
T13ET

[Preparing for the Hearing](#)
[Your Appeal Options](#)

Part 4

[Overview and Checklist](#)

Part 1

Note: Possible mandatory reporting if you are a minor.

Nonconfidential Resources include

Emergency services are available through the ODU Police Department (ODUPD).

Dial 911 or 757-683-4000 The toll-free number is 1-833-590-0719. You can also

Part 2

Complainants may file a campus Title IX and Sexual Misconduct complaint, file criminal charges, both, or neither. Some conduct may also fall into the Code of Student Conduct, which is overseen by the [Office of Student Accountability and Academic Integrity](#).

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| Campus Title IX Investigations | Criminal Investigations |
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Purpose: To determine if there has

Title IX an.

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| <p>Conducting Body: Office of Institutional Equity and Diversity, Title IX Coordinator, or other designated university officials.</p> | <p>Conducting Body: Local police departments, state law enforcement agencies, or federal law enforcement agencies.</p> |
| <p>Procedures: Administrative procedures including interviews, evidence collection, and hearings, following specific university protocols and Title IX regulations.</p> | <p>Procedures: Legal procedures including crime scene investigation, collecting physical evidence, interviews, and sometimes search warrants.</p> |
| <p>Standard of Proof: Preponderance of the evidence (more likely than not). Outcome: Determination of policy violation; potential disciplinary actions such as suspension, expulsion, or other educational remedies.</p> | <p>Standard of Proof: Beyond a reasonable doubt. Outcome:</p> |

Each investigation type has specific standards, authorities, and outcomes, and individuals involved may navigate both processes concurrently, each addressing their respective areas of concern and authority.

Need help at this stage? Contact [OIED](#) or the [ODU Police Department](#).

Parties in Title IX and Sexual Misconduct cases may choose to resolve a concern
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processes.

An Informal Resolution is a voluntary, informed opportunity for parties to resolve a concern outside of a formal investigation.

Note: This process is not applicable to allegations that an employee sexually harassed a student.

| Potential Advantages | Potential Disadvantages |
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| <p>Quicker Resolution: Often resolves the issue more quickly than a formal investigation.</p> <p>Less Formal: Can be less intimidating and stressful than a formal process.</p> <p>Privacy: Typically involves fewer people and can be more private.</p> <p>Collaborative Approach: Encourages mutual agreement and can foster better understanding between parties.</p> <p>Flexibility: Offers more flexible solutions tailored to the needs of the parties involved.</p> <p>Maintains Relationships: Can help preserve relationships,</p> | <p>Limited Recourse: May not be appropriate for severe cases where disciplinary action is necessary.</p> <p>No Formal Findings: Does not result in a formal finding of responsibility.</p> <p>Voluntary Participation: Requires both parties to agree to participate, which may not always be feasible.</p> <p>Potential Pressure: Parties might feel pressured to agree to a resolution to avoid the formal process.</p> |

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| making it suitable for situations where parties will continue to interact (e.g., classmates, colleagues). | |
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Types of Informal Resolution Available:

Facilitated discussion
Mediation (with a trained, neutral facilitator)
Request for an administrator to put a party on notice of problematic behavior
Training, workshop, or educational assignment
Victim impact statement
Etc.

A Formal Investigation is a process by which a party may be found responsible for violating the [Policy on Title IX and Sexual Misconduct](#), and sanctions may apply.

Potential Advantages

Thorough Process: Provides a comprehensive investigation into the allegations.

Formal Findings: Results in a formal determination of responsibility.

Clear Outcomes: Can lead to definitive actions and sanctions if policy violations are found.

Structured Process: Follows a structured procedure, ensuring due process and fairness.

Right to Appeal: Parties often have the right to appeal the decision.

Record Keeping: Maintains a formal record of the investigation and its

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| findings, which can be important for future reference. | <p>Potential Relationship Strain: Can create or exacerbate tensions between the parties involved.</p> <p>Rigidity: Less flexibility in the process and outcomes, which are bound by laws university policies.</p> |
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Deciding between an informal resolution and a formal investigation depends on the circumstances of the case, the severity of the allegations, and the preferences of the parties involved.

It is important to weigh this decision carefully. The decision of whether an Informal Resolution is right for you is very individual and should be made in consultation with an advisor and/or a support system.

A complainant may request to cancel an Informal Resolution and choose a formal investigation any time before the Informal Resolution is finalized. A complainant may request to cancel a formal investigation any time before the Hearing takes place.

An **advisor** is a person who gives advice and/or support to a party in the complaint process. Advisors may be but are not required to be attorneys. Advisors may not be witnesses. While the advisor may provide support and advice, the advisor may not speak on behalf of the party or otherwise directly participate in the proceedings,

During the Interview

Stay Calm and Focused Maintain composure, take time to think before responding, and focus on presenting factual information.

Be Honest:

Thorough Review: Read the entire report carefully, noting key findings, evidence considered, and the reasoning behind conclusions.

Compare with Your Account: Ensure that the report accurately reflects your statements and evidence. Note any discrepancies or omissions.

Identify Areas for Clarification or Correction

Discrepancies: Identify any errors or misunderstanding of evidence.

Omissions: Note any relevant information or context that has been omitted.

Bias or Subjectivity: Look for any potential bias.

Draft Your Written Response

Structure: Organize your response clearly, addressing each point of concern separately.

Be Specific: Reference specific sections, quotes, or findings in the report that you are addressing.

Provide Evidence: Include supporting documents or evidence for each point of clarification or correction.

Maintain a Professional Tone: Write respectfully and professionally, focusing on facts and evidence rather than emotions or opinions.

Submit Your Response

Format and Submission:
your written response.

Confirmation: Ensure you receive confirmation that your response has been received.

By following these steps, you can ensure that your perspective is accurately represented, and that the investigation report is as comprehensive and fair as possible.

Need help at this stage? Contact your advisor for guidance on content, or the Case Manager and Outreach Coordinator or Title IX Coordinator in [OIED](#) for procedural assistance.

I am writing to provide my written response to the evidence and/or investigative report dated [insert date of the report], which I have carefully reviewed.

I wish to address a discrepancy that I believe is important to a fair and accurate resolution of this matter.

Discrepancy:

[Describe the discrepancy]

[Explain why this is a discrepancy, providing specific details and evidence supporting your perspective.]

I wish to address a claim made by the opposing party that I believe is important to a fair and accurate resolution of this matter.

Claim:

[Describe the claim]

[Explain why you are addressing the claim, including its relevance to the charges.]

Attached to this response, please find the following supporting documents:

[List supporting documents, such as emails, texts, witness statements, etc., that support your claims.]

I respectfully request that this matter be carefully reviewed before the final determination of this case. Please let me know if there are any further steps or information required to assist in this process.

Thank you for your attention to this matter.

Sincerely,

[Your Name]

Preparing for your Hearing involves careful planning and understanding of the proceedings. Here's a guide to help you navigate the process effectively:

Role of Hearings

Panel Composition: Consists of three trained faculty or staff members assessing responsibility using the preponderance of evidence standard.

Access to Information: Obtain the investigation report, evidence, and written responses via an online Microsoft Teams folder.

Evidence Categories: Classified into directly related and not directly related to the allegations.

Pre-hearing Review: Review panelists' names for bias or conflicts of interest and notify the Title IX Coordinator as soon as possible; attend a pre-hearing meeting with the Title IX Coordinator for questions or concerns.

Draft Your Questions: You may submit relevant questions in advance and have them reviewed by the hearing panel and returned with feedback up to 48 hours prior to the hearing. Additional questions will be allowed at the hearing.

Prepare: Consider the key points you want to emphasize. Think about the types of questions you may be asked by the hearing panel and the opposing advisor.

Hearing Format, Decorum, and Recording

Nature of Proceedings: Hearings are administrative proceedings, not courtroom. Choose a quiet location with minimal distractions. Dress comfortably but professionally.

Virtual Format: Hearings are conducted via Zoom with waiting rooms and breakout rooms for private consultations. Test your equipment beforehand.

Conduct Expectations: Cameras are on. You must maintain decorum throughout. Bathroom breaks are allowed.

New Evidence: This is not allowed during the hearing; it is admissible in appeals if previously unavailable and impactful.

Recording: OIED records hearings, which are available for review upon request; no additional recording is allowed.

Hearing Participants

Included: Parties (Complainant and Respondent), witnesses (only while they are being questioned), advisors (required by Title IX).

University Counsel: Non-participant consultation with Hearing Officers.

Title IX Coordinator: Available off-line for procedural questions.

Accommodations: Notify OIED in advance for interpreters or accommodations.

Role of Advisors

Advisor's Role: Guidance to party without speaking on behalf; violation may lead to removal.

Questioning of Parties and Witnesses

Questioning Processes:

- Title IX - Process A: Advisors conduct cross-examination, Hearing Officers also question.
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Need help at this stage? Contact your advisor for guidance, or the Title IX Coordinator in [OIED](#) for procedural assistance.

When preparing an appeal for a Title IX decision, follow specific university procedures and guidelines:

Understand Grounds for Appeal
Note Deadline in the Finding Letter

Gather Relevant Documentation

Decision Letter: Review findings, sanctions.
Investigation Report: Evaluate the evidence.
New Evidence: Gather, document unavailable prior, impacting.

Draft Your Appeal Letter

Structured Appeal:

- Introduction: State intent.
- Grounds for Appeal: Specific policy sections.
- Detailed Explanation: Support grounds:
 - Procedural Errors: Influenced outcome.
 - New Evidence: Relevance, unavailability.

Potential Outcomes: Expect decision actions.

Support: Counsel, advisor consultation.

Self-Care: Stress management.

By following these steps, present your Title IX appeal comprehensively, in line with university standards.

Need help at this stage? Contact your advisor for guidance, or the Title IX Coordinator in [OIED](#) for procedural assistance.

I am writing to formally appeal the decision regarding the Title IX and Sexual Misconduct investigation into [briefly describe the nature of the case, e.g., allegations of sexual misconduct] involving [Complainant's/Respondent's Name]. I respectfully request a review of this decision based on the following grounds as outlined in _____ policy.

Grounds for Appeal:

1. **Procedural Error:** During the investigation and hearing process, there was a procedural error that may have impacted the fairness of the outcome. [Provide specific details of the procedural error.]
2. **New Evidence:** Since the original investigation, new evidence has emerged that was not available during the initial proceedings, which could affect the outcome. [Describe the new evidence and its relevance to the case.]
3. **Bias or Conflict of Interest:** There are concerns regarding bias or conflict of interest among the Title IX personnel involved in the investigation and decision-making process. [Explain the basis for these concerns.]

Detailed Explanation:

[Provide a detailed explanation for the ground(s) for appeal, citing relevant sections of the Title IX and Sexual Misconduct policy and how the ground(s) pertain to your case.]

Supporting Evidence:

Attached to this appeal, please find the following supporting documents:

[REDACTED] documents, such as the [REDACTED],
report, new evidence, etc.]

I appreciate your attention to this matter and request a thorough review of my appeal in accordance with [REDACTED] policy. Please inform me of any additional steps or documentation required to support this appeal.

Thank you for your prompt attention to this

- Hearing (*Approximate Timeline: 10 Business Days to Receive Finding Letter; 15 Day Deadline to File Appeal*)
 - Attend Hearing (Advisor Required)
 - Receive Outcome Letter
 - Deadline to Submit Appeal

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