

Title IX Investigations and Relevance



Parties must have sufficient notice to prepare and meaningfully participate

Investigator has an independent duty to collect relevant inculpatory and exculpatory evidence

Parties have an equal opportunity to present their statements, evidence, and to identify witnesses

Burden of Gathering Evidence

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evidence
106.45(b)(5)()

But a reasonable
admission (b)
106.45(b)(5)() (b)
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To conduct the investigation and gather all evidence possible and interview witnesses

Remain neutral during this process, and not focusing on gathering evidence to prove respondent “guilty” or not responsible.

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106.45(b)(5)(vi)

The University must send the parties and their advisors:

ALL evidence directly related to the allegations will include relevant and irrelevant evidence including that which would otherwise be excluded under the rape shield protections includes evidence the school will not use/rely in making a decision

includes inculpatory or exculpatory evidence whether obtained from a party or other source

electronic format or a hard copy, otherwise, method and format of delivery up to school

parties must have at least 10 days to submit a written response

the investigator will consider parties input prior to completion of the investigative report

R evidence must be made available if there is a hearing

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Standard of Proof or Evidence

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Who
determines
the facts in a
Title IX case?

The hearing board or officer or decision maker are the - , but they are left to "find" only from relevant evidence presented in a hearing.

There are two individuals who determine relevancy: the investigator and the Chair of the Hearing Board or Officer or Decision Maker.

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Summary

The purpose of an investigation is to collect _____ inculpatory and exculpatory evidence sufficient to permit an impartial decision-maker to determine whether or not the reported sexual harassment occurred.

The burden of gathering evidence must remain on schools not the parties 106.45(b)(5)(i)

It is the University's job to conduct the investigation, track down and gather all of the evidence possible and interview witnesses.

The goal is a truth-seeking mission; gather everything relevant so that



finders

fact-

