

# ADVISING FOR TITLE IX AND INTERPERSONAL VIOLENCE & SEXUAL MISCONDUCT CASES

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[Honey Ussery](#), Asst. Director of EORC and Title IX Coordinator  
[Valerie Yeakel](#), Investigator and Specialist  
[Davis Crow](#), Investigator and Specialist

OFFICE OF EQUAL OPPORTUNITY & REGULATORY COMPLIANCE





# UNIVERSITY POLICIES

- ❖ Title IX Policy
- ❖ Interpersonal Violence and Sexual Misconduct Policy



# REFRESHER: WHAT IS TITLE IX?



Title IX is a federal law that prohibits discrimination based on sex in educational programs and activities



Prohibited conduct under Title IX includes sexual assault, sexual harassment, and other forms of nonconsensual sexual conduct



Title IX protects both males AND females

- ❖ The Title IX Policy applies only to incidents that occur within a University program or activity.
- ❖ However, the University's Interpersonal Violence and Sexual Misconduct (IVSM) Policy applies to incidents that occur outside of a University program or activity or incidents that are not protected under Title IX.

**JURISDICTION**

# WHAT IS PROHIBITED AT THE UNIVERSITY OF MISSISSIPPI?

- ❖ Sexual harassment
- ❖ Sexual assault
- ❖ Relationship violence
- ❖ Stalking
- ❖ Sexual exploitation
- ❖ Retaliation

# SEXUAL HARASSMENT

- ❖ An employee of the University conditioning the provision of an aid, benefit, or service of the University on an individual's participation in unwelcome sexual conduct; or
- ❖ Unwelcome sexual conduct determined by a reasonable person to be so **severe, pervasive, and objectively offensive** that it effectively denies a person equal access to an educational program or activity of the University.

# SEXUAL ASSAULT

- ❖ Rape
- ❖ Sodomy
- ❖ Sexual assault with an object
- ❖ Fondling
- ❖ Incest
- ❖ Statutory rape

# EFFECTIVE CONSENT

- ❖ An affirmative agreement—through clear actions or words—to engage in sexual activity
- ❖ The person giving the consent must act freely, voluntarily, and with an understanding of his or her actions when giving consent.
- ❖ Nonconsensual sexual activity requires a showing that a participant knew or reasonably should have known that the other party did not consent to the sexual activity.
- ❖ A person who is **incapacitated**—unconscious, unaware, or otherwise physically helpless—cannot give effective consent to sexual activity.
  - Someone is incapacitated when he or she engages in sexual activity and cannot understand or appreciate who, what, when, where why or how, with respect to the sexual interaction.

# MORE ABOUT CONSENT

- ❖ Consent must be present throughout the sexual activity.
- ❖ Consent can be withdrawn by any participant at any time during the sexual activity.
  - A participant to sexual activity can revoke consent through actions, conduct, or behavior that communicates that he or she no longer wishes to continue the existing sexual activity.
  - Once consent is withdrawn, the sexual activity must cease immediately.
- ❖ Although consent can be non-verbal (e.g. nodding), consent should never be assumed or inferred from silence, passiveness, or a lack of resistance.
  - A lack of protest or the failure to resist does not constitute consent.

# DATING AND DOMESTIC VIOLENCE

**Physical** violence committed against a partner  
in an intimate relationship

# STALKING

- ❖ Stalking is a course of conduct directed at a specific person that would cause a reasonable person to:
  - Fear for his or her safety or the safety of others; or
  - Suffer substantial emotional distress.

# SEXUAL EXPLOITATION

- ❖ Non-consensual videotaping, audiotaping, or photographing of sexual activity even if the sexual act is consensual;
- ❖ Non-consensual posting, publishing, sharing, or displaying photo, audio, or video of sexual activity even if the activity was originally recorded with effective consent;
- ❖ Voyeurism, which occurs when one individual engages in secretive observation of another for personal sexual pleasure; or
- ❖ Any disrobing of another or exposure to another without effective consent.

# IMPORTANT NOTE

The Title IX Policy does not include sexual exploitation, but the IVSM Policy does.

# AMNESTY

- ❖ Students **will not be in trouble under the drug and alcohol policy** for voluntary personal use of alcohol or drugs.
  - Applies to all parties, including potential witnesses
  - May be required to undergo alcohol or drug education
  - Amnesty is intended to encourage students to come forward in reporting or responding to an incident of sexual misconduct.

# RETALIATION

- ❖ The University **prohibits retaliation** due to reporting a conduct violation, participating or cooperating in an investigation, or pursuing legal action.
- ❖ The University defines retaliation as any adverse action, including intimidation, taken against an individual who has participated in any manner in an investigation, proceeding, or hearing under its policies and procedures.
  - Applies to all parties, including potential witnesses



# BEING AN ADVISOR

- ❖ The Basics
- ❖ Being an Advisor Compared to Other Roles

# THE BASICS OF BEING AN ADVISOR

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# THE BASICS OF BEING AN ADVISOR

- ❖ Both parties have the right to have an advisor of their choice, who may be, but is not required to be, an attorney, present throughout the entire grievance process.
- ❖ At any time during the grievance process, both parties may choose their own advisors or may request that the University provide them an advisor at no cost or fee.

# WHAT DOES AN ADVISOR DO?

- ❖ The Advisor for either the complainant or respondent may:
  - Accompany the party to any meeting or proceeding during the grievance process;
  - Assist the party with the gathering of evidence during the investigation;
  - Assist the party with inspecting and reviewing evidence gathered by the Investigator;
  - Be asked by the party to assist in making written responses to the information gathered throughout the investigative process;
  - Attend the live hearing and, for Title IX cases, conduct cross-examination, orally and in real time; and
  - Be asked by the respective party to assist in submitting a written statement in support of, or challenging, the outcome of the live hearing, if necessary.

# THE MAIN ROLE OF AN ADVISOR

The main role of an Advisor is to *advise* parties about the University process.

# BEING AN ADVISOR COMPARED TO OTHER ROLES

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# DIFFERENCES BETWEEN AN ADVISOR AND AN ATTORNEY

- ❖ Being an Advisor is *not* the same as being an attorney.
- ❖ The role of an Advisor is only to advise a student as they navigate through the grievance process.
  - Ideally, an Advisor helps make the process run smoothly and manages expectations.
  - Non-lawyers may be advisors.
  - An Advisor should only make arguments that are in **good faith**.
- ❖ The student is *not* an Advisor's client and Advisors do not have an attorney-client privilege with a party.

# DIFFERENCES BETWEEN AN ADVISOR AND AN ATTORNEY (CONTINUED)

- ❖ An administrative hearing is not the same as a criminal court procedure.
  - There is no need to “preserve arguments for the record” in order to refer to them if an appeal is filed. All hearings are recorded and may be referred to in any appeal.
- ❖ An Advisor should advise the student about the University's resources and encourage them to utilize them. Advocates are here for both the complainant and the respondent.

The University's EORC Office simply acts as a neutral and objective fact-finder. Please be courteous to all involved in the process.

# RELEVANCE

- ❖ Under our policies, almost all evidence that is relevant will be permitted in the investigative report and during the live hearing.
  - A piece of evidence or a cross-examination question is relevant if:
    - It has any tendency to make a fact more or less probable than it would be without the evidence; and
    - The fact is of consequence in determining the case.
  - All questions and evidence about prior sexual behavior or predisposition are irrelevant and therefore must be excluded from evidence during the live hearing, unless:
    - Such evidence is offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or
    - The evidence concerns specific incidents of the complainant's sexual behavior with respect to the respondent and is offered to prove consent.

IF A PARTY DOES  
NOT SUBMIT TO  
CROSS-  
EXAMINATION  
UNDER TITLE IX

- ❖ If a party or witness does not submit to cross-examination at the live hearing **ONLY under Title IX**, the Independent Decision-Maker must not rely on any statement of that party or witness in reaching a determination regarding responsibility.
- ❖ This rule **DOES NOT** apply under the IVSM Policy.

# UNIVERSITY ADVOCATES

- ❖ The University has two separate advocacy offices on campus, **Violence Intervention and Prevention Services** and the **UMatter: Student Support & Advocacy Office**, for complainants and respondents, respectively. Please use them as their support can be helpful.
- ❖ **Shelli Poole** is the confidential complainant advocate from Violence Intervention and Prevention Services.
- ❖ **Kimbrlei McCain** is the confidential respondent advocate from the U Matter Office.
- ❖ University advocates can:
  - Have confidential conversations with the respective party,
  - Offer emotional support and other resources, and
  - Provide accommodations and safety measures.

# DIFFERENCE BETWEEN AN ADVISOR AND AN ADVOCATE

- ❖ The main difference between being an Advisor and being an advocate is that advocates offer emotional support and other similar resources.
- ❖ Advisors, on the other hand, are there to help individuals navigate and understand the grievance process, but they are *not* meant to be emotional support for parties.



# THE TITLE IX AND IVSM GRIEVANCE PROCESSES

- ❖ Filing the Complaint
- ❖ The Investigation Process
- ❖ The Resolution of a Complaint
  - Hearing
  - Mediation
- ❖ The Appeal Process

# IMPORTANT NOTE

Keep in mind that parties can request an Advisor from the University *at any time* during the process.

Accordingly, the point in the process at which an Advisor connects with a student may vary depending upon the case.

**PHASE ONE:  
FILING THE FORMAL  
COMPLAINT**

# FILING THE COMPLAINT

- ❖ Ordinarily, the Office of Equal Opportunity & Regulatory Compliance (EORC) will receive a report and will schedule an intake meeting with the potential complainant.
- ❖ At the intake meeting, the complainant may file a **formal complaint**, which alleges the respondent committed a Title IX or IVSM Policy violation.
- ❖ If what the complainant alleges would constitute a Title IX or IVSM Policy violation if true, the complainant is permitted to file a formal complaint with the University.



# COMPLAINANT INTERVIEW

- ❖ The complainant may file the formal complaint and choose to do their interview at a later time, or they may choose to have their interview conducted immediately after the filing of a formal complaint.
  - If the complainant chooses to do their interview *immediately after* the filing of a formal complaint, it will be important for the complainant's Advisor to meet with the complainant separately to hear their story.
  - If the complainant chooses to do their interview *at a later time, and requests an Advisor*, the Investigator will schedule a time to do the interview with both the complainant and the complainant's Advisor present.

# NOTICE OF ALLEGATIONS

- ❖ Upon receipt of a formal complaint, the EORC Office will provide written notice to the parties of the allegations contained in the complaint, along with notice of the University's grievance procedures.
- ❖ The **notice of allegations** will include sufficient details about the allegations potentially constituting a policy violation and will provide the parties sufficient time to prepare before any initial interview.
- ❖ The details in the notice of allegations will include, to the extent known:
  - The identities of the parties involved in the incident,
  - The conduct allegedly constituting a policy violation, and
  - The date and location of the alleged incident.

# NOTICE OF ALLEGATIONS (CONTINUED)

- ❖ The notice of allegations will also specify that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process.
- ❖ If additional allegations are made after the initial notice is disseminated, or if new details pertaining to the allegations are discovered, all known parties will be given notice of the additional allegations or the newly discovered details.

**PHASE TWO:  
THE INVESTIGATION**

# THE INVESTIGATION

- ❖ The Investigator will attempt to interview the complainant and the respondent about the alleged incident.
- ❖ The Investigator will request from both parties any information and evidence that is directly related to the allegations under investigation, including the names of potential witnesses to interview.
- ❖ The complainant and respondent will be given equal opportunity to:
  - Discuss the allegations under investigation with the Investigator;
  - Present witnesses during the investigation process, including fact and expert witnesses; and
  - Present other inculpatory and exculpatory evidence.



# THE ROLE OF THE INVESTIGATOR

- ❖ The role of the Investigator is simply to gather information.
- ❖ While gathering information, the Investigator remains objective. Accordingly, the Investigator:
  - Will *not* make determinations regarding credibility of the parties or witnesses, and
  - Will objectively evaluate evidence.

# HAVING OTHERS PRESENT

Both parties will be able to have others present during any meetings that take place during the investigation process, which includes an Advisor and/or an emotional support person such as a University advocate.

# THE DRAFT INVESTIGATIVE REPORT

- ❖ Prior to the completion of the investigative report, the Investigator will provide both parties an opportunity to inspect and review evidence that has been obtained as part of the investigation that is *directly related to the allegations* raised in the formal complaint.
  - To do this, the Investigator will send both parties a *draft* of the investigative report.
  - The **draft investigative report** will contain all directly related evidence, which includes witness statements and other evidence that has been collected during the investigation.
- ❖ The parties will have ten (10) days under Title IX and the IVSM Policy to submit **a written response** to the draft investigative report, which the Investigator will consider prior to the completion of the final investigative report.

# RESPONSE TO THE DRAFT INVESTIGATIVE REPORT

- ❖ Requests for edits or revisions to the statements and information contained in the investigative report should center around **relevance**.
- ❖ If you submit a request, provide your reasoning along with the request.
  - e.g., “This part of Witness X’s statement should not be included in the investigative report as it is not relevant to the allegations.”
- ❖ The responses can also include:
  - Clarifying statements from the parties,
  - Requests to interview additional witnesses, and
  - Submission of additional evidence.

# THE FINAL INVESTIGATIVE REPORT

- ❖ Once the Investigator has considered the parties' written responses, if any, and the investigation process has concluded, the Investigator will create a **final investigative report** that fairly summarizes relevant evidence.
  - The Investigator will work with the Assistant Director of EORC/Title IX Coordinator to determine what evidence is relevant and thus included in the final report.
- ❖ The final investigative report will not contain findings of fact as to whether a policy violation did or did not occur but will instead contain **a summary of the investigation and all relevant documents** submitted by the parties and witnesses.
- ❖ At least ten (10) days under the Title IX Policy or five (5) days under the IVSM Policy prior to a hearing, if a hearing is required or provided, the EORC Office will send to each party and the party's Advisor, if any, the final investigative report in an electronic format or hard copy.

# TIMEFRAMES

- ❖ Cases will generally be adjudicated within ninety (90) business days from the date the formal complaint is filed.
- ❖ The Investigator will make every effort to investigate the allegations raised in the formal complaint but will not allow speed to interfere with the quality of the investigation.

# TIME FOR THE INVESTIGATION

- ❖ The time required to conduct a thorough and complete investigation will vary depending upon, among other things:
  - The complexity of the allegations,
  - The availability or absence of the parties or witnesses,
  - The number of witnesses,
  - The volume of documentary evidence that must be reviewed or gathered, and
  - Break periods or periods where the University is either on break or closed.

# DELAYS IN TIME FOR GOOD CAUSE

- ❖ The timeframe for the resolution of a formal complaint may be extended for good cause with written notice to the parties and an explanation for the delay.
- ❖ Good cause includes, but is not limited to, considerations such as:
  - The absence of a party, a party's Advisor, or a witness;
  - Concurrent law enforcement activity; or
  - The need for language assistance or accommodation of a disability.

# DUE PROCESS

- ❖ Procedural due process of law requires **notice** and a **meaningful opportunity to be heard**.
- ❖ The Title IX grievance process was designed by the Dept. of Education to be consistent with the constitutional requirement of due process.
  - The University's IVSM Policy was modeled under the Title IX regulations.

**PHASE THREE:  
RESOLUTION OF A  
COMPLAINT**

# MEDIATION

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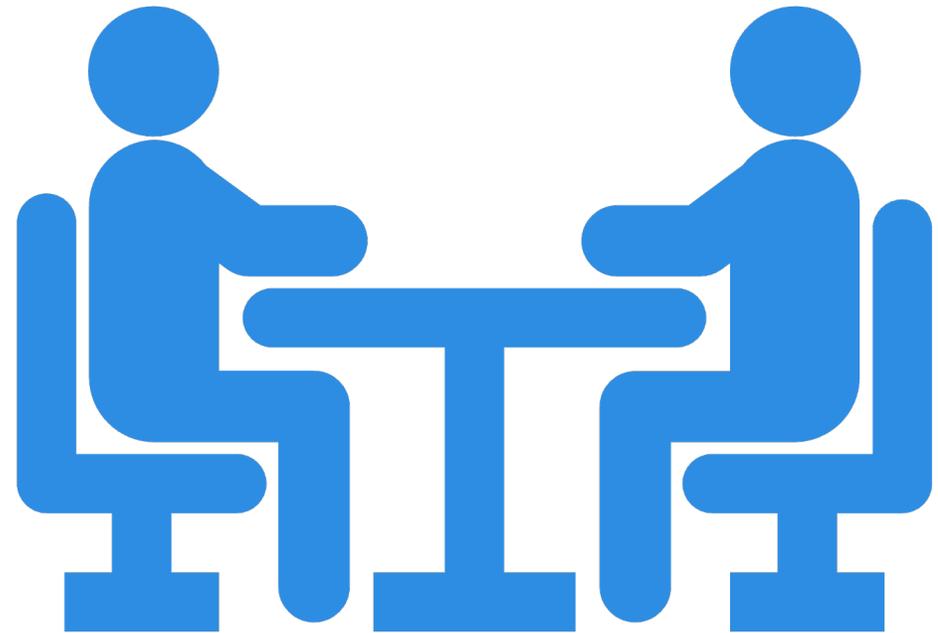
# THE MEDIATION PROCESS

- ❖ Mediation is a structured, interactive process where an impartial third party assists the disputing parties in resolving a complaint.
  - Mediation will be facilitated by the Director of EORC, Kimberly DeVries.
- ❖ The mediation process generally does not result in a determination regarding the respondent's responsibility.
- ❖ During mediation, the parties typically discuss the grievances, and what each party is hoping to get out of the mediation process.
- ❖ Any terms that the parties agree to will be contained in a **mediation agreement** and will be binding upon the parties.



# THE MEDIATION PROCESS (CONTINUED)

- ❖ At any time prior to the Independent Decision-Maker reaching a determination regarding responsibility, the parties can agree to participate in mediation.
  - The mediation process may not involve a full investigation of the complainant's allegations.
- ❖ Mediation is only available after a formal complaint has been filed.
- ❖ Both parties must agree to the mediation process in writing and cannot be compelled to participate.



# MORE ABOUT MEDIATION

- ❖ Before reaching an agreement through mediation, either party has the right to withdraw from the mediation process and resume the grievance process with respect to the formal complaint.
- ❖ If, however, the parties reach an agreement during this process, the terms of the [mediation agreement](#) will be memorialized in writing and will be binding upon the parties.
  - Violation of the written agreement will result in the student being charged with Disregard for University Authority and may result in the agreement being voided.
- ❖ If the parties are unable to reach an agreement through the informal resolution process, the investigation and/or adjudication process will resume.

# IMPORTANT NOTE

Once it becomes clear that the Title IX or IVSM case will proceed to the hearing stage, if a party has not already requested or secured an Advisor, the University will appoint that party an Advisor to work with for purposes of the hearing.

# LIVE HEARING

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# THE PRE-HEARING CONFERENCE

- ❖ If the parties have not agreed to mediation, the matter will be resolved through a live hearing.
- ❖ Once the final investigative report has been made available to the parties and their Advisors, the EORC Office will schedule an individual **pre-hearing conference** with both the complainant and the respondent and their Advisors.
- ❖ Both parties will also be asked to provide the names of any witnesses who they anticipate will participate in the hearing.
- ❖ Additional meetings with the complainant or respondent will be scheduled if necessary.

# IMPORTANT NOTE

Again, it is possible that the parties will not have requested an Advisor before it becomes clear that the case is proceeding to a hearing.

If that is the case, an Advisor's first time connecting with a complainant or respondent may not be until after the pre-hearing conference.

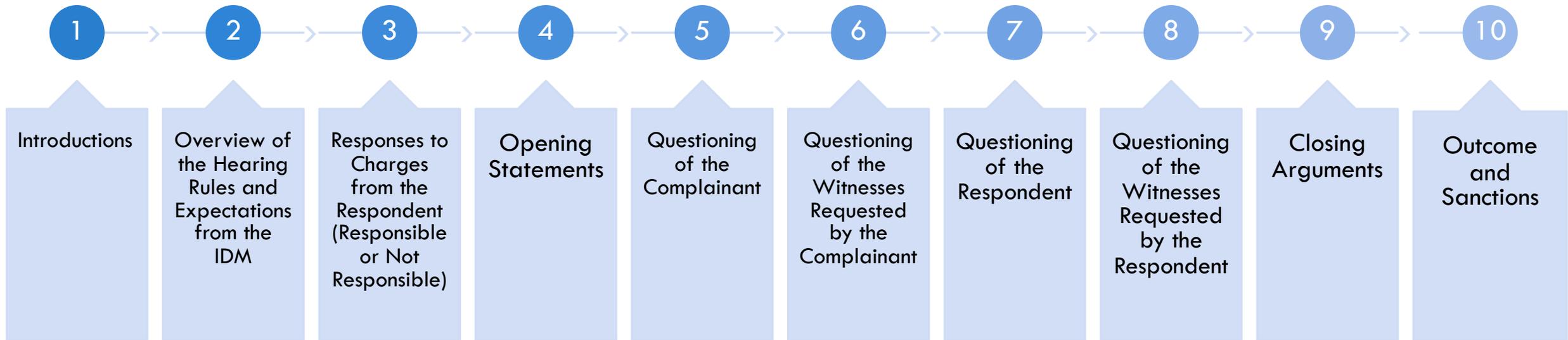
# THE HEARING PROCESS

- ❖ During the **hearing**, the complainant and respondent will have the opportunity to:
  - Explain their side of the story,
  - Present and challenge evidence, and
  - Ask questions of the parties and witnesses.



# SCHEDULING THE HEARING

The designated Hearing Clerk from the EORC Office will work with the complainant, respondent, Advisors, witnesses, advocates, and the Independent Decision-Maker to determine the date and time of the live hearing.



# MAJOR STEPS OF THE LIVE HEARING

# HEARING LOGISTICS

- ❖ Hearings ordinarily take place in a private courtroom located at the University's law school.
  - Each party will be given a designated private room near the hearing room so they will be able to confer with their Advisor and/or advocate during breaks.
- ❖ With respect to time, hearings generally range from 3-6 hours depending on the complexity of the case but may take longer.

# THE INDEPENDENT DECISION-MAKER

- ❖ The **Independent Decision-Maker (IDM)** presides over the hearing and determines the respondent's responsibility.
- ❖ The Independent Decision-Maker operates under the presumption that the respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.
- ❖ The IDM is vested with the authority to maintain the order of the parties, participants, and proceedings.
- ❖ At the beginning of the hearing, the IDM will give an overview of the hearing process.

# OPENING STATEMENTS AND CLOSING ARGUMENTS

- ❖ The complainant and the respondent are permitted to make an opening statement to the IDM at the beginning of the hearing.
- ❖ Similarly, both parties are permitted to make a closing argument to the IDM at the conclusion of the hearing.
- ❖ Either party may elect to have their Advisor make their opening statement, closing argument, or both.
- ❖ The opening statement and closing argument each must not exceed ten (10) minutes in length.

# IMPORTANT NOTE

Either party may request to not see the other party or parties during a live hearing. If that is the case, we must provide that accommodation.

The Hearing Clerk may put up screens in the hearing room or work out another arrangement to ensure the parties do not see one another.

Alternatively, at the request of either the complainant or the respondent, the EORC Office will facilitate the live hearing with the parties located in separate rooms with technology enabling the Independent Decision-Maker and the parties to simultaneously see and hear the other party or witnesses answering questions.



## SECURITY AT THE HEARING

The EORC Office will make arrangements to have someone from the University Police Department (UPD) present at all hearings to ensure the safety, well-being, and comfort of the hearing participants.

# RELEVANCE

All evidence presented during the live hearing, as well as all questions asked during the cross-examination portions of the live hearing, must be relevant.

# COMPLAINANT'S SEXUAL BEHAVIOR OR PREDISPOSITION

- ❖ All questions and evidence about the complainant's sexual behavior or predisposition are **irrelevant** and therefore must be excluded from evidence during the live hearing, unless:
  - Such evidence about the complainant's sexual behavior is offered to prove that someone other than the respondent committed the conduct alleged by the complainant; or
  - The evidence concerns specific incidents of the complainant's sexual behavior with respect to the respondent and is offered to prove consent.

# CROSS EXAMINATION GENERALLY

- ❖ The Independent Decision-Maker may ask questions and will permit each party's Advisor to ask or submit questions, and follow up questions, including those that challenge credibility, but all questions asked during such cross-examination must be relevant.
- ❖ Before a complainant, respondent, or witness answers a cross-examination or other question, the Independent Decision-Maker must first determine whether the question is relevant and will explain any decision to exclude a question as not relevant.

# CROSS EXAMINATION UNDER TITLE IX

Under [Title IX](#), cross-examination at the live hearing must be conducted directly, orally, and in real time by the party's Advisor and never by a party personally.

# CROSS EXAMINATION UNDER IVSM

- ❖ Under the [IVSM Policy](#), questions are submitted by the parties' Advisors to the IDM *prior* to the hearing.
  - This allows the IDM to make relevancy determinations ahead of time to increase efficiency during the hearing.
- ❖ When it is time for a party or witness to be questioned, the IDM will ask those questions that have been previously submitted by the Advisors that he has deemed relevant.
- ❖ For additional questions that were not submitted ahead of time, the Advisors will also have the opportunity to submit questions in real time.
  - Each party table will be supplied with notecards and pens. To submit a question in real time, a party's Advisor simply has to write the question down on a notecard and raise their hand, and an EORC staff member will retrieve the card from the Advisor and submit it to the IDM.

# IMPORTANT NOTE

Remember, under Title IX ONLY, if a party or witness does not submit to cross-examination at the live hearing, the IDM must not rely on any statement of that party or witness in reaching a determination regarding responsibility.

# OBJECTIONS

- ❖ Limited objections to the relevance of questions and evidence are allowed during the hearing.
- ❖ The IDM may decide that objections have become obstructive and unuseful.

# STANDARD OF EVIDENCE

- ❖ In reaching a determination regarding responsibility, the Independent Decision-Maker will apply a **preponderance of the evidence** standard.
- ❖ This standard requires a showing that a particular party's evidence is more credible or convincing than that presented by the other party, or a showing that the fact to be proven is more probable than not.

# DECISION OF THE INDEPENDENT DECISION-MAKER

- ❖ The decision of the IDM regarding the respondent's responsibility as well as possible sanctions will be determined within two (2) business days of the completion of the live hearing.
  - The IDM will generally try to have a decision by the conclusion of the live hearing.

# THE WRITTEN DETERMINATION

- ❖ The Independent Decision-Maker will issue a written determination regarding responsibility, which will include:
  - The allegations potentially constituting sexual harassment;
  - A description of the procedural steps taken;
  - Findings of fact supporting the determination;
  - Conclusions regarding the application of the University's Title IX or IVSM Policy to the facts;
  - A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility and any disciplinary sanctions the University will impose on the respondent, if any; and
  - The procedures and permissible bases for the complainant or the respondent to appeal the decision.
- ❖ The complainant and the respondent will be notified of the determination simultaneously.

# DISCIPLINARY SANCTIONS

- ❖ Depending on the facts and circumstances of a particular case, sanctions resulting from a finding of responsibility may range from a verbal reprimand to expulsion from the University.
- ❖ Sanctions are enforced immediately upon determination of the violation.
- ❖ Though not a disciplinary sanction, the IDM may order remedies from the University that are designed to restore or preserve equal access to the University's education program or activity to the complainant.

# POSSIBLE SANCTIONS

- ❖ The following list encompasses all possible sanctions that may be imposed by the University:
  - Oral reprimand
  - Written reprimand
  - Disciplinary probation
  - Loss of privileges
  - Restitution
  - Community service
  - Assessment
  - Substance abuse education
  - Educational project(s)
  - Suspension
  - Demotion
  - Expulsion
  - Termination
  - A combination of any of the above sanctions.

**PHASE FOUR:  
THE APPEAL PROCESS**

# SUBMITTING AN APPEAL

If a party wishes to appeal a determination regarding responsibility, including sanctions, or a dismissal of a formal complaint or any allegations therein, that party may submit a [written appeal](#) to the Appellate Consideration Board for the University within ten (10) business days.



# BASES FOR APPEAL

- ❖ Appeals can be made on the following bases:
  - Procedural irregularity *that affected the outcome of the matter;*
  - New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, *which could affect the outcome of the matter;*
  - The Title IX Coordinator, Investigator, or Independent Decision-Maker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent *that affected the outcome of the matter;*
  - The grievance process described in the University's Title IX or IVSM Policy was not followed;
  - The conduct alleged does not fall within the jurisdiction of the Title IX or IVSM grievance process; or
  - The sanctions imposed by the IDM were not appropriate for the violation that the respondent was found to have committed.

# AFTER AN APPEAL HAS BEEN FILED

- ❖ The non-appealing party will be notified in writing when an appeal is filed.
- ❖ The complainant and respondent will be provided a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome of the grievance proceeding giving rise to the appeal.
- ❖ The decision-maker for the appeal will not be the Title IX Coordinator, Title IX Investigator(s), nor the Independent Decision-Maker that reached the determination regarding responsibility or dismissal of a complaint giving rise to the appeal.

# THE DECISION OF THE APPELLATE CONSIDERATION BOARD

- ❖ The Chancellor of the University has delegated final authority of review to the Appellate Consideration Board.
- ❖ After reviewing the appeal and the documents related to a case, the Appellate Consideration Board will make a decision based upon the basis or bases of the appeal.



Questions?

# CONTACT THE EORC OFFICE AT ANY TIME!

Honey Ussery – Assistant Director of EORC/Title IX  
Coordinator

Valerie Yeakel – Investigator and Specialist

Office of Equal Opportunity & Regulatory  
Compliance

120 Lester Hall

P: (662) 915 – 7045

[titleix@olemiss.edu](mailto:titleix@olemiss.edu)

