

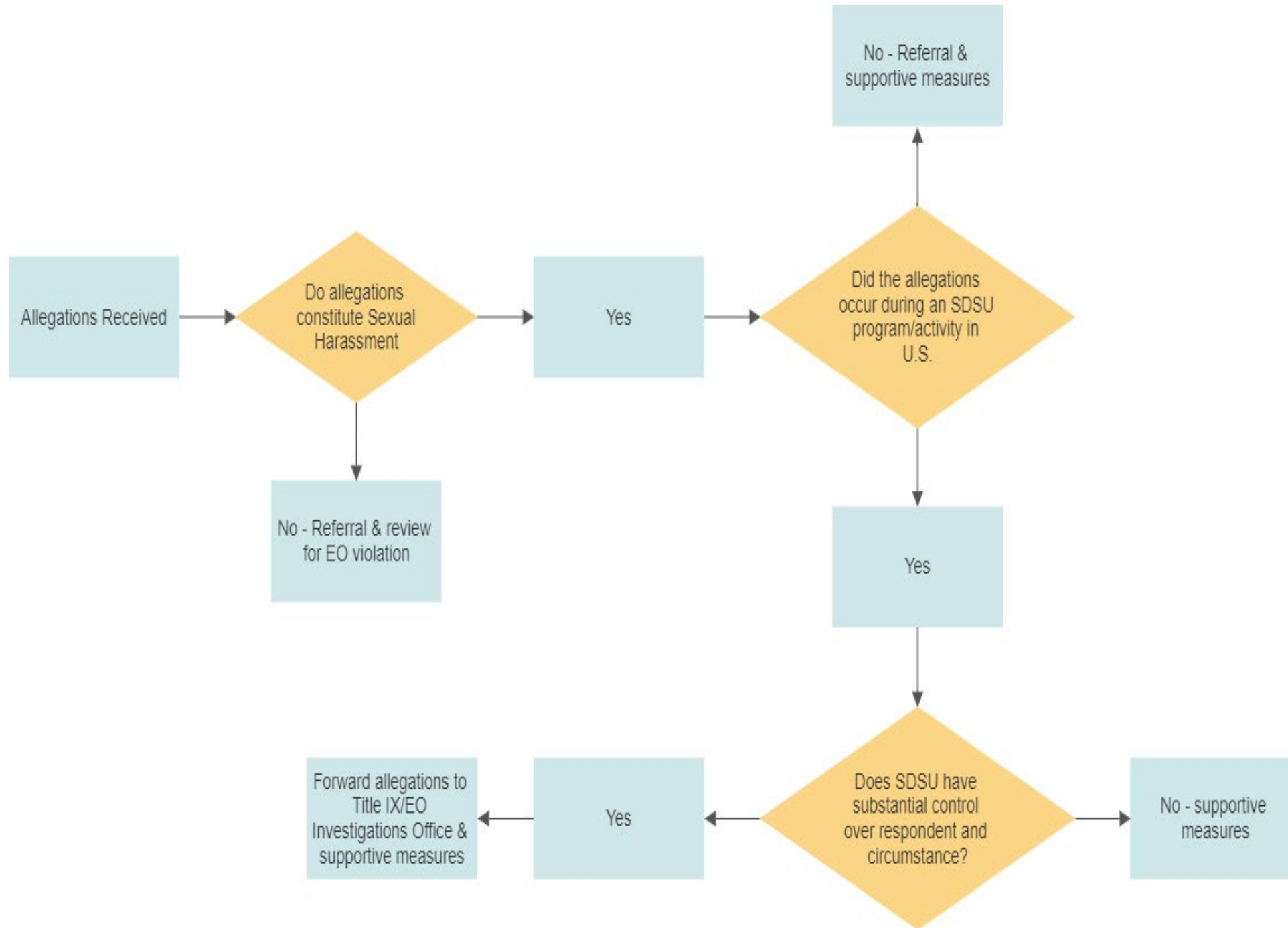
Title IX Decisionmaker Training

December 1, 2022

Receipt of Allegations

When you or someone who reports to you is notified of allegations of harassment or discrimination, such allegations must be reported the Director of Equal Opportunity & Title IX Coordinator.

Sexual Harassment Allegation Process

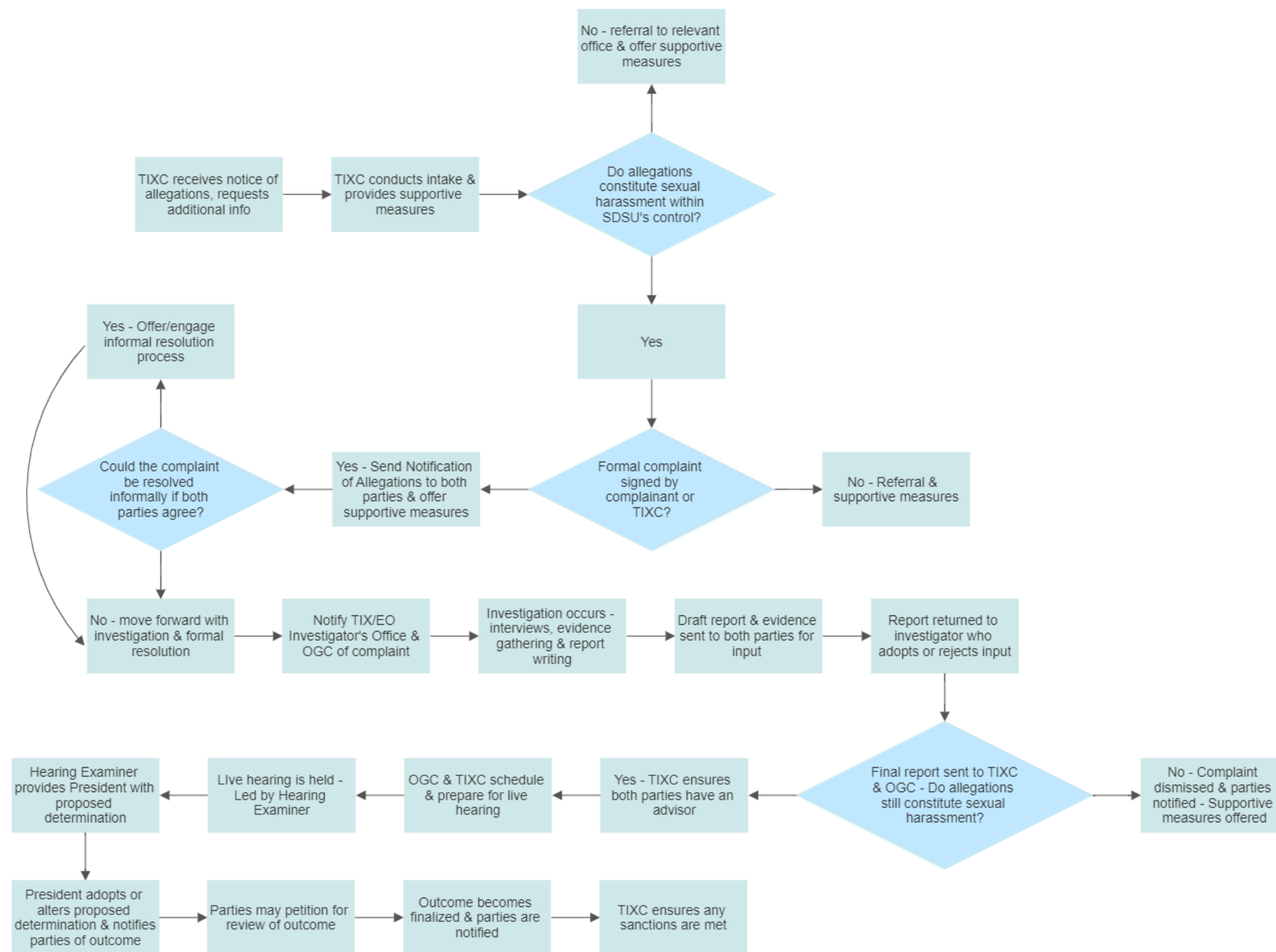


Sexual Harassment Flowchart

TIXC = Title IX Coordinator

OGC = Office of General Council

Parties have the right to decline to participate in the investigation; however, doing so will likely hinder the University's ability to respond to the allegations.



Title VII Crossover

“If the Complainant declines to file a Formal Complaint, or the Title IX Coordinator concludes the reported conduct...does not constitute Sexual Harassment, [t]he allegations of Sexual Harassment will not be investigated, unless they are referred under another applicable policy, or new and related allegations are brought forth.”

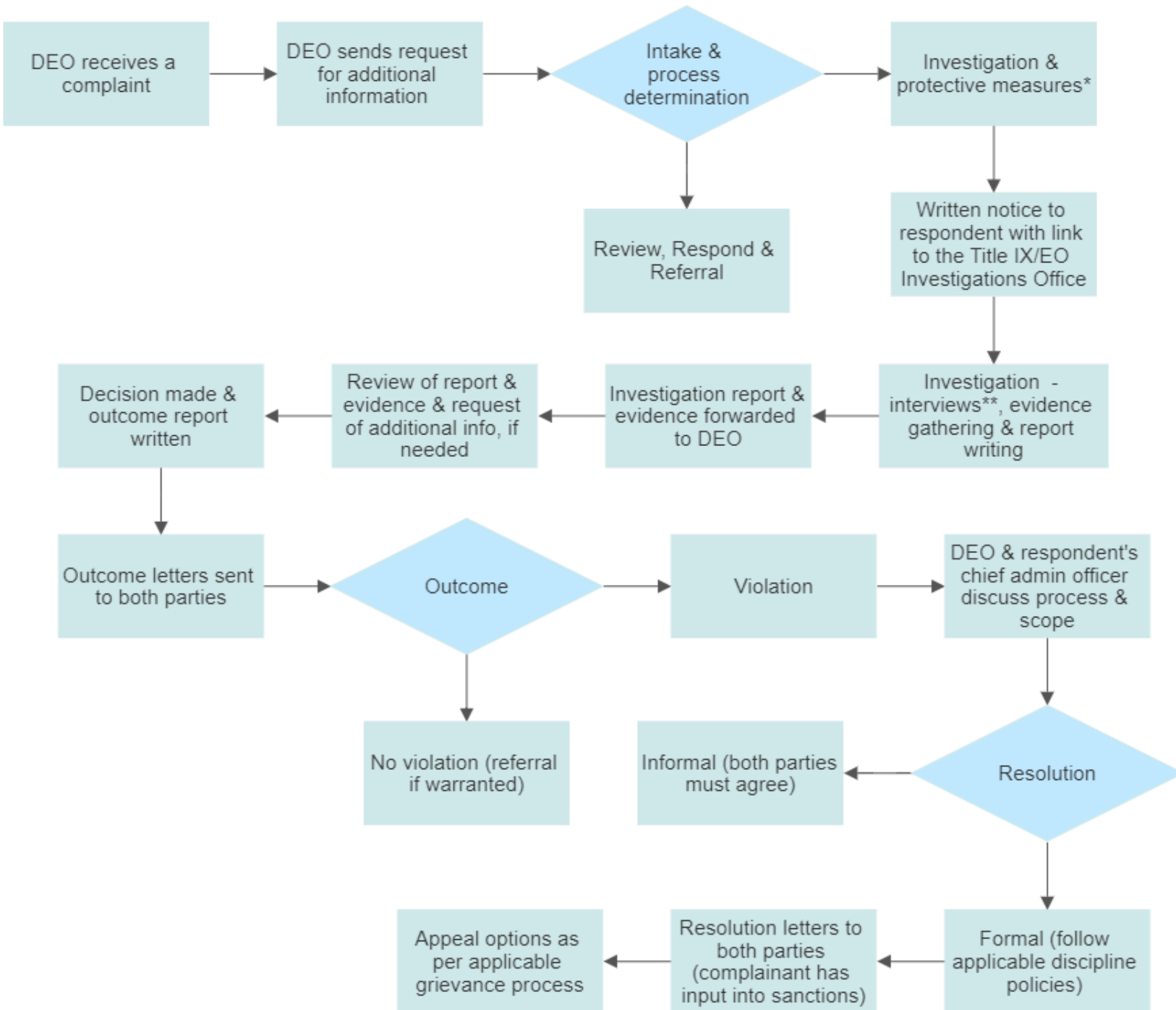
SDSU Policy 4:4(4.iii.)

Equal Opportunity Flowchart

DEO = Director of Equal Opportunity

*Protective measures are offered and provided to both parties throughout the grievance process, as needed.

**Parties have the right to decline to participate in the investigation. Complainants who do so will be notified that their decision will likely hinder the University's ability to respond to the allegations. Such respondents will be notified that a determination will be made based on the information available.



Formal Resolution

President or designee determines responsibility and sanctions, based on proposed determination from Hearing Examiner.

Sanctions must be designed to end the misconduct, prevent its recurrence, and address its effects.

Informal Resolution

Both parties must provide voluntary written consent, which can be withdrawn at any time prior to signing the agreement.

“An Informal Resolution will be facilitated by the Vice President, or designee, who has responsibility over the responding party.”

“An Informal Resolution may not be offered to resolve allegations that an employee sexually harassed a student.”

SDSU Policy 4:4(4.d.)

Informal Resolution, Cont.

SDBOR/SDSU policy does not dictate form or content. However, SDBOR Policy 3:4(3.4) states:

The complainant and the respondent cannot be in the same room at the same time, unless both parties agree in writing.

Consideration should be given to *“whether the informal resolution is equitable and will end the misconduct, prevent its recurrence, and address its effects.”*

Informal Resolution, Cont.

“The parties involved mutually agree to a full resolution...that is acceptable to the [relevant administrator].”

The resolution *“must be documented in writing and signed by the complainant, respondent, and [relevant administrator].”*

The resolution is final and not subject to an appeal.

Informal Resolution, Cont.

SDBOR staff guidance provided:

- Respondent does not have to accept responsibility for a violation of the Sexual Harassment policy.
 - Allegations can be formally addressed under other policies which would result in permanent documentation.
- Resolution must be within University control.

Supportive Measures

“non-disciplinary, non-punitive individualized services....” SDSU Policy 4:4(2.j.)

“Nothing contained in this policy shall preclude an institution from placing a nonstudent employee respondent on administrative leave, in accordance with applicable BOR Policy, during the pendency of a grievance process hereunder.”

SDBOR Policy 1:17(3.7.)

Engaging Conduct Policies/Expectations

University units relevant to the Respondent will be notified of allegations and complaints filed. Notification will be made to the chief administrator of each unit, or their designee.

Notification will occur: 1) when an allegation/complaint is filed; 2) at investigation conclusion; 3) at conclusion of the grievance process; and 4) when the outcome becomes finalized.

University units will follow their codes of conduct or established behavioral expectations. If punitive measures are taken prior to the conclusion of the grievance process, the Respondent shall be provided an opportunity to immediately challenge the decision.

The President will consider the interplay of the units' codes of conduct or established behavioral expectations when issuing a written determination.



Questions?

Michelle Johnson, Ed.D.