



Title IX Investigator & Decision-Maker Training Series

Session 1: Decision-Making

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Content Advisory

The content and discussion in this training will necessarily engage with sex-based harassment, discrimination, and violence and associated sensitive topics that can evoke strong emotional responses.

Examples may be offered that emulate the language and vocabulary that Title IX practitioners may encounter in their roles including slang, profanity, and other graphic or offensive language. It is not used gratuitously, and no offense is intended.



Welcome & Purpose

Welcome to Session 1 of our Investigator and Decision-Maker Training Series!

This training:

- Satisfies required training under 34 C.F.R. §106.45
- Applies to both Investigators and Decision-Makers
- Builds foundational skills
- Focuses on analytical clarity

Whether you are new or experienced, today is about strengthening competence and confidence.



Title IX Compliance Overview



Title IX

“No person in the United States shall, **on the basis of sex**, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance.”

20 U.S.C. § 1681 & 34 C.F.R. Part 106 (1972)

Title IX has always mandated a response to sex discrimination,
however the 2020 Title IX Regulations only apply to sexual harassment complaints.



Title IX Scope

Title IX

Sex Discrimination

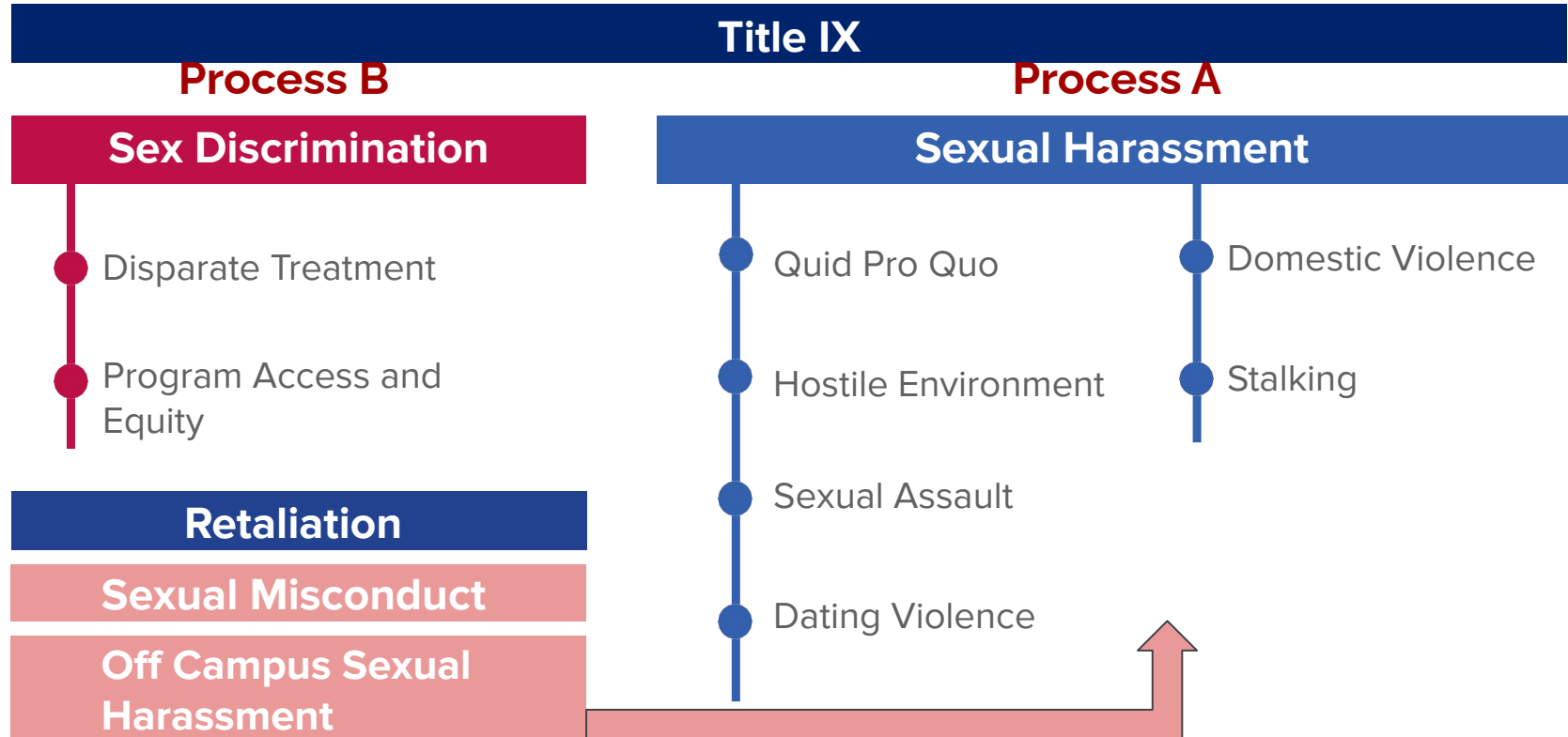
- Disparate Treatment
- Program Access and Equity

Retaliation

Sexual Harassment

- Quid Pro Quo
- Hostile Environment
- Sexual Assault
- Dating Violence
- Domestic Violence
- Stalking

Bradley's Title IX Scope



Disparate Treatment

Any intentional differential treatment of a person or persons that is based on a person's actual or perceived sex and that:

- Excludes a person from participation in;
- Denies a person benefits of; or
- Otherwise adversely affects a term or condition of a person's participation in a Bradley University program or activity.



Quid Pro Quo Sexual Harassment

- An employee of the university,
- conditions* the provision of an aid, benefit, or service of the university,
- on an individual's participation in unwelcome sexual conduct.

**Implicitly or explicitly*



Hostile Environment Sexual Harassment

- Unwelcome conduct,
- determined by a Reasonable Person*,
- to be so severe, and
- pervasive, and
- objectively offensive,
- that it effectively denies a Complainant equal access to the university's program or activity.

*Reasonable Person = in the same or similar circumstances
("in the shoes of the Complainant").*



Sexual Assault

Includes:

- Rape
- Fondling
- Incest
- Statutory rape

Consent and incapacitation are frequently central.



Sexual Assault: Rape

- Penetration, no matter how slight,
- of the vagina or anus of a person,
- with any body part or object, or
- oral penetration by a sex organ of another person,
- without the consent of the Complainant,
- including instances where the Complainant is incapable of giving consent because of their age or because of a temporary or permanent mental incapacity.



Sexual Assault: Fondling

- The intentional touching of the clothed or unclothed body parts of the Complainant,
- or the forced touching by the Complainant of the Respondent's clothed or unclothed body parts,
- without the Complainant's consent,
- for the purpose of sexual gratification, sexual degradation, or sexual humiliation,
- including instances where the Complainant is incapable of giving consent because of their age or because of a temporary or permanent mental incapacity.



Sexual Assault: Incest

- Sexual intercourse,
- between persons who are related to each other,
- within the degrees wherein marriage is prohibited by Illinois law.



Sexual Assault: Statutory Rape

- Sexual intercourse,
- with a person who is under the statutory age of consent of 17.



Dating Violence

- Violence*,
- on the basis of sex,
- committed by a person,
- who is in or has been in a social relationship of a romantic or intimate nature with the Complainant.
 - Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.

**Violence includes situations where the Respondent intentionally or recklessly causes the Complainant serious physical, emotional, or psychological harm*



Domestic Violence

- Violence*,
- on the basis of sex,
- 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, or
- by a 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 under the domestic or family violence laws of Illinois, or
- by any other person against an adult or youth Complainant who is protected from that person's acts under the domestic or family violence laws of Illinois.

**Violence includes situations where the Respondent intentionally or recklessly causes the Complainant serious physical, emotional, or psychological harm*



Stalking

- Engaging in a course of conduct,
- on the basis of sex,
- directed at the Complainant, that
 - would cause a Reasonable Person to fear for the person's safety, or
 - the safety of others; or
 - suffer substantial emotional distress.

For the purposes of this definition—

- **Course of conduct** means two or more acts, including, but not limited to, acts in which the Respondent directly, indirectly, or through third Parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.
- **Reasonable Person** means a Reasonable Person under similar circumstances and with similar identities to the Complainant.
- **Substantial emotional distress** means significant mental suffering or anguish that may but does not necessarily require medical or other professional treatment or counseling.



Sexual Misconduct (Bradley's Paraphrased Definition)

Sexual Exploitation

- A person taking non-consensual or abusive sexual advantage of another, that does not constitute Sexual Harassment as defined above,
- for their own benefit or for the benefit of anyone other than the person being exploited.

Sexual exploitation is often digital, coercive, or manipulative.

It frequently involves images, recordings, online platforms, or threats.

Many of the most common cases today involve non-consensual image sharing or digital misconduct.



Consent (Bradley's Paraphrased Definition)

Consent must be:

- Voluntary
- Given immediately prior or contemporaneously
- Clear through words or actions
- Can be withdrawn
- Not implied through silence, passivity, or prior relationship

Investigators must gather:

- Words used
- Actions taken
- Timing



Incapacitation (Bradley's Paraphrased Definition)

Incapacitation means:

- Inability to make rational, reasonable decisions
- Inability to understand the “who, what, when, where, why, and how”
- Not synonymous with intoxication

We must ask:

- What indicators were observable?
- What would a reasonable person perceive?



Retaliation

- Adverse action, including intimidation, threats, coercion, or discrimination,
- against any person,
- by the university, a student, employee, or a person authorized by the university to provide aid, benefit, or service under the university's Education Program or Activity,
- for the purpose of interfering with any right or privilege secured by law or Policy, or
- because the person has engaged in protected activity, including
 - reported misconduct,
 - filed a Formal Complaint,
 - participated in an investigation or hearing,
 - assisted someone else in the process, or
 - refused to participate in the process.



Title IX Grievance Process Overview



Essential Compliance Elements

The requirements to **Stop, Prevent,** and **Remedy** guide Title IX Coordinators (TIXCs) in their compliance work

1

STOP
discriminatory
conduct

2

PREVENT
recurrence, on both
individual and
institutional levels

3

REMEDY the effects
of discrimination for
individuals, for the
community, and on
an institutional level

Title IX Grievance Process Overview

INCIDENT

- Complaint/
Notice to
TIXC

INITIAL ASSESSMENT

- Jurisdiction
- Dismissal
- Supportive
Measures
- Emergency
Removal
- Referral to
Another
Process
- Informal/
Formal
Resolution

FORMAL INVESTIGATION

- Notice of
Investigation
and
Allegations
- Interviews
- Evidence
Collection
- Draft Report
- Party
Review/
Comment
- Final Report

HEARING

- Questioning
- Credibility
Assessment
- Determination
and Rationale
- Sanctions
- Remedies

APPEAL

- Appeal
Grounds
- Determination
and Rationale

Investigation Steps

1. Receive Notice/Complaint
2. Initial Assessment & Jurisdiction Determination
3. Determine Basis for Investigation
4. Notice of Investigation and Allegations (NOIA)
5. Establish Investigation Strategy
6. Formal Comprehensive Investigation
7. Draft Investigation Report
8. TIXC Reviews Draft Report & Evidence
9. Parties Review Draft Report & Evidence
10. Final Investigation Report

INCIDENT INVESTIGATION
SUMMARY

Incident Date:

Review Date:

ed by:

ent Summary:

Root Causes:

Decision-Making Under the 2020 Regulations

- Decision-maker (DM) could be a single person or a panel (typically three)
 - Conducted by institutional community members (typically faculty or staff) or external contractors
- All institutions must hold a live hearing
 - DM can ask relevant questions
 - Advisors can ask relevant questions on behalf of parties
- Title IX Coordinator (TIXC) may not serve as DM
- Investigator may not serve as DM for the same complaint

Decision-Maker Role and Responsibilities



Activity: Ranking Priorities



Decision-Maker Responsibilities

Rank the top three responsibilities as a DM

**Find the
truth**

**Provide a
just result**

**Provide an
educational
process**

**Make a
safe
community**

**Uphold the
university's
policy**

**Ensure
a fair process**

**Protect the
university
from liability**

**Punish
wrongdoing**

Decision-Making Oversight

Title IX Coordinator

- Oversees process and serves as resource
- Facilitates scheduling and communication
- Ensures sanction compliance
- Implements remedies
- Provides institutional memory and precedent information
- Trains and appoints DMs
- Maintains institutional records

Decision-Makers

- Facilitates decision-making process, including questioning
- Determines relevance
- Assesses credibility
- Makes a finding of fact
- Determines whether policy was violated
- Assigns sanctions
- Writes determination rationale

Decision-Maker Responsibilities

DMs have **no side**, other than the **integrity of the process**

DMs must have a thorough understanding of:

- Institutional policy and procedures, including the investigation process
- Whether the determination is for an alleged incident(s), a pattern, or a culture/climate complaint, and what findings are necessary based on that footing
- Best practices for asking relevant questions
- Decision-making procedures and management
- How to weigh and apply evidence to policy by the standard of evidence
- How to analyze credibility
- How to make determinations, decide sanctions/remedies, and write a rationale

Decision-Maker's Role in Ensuring Due Process



Due Process Rights & Obligations



Title IX regulatory requirements



Fundamental fairness concepts



Institutional policies and procedures

Procedural Due Process

Decision-makers have an opportunity to cure process deficiencies

- Important to have thorough understanding of policies and procedures

Institutions owe parties:

- Consistent, thorough, and procedurally sound review of all allegations
- Compliance with written policies and procedures
- Policies and procedures that afford sufficient rights and protections to satisfy mandates of all applicable laws
 - e.g. Clear, written notice of the allegations
 - e.g. Opportunity to present witnesses, evidence, and be heard by DMs
- DMs should raise any concerns to TIXC

Due Process in Decision-Making

A decision must:

- Be appropriately impartial and fair; both in finding and sanction(s)
- Be neither arbitrary nor capricious
- Be based on a fundamentally fair policy
- Be made in good faith
- Have a rational relationship to (be substantially based upon, and a reasonable conclusion from) the evidence



Identifying and Preventing Conflicts of Interest or Bias



Conflicts of Interest and Bias

- DMs must **not have a conflict of interest or bias** for or against the following:
 - Complainants, generally
 - Respondents, generally
 - Parties involved in a complaint
 - Subject matter or details of the complaint itself
- Consider a perception of a conflict or bias, even if none exists in fact
 - Not required, but TIXC may choose to substitute a DM based on perception alone
- DMs should also be attentive to conflicts of interest or bias in other parts of the process

What's the Difference?

Conflict of Interest

Refers to situations in which:

- An **actual** (or perceived) clash,
- Between the DM's role and
 - A current or previous relationship/situation with one of the parties
- That prevents neutrality or objectivity

Example: An athletic coach serving as DM for a complaint filed by one of their student athletes

Bias

- Refers to prejudice for or against a **person or group**, or an unwillingness/inability to be influenced by factual evidence
- A preference or tendency to like or dislike
- Implicit or explicit
- Can be intentional, but generally unintentional or at least unconscious

Example: A DM who believes Respondents cannot be trusted to tell the truth

Conflicts of Interest

- Evaluated on a case-by-case basis
- Simply knowing a student or employee is **not** enough to generate a conflict of interest, as long as objectivity is not compromised
 - Previously disciplining a student or employee is likewise **not** enough
- DM must bring potential conflicts to the TIXC's attention
 - Parties may also do so
 - TIXC will make a recusal determination, or a DM may recuse themselves

Bias

- Formed from stereotypes, societal norms, experiences, expectations of the people around the DM
- Bias can be a significant problem for DMs
 - Can affect our perceptions of Complainants **and** Respondents
 - Common preconceptions about Complainants and Respondents
 - Can affect our perceptions of others within the process or associated with the process
- DM role requires us to recognize potential bias and mitigate its effects

Identifying and Correcting Bias

Strategies to mitigate bias:

- Hearing panels vs. individual DM
- Institutional policy defines the process and circumstances by which a party may seek to recuse a DM
- Panel members should review each other's questions prior to the hearing (to the extent possible)
- Comply with institutional policy and procedure
- Identify evidentiary gaps and seek relevant evidence to fill those gaps
- Review of rationale is part of all panel members' responsibilities
- TIXC reviews the rationale

Decision-Making Phase: Skills and Practical Application



Decision-Making Overview

INCIDENT

- Complaint/
Notice to
TIXC

INITIAL ASSESSMENT

- Jurisdiction
- Dismissal
- Supportive
Measures
- Emergency
Removal
- Referral to
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APPEAL

- Appeal
Grounds
- Determination
and Rationale

Skills: Materials Review



Initial Materials Review

- DMs should review all available documentation and evidence prior to making a determination
- Review should consist of:
 - Complaint
 - NOIA
 - Applicable policies
 - Relevant and directly related evidence
 - Investigation report



Review Policy Elements and Procedures

Policy

- What policies are alleged to have been violated?
- What are the elements of those policies?
 - DMs will weigh and apply relevant evidence to determine whether a policy violation occurred

Procedures

- Review decision-making procedures to refresh previous training
- Note any procedural questions to ask the TIXC/legal counsel

Materials Review

Decision-makers should review case materials multiple times, focusing on areas of consistency and inconsistency:

Consistency review: note all areas of information consistency/alignment

- No additional verification or questioning is likely needed on these issues
- Begin to identify pieces of evidence that address the various policy elements

Inconsistency review: identify information inconsistencies/disparities

- Compile any remaining questions
- Identify the pieces of evidence that address the various policy elements
- DM's primary focus is resolving contested facts where possible

Skills: Understanding Evidence



Primary Questions for Decision-Makers

1

Is this information
relevant?

2

Is this information
credible?

3

Will we rely upon it
as evidence
supporting a finding?

Understanding Evidence

DM must evaluate all relevant evidence

- **Evidence** is any kind of information presented to help determine what occurred
- **Relevant evidence** is evidence that tends to prove or disprove the underlying allegations
 - Included in the investigation report
- **Directly related evidence** is connected to the complaint, but is neither inculpatory nor exculpatory
 - Included in a separate file



A Deeper Dive into Relevant Evidence

Evidence is generally considered **relevant** when it helps determine:

- Whether the Respondent violated policy, and/or
- The credibility of any evidence, including a party or witness statement

The Investigators initially evaluate relevance, but the DMs ultimately decide

All relevant evidence must be objectively evaluated and considered

- **Inculpatory:** tending to suggest a finding of responsible
- **Exculpatory:** tending to suggest a finding of not responsible

Parties may dispute the Investigators' initial relevance determinations in the decision-making phase

Privileged and Medical Information

A party must provide permission to obtain and/or include:

- Evidence protected under a legally recognized privilege
- Records made or maintained by:
 - Physician
 - Psychiatrist
 - Psychologist



Relevant Evidence Exclusions

- Evidence of the **Complainant's sexual predisposition** is never relevant
- Evidence of the **Complainant's prior sexual behavior** is not relevant except:
 - If offered to prove that someone other than the Respondent committed the alleged conduct; or
 - Specific incidents of the Complainant's prior sexual behavior with respect to the Respondent offered to prove consent
- Exclusions apply even if admitted/introduced by the Complainant
- Exclusions do **not** apply to Respondent's prior sexual behavior or predisposition, which are admissible if relevant

Skills: Credibility Assessment



Party and Witness Credibility

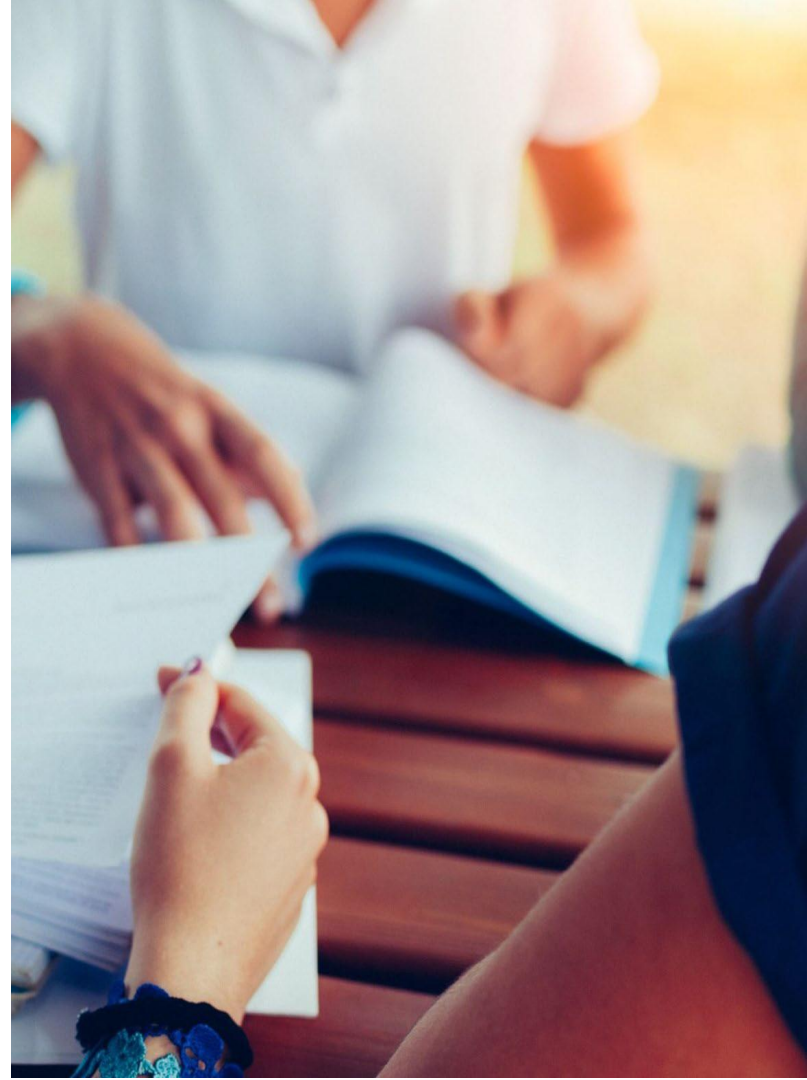
Credibility impacts likeliness

- Would a reasonable person do the same?
- Are there more likely alternatives?

Credibility Assessment involves evaluating whether evidence is believable and reliable

- Refrain from focusing on irrelevant inaccuracies and inconsistencies

Note: Memory errors, fragmented recall, or variations in emotional presentation alone do not necessarily diminish credibility



Credibility Considerations

- Assessing and determining credibility is an important DM role
- Credibility is often a function of **corroboration and consistency**
- Credibility does **not** necessarily equate to honesty or truthfulness:
 - Believability does not equal truthfulness
- Credibility impacts the **reliability of evidence and its weight**
- Specific credibility issues that a DM may consider:
 - Relationships between the parties and witnesses
 - Whether a witness was exposed to information that may have influenced their testimony

Credibility Factors

Corroboration

- Aligned testimony and/or physical evidence

Inherent Plausibility

- “Does this make sense?”
- Be careful of bias influencing concept of “logical”

Motive to Falsify

- Do they have a reason to lie?

Past Record*

- Only if relevant and admissible under policy

Demeanor*

- Presentation style is not a reliable indicator of truthfulness
- Emotional response, flat affect, or inconsistency may reflect trauma, stress, or personality - not deception.

**Must be considered cautiously*



Trauma-Informed Credibility Assessment

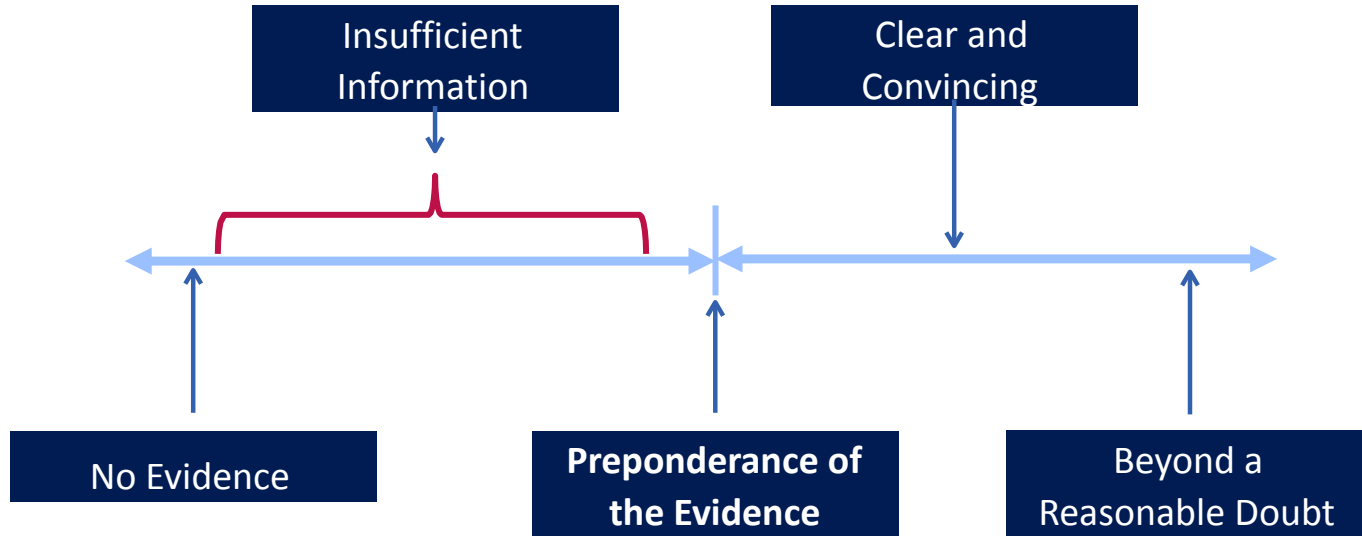
- Trauma can affect how memory is stored and recalled
- Memories may be fragmented, sensory-based, or recalled out of order
- People may remember some details vividly and others not at all
- Emotional presentation varies widely
- Delayed reporting or continued contact does not automatically undermine credibility

Decision-makers should focus on **corroboration, consistency over time, and whether the totality of evidence meets the standard** - not on how a person “seems.”

Skills: Weighing and Analyzing Evidence



Standard of Evidence - “More Likely Than Not”



- **Preponderance of the Evidence** is the most common industry standard
- Standard of Evidence must be consistent for **all** formal complaints of sexual harassment

Applying Facts to Policy

DMs must **presume the Respondent is not in violation** unless and until the standard of evidence is met

The DMs **analyze facts against each policy element** to determine whether the Respondent violated policy

- Written rationale will have to cite to specific evidence supporting conclusion
- Assess credibility of evidence and evidentiary weight
- Apply evidentiary standard to determine if policy has been violated
- Based only upon evidence in the investigation report or presented at the hearing

Step One: Parsing the Policy

A key part of weighing and analyzing evidence is identifying the elements of each policy provision:

Stalking:

- Engaging in a course of conduct,
- on the basis of sex,
- directed at the Complainant, that
 - would cause a Reasonable Person to fear for the person's safety, or
 - the safety of others; or
 - suffer substantial emotional distress.

Step Two: Applying Facts to Policy

Map relevant and credible facts to the applicable policy element

Policy Element:

- Engaging in a course of conduct

Facts:

- Complainant asserts Respondent followed Complainant to an off-campus party on October 1
- Respondent came to Complainant's residence hall room three times between October 5 and October 12
- Respondent denies following Complainant on October 1
- Witness corroborates Respondent knocked on Complainant's door several times in one week

Step Two: Applying Facts to Policy (cont.)

Map relevant and credible facts to the applicable policy element

Policy Element:

- on the basis of sex,

Facts:

- Complainant asserts Respondent repeatedly asked him out, and her conduct escalated after he declined
- Respondent acknowledges asking Complainant on a date once but asserts her later contact was related to a disagreement in a shared student organization
- Witness reports Respondent expressed frustration about being removed from a leadership role and blamed Complainant for influencing that decision

Step Two: Applying Facts to Policy (cont.)

Map relevant and credible facts to the applicable policy element

Policy Element:

- directed at the Complainant, that
 - would cause a Reasonable Person to fear for the person's safety, or
 - the safety of others; or
 - suffer substantial emotional distress.

Facts:

- Complainant alleged Respondent pounded on his door and yelled until an RA told her to leave
- Complainant alleged Respondent sent texts suggesting she was following him, and he should watch his back
- Respondent produced texts that do not support Complainant's characterization
- RA witness asserts "pounded on his door and yelled" is an exaggeration

Skills: Making Findings, the Final Determination, and Sanctioning



Finding vs. Determination

Finding

Whether the conduct occurred, by the standard of evidence

Final Determination

Whether the conduct that is proven to have occurred violates policy

Written Determination Standards

- Reasoned explanation of facts
- Evidence relied upon/not relied upon and why
- Evidence that was unavailable and why
- Whether presumption of non-responsibility was overcome
- Credibility assessment and explanation
- Rationale explains how DMs got from the allegation to the final determination, and also offers rationale for any sanctions implemented

Determination Process Overview

- Anticipate having to concretely articulate the rationale for and evidence supporting all conclusions
- Parse the policy again; review the elements that comprise each allegation
- Determine credibility of evidence and assess statements as factual, opinion-based, or circumstantial
- Determine whether it is more likely than not that policy has been violated
- Ensure an impartial decision

Withhold judgment until all evidence has been considered

Making a Finding and Final Determination

- Finding(s) must be based upon information gathered during the investigation and decision-making phases only
- No outside information should influence decision-making
- Separate the **determination** from the **sanction**:
 - Do not use impact-based rationales for policy violation findings and determinations
 - Use impact-based rationales for sanctions only
 - Impact is **not** relevant to the policy violation question
 - Same with prior misconduct, unless a pattern is alleged/proven

Sanctions and Remedies

Sanctions

- **Goal:** stop, prevent, and remedy
- Only implemented after a determination of responsibility
- Nexus between sanctions and misconduct
- TIXC does not issue sanctions but oversees the process
- TIXC assures sanction compliance
 - Failure to comply could lead to discipline

Remedies

- **Goal:** preserve or restore access to education program and activity
- May be implemented before or after a determination
- TIXC determines remedies that are equitable and not clearly unreasonable given the circumstances
- TIXC ensures remedies are implemented for both Complainant and community

Determining Sanctions

- Primary purpose should be to stop, prevent, and remedy the discrimination
 - Each sanction should have a rationale
- DMs may consider:
 - Nature and severity of the conduct, including the circumstances surrounding the violation
 - Aggravating or mitigating circumstances
 - Precedent, prior misconduct, proven pattern (if alleged), acceptance of responsibility, collateral violations, or multiple violations
 - The Respondent's disciplinary history
 - The need for sanctions or other responsive actions to stop, prevent, and remedy the discrimination, harassment, and/or retaliation
 - The impact on the parties
 - Any other information deemed relevant by the DMs

Common Student Sanctions (industry-wide)

- Warning (preferably written)
 - Probation
 - Loss of privileges
 - Counseling
 - No contact order
 - Residence hall relocation, suspension, or expulsion
 - Limited access to campus
 - Service hours
- Online education
 - Alcohol and drug assessment and counseling
 - Discretionary sanctions
 - Parental notification
 - University suspension
 - University removal

Common Employee Sanctions (industry-wide)

- Warning (preferably written)
 - Probation
 - Performance improvement/management process
 - Training
 - Counseling
 - Loss of privileges
 - Reduction in pay
- Loss of annual raise
 - Discretionary sanctions
 - Loss of supervisory or oversight responsibilities
 - Paid or unpaid leave
 - Suspension
 - Termination

Sanctioning Pitfalls

- Failure to stop, prevent, and remedy
- Conflating the finding/s, the determination, and the sanctioning
- Unwillingness to expel, suspend, or terminate
- Inconsistent or disparate sanctions for similar behavior
- Failure to consider aggravating or mitigating circumstances
- Lockstep or prescribed sanctioning; failing to address incident-specific circumstances

Written Determinations

Written Determination

- Authored by Decision-maker(s)
- TIXC reviews
- TIXC communicates to the parties simultaneously in writing

Finality

- On the date the university provides a written appeal determination
 - OR the date when an appeal would no longer be timely

Written Determination Elements

- Applicable policy
- Procedural steps from complaint through determination
- Statement of and rationale for the result of each specific allegation
- Finding/s and Final Determination
- Sanction/s imposed (if any) and rationale for chosen sanction/s or deviation from precedent
- Whether remedies will be provided to Complainant
- Procedures and bases for appeal

Skills: Small Group Scenario



Small Group Instructions

In your group:

1. Break the policy into its elements.
2. Identify which facts satisfy each element.
3. Apply the preponderance standard.
4. Determine:
 - a. Did intentional touching occur?
 - b. Was there consent?
 - c. What evidence supports an inference of sexual gratification?
 - d. Does the dispute about how far the hand moved materially affect the policy analysis?
 - e. Has the presumption of non-responsibility been overcome?

Draft 3–4 sentences explaining your finding and rationale.

Model Determination

After reviewing all relevant evidence and applying the preponderance of the evidence standard, the Decision-Makers find that it is more likely than not that Respondent engaged in intentional, non-consensual touching of the Complainant for the purpose of sexual gratification.

Respondent admits to placing his hand on Complainant's thigh and sliding it upward to a high inner-thigh area. The Decision-Makers find this contact was intentional. The evidence further establishes that Complainant did not consent to the touching, and Respondent ceased contact only after Complainant said "Stop."

Given the intimate nature of the contact and the surrounding circumstances, the Decision-Makers reasonably infer that the touching was for sexual gratification. Accordingly, the presumption of non-responsibility has been overcome, and Respondent is found Responsible for Sexual Assault – Fondling under university policy.

Questions & Reflection

- What feels clearer?
- What still feels uncertain?
- Where do you want more practice?



Title IX Resources



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Office of Title IX Compliance

