



## ODU's Title IX and Sexual Misconduct Policy

Old Dominion University prohibits sex-based discrimination and sexual harassment. Examples of prohibited behavior include any adverse action based on gender or sex, quid pro quo demands, hostile environment conduct, sexual assault, dating violence, domestic violence, stalking, and sexual exploitation.

Use the [online Sexual Harassment/Violence Complaint form](#) or contact the Title IX Coordinator, **Kate Couch**, directly at [titleixcoordinator@odu.edu](mailto:titleixcoordinator@odu.edu) or 757-683-3141 for assistance.

The university will promptly address reports through the Title IX Coordinator, who oversees investigations and resolutions. Retaliation against anyone who reports sexual misconduct or participates in an investigation is prohibited and is a separate violation of this policy.

The **Office of Institutional Equity and Diversity (OIED)** provides consultation, support, training, investigation, informal resolution, and referrals to services. For more information, visit [www.odu.edu/equity](http://www.odu.edu/equity).

You will find information on the following topics in this guide. However, you are responsible for referring to the Policy on Title IX & Sexual Misconduct for complete information.

- Part 1
  - [Campus and Community Resources](#)
  - [Terms to Know](#)
  - [Case Opening](#)
- Part 2
  - [Comparing Campus and Criminal Investigations](#)
  - [Choosing an Informal Resolution or Formal Investigation](#)
  - [How An Advisor Can Help You](#)
- Part 3
  - [Your Interview with the Investigators](#)
  - [Preparing Your Response to the Report](#)

- [Preparing for the Hearing](#)
- [Your Appeal Options](#)
- Part 4
  - [Overview and Checklist](#)

## Part 1

### Campus and Community Resources

**Confidential Resources** are those staff members to whom you may disclose details of sexual misconduct without them disclosing details to the Office of Institutional Equity and Diversity. (*Please note: They may be required to report statistics on certain crimes, or to disclose crimes involving minors.*) However, you may choose to file a complaint or seek resources from OIED at any time.

#### Students

- **Counseling Services** – The [Office of Counseling Services](#) provides a wide array of free and confidential resources to assist students with academic, emotional, and social development. They also offer urgent crisis support. The office is in the [Student Recreation and Well-Being Center](#), 4700 Powhatan Avenue, Suite 2403. You can also call 757-683-4401. Students can schedule same-day or next-day appointments using the Monarch Wellness Portal. For urgent and/or crisis services, call the office and press option 2, 24 hours a day.
- **Student Health Services** – [Student Health Services](#) is an accredited outpatient clinic located in the Student Recreation and Well-Being Center, 4700 Powhatan Avenue, Suite 1402. You can also call 757-683-3132. Students can schedule an appointment in the Monarch Wellness Portal. If you are visiting for a sexual assault, please let your practitioner know; you may be eligible for free testing and preventative medication.
- **Victim Advocate** at the [Women’s and Gender Equity Center](#) – The Confidential Victim Advocate is a professional trained to support victims of interpersonal violence such as sexual assault, dating/domestic violence, and stalking. The CVA offers victims information, support, help finding resources, and informs them of their rights and reporting options. Visit 1101

[Monarch Hall](#), call 757-683-4111, or Ericka Harrison-Bey at [eharriso@odu.edu](mailto:eharriso@odu.edu). The CVA accepts walk-ins and appointments.

### *Faculty/Staff*

- The **Employee Assistance Program** available through Human Resources offers quick and easy access to confidential counseling and referral services to help you deal with daily work and life challenges. The [EAP](#) provides services at no cost to employees and their eligible dependents and household members who are enrolled in a Commonwealth of Virginia health care plan. Representatives are available 24 hours a day to connect you with service providers.

### *Both Students, Faculty, and Staff*

- The **YWCA of South Hampton Roads** offers comprehensive support services for those affected by violence including shelter, advocacy, counseling services (crisis short-term and long-term), medical accompaniment, and respite childcare. The [YWCA](#) can connect you with Chesapeake Forensic Specialists for a forensic exam with a Sexual Assault Nurse Examiner (SANE). These exams are free and will not be billed to your health insurance.

### *If you choose to obtain a SANE exam:*

- Avoid bathing, showering, using the restroom, changing clothes, combing hair, or cleaning up the area of the assault when possible. If you have done any of these activities, you can still have an exam performed. You can bring a spare change of clothes with you to the exam.
- If you changed clothes or bedding after the assault, bring them to the exam in a paper bag to safely preserve the evidence.
- You will receive care for injuries that need immediate attention.
- You will be asked about your current medications, pre-existing conditions, and your health history.
- You will be asked about the details about what took place to help the nurse identify areas of injury and places on your body and clothes to look for evidence.
- You will be given a head-to-toe examination, including internal and external areas. This may include samples and photos and taking items of clothing. You may opt out of portions of this exam.

- You may be offered follow-up care for treatment of STIs and prevention of pregnancy.
- Evidence will be collected that may assist with prosecution if you choose to press charges.

*Note: Possible mandatory reporting if you are a minor.*

**Nonconfidential Resources** include faculty and staff members who must report sexual misconduct to the Office of Institutional Equity and Diversity. *(Please note: They may be required to report statistics on certain crimes, or to disclose crimes involving minors.)* Nonconfidential resources include teaching and research faculty, police, administrators, advisors, supervisors, Resident Assistants, graduate assistants, and other designated staff.

**Emergency services** are available through the **ODU Police Department (ODUPD)**.

Dial **911** or **757-683-4000**. The toll-free number is **1-833-590-0719**. You can also visit 4516 Monarch Way. [ODUPD](#) takes part in a global awareness campaign called [Start by Believing](#), which is designed to end the cycle of silence and change the way people respond to sexual assault. It is based on decades of research documenting that when victims disclose sexual assault, they are met with doubt and blame, rather than compassion and support.

ODUPD can help you:

- File a police report.
- Obtain a protective order from the magistrate.
- Make a safety plan.

The **Threat Education Assessment and Management Team (T.E.A.M.)** is a cross-functional, multidisciplinary group committed to identifying, evaluating, and managing the risks associated with certain behaviors that may pose a threat to the campus community's safety. T.E.A.M. can assist in assessment and mitigating ongoing safety concerns related to stalking, dating/domestic violence, sexual misconduct, and other concerning behaviors. To connect with the Threat Assessment Coordinator, email [team@odu.edu](mailto:team@odu.edu), or report a concern to the [T.E.A.M. online](#).

**Student Outreach and Support (S.O.S.)** is a service within the Dean of Students' office that helps students who experience administrative, academic, or personal roadblocks. S.O.S. works with the ODU Care Team. You can [make an appointment](#) or email [ODU Cares](#).

In addition to the Title IX Coordinator in OIED, ODU has **Deputy Title IX Coordinators** who can help you report sexual misconduct and provide you with information.

<b>Title IX Area</b>	<b>Name</b>	<b>Email</b>	<b>Phone</b>
Institution-Wide	A. Kate Couch	<a href="mailto:titleixcoordinator@odu.edu">titleixcoordinator@odu.edu</a> <a href="mailto:akgriffi@odu.edu">akgriffi@odu.edu</a>	757-683-3141
ODU Athletes	Carolyn Cooper-Crutchfield	<a href="mailto:cacooper@odu.edu">cacooper@odu.edu</a>	757-683-4265
ODU All Other Students	Dr. Vicki Williams	<a href="mailto:vswillia@odu.edu">vswillia@odu.edu</a>	757-683-3442
ODU Faculty	Dr. Shanda Jenkins	<a href="mailto:sjenkins@odu.edu">sjenkins@odu.edu</a>	757-683-4327
ODU All Other Staff	Debbie Howe	<a href="mailto:dhowe@odu.edu">dhowe@odu.edu</a>	757-683-4564
Virginia Health Sciences - Students	Melissa Scott	<a href="mailto:M3scott@odu.edu">M3scott@odu.edu</a>	757-446-6043
Virginia Health Sciences - All Faculty/Staff	Matthew Schenk	<a href="mailto:mschenk@odu.edu">mschenk@odu.edu</a>	757-446-8927

## Case Opens with OIED

When OIED receives a report from a third party or a complaint from an affected party, the **Case Manager and Outreach Coordinator, Monica Taylor** ([mltaylor@odu.edu](mailto:mltaylor@odu.edu), 757-683-3141), will offer supportive measures and resolution options.

- **Initial Steps:** OIED will gather basic information to clarify the allegation and discuss supportive measures, informal resolutions, or formal investigations. The goal at intake is to make sure parties are safe and understand their options.

- **Confidentiality:** Information is only shared to ensure fairness throughout the investigation process, on a need-to-know basis, to promote campus safety.
- **Notification to Respondent:** OIED will notify the respondent if there is an informal resolution or formal investigation and offer supportive measures and information on available resolution options.
- **Interviews and Evidence:** If there is a formal investigation, OIED conducts interviews, serving as a neutral party. Both parties may provide evidence and witness information, with the investigation proceeding even if one party does not participate. Both parties may have an advisor.
- **Outcome:** If there is a formal investigation, OIED creates a report, and a hearing panel determines if there are policy violations. Both parties may have a right to appeal.

### Supportive Measures:

- **Non-Disciplinary Services:** Supportive measures are offered to restore equal access to education or employment. They are made available, where reasonable and appropriate, to both parties.

*Support is available whether you pursue an informal resolution, a formal investigation, or neither.*

- **Examples of Supportive Measures:**
  - No contact directive
  - Academic adjustments - change class sections, go online, withdraw, incomplete, assignment extensions.
  - Environmental adjustments – room change, office change, safety planning.
  - Referrals – counseling, health services, WGEC, ODUPD, EAP, YWCA.

If you would like supportive measures, [please complete this form](#).

*Need help at this stage?* Contact [OIED](#).

## Terms and People to Know

*\*Denotes Title IX Personnel*

- \*Advisor - A person who gives advice and/or support to a party in the complaint process. A party may choose their own advisor or request one from the university at no charge.
- \*Appellate Officer - Trained faculty and staff members who review appeals filed by parties.
- \*Case Manager and Outreach Coordinator – The person designed by the University to process incoming reports and complaints, reach out to gather basic information, offer support, make referrals, and answer general process questions. Parties do not provide in-depth information about cases to the Case Manager.
- Complainant – An individual who files a formal complaint under this policy (the alleged victim).
- Complaint Commencement Date - The date on which the formal complaint is received.
- Cross-Examination – The process by which a trained faculty/staff member who serves on the hearing panel, or an advisor, asks a party or witness questions to determine what took place.
- \*Decision-Maker – Trained faculty and staff members who serve on three-person panels to determine if the Policy on Title IX and Sexual Misconduct has been broken and, for student respondents, recommend sanctions.
- \*Deputy Title IX Coordinator - Designated official within the University who may receive reports of violations and refer them to the Title IX Coordinator. There are Deputy Title IX Coordinators in Academic Affairs, Athletics, Human Resources, SEES, and at Virginia Health Sciences.
- Due Process – The legal requirement that the investigation and hearing processes be conducted fairly and with respect for the rights of both parties.

- Evidence – Any information or material used to support or refute the allegations, including witness statements, documents, digital and physical evidence.
- Formal Complaint - A document filed by a Complainant or signed by the Title IX Coordinator alleging sexual misconduct against a Respondent and requesting an investigation of the alleged sexual misconduct.
- \*Investigator – The person(s) appointed by the University to conduct a thorough and fair investigation into the allegations. There are usually two investigators per case. Parties should provide the investigators with all relevant information about the case, including evidence and the contact information of witnesses they would like to be contacted. Parties may reach out to investigators with follow-up information pertaining to their interviews or additional evidence.
- Mediation – A confidential, fair, and voluntary process in which neutral, impartial mediators assist parties in exploring potential joint resolutions in a complaint.
- No Contact Directive – An order issued by the University requiring parties to refrain from contacting each other.
- Party - A Complainant or Respondent in the complaint process.
- Preponderance of the Evidence – The standard of proof used in Title IX investigations, meaning it is more likely than not that the alleged conduct occurred.
- Respondent - An individual who has been accused of breaking the policy.
- Sanctions – Disciplinary actions impacted on a Respondent found responsible for breaking the policy.
- Title IX – A federal law that prohibits sex-based discrimination in any educational program or activity receiving federal financial assistance.



- \*Title IX Coordinator - The person designated by the University to coordinate the institution's compliance with Title IX. Parties may reach out to the Title IX Coordinator to file complaints related to Title IX, to ask questions related to the policy, or to discuss supportive measures or safety concerns. The Title IX Coordinator meets with parties prior to hearings.
- Witness - A person other than a party to a complaint who has first-hand knowledge of an event or circumstance that is relevant to the case. Character witnesses are not considered relevant.

## Part 2

### Comparing Campus and Criminal Investigations

Complainants may file a campus Title IX and Sexual Misconduct complaint, file criminal charges, both, or neither. Some conduct may also fall into the Code of Student Conduct, which is overseen by the [Office of Student Accountability and Academic Integrity](#).

Let's compare these processes.

<b>Campus Title IX Investigations</b>	<b>Criminal Investigations</b>
<p><b>Purpose:</b> To determine if there has been a violation of the university's Title IX and Sexual Misconduct policy, focusing on violations of university policies to ensure a safe and non-discriminatory educational environment.</p>	<p><b>Purpose:</b> To determine if a crime has been committed under local, state, or federal law and to pursue legal action against the perpetrator, with a broader legal scope to enforce the law and ensure public safety.</p>
<p><b>Authority:</b> Conducted by university officials with authority derived from federal law (Title IX) and university policies.</p>	<p><b>Authority:</b> Conducted by law enforcement agencies (e.g., police, FBI), with authority derived from criminal statutes and the legal system.</p>

<b>Conducting Body:</b> Office of Institutional Equity and Diversity, Title IX Coordinator, or other designated university officials.	<b>Conducting Body:</b> Local police departments, state law enforcement agencies, or federal law enforcement agencies.
<b>Procedures:</b> Administrative procedures including interviews, evidence collection, and hearings, following specific university protocols and Title IX regulations.	<b>Procedures:</b> Legal procedures including crime scene investigation, collecting physical evidence, interviews, and sometimes search warrants.
<b>Standard of Proof:</b> Preponderance of the evidence (more likely than not).	<b>Standard of Proof:</b> Beyond a reasonable doubt.
<b>Outcome:</b> Determination of policy violation; potential disciplinary actions such as suspension, expulsion, or other educational remedies.	<b>Outcome:</b> Determination of criminal liability; potential criminal charges, prosecution, and penalties such as fines, probation, or imprisonment.
<b>Confidentiality:</b> Details shared on a need-to-know basis within the university.	<b>Confidentiality:</b> Complainant's (alleged victim) name not released absent a court order, although a Timely Warning may be sent to campus with basic information about the crime if there is an ongoing public safety threat.
<b>Publicity:</b> Results typically not made public unless required by law or university policy.	<b>Publicity:</b> Complainant's (alleged victim) name is protected by law unless there is a court order.
<b>Rights:</b> Parties have rights under Title IX, including the right to an advisor during any Title IX proceeding, the right to present relevant evidence, and protection against retaliation.	<b>Rights:</b> Suspects and victims have rights under the criminal justice system. Fifth Amendment rights apply when they are in custody or being questioned. They may choose to have an attorney present, but it is only a Constitutional right under those circumstances.
<b>Protections:</b> Focused on educational rights and ensuring a safe learning environment.	<b>Protections:</b> Focused on Constitutional rights.

Campus Title IX investigations and criminal investigations serve distinct purposes and adhere to different procedures. Title IX investigations focus on enforcing university policies to maintain a safe educational environment, while criminal investigations are aimed at enforcing the law and safeguarding public safety.

Each investigation type has specific standards, authorities, and outcomes, and individuals involved may navigate both processes concurrently, each addressing their respective areas of concern and authority.

*Need help at this stage?* Contact [OIED](#) or the [ODU Police Department](#).

## Choosing an Informal Resolution or a Formal Investigation

Parties in Title IX and Sexual Misconduct cases may choose to resolve a concern through an informal resolution or formal investigation. Let's compare these processes.

An **Informal Resolution** is a voluntary, informed opportunity for parties to resolve a concern outside of a formal investigation.

*Note: This process is not applicable to allegations that an employee sexually harassed a student.*

Potential Advantages	Potential Disadvantages
<ul style="list-style-type: none"> <li>• <b>Quicker Resolution:</b> Often resolves the issue more quickly than a formal investigation.</li> <li>• <b>Less Formal:</b> Can be less intimidating and stressful than a formal process.</li> <li>• <b>Privacy:</b> Typically involves fewer people and can be more private.</li> <li>• <b>Collaborative Approach:</b> Encourages mutual agreement and can foster better understanding between parties.</li> <li>• <b>Flexibility:</b> Offers more flexible solutions tailored to the needs of the parties involved.</li> <li>• <b>Maintains Relationships:</b> Can help preserve relationships,</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Limited Recourse:</b> May not be appropriate for severe cases where disciplinary action is necessary.</li> <li>• <b>No Formal Findings:</b> Does not result in a formal finding of responsibility.</li> <li>• <b>Voluntary Participation:</b> Requires both parties to agree to participate, which may not always be feasible.</li> <li>• <b>Potential Pressure:</b> Parties might feel pressured to agree to a resolution to avoid the formal process.</li> </ul>

<p>making it suitable for situations where parties will continue to interact (e.g., classmates, colleagues).</p>	
--	--

### Types of Informal Resolution Available:

- Facilitated discussion
- Mediation (with a trained, neutral facilitator)
- Request for an administrator to put a party on notice of problematic behavior
- Training, workshop, or educational assignment
- Victim impact statement
- Etc.

A **Formal Investigation** is a process by which a party may be found responsible for violating the [Policy on Title IX and Sexual Misconduct](#), and sanctions may apply.

<p><b>Potential Advantages:</b></p> <p><b>Thorough Process:</b> Provides a comprehensive investigation into the allegations.</p> <p><b>Formal Findings:</b> Results in a formal determination of responsibility.</p> <p><b>Clear Outcomes:</b> Can lead to definitive actions and sanctions if policy violations are found.</p> <p><b>Structured Process:</b> Follows a structured procedure, ensuring due process and fairness.</p> <p><b>Right to Appeal:</b> Parties often have the right to appeal the decision.</p> <p><b>Record Keeping:</b> Maintains a formal record of the investigation and its</p>	<p><b>Potential Disadvantages:</b></p> <p><b>Lengthier Process:</b> Can be time-consuming. Typically, the investigation portion, not including the time necessary for a hearing and appeals, is completed within 75 business days of when the formal complaint commences, but there can be delays (ex. scheduling interviews).</p> <p><b>Stressful:</b> Involves formal hearings and cross-examinations, which can be stressful.</p> <p><b>Wider Circle:</b> More people are involved, and details may become more widely known.</p>
---	--

findings, which can be important for future reference.	<p><b>Potential Relationship Strain:</b> Can create or exacerbate tensions between the parties involved.</p> <p><b>Rigidity:</b> Less flexibility in the process and outcomes, which are bound by laws university policies.</p>
--	---

Deciding between an informal resolution and a formal investigation depends on the circumstances of the case, the severity of the allegations, and the preferences of the parties involved.

It is important to weigh this decision carefully. The decision of whether an Informal Resolution is right for you is very individual and should be made in consultation with an advisor and/or a support system.

A complainant may request to cancel an Informal Resolution and choose a formal investigation any time before the Informal Resolution is finalized. A complainant may request to cancel a formal investigation any time before the Hearing takes place.

## How An Advisor Can Help You

An **advisor** is a person who gives advice and/or support to a party in the complaint process. Advisors may be but are not required to be attorneys. Advisors may not be witnesses. While the advisor may provide support and advice, the advisor may not speak on behalf of the party or otherwise directly participate in the proceedings, except as specifically allowed by the Title IX and Sexual Misconduct Policy. They may not disrupt any proceeding, or they may be asked to leave or abstain from participation.

Parties have a right to an advisor during any investigation proceeding. If a party does not have an advisor, the university will offer one free of charge. The university trains a pool of faculty/staff to serve in this capacity. Parties who need a university-provided advisor are encouraged to make the request as soon as possible in the process. Requests for University-provided advisors may not be applied retroactively.

Advisors are required during Title IX hearings, and strongly encouraged during interviews.

**Advisors provide:**

- **Guidance and Support** – Advisors provide emotional and procedural support to parties, helping them navigate the complexities of the hearing process.
- **Understanding Rights** – Advisors ensure that the involved parties understand their rights and responsibilities under Title IX and the university’s policy, which can be crucial for a fair and just process.
- **Preparation** – Advisors assist in preparing for the interview and the hearing by helping the party gather evidence, formulate questions, prepare responses, and develop a strategy.
- **Representation** – Advisors can help the party articulate their position, which can be important if the party feels overwhelmed or intimidated by the process.
- **Procedural Assistance** – Advisors help ensure that the party’s rights are protected.
- **Objectivity** – Advisors can provide an objective perspective, helping the party to stay focused and make rational decisions based on the facts and evidence.

Overall, advisors play a critical role in ensuring that parties are well-supported throughout an investigation.

*Need help at this stage?* Contact your advisor or [OIED](#).

## Part 3

### Your Interview with the Investigators

Preparing for an interview with investigators is a critical step in ensuring that your perspective is accurately conveyed. Here’s a comprehensive guide to help you effectively prepare.

## Understanding the Process

- **Review the Policy:** Begin by familiarizing yourself with your university's policy, procedures, and definitions of prohibited conduct.
- **Know Your Rights:** Understand your rights as either a complainant or respondent, including the right to have an advisor present during interviews and hearings.

## Your Advisor

- We encourage you to bring your advisor throughout the process. Prior to the interview, you and your advisor must digitally sign and return the **FERPA (Family Educational Rights and Privacy Act)/Advisor Release Form** to the Case Manager and Outreach Coordinator.

## Gathering Relevant Information

- **Chronology of Events:** Create a detailed timeline of the events in question, noting dates, times, locations, and any witnesses present.
- **Supporting Documents:** Collect relevant documents such as emails, text messages, social media posts, photos, or any other evidence that supports your account.
- **Identify Witnesses:** Identify individuals who have information pertinent to the case. Character witnesses are not considered relevant.

## Preparing Your Statement

- **Detailed Account:** Write a comprehensive account of the incident(s) from your perspective. Include all relevant details and avoid speculation.
- **Key Points:** Highlight the key points you wish to emphasize during the interview.

## Knowing What to Expect

- **Interview Format:** Understand that the interview is formal, even if it is conducted over Zoom.
- **Types of Questions:** Prepare to answer detailed questions about the incident, your actions, and interactions with others involved.
- **Review of Documents:** Be prepared to discuss any documents or evidence you have provided.

## During the Interview

- **Stay Calm and Focused:** Maintain composure, take time to think before responding, and focus on presenting factual information.
- **Be Honest:** Provide truthful and complete responses, avoiding speculation or assumptions.
- **Seek Clarification:** If unsure about a question, ask for clarification.
- **Referencing Documents:** Use a copy of your timeline, statement, and evidence to refer to during the interview.

## Post-Interview Steps

- **Review Your Notes:** After the interview, review any notes you took to ensure accuracy and completeness.
- **Self-Care:** Participating in an investigation can be emotionally taxing; prioritize your mental and physical well-being. Consider making an appointment with a counselor to process afterwards.

By following these steps and utilizing available resources, you can ensure thorough preparation for your interview with investigators.

*Need help at this stage?* Contact the Case Manager and Outreach Coordinator or Title IX Coordinator in [OIED](#) for procedural questions or support services, or your Investigators to provide additional information, new charges, evidence, or witness information.

## Preparing Your Response to the Report

You will have an opportunity to review the evidence, initial investigation report, write an optional written response. The hearing panelists (decision-makers) and opposing party will see your response prior to the hearing. Here are some tips for providing this response:

### Carefully Read the Draft Investigation Report

- **Report Contents:** Reports typically include a procedural history, a summary of the complaint and response, a review of the relevant evidence, a summary of the interviews with all parties and witnesses, a timeline of events, and an analysis.



- **Thorough Review:** Read the entire report carefully, noting key findings, evidence considered, and the reasoning behind conclusions.
- **Compare with Your Account:** Ensure that the report accurately reflects your statements and evidence. Note any discrepancies or omissions.

### Identify Areas for Clarification or Correction

- **Discrepancies:** Identify any errors or misunderstanding of evidence.
- **Omissions:** Note any relevant information or context that has been omitted.
- **Bias or Subjectivity:** Look for any potential bias.

### Draft Your Written Response

- **Structure:** Organize your response clearly, addressing each point of concern separately.
- **Be Specific:** Reference specific sections, quotes, or findings in the report that you are addressing.
- **Provide Evidence:** Include supporting documents or evidence for each point of clarification or correction.
- **Maintain a Professional Tone:** Write respectfully and professionally, focusing on facts and evidence rather than emotions or opinions.

### Submit Your Response

- **Format and Submission:** Follow the university's guidelines for submitting your written response.
- **Confirmation:** Ensure you receive confirmation that your response has been received.

By following these steps, you can ensure that your perspective is accurately represented, and that the investigation report is as comprehensive and fair as possible.

*Need help at this stage?* Contact your advisor for guidance on content, or the Case Manager and Outreach Coordinator or Title IX Coordinator in [OIED](#) for procedural assistance.

### *Example: Response to Investigative Report*

I am writing to provide my written response to the evidence and/or investigative report dated [insert date of the report], which I have carefully reviewed.

I wish to address a discrepancy that I believe is important to a fair and accurate resolution of this matter.

Discrepancy:

- [Describe the discrepancy]  
[Explain why this is a discrepancy, providing specific details and evidence supporting your perspective.]

I wish to address a claim made by the opposing party that I believe is important to a fair and accurate resolution of this matter.

Claim:

- [Describe the claim]  
[Explain why you are addressing the claim, including its relevance to the charges.]

Attached to this response, please find the following supporting documents:

- [List supporting documents, such as emails, texts, witness statements, etc., that support your claims.]

I respectfully request that this matter be carefully reviewed before the final determination of this case. Please let me know if there are any further steps or information required to assist in this process.

Thank you for your attention to this matter.

Sincerely,

[Your Name]

## Preparing for the Hearing

Preparing for your Hearing involves careful planning and understanding of the proceedings. Here's a guide to help you navigate the process effectively:

### Role of Hearings

- **Panel Composition:** Consists of three trained faculty or staff members assessing responsibility using the preponderance of evidence standard.
- **Access to Information:** Obtain the investigation report, evidence, and written responses via an online Microsoft Teams folder.
- **Evidence Categories:** Classified into directly related and not directly related to the allegations.
- **Pre-hearing Review:** Review panelists' names for bias or conflicts of interest and notify the Title IX Coordinator as soon as possible; attend a pre-hearing meeting with the Title IX Coordinator for questions or concerns.
- **Draft Your Questions:** You may submit relevant questions in advance and have them reviewed by the hearing panel and returned with feedback up to 48 hours prior to the hearing. Additional questions will be allowed at the hearing.
- **Prepare:** Consider the key points you want to emphasize. Think about the types of questions you may be asked by the hearing panel and the opposing advisor.

### Hearing Format, Decorum, and Recording

- **Nature of Proceedings:** Hearings are administrative proceedings, not courtroom. Choose a quiet location with minimal distractions. Dress comfortably but professionally.
- **Virtual Format:** Hearings are conducted via Zoom with waiting rooms and breakout rooms for private consultations. Test your equipment beforehand.
- **Conduct Expectations:** Cameras are on. You must maintain decorum throughout. Bathroom breaks are allowed.
- **New Evidence:** This is not allowed during the hearing; it is admissible in appeals if previously unavailable and impactful.
- **Recording:** OIED records hearings, which are available for review upon request; no additional recording is allowed.

### Hearing Participants

- **Included:** Parties (Complainant and Respondent), witnesses (only while they are being questioned), advisors (required by Title IX).
- **University Counsel:** Non-participant consultation with Hearing Officers.
- **Title IX Coordinator:** Available off-line for procedural questions.
- **Accommodations:** Notify OIED in advance for interpreters or accommodations.

## Role of Advisors

- **Advisor's Role:** Guidance to party without speaking on behalf; violation may lead to removal.

## Questioning of Parties and Witnesses

- **Questioning Processes:**
  - **Title IX - Process A:** Advisors conduct cross-examination, Hearing Officers also question.
  - **Sexual Misconduct - Process B:** Advisors/parties submit questions beforehand or during, with Hearing Officers asking questions.
- **Relevance:** Hearing Officers determine whether questions are relevant and only allow those. They will explain any they deny. Will the question help the panel determine whether the policy was broken? Does the question help the panel figure out if the facts material to the allegation are more or less likely to be true? If so, the question is relevant.
- **Cross-Examination:** Questions should clarify what took place, not harass, embarrass, or blame the parties, and not be overly repetitive.

## Review of the Record

- **Materials:** Investigative report, evidence, written responses.
- **Purpose:** Confirm accuracy, explore narratives in the hearing.

## The Findings Letter Will Include

- **Summary of Allegations**
- **Investigative Steps Taken**
- **Determination of Responsible / Not Responsible:** Made by preponderance of evidence, needing two of three panelists to agree. Note that a Respondent is considered “not responsible” until proven otherwise at the Hearing.
- **Analysis of Their Findings:** They must clearly articulate their findings on each issue.
- **Appeal Options:** They must explain the options for appeal, and the deadline.

## Notification to Parties

- **Outcome:** Within 10 business days, both parties will receive the finding letter by ODU email. You will be notified of delays.

*Need help at this stage?* Contact your advisor for guidance, or the Title IX Coordinator in [OIED](#) for procedural assistance.

## Your Appeal Options

When preparing an appeal for a Title IX decision, follow specific university procedures and guidelines:

### Review the University's Title IX Policy

- **Understand Grounds for Appeal**
- **Note Deadline in the Finding Letter**

### Gather Relevant Documentation

- **Decision Letter:** Review findings, sanctions.
- **Investigation Report:** Evaluate the evidence.
- **New Evidence:** Gather, document unavailable prior, impacting.

### Draft Your Appeal Letter

- **Structured Appeal:**
  - **Introduction:** State intent.
  - **Grounds for Appeal:** Specific policy sections.
  - **Detailed Explanation:** Support grounds:
    - **Procedural Errors:** Influenced outcome.
    - **New Evidence:** Relevance, unavailability.
    - **Conflict of Interest/Bias:** Personnel issues.
- **Supporting Evidence:** Attach.

### Be Clear and Concise

- **Focused Argument:** Relevance to appeal grounds.
- **Professional Tone:** Respectful communication.

### Submit Your Appeal

- **Format:** [Submit your appeal online](#) with supporting documentation.
- **Confirmation:** Acknowledge receipt.

### Prepare for the Appeal Process

- **Potential Outcomes:** Expect decision actions.
- **Support:** Counsel, advisor consultation.
- **Self-Care:** Stress management.

By following these steps, present your Title IX appeal comprehensively, in line with university standards.

*Need help at this stage?* Contact your advisor for guidance, or the Title IX Coordinator in [OIED](#) for procedural assistance.

### *Example: Appealing the Outcome of a Case*

I am writing to formally appeal the decision regarding the Title IX and Sexual Misconduct investigation into [briefly describe the nature of the case, e.g., allegations of sexual misconduct] involving [Complainant's/Respondent's Name]. I respectfully request a review of this decision based on the following grounds as outlined in Old Dominion University's policy.

### **Grounds for Appeal:**

1. **Procedural Error:** During the investigation and hearing process, there was a procedural error that may have impacted the fairness of the outcome. [Provide specific details of the procedural error.]
2. **New Evidence:** Since the original investigation, new evidence has emerged that was not available during the initial proceedings, which could affect the outcome. [Describe the new evidence and its relevance to the case.]
3. **Bias or Conflict of Interest:** There are concerns regarding bias or conflict of interest among the Title IX personnel involved in the investigation and decision-making process. [Explain the basis for these concerns.]

### **Detailed Explanation:**

[Provide a detailed explanation for the ground(s) for appeal, citing relevant sections of the Title IX and Sexual Misconduct policy and how the ground(s) pertain to your case.]

### **Supporting Evidence:**

Attached to this appeal, please find the following supporting documents:

- [List of supporting documents, such as the decision letter, investigation report, new evidence, etc.]

I appreciate your attention to this matter and request a thorough review of my appeal in accordance with Old Dominion University's policy. Please inform me of any additional steps or documentation required to support this appeal.

Thank you for your prompt attention to this matter. I look forward to your response.

Sincerely,

[Your Name]

## Overview and Checklist

- Case Opens (*Approximate Timeline: 1 Week, Except During University Closures*)
  - Receive Complainant or Respondent Letter from OIED
  - Receive Outreach from Case Manager and Outreach Coordinator (or designee)
  - Optional Meeting with Title IX Coordinator
  - Submit Supportive Measures Request (if applicable)
- Investigation (*Approximate Timeline: 75 Business Days for Investigation, Not Including Hearing and Appeal; Speak with Investigators About Variables*)
  - Meet with Investigators to Review Options (May Be Combined with Interview)
  - Notify OIED if University Advisor is Needed
  - Submit Informal Resolution Agreement (if applicable)
  - Sign FERPA (Family Educational Rights and Privacy Act) /Advisor Agreement and Submit to Case Manager and Outreach Coordinator
  - Interview with Investigators (Advisor Recommended)
  - Submit Relevant Evidence and List of Suggested Witnesses to Investigators
  - Receive Investigation Report and Evidence to Review
  - Submit Optional Written Response to Report and Evidence
  - Attend Pre-Hearing Meeting with Title IX Coordinator
  - Submit Proposed Questions at Least 48 Business Hours Before Hearing

- Hearing (*Approximate Timeline: 10 Business Days to Receive Finding Letter; 15 Day Deadline to File Appeal*)
  - Attend Hearing (Advisor Required)
  - Receive Outcome Letter
  - Deadline to Submit Appeal

**Do you have questions?** *They are welcome!*

- General questions, or questions about supportive measures, may be directed to the Case Manager and Outreach Coordinator – **Monica Taylor**, [mltaylor@odu.edu](mailto:mltaylor@odu.edu), 757-683-3141.
- In-depth policy and procedure questions, or questions about the hearing or appeal, may be directed to the Title IX Coordinator – **Kate Couch**, [titleixcoordinator@odu.edu](mailto:titleixcoordinator@odu.edu) or [akgriffi@odu.edu](mailto:akgriffi@odu.edu), 757-683-3141.
- Questions about your investigation (ex. interview, evidence, witnesses, new charges, report) may be directed to your investigator at the contact information you've been given.

**Would a flowchart help?** *Please see the last page of this guide.*



## Title IX & Sexual Misconduct Process – From Start to Finish

