PBA Title IX Process Flowchart

Report made of alleged misconduct to Title IX Coordinator

Title IX Coordinator determines not to conduct a Title IX investigation. Supportive measures may be put in place without filing a Formal Complaint.

Complainant refuses supportive measures.

Complainant accepts supportive measures.

Case is closed.

Supportive measures and resolution options presented to Complainant

Complainant chooses support only.

Supportive measures offered and put in place.

Complaint withdrawn. Case closed.

Complainant decides to seek resolution.

Complainant files written Complaint Initial Assessment for Title IX. Respondent informed of the complaint, their rights and options.

Complainant & Respondent agree to pursue Informal Resolution

Agreement Reached Complaint Resolved

Case is closed.

Agreement NOT Reached

Complaint Withdrawn Case is closed.

Complainant wishes to file Formal Complaint. Written notice sent to Respondent.

Written notification sent to both parties.

Formal Resolution filed

Respondent given notice of Formal Resolution. Complainant receives advance notice of delivery to Respondent.

Investigation

Title IX office preliminarily determines Respondent did not violate Policy; insufficient information to move toward Hearing

Title IX office sends the Investigation Report notifying both parties.

Neither party contests the report and both waive hearing.

Parties are notified. Case is closed.

Title IX office preliminarily determines Respondent did violate Policy; sufficient information to move toward Hearing

Hearing

Hearing officer determines that Respondent violated policy.

Hearing officer determines that Respondent did not violate policy.

Respondent found in violation of policy. No Appeal made by Respondent.

Both parties notified. Sanction recommendations gathered from complainant; character and impact statements provided.

Sanctions determined by Hearing Officer.

Sanctions are implemented. Both parties are notified. Case is closed.

Appeal

Appeals are available to all parties. Three grounds for appeal are: Procedural error in Hearing; New evidence came to light after the Hearing Decision was made and Title IX Office or Hearing Officer have a conflict of interest.

Appeal

Appeal must be filed within 3 business days of Hearing determination.

Other party notified of Appeal. Appeal procedures, equitable to all parties, are implemented.

In Procedural Error Appeals, Appeal Officer may remand to Hearing Officer and then rule.

Both parties are allowed a reasonable and equal opportunity to submit a written statement in support of, or challenge of the outcome.

Appeal Officer makes ruling.

Sanctions, if any, determined by Hearing Officer.

Sanctions, if any, are implemented.

Both parties are notified in writing. Case is closed.

No appeal made by Complainant

No Charges filed; both parties are notified in writing. Case is closed.

Investigation Period

During the Investigation Period, the Title IX office meets independently with the Complainant party, Respondent party, and any witnesses to review their rights, discuss the investigation process, conduct interviews and take statements. Participants will have the opportunity to review/correct their own statements prior to inclusion in the investigation report.

Both parties have equal opportunity to contest the preliminary determination and go to hearing. Prehearing meeting(s) and other procedures are held to promote fair, equitable, productive and orderly hearing(s), including defining terms, establishing Parties' Advisors' (if any) participation in proceedings of the hearing, and any disputed and other relevant issues.

All evidence directly related to the complaint under review must be sent to each party and the parties' advisor(s), if any. Each party receives 10 days to submit a meaningful response for the consideration of the investigator.

Pre-Hearing Period

The Title IX Coordinator reviews the report and determines, based on the preponderance of evidence, if there is enough information to charge the Respondent with a policy violation and move forward to a Hearing.

Appropriate supportive measures, are defined as non-disciplinary, non-punitive individualized services, and are available to the Complainant and Respondent, without charge or fee, before or after the filing of a formal complaint or where no formal complaint has been filed.

Interim Flowchart Created Aug 2020