On Title IX's definition of "sexual harassment"

On the scope of the school's education program or activity

On how to serve impartially, including by avoiding prejudgment of the facts at issue

On how to avoid conflicts of interest and bias

On how to conduct an investigation

Evidence: Relevancy, Privilege, Exclusions

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History & Evolution

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Employee
Davis

Davis)

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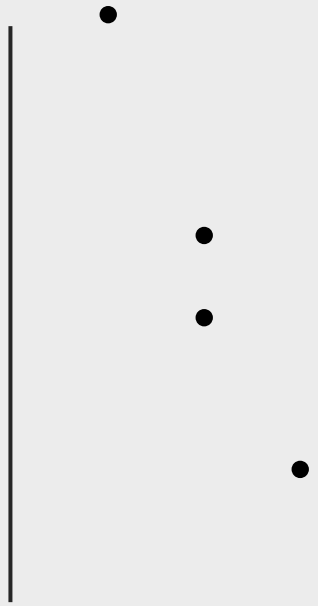
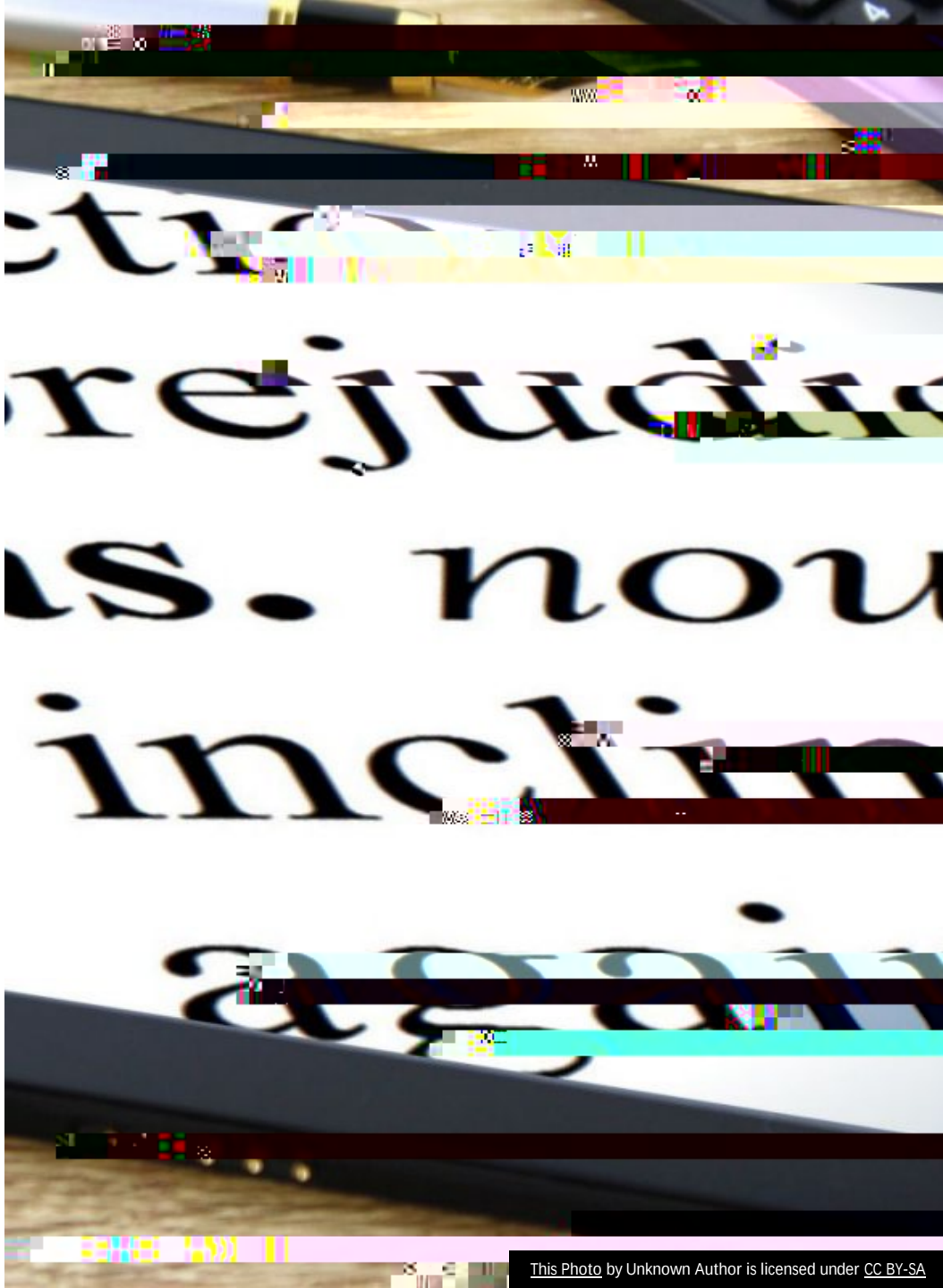
-
-



(ii)Require an objective evaluation of all relevant evidence – including both inculpatory and exculpatory evidence –

-
- *may* *note the Department cautions on this*
-



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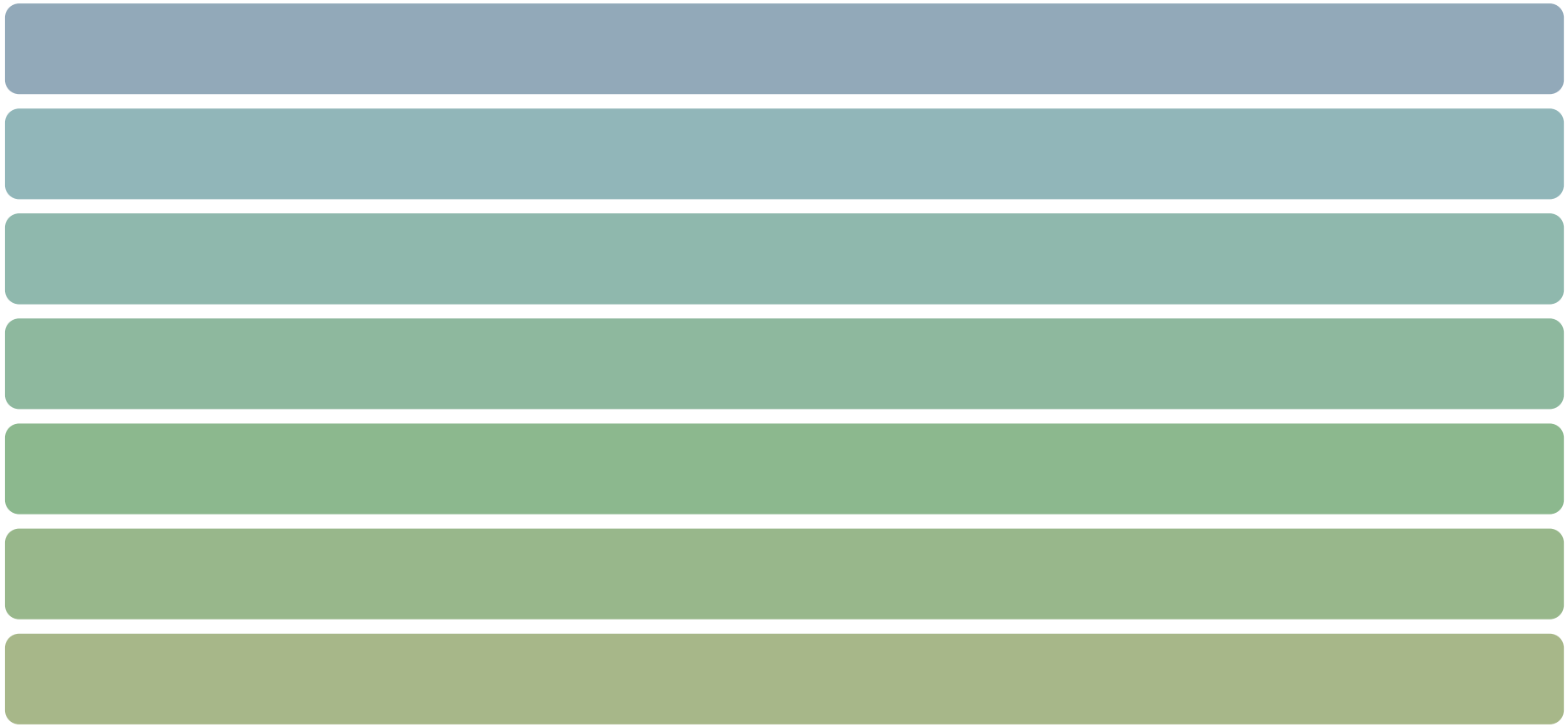
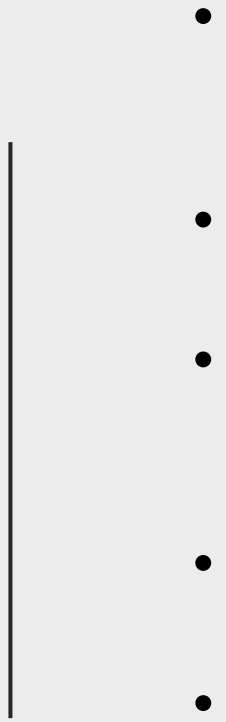
- School bears burden of proof and gathering evidence
- School cannot access, disclose, or otherwise use a party’s

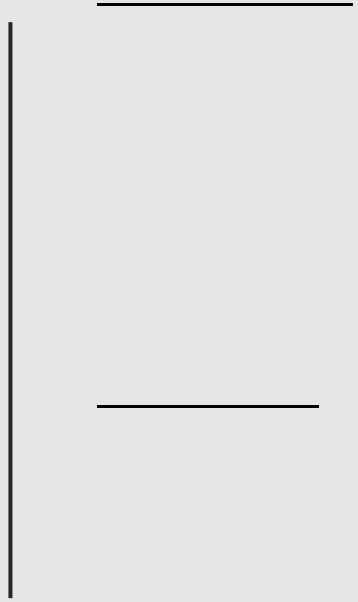


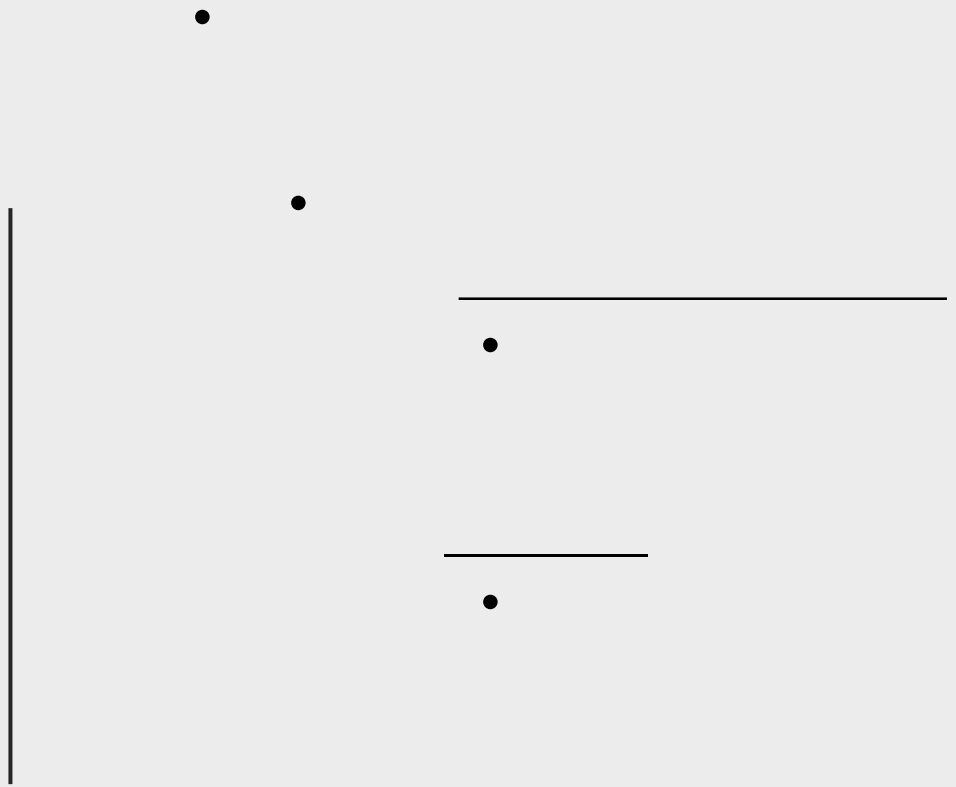
Parties must have the same ability to select an advisor of choice, who may be, but need not be an attorney

*The burden of gathering evidence and the burden of proof must remain on

1. The identities of the parties involved in the incident, if known.
2. The conduct allegedly constituting sexual harassment under § 106.30.
3. The date and location of the alleged incident, if known.
4. The written notice must include a statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process.
5. The written notice must inform the parties that they may have an advisor of their choice, who may be, but is not required to be, an attorney.
6. Right to inspect and review evidence
7. The written notice must inform the parties of any provision in the recipient’s code of conduct that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.



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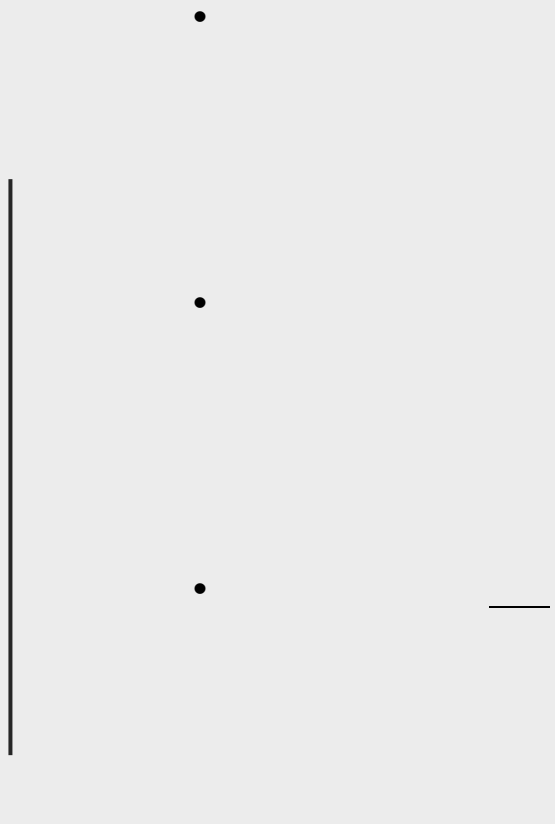

and their advisors:

will include relevant ***and irrelevant evidence*** *including that which would otherwise be excluded under the rape shield protections*

at least 1ays