



# Middle Georgia State University

OFFICE OF TITLE IX



## Title IX Resource Guide SPRING 2023

General Information

## Frequently Asked Questions

Reports, Complaints,  
Processes & Procedures

Macon  
Cochran  
Eastman  
Warner  
Robins  
Dublin  
Online

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# Introduction

Going through Title IX processes can be tough. A lot of the information about them is written in legal or policy documents that aren't entirely accessible or understandable to the average person. Information about different aspects of the process is often scattered in different places, making it difficult to build a big-picture view or find answers to all of your questions at once.

Knowing that, we put together this document, which answers many of the most common questions people have about Title IX in the simplest language possible. Wherever they are available, we have linked our answers to source material (often those legal and policy documents we just mentioned). We hope that this will help people navigate Title IX with less uncertainty.

That being said, this document is not legally binding, and it should not be taken as legal advice. Any remaining questions, comments, or concerns should be directed to the Title IX Office through one of the avenues identified in the table below.

## Contact Information for MGA's Title IX Office

Title IX Coordinator	Ms. Jenia Bacote, JD
Email	<a href="mailto:titleix@mga.edu">titleix@mga.edu</a>
Phone	(478) 471-3627
Fax	(478) 757-2626
Website	<a href="https://www.mga.edu/title-ix/">https://www.mga.edu/title-ix/</a>
Office	Student Life Center Room 275 100 University Parkway Macon, GA 31206

## Related Campus Contact Information

*In the case of an emergency, always call 911 (and/or [campus police](#)) first. Additional resources and contact information can be found [here](#). All services listed in the table below have been hyperlinked to their campus websites.*

<a href="#">MGA Campus Police</a>	Macon: (478) 471-2414
	Cochran: (478) 934-3002
	Warner Robins: (478) 929-6750
	Eastman: (478) 374-6403
	Dublin: (478) 274-7751
<a href="#">24/7 BeWell Mental Health Support Line</a>	(833) 910-3362
<a href="#">MGA Student Health Services</a> (Macon) <i>By appointment only</i>	(478) 471-2092 Music Building 100 University Parkway Macon, GA 31206
<a href="#">MGA Student Health Services</a> (Cochran) <i>By appointment only</i>	(478) 934-3080 Georgia Hall, Lower Level 1100 Second Street, SE Cochran, GA 31014
<a href="#">MGA Counseling Center</a> (Macon)	(478) 471-2985 Student Life Building 266 100 University Parkway Macon, GA 31206
<a href="#">MGA Counseling Center</a> (Cochran)	(478) 934-3080 Georgia Hall, First Floor 1100 Second Street, SE Cochran, GA 31014

# General Questions

## What is Title IX?

“Title IX” is shorthand that refers to Title IX of the Education Amendments of 1972: Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance ([full text](#)). This is the federal policy that protects students and employees from discrimination (including sexual harassment and sexual violence and discrimination based on sexual orientation, gender identity, and pregnancy) in educational programs and activities that receive federal funding. Because MGA is a state institution, all classes and programs that occur on campus or are officially sponsored by MGA (on- or off-campus) are covered by this policy.

It reads, “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.”

## What kinds of behaviors are prohibited by Title IX?

*Note that in most cases, the examples given below do not represent an exhaustive list of actions associated with prohibited behaviors. For further guidance, including the complete definitions used by the University System of Georgia and MGA, check out [this source](#) or confer with the Title IX Office. Additional helpful examples can be found [here](#).*

Prohibited Behavior	Definition
Dating Violence	This is violence (including physical and sexual violence or the threat of this kind of violence) that is committed by someone with whom you have a romantic or sexual relationship (either now or in the past).
Domestic Violence	This is violence committed either by your current or former spouse or intimate partner or by someone with whom you share a child.
Nonconsensual Sexual Contact	This is any sexual touch that occurs without your consent. It includes someone else touching your intimate parts (like your genitalia, groin, breasts, or buttocks) with any part of their body; touching any part of your body with their own intimate parts; or forcing you to touch either your own or a third party’s intimate body parts.

<p>Nonconsensual Sexual Penetration</p>	<p>This refers to someone placing any body part (like their penis, tongue, or finger) or other object inside your vagina, anus, or mouth or making contact with your genitals or anus with their mouth.</p>
<p>Sexual Exploitation</p>	<p>This means that someone has sexually taken advantage of you for their own (or someone else's) benefit. Examples of this kind of behavior include someone</p> <ul style="list-style-type: none"> <li>• Forcing you into prostitution.</li> <li>• Taking or distributing sexual photos, videos or audio recordings without your consent.</li> <li>• Intentionally watching you (without your consent) when you are partly undressed, naked, or engaging in sexual acts.</li> <li>• Knowingly transmitting an STD or HIV to you.</li> <li>• Intentionally exposing intimate parts of their body to you without your consent.</li> <li>• Bullying you in connection with sexual activities.</li> </ul>
<p>Sexual Harassment (Student-on-Student)</p>	<p>If you are a student, this means that another student has directed unwelcome conduct (spoken or physical and based on sex, sexuality, or gender) toward you. The average person would see this behavior being so severe, pervasive, and objectively offensive that it kept you from enjoying equal access to or benefits from an MGA class or other program.</p>
<p>Sexual Harassment (Not Student-on-Student)</p>	<p>This is unwelcome conduct (spoken or physical and based on sex, sexuality, or gender) that is directed either from a non-student or toward a non-student (or both). The average person would see this behavior as being so severe or offensive that it either kept you from enjoying equal access to or benefits from an MGA class or other program or created a hostile work environment.</p>
<p>Stalking</p>	<p>This means that someone has (at least twice) engaged in behavior that would make a reasonable person fear for their safety, the safety of others, or experience mental or emotional suffering. These kinds of behaviors include following, watching, or threatening you; communicating to or about you; and interfering with your personal property.</p>

# Title IX Reports and Complaints

## What are Title IX reports and complaints?

When someone hears about an experience that is covered by Title IX, they can report that experience to the Title IX Office on campus. Someone who has experienced a Title IX violation can also report their experience to (or “file a complaint with”) the Title IX Office.

## How do I file a Title IX report or complaint?

Contact information for MGA’s Title IX Office can be found in the [Introduction](#) of this document and on MGA’s Title IX website [here](#); further information about how to file a report and other support services can be found [here](#). You may also file a report at the [Online Reporting Form](#).

## Who is a Title IX complainant?

A Title IX complainant is someone who reports experiencing a violation of Title IX ([Source](#)).

## Who is a Title IX respondent?

A Title IX respondent is someone who has been reported as violating Title IX ([Source](#)).

## Who are Title IX mandatory reporters?

Mandatory reporters (or “responsible employees”) are MGA employees who are required to report alleged violations of Title IX to the MGA Title IX Office. Most MGA employees are mandatory reporters, unless they have been specifically designated as “confidential” or “privileged” employees. This includes student employees who have supervisory responsibilities as part of their jobs (teaching assistants, residential assistants, student managers, orientation leaders, etc.).

An institution may have employees who have been designated by the institution as “confidential employees.” This means that while they must still report that an incident occurred (including the date, time, location, and name of the respondent, if known), they do not need to report any information that might identify the alleged victim who spoke with them. (Although in some cases, in order to ensure campus safety, even confidential employees may be required to share details that may identify an alleged victim.) Currently, MGA has not designated confidential employees but does maintain mandatory and privileged employees.

Other MGA employees are designated as “privileged employees.” This means that the law protects complainants’ or alleged victims’ right to speak with these employees in confidence. Sharing your experiences with them will not automatically trigger an investigation (particularly against your wishes)



unless you are under 18 or are sharing information about “suspected abuse of a minor” or if there is an “imminent threat of serious harm.” According to USG guidelines, “Privileged Employees include those providing counseling, advocacy, health, mental health, or sexual-assault related services (e.g., sexual assault resource centers, campus health centers, pastoral counselors, and campus mental health centers) or as otherwise provided by applicable law” ([Source](#)).

### **Is there a statute of limitations for Title IX reporting?**

No. There is no time limit on MGA’s ability to respond to a report of a Title IX violation. However, it does get more difficult for the institution to respond to a report (either with an investigation or with appropriate sanctions) as time passes and information and evidence (potentially) become more difficult to acquire ([Source](#)).

### **Can anyone retaliate against me for making a Title IX report or complaint?**

No, retaliation is strictly prohibited for “[a]nyone who has made a report or complaint, provided information, assisted, participated, or refused to participate in any manner in these proceedings.” This means, for example, that you cannot lose a campus job, fail a class, or be expelled for taking any of these actions. Disciplinary actions (such as suspension and expulsion) will only be taken in cases where individuals intentionally make false statements or reports.

Anyone who believes they have experienced retaliation should immediately reach out to the Title IX Coordinator. Anyone found to have carried out retaliation will experience disciplinary action ([Source 1](#), [Source 2](#)).

### **Can I report a potential Title IX violation anonymously?**

Yes, you can. It is worth noting that anonymous reports can be more difficult to follow up on ([Source](#)). The process for reporting anonymously any MGA-related concern including potential Title IX violations can be found on the [Ethics and Compliance Reporting page](#).

### **As a complainant, can I request that my identity be withheld?**

Sometimes, yes. But the institution cannot guarantee confidentiality ([Source](#).)

### **If I have knowledge of a potential Title IX violation but must disclose my consumption of drugs or alcohol in order to convey information about this violation, will that consumption be used against me?**

No. Information about drug and alcohol consumption will not be voluntarily conveyed to law enforcement, nor will it result in you being charged with a conduct violation at MGA. You will be

provided resources on drug and/or alcohol counseling (where appropriate), and participation in an educational program on these issues may be required as a result of sharing this kind of information (but this is not intended as a punishment) ([Source](#)).

## **If I decide not to report my experience to the Title IX Office, is there still support available for me?**

If you do not want the institution to move forward with an investigation, you can still speak with support services on MGA's campus who are considered privileged employees, listed above. According to USG guidelines, "Privileged Employees include those providing counseling, advocacy, health, mental health, or sexual-assault related services (e.g., sexual assault resource centers, campus health centers, pastoral counselors, and campus mental health centers) or as otherwise provided by applicable law" ([Source](#)). You can also reach out to external support services, like the Rape, Abuse & Incest National Network (RAINN), the Georgia Network to End Sexual Assault, and others. (Find more information about these external support systems [here](#).)

## **Does a report or complaint always result in an investigation?**

No, not always. After receiving a report of a potential Title IX violation, the Title IX Coordinator will reach out to the alleged victim to provide information regarding support services and to request a meeting to discuss the report further. During the intake meeting, the Title IX Coordinator will ask the alleged victim if they would like to file a complaint (if they have not already done so). The alleged victim has the right to say no at that time, and in some cases, this means that the institution will not proceed with an investigation.

In other cases, however, the Title IX Coordinator may initiate an investigation without the agreement of the complainant, depending on the nature of the misconduct and the circumstances presented at the time of the report. This may include reports where MGA employees are involved; in cases of sexual assault (as defined by the [Clery Act](#)); and in cases of dating violence, domestic violence, or stalking (as defined by the [VAWA Amendments](#)).

Additionally, the institution may dismiss complaints (once filed) for the following reasons:

1. The reported behavior does not constitute any of the behaviors prohibited by Title IX.
2. The complainant notifies the Title IX Coordinator in writing that they would like to withdraw the complaint (except in the cases identified above).
3. The respondent is no longer a student or employee of MGA (in some cases).
4. There are circumstances that keep MGA from gathering enough evidence to reach a conclusion regarding the complaint ([Source](#)).

## **What are my rights as a complainant or respondent?**

Complainants and respondents have the right to...

- Choose or be assigned an advisor from the moment they receive notice of the alleged misconduct. (More on this in the [Advisors](#) section below.)
- Present their side of the story—including sharing evidence, presenting witnesses, responding to the initial investigation report, and appealing any hearing decision.
- Receive timely, written updates about the case’s progress and the time frame within which different stages of the case will operate.
- Receive written copies of the initial investigation report and the outcome of any hearing.
- Shift from an informal resolution process to a formal resolution process at any time ([Source](#)).

## **I am a student. Is there institutional support for me as I try to navigate the Title IX process and my classes?**

Yes. The Title IX Coordinator will connect you with MGA’s Associate Vice President of Student Affairs and/or [Accessibility Services](#), who will let your professors know (without details) that you are involved in a Title IX case and that they should be prepared to work with you on deadlines and other classroom engagement expectations. You also have access to counseling and health services on campus. (There is more information about those services [here](#).)

## **Advisors**

### **What is the role of a Title IX advisor?**

A Title IX advisor is someone who can help guide complainants and respondents (or “the parties” to a case) throughout the investigation and resolution processes. Advisors are allowed to be present in any Title IX meeting or proceeding in which their party is present and may (with the permission of their party) be copied on all case-related emails.

They may assist their party in a variety of ways, including providing guidance to their party on how to answer questions asked of them, suggesting questions to be asked during a hearing, and giving feedback on any written statements their party prepares. In the case of a hearing, advisors will cross-examine the other party so that the parties never directly interact. (This means that the complainant’s advisor will cross-examine the respondent, and the respondent’s advisor will cross-examine the complainant.) They can also aid in the writing and submission of written appeals ([Source 1](#), [Source 2](#)).

### **Who can serve as an advisor in a Title IX case?**

Advisors can be anyone—an MGA faculty or staff member, a family member, or even a lawyer (although lawyers’ fees will be paid by the parties who hire them).

Parties are allowed to choose their own advisors; they may also refuse an advisor. In the case of a hearing, parties who have refused an advisor will still have one assigned to them for the purposes of cross-examination ([Source 1](#), [Source 2](#)).

### **How should I go about selecting an advisor?**

This is a personal choice; you should choose the advisor that makes you feel most secure. That being said, it will be to your benefit to choose someone who is familiar with the Title IX process and has received (or is willing and able to receive) advisor training—they'll have a better idea of what the different stages of investigations and resolutions will entail and will be able to advise you accordingly.

### **How does someone receive training to be a Title IX advisor?**

The University System of Georgia offers this training (example [here](#)) for interested USG employees. In special cases (such as the need to prepare for an investigation/hearing during a time when trainings are not available), the Title IX Coordinator can also walk potential USG employee advisors through the training. All questions about training should be directed to the Title IX Office.

## **Investigations**

### **What is the process for a Title IX investigation?**

Upon receiving a report of any student or employee misconduct, MGA will review the complaint to determine whether or not the actions described constitute a violation of the relevant policy. If the actions are determined to not be a violation, the complaint will be dismissed.

Any report of conduct that could lead to the suspension or expulsion of a student respondent must be directed to the System Director of Equity and Investigations. The System Director will collaborate with MGA to decide if interim measures are needed (changes of housing assignments, “no contact” directives, restrictions on institutional property access, temporary suspension, etc.), to assign an investigator, and potentially to supervise the investigation. Any report of an employee respondent is shared with Human Resources to determine if the conduct reported will lead to immediate administrative leave or other immediate personnel disciplinary response.

As the investigation proceeds, the respondent will receive written notice of the alleged misconduct (Notice of Complaint), which will presume that the respondent is not responsible for the charges. The respondent will have at least three business days to respond to the allegation in writing or to contact the investigator to schedule an investigation meeting. The respondent has the right to admit or deny the allegations and to establish a defense (including with witnesses and supporting materials). Not responding will be taken as a denial of the allegations. If the respondent admits responsibility at this stage in the process, the process may either proceed to the sanctioning phase or move to an informal

resolution. (Complainants will also be given three business days to respond to and/or supplement the Notice of Complaint.)

The investigator will interview all relevant (and consenting) parties and witnesses, maintaining a written (or recorded) record, as well as a list of all witnesses who were not interviewed (and an explanation for why they were not interviewed). The investigator may not consider, disclose, or otherwise use a party's medical or psychiatric records without the party's voluntary, written consent. If at any point the investigator determines there is not enough evidence to support a charge or to warrant further consideration of the case, the complaint will be dismissed.

The investigation process will close with the investigator producing an Initial Investigation Report that clearly indicates the results of the investigation. Any potential charges in this report do not mean that a respondent has been found responsible for the activities described in the allegations; they only indicate that further consideration is warranted.

The complainant and respondent (and their advisors) will receive copies of the Initial Investigation Report. They will be given at least 10 calendar days to review and respond to it in writing, and the investigator will consider their responses and determine if any changes are needed to the Initial Investigation Report. The Final Investigation Report will be provided to both parties at least 10 calendar days before a hearing, if applicable.

The respondent and complainant may have the option of choosing informal resolution (mediation) after receiving the Final Investigation Report, rather than moving forward with a hearing. **(This does not apply to formal Title IX complaints where the complainant is a student and the respondent is an employee; those cases must proceed to a hearing if they are not dismissed.)**

The Final Investigation Report will be provided to a hearing panel in the case of a hearing. The Final Investigation Report that is provided to the hearing panel will only contain a summary of the findings without any recommended charges or sanctions. While the investigator may testify as a witness in a hearing, they will not otherwise participate and may not attempt to influence the proceedings outside of their testimony ([Source 1](#), [Source 2](#)).

## **Am I required to participate in a Title IX investigation in any way?**

No. Whether you are a complainant, a respondent, or a witness, you are not required to participate in any way in the investigation, and a refusal to participate cannot directly result in an adverse ruling for the person who refuses to participate. (More simply, a refusal to participate is not interpreted as an expression of guilt or responsibility.) Regardless of parties' participation, however, investigations may proceed ([Source](#)).

## **When does an investigation lead to a hearing?**

If the investigation finds clear evidence that the allegations do not constitute a Title IX violation (or fails to find enough evidence that the case bears further consideration), the case will be dismissed. If, however, there is some degree of evidence of wrongdoing, the case will move forward into a resolution

stage—either an informal resolution (where the parties discuss next steps with a mediator) or a hearing. Both parties and MGA must agree to an informal resolution for that path to be taken (Remember that this is not an option for formal Title IX cases where a complainant is a student and the respondent is an employee. Depending on the specific facts of the case, it is also usually not available in cases of sexual assault.) ([Source 1](#), [Source 2](#)).

### **What is the timeline for a Title IX investigation and/or hearing?**

The Title IX Office will do its best to complete a Title IX investigation and resolution (including a hearing, if applicable) within 120 business days of receiving a complaint. Reasonable delays and extensions will be communicated to all parties in writing ([Source](#)).

## **Hearings**

### **Are Title IX hearings legal trials? Do I need a lawyer?**

No, hearings are not the same as legal trials. They are not associated with either civil or criminal charges—any sanctions made as a result of a hearing will be limited in scope to MGA and the University System of Georgia. They also do not preclude a civil or criminal trial afterwards.

Thus, lawyers are not required, although either party may choose to hire one as their advisor. In such cases, the parties will be required to pay their own legal fees.

### **Are hearings confidential?**

Yes. No one present may share information discussed in the hearing with others who were not present.

### **Are witnesses allowed in the hearing?**

Yes, any party to a hearing may call witnesses with knowledge of the allegations to make statements and answer questions during the hearing.

### **Can family members attend the hearing?**

Yes, there is some space for a family member to attend a hearing in support of their party. However, they may not participate in any way (unless they are serving as an advisor). In the case of a virtual hearing, everyone listening must be declared during the introductions.

## **Am I required to participate in a hearing (as a respondent, as a complainant, or as a witness)?**

No. As with investigations, participation is voluntary. A refusal to attend a hearing will not be taken as either an admission of wrongdoing or a retraction of an allegation. Hearings can proceed without either a respondent or a complainant in attendance.

Additionally, even if you participate in a hearing, you have the right to refuse to answer any specific questions (or any questions after a certain point). This will also not be taken as a statement of guilt or retraction of an allegation ([Source](#)).

## **How much advance notice will I have of a hearing's time and place?**

All parties will receive at least 10 calendar days' notice prior to a hearing ([Source](#)).

## **I would like to participate in a hearing but am unable to attend. Is there still a way for me to participate?**

In some cases, parties and witnesses may be allowed to provide their testimony from a separate location. This will be done at the discretion of the Hearing Officer. If they determine that the individual has provided "tainted testimony," they will be able to discount that testimony ([Source](#)).

## **Are complainants and respondents ever required to directly interact in a hearing?**

No. In the case of a hearing conducted in a physical space, complainants and respondents can be kept entirely apart, answering questions via camera from different rooms (so that the other party can still hear and respond to their statements). In the case of a virtual hearing, parties will be asked to keep their cameras and microphones off unless it is their turn to speak.

There is also no point in which complainants and respondents can (or may) speak to each other directly; all questions will be passed through the parties' advisors.

## **What is the general process for Title IX panel hearings?**

Panel hearings begin with introductions—the Hearing Officer, panel, respondent and their advisor, complainant and their advisor, any witnesses, the investigator, and the Title IX Coordinator. There are some procedural recaps—the charges are read, the investigative process is described, and the standards for evidence are outlined. The investigator then presents their report (minus their conclusion and recommended sanctions). The panel may ask the investigator questions about their report; the investigator will then withdraw from the hearing (while remaining close, in case there are more questions for them).

The complainant will go first, giving an opening statement that they have prepared in advance of the hearing (if they choose to do so). Any witnesses for the complainant will then be called by the Hearing Officer, followed by questions from the complainant's advisor, the panel, and the respondent's advisor. The panel and then the respondent's advisor will then ask the complainant questions.

Next, the respondent will (if they choose) give their opening statement. Any witnesses for the respondent will be called by the Hearing Officer, followed by questions from the complainant's advisor, the panel, and the respondent's advisor. The panel and complainant's advisor will then ask the respondent questions.

At the end, there will be a call for remaining questions. The respondent will be allowed to offer a closing statement (if they choose), and then the complainant will be allowed to offer a closing statement (if they choose).

The panel will remove themselves from the Hearing to discuss all of the evidence and come to a conclusion about whether or not the respondent is responsible for each charge brought against them. They will then determine the sanctions (if any) associated with each finding of responsibility. They will write a detailed explanation of their conclusions for each charge and the associated sanctions.

In most cases (depending on the length of the hearing and the length of the Hearing Panel's meeting to reach a conclusion), everyone will reconvene, and the panel's decision will be read. (The Hearing Panel's decision will be simultaneously emailed to all parties afterwards along with information about the appeals process). And then the hearing will end.

See [Appendix C](#) of this document for a more detailed order of events for panel hearings.

## **What should be done to prepare for a hearing?**

Parties and advisors should work together to brainstorm an initial list of questions for witnesses and the other party and draft opening and closing statements. Any evidence that was not shared during the investigation must be sent to the Title IX Coordinator to be approved for use in the hearing. All individuals planning on participating in the hearing should confirm the details (date, time, and location) and confirm that any required technology (cameras, microphones, and internet for virtual hearings) is working.

See [Appendix B](#) of this document for a checklist of things to prepare for a hearing.

## **What is the general structure for statements to be shared in a hearing? What kind of content is required?**

Parties may (optionally) make two main statements apiece—an opening statement and a closing statement. (In some cases, the closing statement is split into a closing statement and a statement of the impact that the case has had upon them, but in practice, these statements are often combined and given as the closing statement.) There is no required content or structure for these statements.



For the opening statement, parties may want to highlight key parts of the events in question and how they interpreted or experienced them (keeping in mind that the panel will have access to the complete investigative report). This should be prepared in advance of the hearing.

Closing statements may be more flexible. This is the last chance for any party to respond to any of the evidence shared or statements made in the hearing or clarify any points they feel weren't clear about their actions, intentions or experiences. It can be helpful to draft these statements in advance but be prepared to edit them before sharing. (Time will be granted during the hearing for parties to consult with their advisors before making statements or answering questions.)

### **I want to give a statement but am unsure that I will be able to read it myself. Is there another way to get it on the record?**

If a party would like to give a statement but do not want to (or cannot) read it themselves, they may submit it to the Title IX Coordinator in advance of the hearing, and the Hearing Officer will read it into the record for them. (Advisors may not read their parties' statements for them.)

### **What questions should my advisor and I prepare for a hearing?**

Questions will be extremely specific to each case, so there is no pre-determined list of questions to draw from (or required number of questions that can/must be asked). However, there are a few general guidelines that might be helpful to follow:

- Make the questions open-ended. Questions with yes/no answers are not as informative as questions that require details to answer.
- Ask the other party to clarify details about the events in question (or their experience of those events).
- Ask the other party questions to clarify their intent around their actions.
- Ask the other party to answer questions that will give context to the actions and/or charges (like their understanding of related campus policies).

It's important to note that no matter how well you and your advisor prepare in advance, you are likely to come up with new questions or determine some questions are no longer needed during the hearing. While questions must be approved before being asked, they do not need to be submitted in advance of the hearing itself; this leaves some flexibility for these developments (again, with the approval of the Title IX Coordinator and Hearing Officer).

### **Are there any questions that cannot be asked during a hearing?**

All questions must be reviewed by the Title IX Coordinator and Hearing Officer before being asked (and then asked in the exact phrasing that was approved). In most cases, they will err on the side of

allowing questions to be asked, because participants always have the right to refuse to answer. In the case they do not allow a question to be asked, they will provide an explanation.

Questions and evidence related to the complainant's sexuality and previous sexual behavior are not allowed (unless related to an attempt to show that someone besides the respondent is responsible for the charges being brought). Additionally, unless the relevant party has provided their written consent, no physical or mental health records will be used in any way ([Source](#)). Note that this does not prevent parties from asking questions related to their personal experiences with the other party.

## **What kind of evidence may be shared in a hearing?**

Any evidence related to the charges (including confirmation or denial of aspects of the allegations or giving context around the allegations) will be allowed, with some exceptions.

All evidence collected during the investigation will be shared for the hearing automatically. Any additional evidence must be provided to the Title IX Coordinator for approval in advance of the hearing. It will be shared with all parties for review and be made available for reference during the hearing. No evidence without this advance approval may be brought to the hearing.

As described in more detail in the section on prohibited questions above, no evidence related to sexuality, previous sexual behavior, and physical and mental health records (without written consent) will be allowed ([Source](#)).

## **What is the standard of evidence for Title IX hearings?**

The standard of evidence relied on in these meetings (or the standard by which decisions about the respondent's responsibility for the charges will be made) is a "preponderance of the evidence," which means that the panel determines that it is more likely than not that a violation occurred ([Source 1](#), [Source 2](#)).

## **What are the possible outcomes of a hearing?**

The respondent will be declared not responsible for any charges or responsible for each charge brought against them. They may be declared not responsible for some charges and responsible for others.

Sanctions or disciplinary actions applied for charges for which the respondent is found responsible will vary based on their role at MGA and the specific charges, including

- the frequency, severity, and/or nature of the offense;
- history of past conduct;
- an offender's willingness to accept responsibility;
- previous institutional responses to similar conduct;

- strength of the evidence; and
- the wellbeing of the university community ([Source](#)).

For student respondents, these sanctions include (but are not limited to) sensitivity training, possible changes to how courses are taken on campus, probation, suspension, and expulsion. For employee respondents, these sanctions include (but, again, are not limited to) sensitivity training, changes to access on campus, probation, firing from MGA, an inability to be rehired at MGA in the future, and an inability to be hired at any USG institution in the future.

### **Will the hearing be recorded? Can parties access the recordings afterwards?**

Yes, whether a hearing happens in person or virtually, there will be an audio-only recording made. This audio will be made available to the parties afterwards.

## **Appeals**

### **Is there an appeals process for the results of a hearing?**

Yes. Upon receiving the written decision of a hearing, all parties have five business days to present a written appeal on at least one of the following three grounds:

- To consider new information that could not have been known during the investigation or hearing.
- To allege a procedural error during the investigation or hearing that may have made the process unfair. (This includes questions being improperly excluded during the hearing and concerns of conflict of interest or bias in the Title IX Coordinator, investigator, administrators, panel members, etc.)
- To allege that the hearing's finding was inconsistent with the weight of the information presented.

This appeal will be sent to the President of MGA, or his designee such as the Vice President of Student Affairs for student on student matters. Upon receipt, they will review the record (the appeal, the recording of the hearing, the investigation report, and the evidence); there will be no additional hearings or interviews with the parties.

The President, or his designee, has several options after reviewing the record:

- Affirm the original finding and sanction(s).
- Affirm the original finding but change the sanction (making it either more or less severe).
- Send the finding back to the decision maker (the Hearing Panel) to correct procedural or factual defects.

- Dismiss the case.

In some cases, the President, or his designee, may take more than one of these options (such as sending the finding back to a panel to correct factual inaccuracies while upholding their suggested sanctions). They will lay out the findings of their review in writing, which will be sent simultaneously to the respondent and complainant.

Any further appeals must be sent to the USG Board of Regents. More information about this stage of the appeals process can be found [here](#).

### **Can I withdraw an appeal after submitting it?**

Yes, an appeal can be withdrawn (before the review process has been completed) by the party who originally made it by submitting a written request for its withdrawal to the Title IX Coordinator.

\*This resource was compiled, drafted, and revised by a supportive volunteer of Middle Georgia State University's Office of Title IX, K. Anne Watson, PhD (Assistant Professor of Political Science), with further review and approval by Jenia Bacote, JD (MGA's Chief Diversity Officer/Title IX Coordinator). This resource is not intended to be a complete list of all questions asked nor a comprehensive response to those questions. This resource is intended to provide initial guidance to MGA Faculty, Staff, & Students who have general initial questions about the Title IX process. Further information can be obtained from MGA's Title IX Coordinator. A special *thank you* to Dr. Watson for her support!

# Appendix A: A Summary of Title IX Processes

This is a very brief summary of this process for those who would like a broad overview or for whom the mass of information in the sections above is overwhelming. However, its brevity does mean that it skips some details. Make sure to check with the Title IX Office for more information about these processes when you have questions or concerns.

1

A report/complaint regarding a potential Title IX violation is made to the Title IX Office.

2

MGA confirms that the alleged events would constitute a Title IX violation. If so, they will open an investigation.

3

All parties will be notified when the investigation opens and what the alleged charges are. They will be given three days to respond in writing, as well as access to an advisor for the rest of the process.

4

The appointed investigator will interview all parties (the complainant(s), the respondent, and any witnesses) and review evidence. They will write an Initial Investigation Report summarizing all of the above and their conclusion.

5

All parties will have at least 10 business days to respond to the Initial Investigation Report in writing. The investigator will determine if any changes to the Initial Investigation Report are needed and produce the Final Investigation Report.

6

If the Final Investigation Report finds some evidence of responsibility, the parties may choose to move to an informal resolution process (mediation)—but all parties must agree. Otherwise, the case will move to a hearing. (In cases of a student complainant and employee respondent, Title IX cases must proceed with a hearing to determine a finding and resolution.)

7

Hearings occur before a 3-person panel. Panelists will be trained MGA employees. In either case, all sides will be allowed to make statements, share witnesses and evidence, and answer questions regarding their experiences.

8

After hearing from and questioning all sides, the Hearing Panelists will review all of the evidence and produce a written decision, in which they state whether they have found the respondent responsible or not responsible for each charge and suggest associated sanctions (consequences).

9

All parties have 5 business days to appeal the decision from the hearing (in writing). Appeals will be sent to MGA's President, or his designee, who will review the audio recording of the hearing and the associated documentation and judge whether to support or overturn the decision or send it back to the panel. Additional appeals may be directed to the University System of Georgia.

10

The investigation and resolution process (minus any appeals) should be resolved within 120 business days. Any delays will be explained in writing.

# Appendix B: Hearing Preparation Checklist



Advisors and their parties should begin brainstorming an initial list of questions to ask during cross-examination.



Parties and their advisors should consider some questions that they might be asked during cross-examination and prepare answers for them.



Parties should write an opening statement (consulting with their advisor as needed).



Parties should draft a closing/impact statement (consulting with their advisor as needed).



All participants should confirm the details of the hearing—time, date, and location.



All participants should confirm the technology requirements (such as a microphone, camera, and internet) for the hearing and ensure that they are functioning appropriately.

# Appendix C: Order of Events in Title IX Panel Hearings

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## Introductions

- Audio recording begins.
  - Hearing Officer is introduced.
  - Hearing panel is introduced.
  - Respondent and their advisor are introduced.
  - Complainant(s) and advisor(s) are introduced.
  - Witnesses introduced (if applicable).
  - Investigator and Title IX Coordinator are introduced.
  - Role of advisors is presented.
  - Investigator and witnesses are moved to their own breakout rooms.
  - Everyone is brought back together.
  - Charges are read.
  - Report of due process (the procedure they've followed in the investigation).
  - Description of the standards for evidence.
  - Investigator presents their report (minus their conclusion).
    - Panel can ask the investigator questions.
- 

## Complainant(s)

*If there is more than one complainant, all of the items in this section will be completed for the first complainant before being repeated for the second complainant (and so forth). Advisors only participate when it is their complainant's turn.*

- Complainant gives their opening statement (if applicable).
  - Any witnesses will give their statements, followed by questions by the complainant's advisor, the panel, and the respondent's advisor.
  - The panel can ask the complainant questions.
  - The respondent's advisor can ask the complainant questions.
- Respondent gives their opening statement (if applicable).



- Any witnesses will give their statements, followed by questions by the complainant's advisor, the panel, and the respondent's advisor.
  - The panel can ask the respondent questions.
  - The complainant's advisor can ask the respondent questions.
  - Call for any remaining questions.
  - The respondent gives their closing statement (if applicable).
  - The complainant gives their closing statement (if applicable).
- 

## Decision

- Charge is given to panelists.
  - Recording ends.
  - Parties move to breakout rooms to wait for decision (approx. 30-90 minutes).
  - Everyone is called back together; the decision is read (and emailed afterwards).
    - Respondent is declared responsible/not responsible for each charge.
    - Sanction(s) are announced.
  - Information is given about appeals process during hearing and via email.
-