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After a Title IX Formal Investigation is complete

A Preliminary Determination and Finding is issued by the Investigator.

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Both Parties may contest the Preliminary Determination within 20 business days of receipt (PACAOS Appendix-E), **or**

Both Parties must agree with the Preliminary Determination in writing to The Office of Student Conduct within 20 business days (PACAOS Appendix-F (DOE Covered Conduct)).

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If contested, a FACT-FINDING Hearing will be held, or

An APPEAL may be submitted without a Hearing on One Ground. (an appeal may also be submitted after a fact-finding hearing on three grounds).

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If a sanction is proposed, the Respondent is presumed to contest (PACAOS Appendix-E).

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Under PACAOS Appendix-F (DOE Covered Conduct) both parties must accept the Preliminary Determination and Finding in writing within 20 business days of issuance. If one or no Party accept the Preliminary Determination and Finding a Fact-Finding Hearing will be held.

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# Title IX Adjudication Process

Preliminary Determination and Finding Issued

Contest or Presumed Contest or No written agreement of Preliminary Determination

Fact-Finding Hearing

Opportunity to Appeal after Fact-Finding Hearing.

Appeal on 3 grounds: (only after Fact-Finding Hearing):

- A. Hearing Procedural error;
- B. Hearing Determination unreasonable, and/or
- C. Disproportionate Sanction.

Appeal with no Hearing (1 Ground):  
C. Disproportionate sanction ONLY.

Appeal

Appeal Decisions are final.



## FACT-FINDING HEARING: WHAT TO EXPECT

A party contests the Preliminary Determination or is presumed to contest.  
A fact-finding hearing is held to determine if a policy violation occurred.

### Notice of Hearing Officer Identity

- Opportunity to contest identity of third-party Hearing Officer Identity within 5 business days.

### Hearing Officer Introductory Email

- Email from Hearing Officer with an Invitation to participate in Pre-hearing Meeting.

### Pre-hearing Meeting

- Separate prehearing meeting via zoom with each party. Scope of hearing is established.

### Notice of Scope Issued

- 5 business days after Prehearing meeting with all parties.

### Notice of Hearing Issued

- 10 business days before Hearing.

### Fact Finding Hearing is held

- Via zoom.

### Decision Issued

- 15 business days after Hearing. **Decision is final if no further Appeal.** Parties may Appeal within 10 business days of Notice.

## APPEAL

A party appeals after the preliminary determination is issued, or after the fact finding hearing Decision is issued.

### Decisions are final

(Decisions issued 10 business days after Appeal Officer receipt)

Appeal with no Hearing (1 Ground):

C. Disproportionate sanction ONLY.

**APPEAL**

A party appeals after the preliminary determination is issued, or after the fact-finding hearing Decision is issued.

Decisions are final

(Decisions issued 10 business days after Appeal Officer receipt)

Appeal on 3 grounds

(only after Fact Finding Hearing):

- A. Hearing Procedural error;
- B. Hearing Determination unreasonable, and/or
- C. Disproportionate Sanction

After a Title IX Formal Investigation is complete:

- A Preliminary Determination is issued by the Investigator.
- Both Parties may contest the Preliminary Determination within 20 business days of receipt.
- If contested, a Fact Finding Hearing will be held, or
- An Appeal may be submitted without a Hearing on One Ground. (an appeal may also be submitted after a fact finding hearing on three grounds)
- If a sanction is proposed, the Respondent is presumed to contest.
- Under PACAOS Appendix-F (DOE Covered Conduct) both parties must accept the Preliminary Determination and Finding in writing within 20 business days of issuance. If one or no Party accept the Preliminary Determination and Finding a Fact-Finding Hearing will be held.

(see PACAOS-Appendix-E, PACAOS Appendix-F)

Contest of Preliminary Determination

**FACT FINDING HEARING**

A party contests the Preliminary Determination or is presumed to contest.

A fact-finding hearing is held to determine if a policy violation occurred.

Notice of Hearing Officer Identity

(Opportunity to contest identity of third party Hearing Officer Identity within 5 business days)

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(10 business days before Hearing)

Fact-Finding Hearing is held

(Via zoom)

Decision Issued

(15 business days after Hearing. **Decision is final if no further Appeal.** Parties may Appeal within 10 business days of Notice.)