

Title IX Hearing Officer Training



October 3, 2025

Training Overview



What Guides a Case



Title IX

**Scope, Prohibited Conduct, &
Investigations**



Conduct Process



Hearing officer role and expectations

**Serving Impartially, Rationale Writing,
Weighing Evidence**



Understanding the hearing proceeding

Possible Conflict of Interest and Bias

Questions to ask when receiving the student(s) name:

- Has the student(s) worked in your department or office?
- Have you been or are you, their advisor?
- Have you dealt with the student(s) previously in some capacity?
- Happen to be friends or family members?

It is important to recognize the bias that is present and minimize its impact

Consider if you can remain unbiased during the review of information, the hearing, and the process of determining outcomes

What Guides Each Case?

Two policies

- 2-2 | Anti-Sexual Misconduct Policy
- 2-2a | Title IX Compliance Policy
- *The policies guide the scope for investigations

One code of conduct

- Student Conduct Code
- *The code guides the scope of formal charges and policy violations

Title IX Overview

Terri Brown, Title IX Director/Coordinator



Florida State University Title IX Compliance Policy 2-2a

Scope, Prohibited Conduct, & Investigations



Scope

This policy applies to individuals participating in Florida State University's educational programs and activities, including:

- **University Employees** (faculty, full-time staff, part-time staff)
- **Students** (all enrolled individuals)
- **Vendors** (service and product providers)
- **Third-Party Contractors** (external partners working with FSU)
- **Visitors and Guests** (individuals on campus or at university events)

All covered individuals are expected to comply with Title IX standards, ensuring a safe and non-discriminatory environment.

Prohibited Conduct

According to the Summary of Major Provisions of the Department of Education's Title IX Final Rule

“The Final Rule defines sexual harassment broadly to include any of three types of misconduct on the basis of sex, all of which jeopardize the equal access to education that Title IX is designed to protect: Any instance of *quid pro quo* harassment by a school’s employee; any unwelcome conduct that a reasonable person would find so severe, pervasive, and objectively offensive that it denies a person equal educational access; any instance of sexual assault (as defined in the Clery Act), dating violence, domestic violence, or stalking as defined in the Violence against Women Act (VAWA).”

Sexual Harassment

Quid Pro Quo

An employee conditioning the provision of an aid, benefit, or service of the University on an individual's participation in unwelcome sexual conduct.

Hostile Environment

Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person the ability to perform their job functions or denies a person equal access to the relevant education program or activity.

Sexual Assault

Forcible Rape

Penetration or attempted penetration, no matter how slight, of the vagina or anus with anybody 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 or attempted intercourse with another person, forcibly and/or against that person's will or not forcibly or against the person's will (non-consensually) in instances where 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

To use or attempt to use 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 or not forcibly or against the person's will (non-consensually) in instances where the complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.

Sexual Assault

Sexual Assault With an Object

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Forcible Fondling

The touching or attempted touching of the private body parts of another person (buttocks, groin, breasts) for the purpose of sexual gratification, forcibly and/or against that person's will or not forcibly or against the person's will (non-consensually) in instances where the complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.

Incest

Nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by state law.

Statutory Rape

Nonforcible sexual intercourse with a person who is under the statutory age of consent.

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. 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 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.

Domestic Violence

A felony or misdemeanor crime of violence, including those listed in section 741.28, Florida Statutes, 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;
- By a person who is cohabitating with, or who has cohabitated with, the complainant as a spouse or intimate partner;
- By a person similarly situated to a spouse of the complainant under the domestic or family violence laws of the state; or
- By any other person against an adult or youth complainant who is protected from that person's acts under domestic or family violence laws of the state.

Stalking

Engaging in a course of conduct 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

Investigation



Complaint Initiation

Formal complaint signed by Complainant or Title IX Coordinator

Notice of Investigation sent to both parties (presumption of non-responsibility)



Investigative Steps

Information sessions offered to both parties

Interviews: Complainant, Respondent, and Witnesses, Evidence collection (messages, images, videos, reports, documents)



Evidence Review

All evidence shared with both parties (10 days to respond), Responses reviewed and considered



Report & Outcome

Investigative report compiled and shared (10-day response period)

Final report forwarded to Student Conduct and Community Standards

Investigator Expectations



FAIR



EQUITABLE



NEUTRAL



IMPARTIAL



UNBIASED



OBJECTIVE

Conduct Process: What to Expect

Dr. Amy Haggard, Assistant Dean

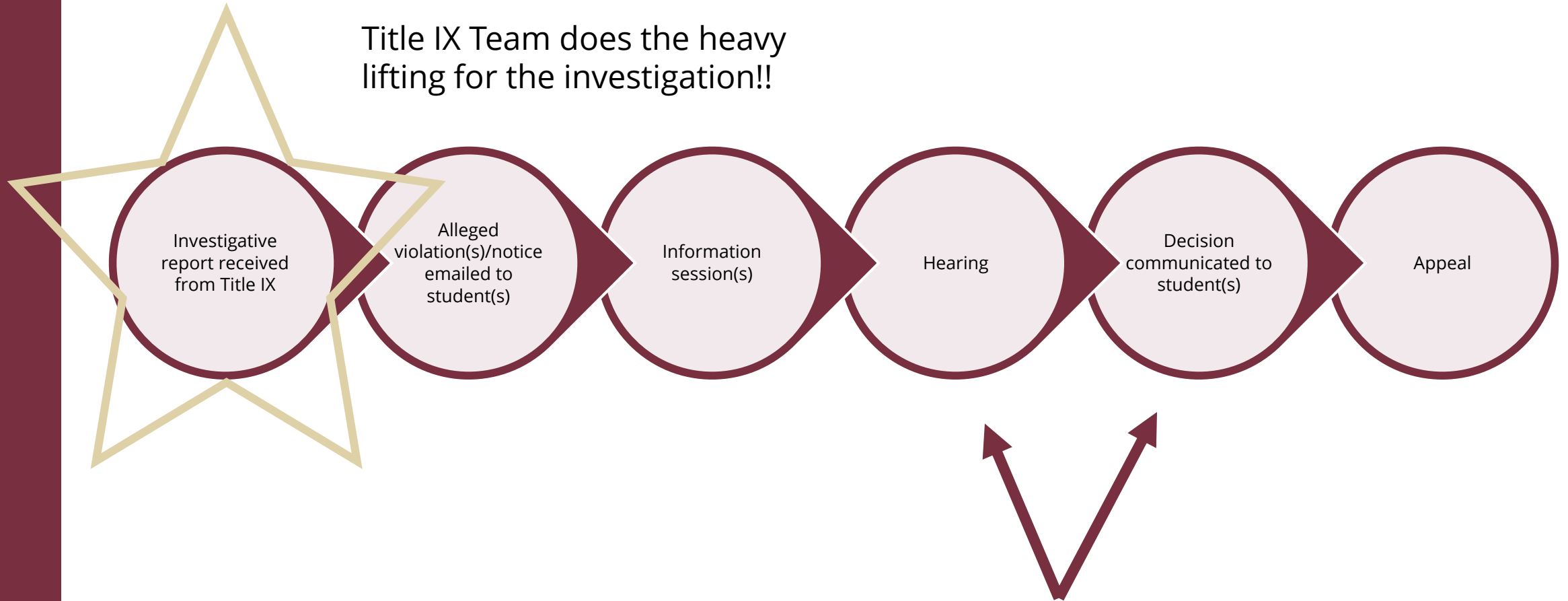


Hearing Officer Expectations

- Confidentiality
- File review
- Be present
- Be punctual
- Appropriate conversations
- Open to possibility of responsible *and* not responsible
- Timeline for decision letters
- Check-in(s) before scheduled hearings
- Be open about comfortability of cases

Student Conduct Process

Title IX Team does the heavy lifting for the investigation!!



As the hearing officer, you will be a part of the *hearing*, and the *decision communicated stages!*

Reviewing Information

If you accept the role of hearing officer, you will receive the following documents/information from us:

- Investigative report and any evidence or documents for the case
- The notice letter with the alleged violations of the student conduct code

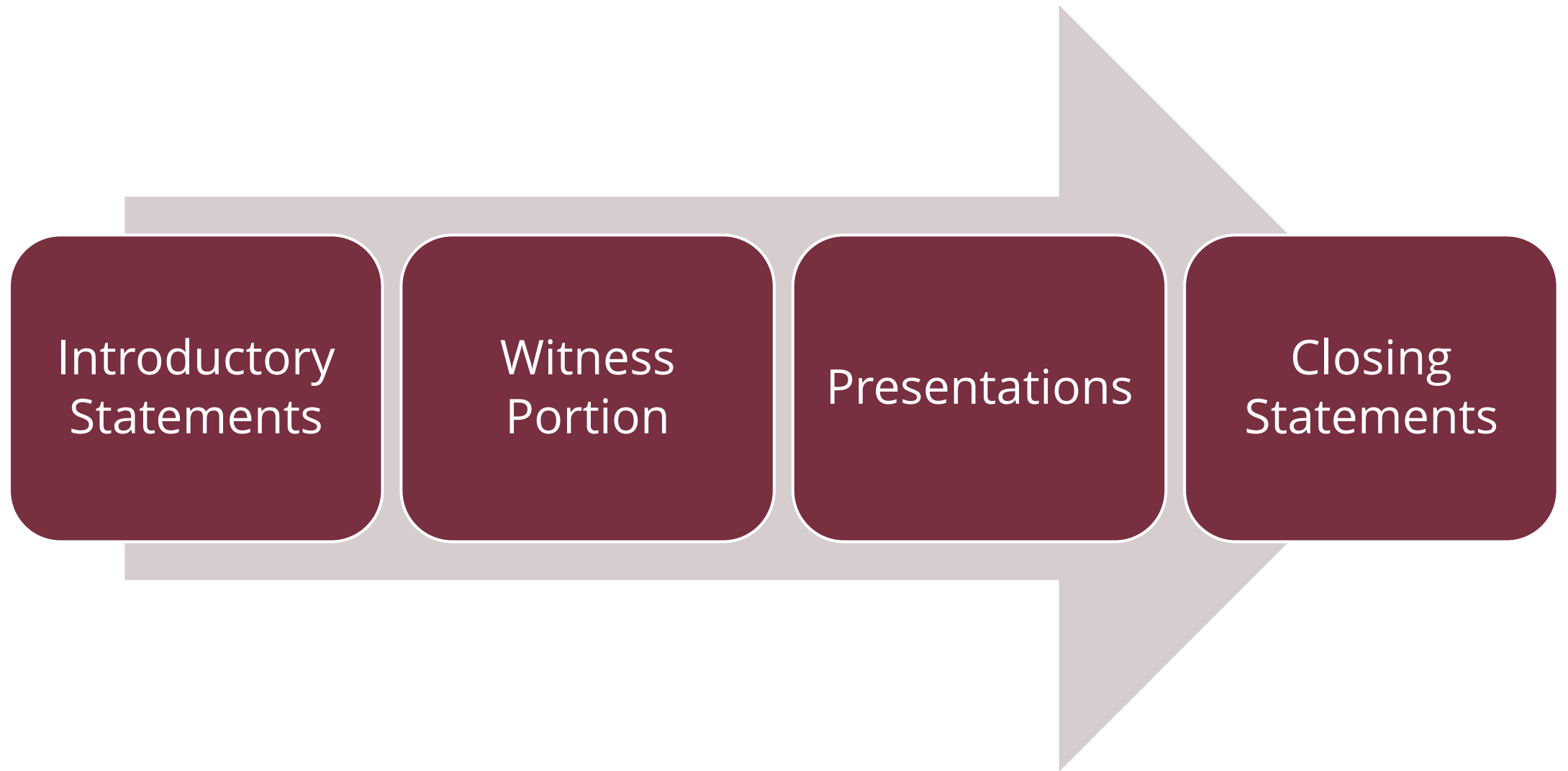
Reviewing the information

- You will be given the information with ample time to review before the hearing
- You will be focusing on the violation language to prepare for the hearing

SCC.V.A.4.b

Non-Consensual Sexual Intercourse. Any vaginal or anal [penetration] by a [penis, tongue, finger, or object], or any mouth to genital contact, [no matter how slight] the penetration or contact, without consent.

Parts of the Hearing



Who Is In the Hearing?

Respondent →
Student alleged of
the behavior

Respondent Advisor
if applicable

Complainant →
Affected individual

Complainant
Advisor if
Applicable

Witnesses

- Title IX Investigator for the case

Hearing Officer →
YOU

Hearing
Administrator/SCCS
Staff Member

Kyle Griffis,
Associate General
Counsel

Questioning

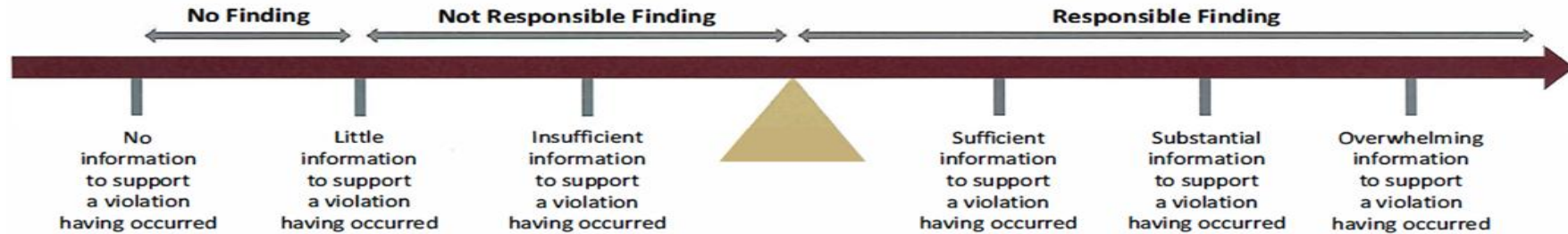
- Questioning is the **most important aspect** of the hearing process
- Good questions elicit good (useful) information
- Formulate questions before asking them
- Allow students time to formulate an answer
- Avoid interrupting the student
- Ask the same questions/attempt to elicit the same information of all involved parties



Standard of Proof

Preponderance of the Information

A standard of proof which demonstrates that something is more likely than not to have happened. In other words, more than 50% of the evidence points to something happened.



Hearing Officers Role

- Listen to facts presented • Determine relevance • Assess credibility
- Make a decision based on our standard: preponderance of the information
 - Prepare written determination • Recommend outcomes

Cross Examination and Relevancy in 2-2a



Live Hearing with Cross-Examination



A live hearing is required under the Title IX grievance **process**. An opportunity for direct or indirect cross-examination before a neutral adjudicator (the hearing officer).



Cross-examination must be conducted directly, orally, and in real time by the party's advisor of choice and not by a party personally.



The hearing officer cannot make a responsibility determination based solely on a party's or witness's absence from the live hearing or refusal to answer cross-examination or other questions.

Relevance

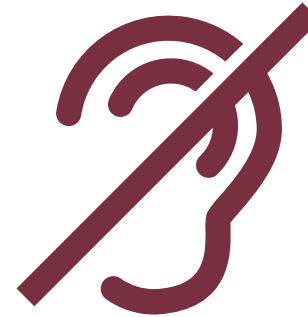
Relevance requires that the evidence or testimony directly relate to the issues disputed or discussed.

- Evidence is relevant if: (1) it has a tendency to make a fact more or less probable than it would be without the evidence; and (2) the fact is of consequence in determining the action.
- Questions about a complainant's prior sexual behavior or sexual predisposition are not relevant, unless:
 - Offered to prove someone other than respondent committed the alleged sexual harassment
 - If the evidence offered concerns sexual behavior between the parties and is offered to prove prior consent

Hearing Officer Duties



Hearing officer must screen questions for relevance and resolve relevance objections.



Hearing officer must explain any decision to exclude a question as not-relevant.

Examples

Relevancy

- Complainant has accused Respondent of sexual assault by engaging in sexual activity while they were incapacitated by alcohol consumption after a party. The advisor for Respondent asks Complainant: "Did you send any text messages or make any phone calls during the party?"

Non-relevancy

- Complainant alleges respondent engaged in dating violence by punching complainant during an argument. The advisor for respondent asks complainant: "Isn't it true that you are only dating respondent because of his family's money?"

Decision Making and Rationale

FSU

How to Make a Decision

Remember, you are determining if they are responsible or not responsible for the alleged violation(s)

- Review the language of the alleged code violation(s)

Weigh the information you have

- Investigative report
- Testimony given in the hearing

Establish a timeline

- This is helpful with two parties or witnesses

Assessing credibility – consider the following:

- Location to incident: if a witness, was that witness present during the behavior
- Neutrality and impartiality: if a witness is the complainant's best friend, are they neutral?

Weighing Evidence



Not all testimony and evidence is equal in “weight”

A part of your responsibility as a hearing officer is to justify the weight you attribute to statements.



Is the information relevant?



Is the source credible?



Was the information presented so that the Responding Student could respond, if so, how did they respond?

Writing the Finding



First – don't stress!



Do not rehash the entire hearing



Cite your information: where did you get the information to support a specific point – incident report or hearing?



Consistency when using names: last names, respondent, etc.



Use active voice



Remember our standard of proof – more likely than not something *did* or *didn't* happen

Outcomes

- Responsible finding
 - You propose outcomes to assign
- All outcomes can and should be educational
- There will be some punitive for these cases
- We will work with you can assist you with the range of outcomes based on the case
- Not responsible finding
 - No outcomes!

Types of Outcomes

Status outcomes

- Disciplinary probation
- Suspension

Educational outcomes

- Reflective outcomes: essays, presentations, etc.
- Counseling assessments

Administrative directive outcomes

- Restrictions: from an area or building, or from a university event or program, and housing

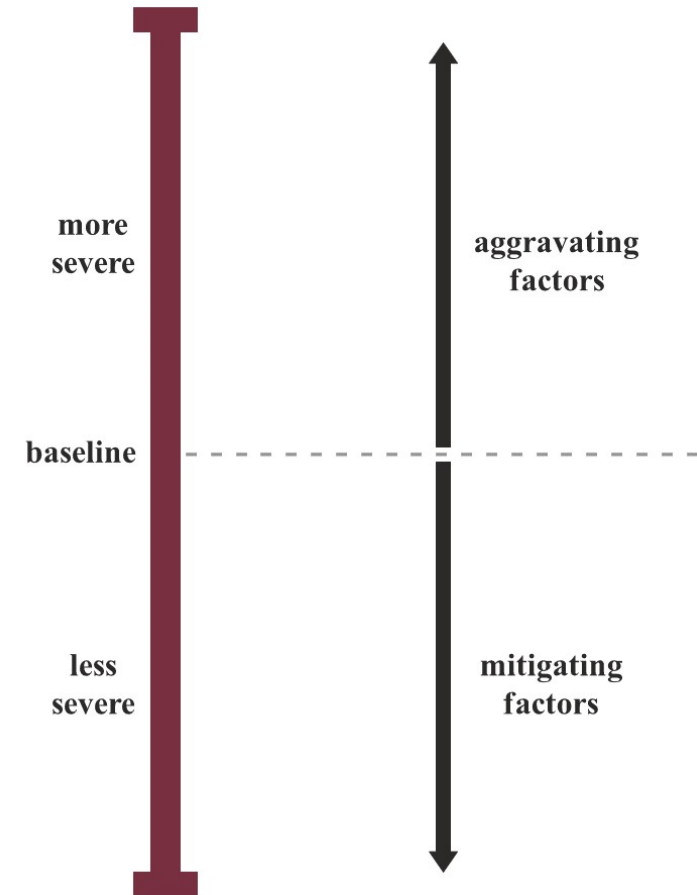
Outcome Considerations

Mitigating and aggravating factors

Severity of the behavior

Prior misconduct history – you can ask your SCCS staff member!

Impact statements



Appeals

Both a complainant (if applicable) and a respondent are afforded a single opportunity to appeal decisions and/or any outcomes issued by a hearing body within five business days of the date of the written decision and outcomes



Process Review



Bias Review



Information Review



Outcome Review



New Information

Thank you! Questions?

Have questions after the training? Email me at ahaggard@fsu.edu



Upcoming Trainings:

August 17 @ 2:00pm | Organization Conduct Hearing Officer Training

