



Balanced Attention to Respondents

*Beyond Procedural Due Process:
Understanding Considerations and
Approaches to Respondent Resources
(with an emphasis on Title IX processes)*

Panelists



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Procedural Due Process

Procedural Due Process

- Implementers free from conflicts of interest or bias
- Advisor of choice
- Notice of allegations
- Sufficient time to prepare prior to initial meeting
- Opportunity to present evidence
- Evidence review and opportunity to respond
- Investigation report and opportunity to respond
- Notice of hearing
- Cross-examination through an advisor
- Appellate rights



Why Focus on Respondents?

Campus processes that consider and integrate the needs of Respondents may increase engagement, promote restoration, reduce incidents of retaliation, and identify emerging concerns about safety or well-being.

Defining the Problem

CW: Mental health, self-harm, and suicide discussed in next few slides

Lack of Respondent Support Concerns

- Isolation from stigma
- Difficulties engaging in the process
- Social consequences
- Decline in mental health
- Self-harm, and in some cases, suicide
- Lack of educational outcome

Recent Cases

- **California State University Maritime Academy:** Parents of student who was accused of sexual assault, bullied, and then died by suicide, filed a wrongful death lawsuit alleging “anti-male bias”.
 - Similarly, a student at **Lawrenceville School in New Jersey** also died by suicide after being bullied due to rumors that he raped another student.
- **Stanford University:** Parents of a Stanford soccer player who committed suicide after receiving notice of disciplinary charge filed a wrongful death lawsuit.

Tips for Administrators

Consider Impact of Implementation of Policies and Procedures

- Understand FERPA constraints and exceptions for parental notification
- Carefully think about timing of Notices
- Meet in person or via videoconference with the Respondent first.
- Consider ability to assign advisor from the start of the process.
- Train investigators not to meet with respondents without an advisor unless the respondent has declined to have an advisor present repeatedly

Offer Parallel Resources to Respondents

- Consider a “What to do if you’ve been accused of sexual assault” resource page or document for Respondents.
- Include Respondent support links resources such as Families Advocating for Campus Equality (FACE): Families Advocating for Campus Equality (facecampusequality.org); or Foundation for Individual Rights in Expression (FIRE) (thefire.org)
- Encourage identifying support by a trusted/responsible adult
- Consider a list of resources available to Respondents (counseling center, designated Respondent advisor, case manager, off-campus resources)

Robust Informal Resolution Options

- Review current informal resolution options
 - Is it informative?
 - Is it understandable to staff and parties?
- Train staff on informal resolution options
- Consider dedicating staff to implement and facilitate informal resolution
- Consider what educational options exist within and outside the campus community (or develop options) to address parties' needs

Wrap-Around Student Support

- Respondent Resource Coordinators
- Identify safe reporting options for Respondents who are struggling/need guidance
- Training through table-top exercises and simulations
- CARE Team notification
- Post-process tools

Other Considerations

- Review your website, notices, and resource materials through lens of Respondent
- Think about how to cultivate dialogue about the complexity and ambiguity of behaviors
- Engage your campus in how to respond equitably
- Consider how to communicate about potential sanctions, including educational sanctions
- Invest in development of educational sanctions both within and outside the campus community

Thank you for joining us!

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