding responsibility or sanction was made that could affect the outcome of the matter.
3. The Title IX Coordinator, Investigator(s), Hearing Panelist(s), Decision Maker(s), Chair, or any individual involved in the Sexual Misconduct grievance process had a conflict of interest or bias for or against the Complainant or Respondent generally or individually that affected the outcome of the matter.
4. The finding of responsible or not responsible and/or the imposed or recommended sanction(s) was inconsistent with the weight of the information.



Process

Review Documents

Sexual Misconduct Policy and Grievance Procedures

Appeal and any response

What arguments have been raised in the appeal and its response?

Investigative report and hearing panel decision letter.

Do you understand what decision was reached and why?

Considerations

Was there a procedural error? If yes, did it affect the outcome?

Was the new evidence reasonably available at the time of the decision? If not, could it affect the outcome?

Was there a conflict of interest or bias? Was it against a party generally or specifically? Did it affect the outcome?

Make a determination of action

Affirm a dismissal, the finding of responsible or not responsible, sanctions imposed on Students, sanctions recommended for Employees, and sanctions imposed on Employees

Affirm the finding of responsible or not responsible, but issue new imposed or recommended sanction(s) of greater or lesser severity, or modify the sanction(s) imposed or recommended.

Remand the case to the Hearing Panel or Decision Maker(s) to correct a procedural or factual defect.

Reverse or dismiss the case if a procedural or factual defect cannot be remedied by remand.

Write a decision letter

Submit to the Title IX Coordinator no later than seven (7) business days after receiving the appeal.

The letter must include the rationale for the decision.

This is considered the University's final decision on the matter.

Appeal of University's Final Decision

Should either Party wish to appeal the University's final decision, they may be permitted by the Board of Regents Policy on Discretionary Review to request a review by the Board of Regents.

Questions or Comments?





Please give us your feedback on the presentation.



I will email you the presentation for your records.



Resources

[UNG Title IX Website](#)

[Sexual Misconduct Policy](#)

[Sexual Misconduct Grievance Procedures](#)

[Sexual Misconduct Emergency Removal Procedures](#)