

Basic concepts:

- In both the Title IX and student conduct processes, schools typically use “preponderance of evidence” (50.01% likelihood), though some schools may require “clear and convincing evidence.” Determining what evidence standard is being used is important.
- In Title IX cases, consult a Title IX attorney to navigate nuances (e.g., appeals, bias claims) and be aware that appeals are only available when there are procedural errors in the process or new evidence is discovered. These often need to occur during very strict deadlines (often 5-10 days after a finding).
- Collect relevant evidence and documentation such as timelines, text and social media communications, and relevant witnesses. Consider challenging irrelevant or prejudicial evidence (e.g., prior sexual history, bias, or leading language such as “brandishing a weapon”).

Rights for Respondents:

- **Presumption of innocence:** Schools must treat accused students as “not responsible” until proven otherwise.
- **Notice of allegations:** Students must receive written details of the complaint, including the name of the accuser and the alleged violations.
- **Access to evidence:** Both parties can review evidence and suggest revisions to investigative reports.
- **Advisor/Attorney:** Students may appoint an advisor (often an attorney) to assist during hearings and cross-examination.

Rights for Complainants:

- **Supportive measures:** Interim protections (e.g., no-contact orders, housing/class adjustments) must be offered, even in the absence of a formal complaint.
- **Alternative resolutions:** Options such as mediation may be available, although schools cannot require them.
- **Review of evidence/policy:** Be sure to know what policies you are alleged to have violated, how long the process will take, and what rights you have during it
- **Appeal:** Appeals are typically only available for procedural missteps in the process or if new evidence is introduced. Ask about your rights and the timeline in any appeal process.

Common Missteps:

- Failing to gather texts, emails, or witness statements can weaken any case.
- Ignoring or violating no-contact directives could be seen as retaliation.
- Refusing to participate in the investigation process can lead to a higher likelihood of an “in absentia” decision.
- Underestimating allegations occurs when a party dismisses a case as minor when the range of sanctions can include expulsion or long-term penalties.
- Delays in reporting may cause evidence to degrade or become unavailable (e.g., CCTV footage).
- Don’t skip supportive measures, which can be critical for safety and your ability to pursue your academic goals.