

OVERVIEW OF DECISION- MAKER ROLE



ROLE #1: YOU MAKE THE DECISION

- YOUR PRIMARY RESPONSIBILITY IS TO DETERMINE WHETHER A RESPONDENT IS **RESPONSIBLE** OR NOT FOR ENGAGING IN SEXUAL HARASSMENT
- IN ORDER TO DO THIS, YOU MUST FIRST SORT OUT 2 THINGS:
 - ARE THE ALLEGATIONS RAISED BY THE COMPLAINANT ACTUALLY TRUE?
 - IF THEY ARE TRUE, DO THEY AMOUNT TO A VIOLATION OF THE LEA'S SEXUAL HARASSMENT POLICY

IN ORDER OF WHAT YOU HAVE TO DECIDE...

1. FINDINGS OF FACT—WHAT ACTUALLY HAPPENED?*
2. CONCLUSIONS OF LAW—DID THE CONDUCT VIOLATE THE LEA'S SH POLICY?
3. DETERMINATION OF RESPONSIBILITY—IS THE RESPONDENT RESPONSIBLE FOR SH?

*NOTE: THIS MIGHT BE PART OF THE INVESTIGATIVE REPORT ALREADY, IN WHICH CASE, YOU'RE STILL OBLIGATED TO REVIEW THE EVIDENCE INDEPENDENTLY TO DETERMINE IF THE EVIDENCE SUPPORTS THOSE FINDINGS)

ROLE #2: YOU WRITE THE FINAL DETERMINATION

- (A) IDENTIFICATION OF THE ALLEGATIONS
- (B) PROCEDURAL STEPS
- (C) FINDINGS OF FACT SUPPORTING THE DETERMINATION
- (D) CONCLUSIONS ABOUT WHETHER POLICY WAS VIOLATED;
- (E) A STATEMENT OF, AND RATIONALE FOR, THE RESULT AS TO EACH ALLEGATION, INCLUDING:
 - A DETERMINATION REGARDING RESPONSIBILITY,
 - ANY DISCIPLINARY SANCTIONS THE RECIPIENT IMPOSES ON THE RESPONDENT,
 - AND WHETHER REMEDIES DESIGNED TO RESTORE OR PRESERVE EQUAL ACCESS TO THE RECIPIENT'S EDUCATION PROGRAM OR ACTIVITY WILL BE PROVIDED BY THE RECIPIENT TO THE COMPLAINANT;
- (F) APPEAL RIGHTS

ROLE #3: SCREEN CROSS EXAMINATION QUESTIONS

- BEFORE ASSUMING RESPONSIBILITIES UNDER ROLE #1 AND ROLE #2, YOU ALSO SCREEN CROSS-EXAMINATION QUESTIONS FOR RELEVANCE
- UPON RECEIVING THE INVESTIGATIVE REPORT, THE PARTIES ARE GIVEN 10 DAYS TO SUBMIT QUESTIONS TO EACH OTHER, AKIN TO CROSS EXAMINATION IN A LIVE HEARING
- ALL QUESTIONS GO THROUGH YOU AND YOU DECIDE WHETHER THE QUESTION IS RELEVANT. IF IT IS, YOU FORWARDED IT TO THE OTHER PARTY. IF IT IS NOT, YOU LET THE QUESTIONING PARTY KNOW IT IS NOT A RELEVANT QUESTION.

RELEVANCE

- WHAT DOES THIS MEAN?
- LEGALLY, IT MEANS THAT SOMETHING HAS PROBATIVE VALUE
- IN ENGLISH, IT MEANS THAT SOMETHING MATTERS. THERE'S A POINT TO THE QUESTION, AND THE POINT MAY HELP YOU ANSWER THE ULTIMATE QUESTION



EXAMPLES OF IRRELEVANT QUESTIONS

- FROM RESPONDENT TO COMPLAINANT:
 - HOW MANY SEXUAL PARTNERS HAVE YOU HAD?
 - ISN'T IT TRUE THAT YOU HAVE A REPUTATION FOR BEING THE SCHOOL SLUT?
 - WHAT COLOR OF SHIRT WERE YOU WEARING?
- FROM COMPLAINANT TO RESPONDENT:
 - HOW MANY TIMES HAVE YOU BEEN DISCIPLINED FOR SMOKING?
 - ISN'T IT TRUE THAT YOU WERE IN MEXICO LAST SUMMER? (WHEN THE ALLEGATION IS THAT THE HARASSMENT OCCURRED IN THE WINTER)
 - WHERE DO YOU LIVE?

EXAMPLES OF POTENTIALLY RELEVANT QUESTIONS

- COMPLAINANT TO RESPONDENT
 - WEREN'T YOU SUSPENDED 3 TIMES THIS YEAR FOR GRABBING GIRLS ON THE BUTT?
- RESPONDENT TO COMPLAINANT
 - HOW MANY TIMES HAVE YOU BEEN DISCIPLINED FOR LYING?

AT THE END OF THE DAY...

- CONSIDER WHETHER YOU THINK THE ANSWER TO THE QUESTION IS GOING TO HELP YOU MAKE A DETERMINATION ONE WAY OR THE OTHER AND BE ABLE TO ARTICULATE THE REASONS YOU THINK THE ANSWER WILL HELP YOU MAKE A DETERMINATION

REVIEW

- **ROLE #1:** DETERMINE WHAT ACTUALLY HAPPENED (FINDINGS OF FACT); DETERMINE WHETHER THE CONDUCT VIOLATED SCHOOL POLICY; AND DETERMINE IF RESPONDENT IS RESPONSIBLE FOR ENGAGING IN SEXUAL HARASSMENT
- **ROLE #2:** WRITE THE FINAL DETERMINATION REPORT
- **ROLE #3:** FIELD QUESTIONS FOR RELEVANCE