



Formal Hearing for Title IX Coordinators

Related to System Procedure 1B.3.1

Equal Opportunity & Compliance Department
December 15, 2025

Policy & Procedure

- » 1B.3 Sexual Misconduct
 - Updated June 2025
 - Training: EON Foundations

- » 1B.3.1 Response to Sexual Misconduct
 - Updated August 2025
 - Training

Agenda

- » Introduction
- » Referral for Formal Hearing
- » Hearing Procedures
- » Deliberation and Determination
- » Appeal of the Final Determination
- » Long-term Remedies
- » Recordingkeeping
- » Other Resources

Due Process Requirements

- » Resolution process requirements
- » Written notice of allegations
- » Formal complaints
- » Investigation
- » Live hearing with cross-examination
- » Decision-maker
- » Appeals
- » Informal Resolution
- » Records and publishing training

Procedure Introduction

- » Report/complaint
 - Title IX Coordinator Authority to Initiated a Complaint
 - Counter-Complaints
- » Resolution Options
 - Formal
 - Informal
 - Notice of Investigation and Allegations
- » Resolution Timeline
- » Ensuring Impartiality
- » Investigation

Investigation

- » Interviews
- » Evidence gathering and assessing
 - Relevant
 - Directly Related
- » Review and comment period
 - All evidence and draft report
 - Parties and their advisors
 - 10-business days

Investigation, continued

- » Finish draft report
- » Title IX Coordinator review of report
- » Finalize report
 - Accurately summarizes investigations and interviews
 - Synthesizes evidence
 - Relevant evidence

Referral to Formal Hearing

- » Informal Resolution
- » Final report
 - Formal hearing no less than 10 days
- » Formal hearing considerations
 - Venue and recording
 - Scheduling
 - Hearing participants
 - Advisors
 - Impact statements
 - Accommodations
 - Conflicts
 - Evidence and Report

Formal Hearing Preparation

- » Hearing notice
- » Witness participation
 - Written statements
 - May decline hearing participation
 - Late involvement
- » Pre-hearing meetings
 - May request questions or topics from parties/advisors
 - Formal hearing logistics
- » Disability accommodations
- » Other support

Hearing Procedures

- » Evidentiary considerations
- » Hearing administrator (decision-maker)
- » Final investigation report (confirmation)
- » Testimony and questioning
 - Rationale for irrelevant questions; document
- » Refusal to submit to questioning and inferences
- » Hearing recordings

Deliberation and Determination

- » Decision-maker deliberation
 - Policy: finding/no finding
- » Finding: disciplinary actions
 - Impact/mitigation statements, when relevant
 - Prior history sharing, when relevant
- » Decision letters
 - Target: 10 days post formal hearing
- » Notice to parties

Appeal of Final Determination

- » Written submission
- » 10 business days after decision
- » Grounds for appeal
 - procedural irregularity that affected the outcome or decision,
 - 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/or
 - a conflict of interest or bias by the Title IX Coordinator or decision-maker that affected the outcome of the matter
- » Appeal: granted or denied
- » Disciplinary action during appeal: may enforce

Long-term Remedies

- » “Remedy the effects” – address the impact on safety, education, overall well-being
- » Prevent reoccurrence
- » Supportive measures (ensure equal access)
- » For the institution
 - Policy changes
 - Prevention programs
 - Institutional assessments

Recordkeeping

1. Each formal resolution process, including any final determination regarding responsibility or appeal, and any audio recording or transcript required under federal regulation
2. Any disciplinary sanctions imposed on the respondent
3. Any supportive measures provided to the parties and any remedies provided to the complainant or the community designed to restore or preserve equal access to the education program or activity
4. Any appeal and the result therefrom
5. Any Informal Resolution and the result therefrom
6. All materials used to train the Title IX Personnel (for implementing the resolution processes); each college and university will make these training materials publicly available on their website
7. Any other actions taken in response to a report or formal complaint (response was not deliberately indifferent)

Other Resources

- » Advisor Guide
- » Hearing Administrator Manual
- » Technology*
- » Shared services

Advisor Guide

- » Advisor: Attorney vs. Staff Person
- » Party must have an advisor for the formal hearing
 - Appointing an advisor for a party
- » Recruiting and training advisors on campus
- » Sharing guide with non-campus affiliated advisors
- » Formal hearing expectations
- » Formal hearing questions

Hearing Administrator Manual

- » Promise & ethical standards
- » Due process
- » Formal hearing considerations
 - Sample script
 - Consider building in breaks
 - Cross-examination: check what was stated during the investigation
 - Effective hearing tips
 - Technology guide*

Hearing Administrator Manual, continued

- » Policy analysis
 - 1B.3 Table
- » Determining responsibility
 - Decision letter templates
 - Consult with General Counsel
- » Post hearing

Questions and Feedback

Thank you.



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