


## VAWA Institutional Disciplinary Proceeding Requirements


VAWA ADJUDICATOR TRAINING PROGRAM

1

### VAWA's Jurisdiction



On Campus



Off Campus

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### Title IX's Jurisdiction



Program and  
Activity



United States  
(includes US  
territories)



Complainant's  
status




Control over  
Respondent


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### Examples Not Under Title IX's Jurisdiction



Occurred at a Study  
Abroad program or  
off-campus



Complainant is no  
longer a student or  
employee



Offense is not sex-  
based

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### Terms - VAWA Offenses

- Sexual Assault**
  - Rape
  - Fondling
  - Statutory Rape
  - Incest
- Domestic Violence**
- Dating Violence**
- Stalking**

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### Terms - Procedures and Processes

- Clery Act**
  - Institutional Disciplinary Action
  - Disciplinary Proceeding
- Title IX**
  - Grievance Procedures
  - Grievance Process
- Student Conduct**
  - Student Conduct Process
  - Resolution Process
- Employment**
  - Disciplinary Procedures

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### Terms - Roles

- Clery Act / VAWA**
  - Victim / Accuser
  - Accused
- Title IX**
  - Complainant
  - Respondent

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### Differences between Title IX and the Clery Act



Refer to Title IX Regulations and Training

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## Reporting



**Clery Act**  
*Campus Security Authority*

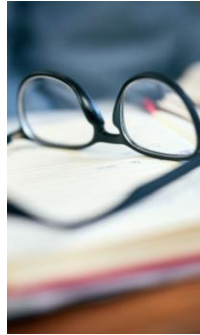


**Title IX**  
*Title IX Coordinator*  
*Official with Authority*



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## Notice Requirements

Written explanation of the student's or employee's rights and options whether the VAWA offense occurred on or off campus



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## Written Explanation of Rights and Options



Preserve Evidence



Reporting Options



Notification Options



Existing Services



Protective Measures



No Contact and Restraining Orders



Confidentiality



Procedures



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## Providing Support for the Respondent

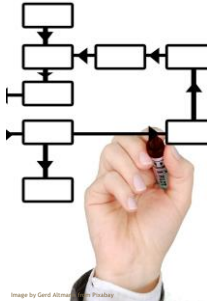


Respondent



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### ASR and Disciplinary Proceedings

Annual Security Report must include “a clear statement of policy that addresses the procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking, as defined in paragraph (a) of this section, and that...”(34 CFR Part 668)

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### Disciplinary Proceedings



A prompt, fair, and impartial process from the initial investigation to the final result



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### Prompt, Fair, and Impartial



Reasonably Prompt Timeframes



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### Prompt, Fair, and Impartial



Consistent and Transparent Process



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### Prompt, Fair, and Impartial



No Conflict of Interest or Bias



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### Disciplinary Proceedings



Annual Training -  
VAWA Offenses



Annual Training -  
How to Conduct an Investigation and  
Hearing Process



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### Disciplinary Proceedings



Types of Proceedings



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### Disciplinary Proceedings



Steps and Timelines



How to File



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### Disciplinary Proceedings



Advisor of Choice



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## Disciplinary Proceedings



Standard of Evidence



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## Standards of Evidence



Preponderance of the Evidence Standard

- “More likely than not”

Clear & Convincing Evidence

- “Highly probably”

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## Hearings



Clery Act  
*Silent*



Title IX  
*Live Hearings with Cross-Examination*



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## Disciplinary Proceedings



Sanctions



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## Disciplinary Proceedings



Notification of Results



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## Appeals



Allowed for Both Parties if Offered



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## Recordkeeping



Seven Years



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## FERPA



Compliance with all information in the Procedures for institutional disciplinary action section does not constitute a violation of the Family Educational Rights and Privacy Act (20 U.S.C. 1232g).

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## Student Conduct Codes

VAWA ADJUDICATOR TRAINING PROGRAM

1

## Institutional Policies




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## Purpose of Student Conduct Codes




Manage Institutional Expectations



Resolve Complaints



Educate

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## Foundational Aspects




Non-Adversarial



Notice



Opportunity to Be Heard

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### Types of Models



Single Adjudicator



"Paper Review"



Hybrid



Restorative Justice

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### Five Elements of a Resolution Process



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### Personnel



Selection



Training



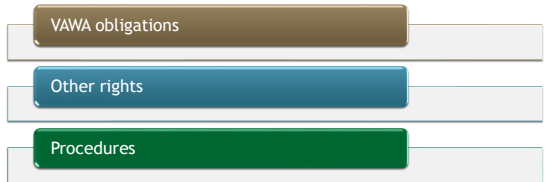
Evaluation

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### Policy and Procedures



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## Intake



- Point of contact
- Written materials
- Options
- Resources
- Protective and/or Supportive Measures
- Rights
- Procedures

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## Intake - Assessing the Report



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## Investigation



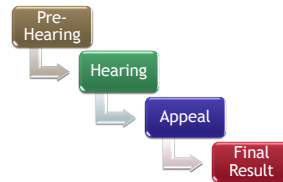
- Interviews
- Evidence
- Evaluation
- Investigative Report

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## Adjudication



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### Adjudication - Pre-Hearing



Review the investigative report



Review the hearing procedures



Explain hearing rights and options



Offer alternative resolutions, if applicable

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### Adjudication - Hearing



- Hearing Panel
  - Fair and impartial
  - No conflict of interest
  - Non-adversarial
  - Culturally competent
  - Collaborate



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### Adjudication - Hearing



- Physical Setup
  - In person vs. virtual
  - Both Complainant and Respondent need to use the same medium
  - Breakout rooms
  - Accommodations
  - Recordings

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### Adjudication - Hearing



Building



virtual

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### Adjudication - Hearing



- Behavioral standards
  - Provided to all participants
  - Remind about retaliation policy



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### Adjudication - Hearing



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### Hearing - Fact-Finding

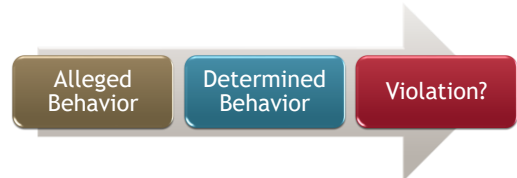


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### Hearing - Deliberations



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### Hearing - Sanctions



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### Notification of Results



Simultaneous



Writing

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### Notification of Hearing Results



- Behavioral Allegation
- Behavioral Finding
- Determination on Violations
- Rationale for Finding
- Sanction(s) Imposed
- Rationale for Sanctions
- How to Appeal



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### Appeal



Not Required for non-Title IX cases

If offered, both parties can appeal

Common grounds

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Notification of Final Result



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