

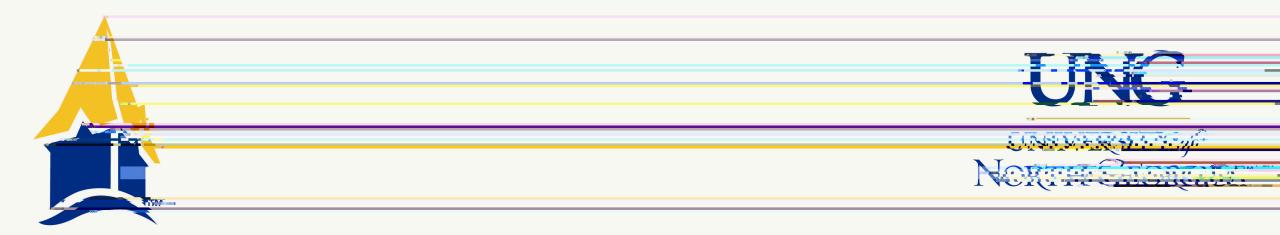
UNG Sexual Misconduct Training for Volunteers

-	Misty McDonald
	Title IX Coordinator
	Richelle

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



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.



North Although



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).





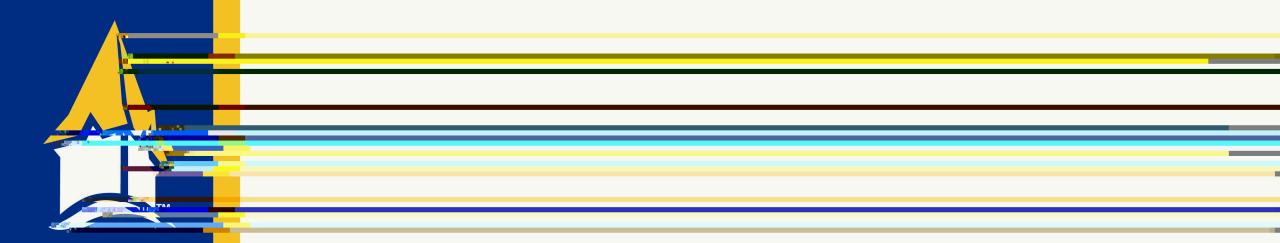
Scope: Title IX vs. Non-Title IX

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- 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

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





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.

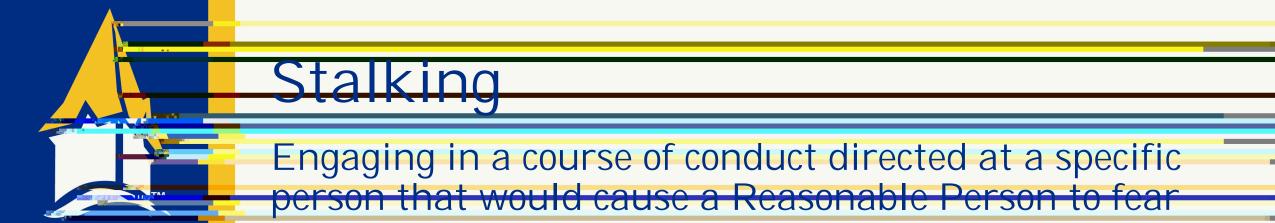




Violence committed by a

- 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.





for their safety or the safety of others or suffer







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.

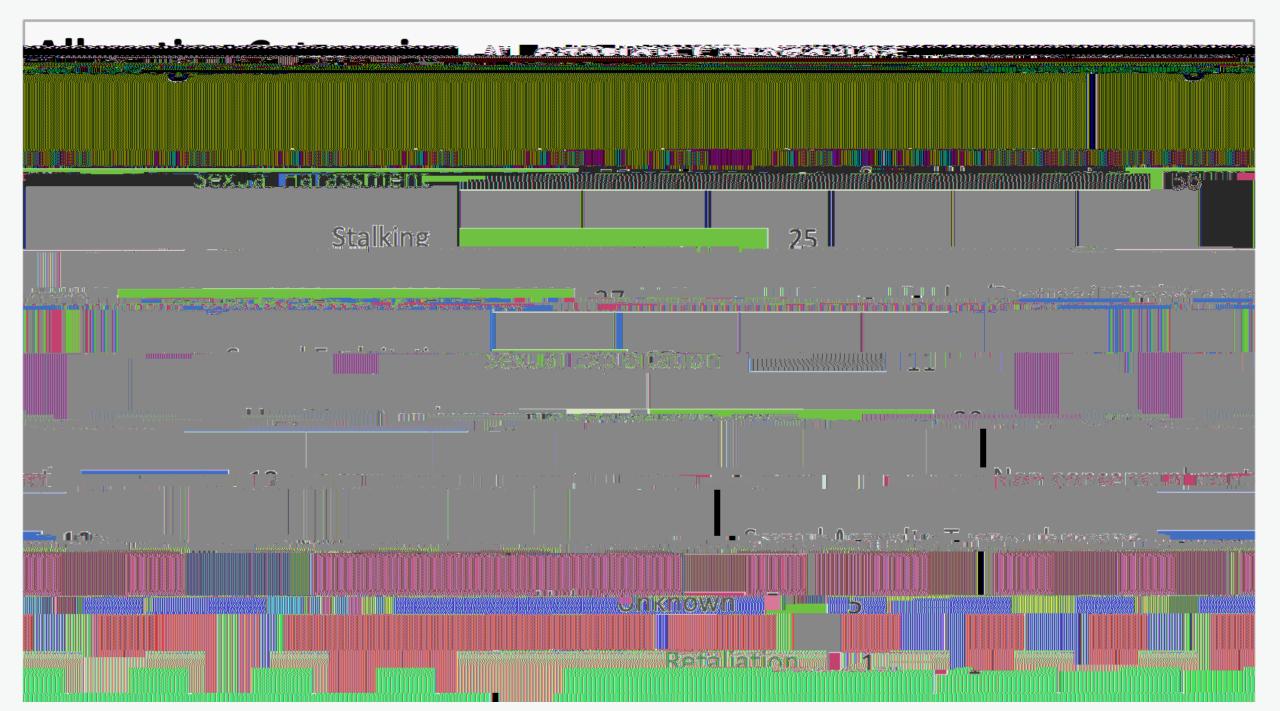






2022 Statistics for UNG





Demographics of Complainants

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

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- 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

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



Grievance Process



Reporting



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

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- 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.

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 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.

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- 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.

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Options for Complainant

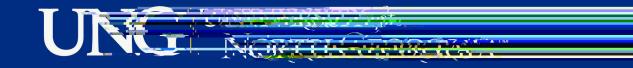
Title IX Coordinator reaches out to the Complainant to provide resources, offer support, and invite them to meet to obtain additional information and discuss options.

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.

Trauma and the Brain







Impact of Trauma:

- 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.
- 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.
- 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.

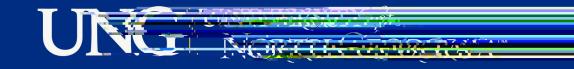


Impact of Trauma (cont'd)

- 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.
- 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.
- Trauma-related memories can be triggered by various stimuli, such as

Alternative/Informal Resolution





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.

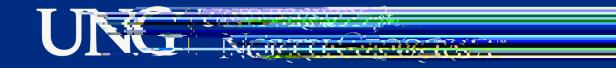
At any point, either party can request an investigation, the Complainant can request no action, or the Respondent can accept responsibility.

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Investigation

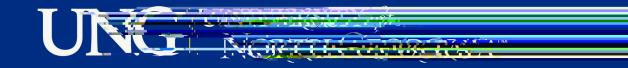






After the investigation

- 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



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 Tile 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



Appeal Process





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

Grounds for appeal

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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.

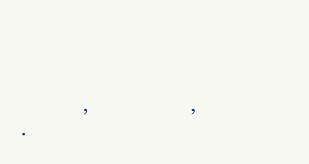






Recognize and Address Bias

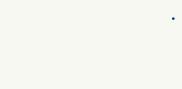
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- Awareness:
- Self-Reflection:
- Examine Stereotypes:
- Feedback:
- Critical Thinking: A

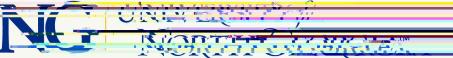








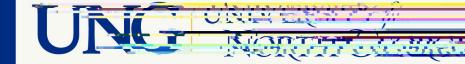


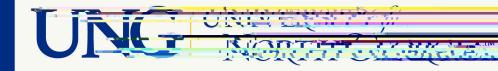




Recognize and Address Bias (cont'd)

- 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.
- Strive for objectivity in your decision-making. Base your judgments and







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 Altern2.6 (i) 2.5 (l) 2.5 3 (d) a 3 (en) 2.6 50iTT3 1 Tf (i) 2.8 (en) 2.6 (d) a (en) 2.6 (d) a (en)



Adjudication

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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

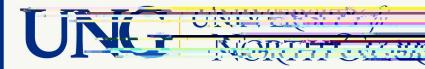
- Accountability
- Deterrence
- Protection
- Education and Awareness

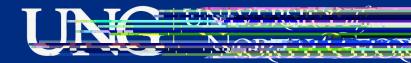
- Be a proportionate response to the violation.
- Be equitable and fair in relation to similar cases



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

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.







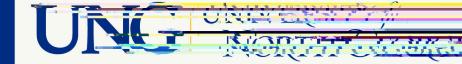
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Dismissal

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Case Dismissal

Regardless of how the University becomes aware of alleged Sexual

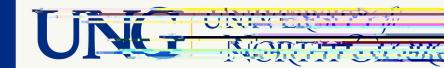




Case Dismissal – Title IX

Must dismiss if the complaint or allegation(s):

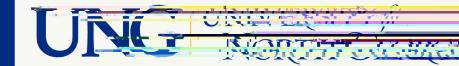
- 1.Would not constitute Title IX Sexual Misconduct even if proven;
- 2.Did not occur in the University's education program or activity; or
- 3.Did not occur against a 2()](nm(a) 1.3(l)(t) 0 oc) 2 -0.2cm cm



Case Dismissal – Non-Title IX

Can dismiss, not required:

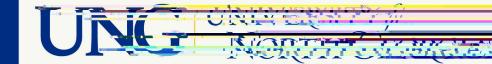
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Emergency Removal

Emergency Removal

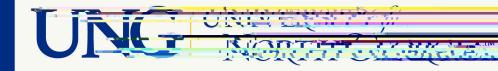




Decision on the Case

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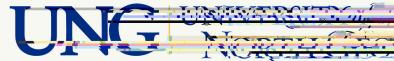
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Employee Sanctioning

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.









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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.







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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?



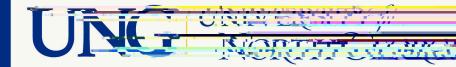
Make a determination of action

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.

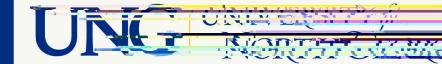


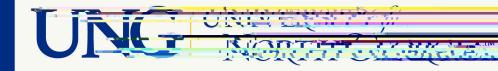
Write a decision letter

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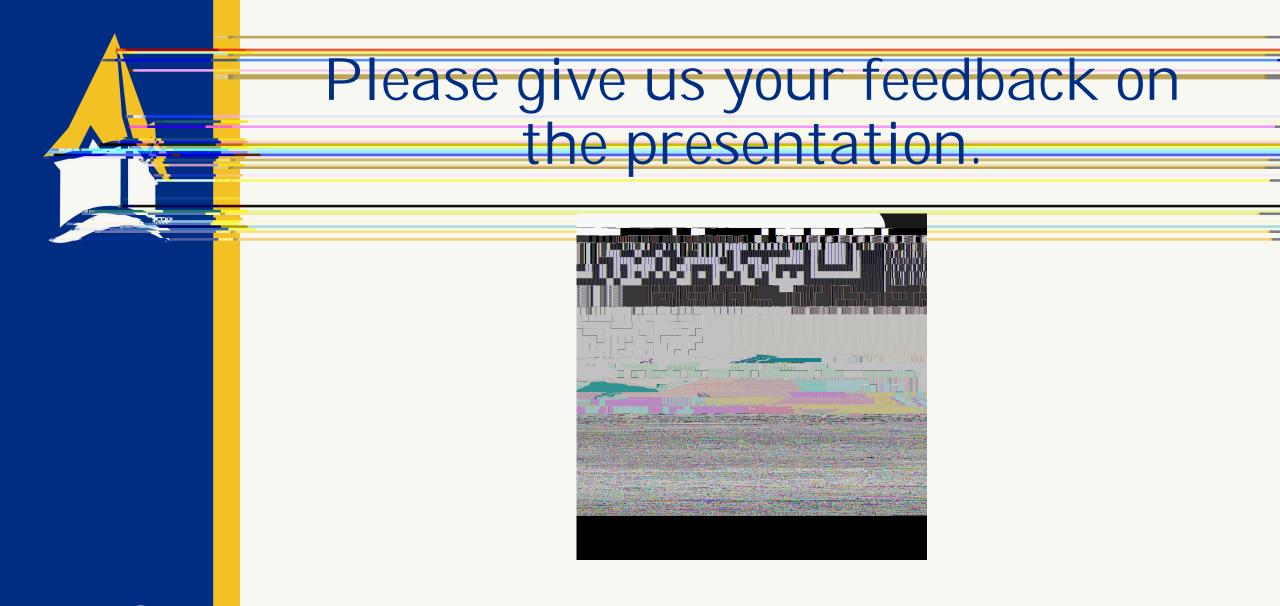
The le e i cl de he a i ale f he deci i .

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









I will email you the presentation for your records

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UNG Title IX Website

Sexual Misconduct Policy

Sexual Misconduct Grievance Procedures

Sexual Misconduct Emergency Removal Procedures

