

# **TIX INVESTIGATOR TRAINING:**

**AUGUST 7, 2020 Virtual Training  
SESSION 3  
presented by  
KATIE CLIFFORD, ESQ.**

# TITLE IX

20 U.S.C. § 1681 & 34 C.F.R. PART 106 (1972)

***“No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving federal financial assistance.”***

# WHO ARE INVESTIGATORS?

- Designated by recipient to conduct reliable, prompt, fair, & impartial investigations of sex-and-gender-based discrimination
- TIXC assigns investigators and ensures they receive appropriate knowledge and training pursuant to 34 CFR §106.45(b)(1)(iii) and are free from conflicts of interest or disqualifying bias for or against any party involved prior to the case or as soon as conflict arises.

# INVESTIGATORS' DUTIES

- Identify and interview parties and witnesses
- Identify, organize, synthesize, and compile relevant information.
- Maintain accurate and thorough investigation records and notes.
- Write a clear, concise, and comprehensive investigation report.
- Responsible for incidents involving EE-on-student and EE-on-EE conduct.
- Best Practice: Investigator is an administrator and NOT a security officer or SRO.

# INVESTIGATORS' DUTIES

- Provide written notices and updates to the parties, including notice of any delays or extensions of the investigation timeframes.
- Notice of additional allegations that arose upon investigation following the initial NOIA. Therefore, NOIA must be amended and amended NOIA provided to parties.
- Ensure parties provided equal opportunities to provide witnesses and submit inculpatory and exculpatory information.

# Investigators' Duties

- Ensure equal opportunities for parties to have advisors or support persons present during any proceeding (interview, meeting, hearing).
- NOI (Notice of Interview or Meeting) ensure parties are provided written notice including DATE, TIME, LOCATION, PARTICIPANTS, and PURPOSE of the meeting/interview and provided sufficient time to prepare.
- Provide parties equal opportunity to review all evidence gathered during the course of investigation, regardless whether it is used to make a decision.

# Investigators' Duties

- Upon completion of investigation, investigator provides investigation report fairly summarizes relevant information.
- Investigator provides parties DRAFT Investigation Report prior to the report being finalized and entitles them to 10 days to provide a written response to DRAFT report.
- Upon receipt of written responses, investigator shares them between parties, considers written comments, and incorporates as deemed appropriate.
- Investigator sends Final Investigation Report to assigned Decision-Maker(s).

# **TITLE IX COMMANDMENTS: UNDER the 2020 REGULATIONS**

**Thorough**

**Prompt**

*Stop  
Harassment*

**Reliable**

**Effective**

*Prevent  
Recurrence*

**Impartial**

**Equitable**

*Equitably  
remedy effects*



# TITLE IX PROCESS

- **INCIDENT**
  - Complaint/Notice TIXC
  - Investigation Strategy
- **INITIAL ASSESSMENT**
  - Jurisdiction/Dismissal
  - Policy Implicated/Violation
  - Informal/Formal Resolution
- **FORMAL INVESTIGATION/REPORT**
  - NOIA/NOI
  - Identify Witnesses
  - Interview Schedule
  - Evidence Collection
  - Draft Report/Share Evidence
  - IR finalized
  -
- **HEARING**
  - Determination/Sanction
- **APPEAL**
  - Standing/Grounds
  - Vacate/Remand

# INVESTIGATION STEPS

1. **Receive Notice/Formal Complaint Title IX Issue**
2. **Initial Assessment/Jurisdiction Determination**
3. **Establish Basis of Investigation (Incident, pattern, and/or culture/climate)**
4. **NOIA to both parties, followed by NOI to parties and witnesses**
5. **Determine Investigation Strategy**
6. **Comprehensive Formal Investigation (interviews and evidence gathering)**
7. **Draft Report and Meet TIXC to discuss**
8. **Provide Draft Report and all evidence “directly related” to allegations to parties and advisors for review and provide 10 days for response**
9. **Final Report (synthesize and analyze relevant evidence and send Final Report to parties at least 10 days prior to Meeting with Decision Maker/Hearing)**

# INVESTIGATOR RULES

- IMPARTIAL
- TRAINED
- COMPETENT
- FOCUSED
- STAY IN YOUR LANE

**REMEMBER:** As an investigator you have no “side” other than the integrity of the process!

# JURISDICTION

- 2020 Regs define “**education program or activity**” as locations, events, or circumstances over which the recipient exercised **substantial control** over both the **Respondent** and the **context** in which the sexual harassment occurs.
- Regulations limit jurisdiction to conduct that occurred in the United States.
- Jurisdiction is about the nexus to the educational program, not to a physical location.

# **JURISDICTION: MANDATORY DISMISSAL**

- i. If conduct did not occur against a person in the United States; and/or**
- ii. At the time of the filing of a formal complaint, a Complainant is not participating or attempting to participate in the education program or activity of recipient; and/or**
- iii. Conduct did not occur in recipient's education program or activity, and/or**
- iv. Conduct alleged does not constitute sexual harassment as defined by 106.30, even if proved.**

**\*\*Upon dismissal, recipient MUST promptly send written notice of dismissal and reasons simultaneously to the parties.\*\***

# JURISDICTION: DISCRETIONARY DISMISSAL

- i. Any time during investigation or hearing, a Complainant notifies the TIXC in writing that Complainant would like to withdraw the formal complaint or any allegations therein;
- ii. Respondent is no longer enrolled or employed by the recipient; or
- iii. Specific circumstances prevent the recipient from gathering evidence sufficient to reach a determination as to formal complaint or allegations.

# FORMAL INVESTIGATION

## Notice of Investigation and Allegation

### Notice of Investigation and Allegation (NOIA)

- Identities of parties involved (if known)
- Specific policy sections alleged to be violated
- Conduct considered sexual harassment/discrimination/retaliation
- Date(s) of alleged incident(s)
- Location(s) of alleged incident(s)
- Statement Respondent presumed “not responsible” until determination made via grievance process
- Statement parties entitled to an advisor of choice, attorney
- Expectation of truthfulness and consequences of false statements or submitting false information

**\*\*\*include process that allows a party to raise a conflict of interest and request the reason for said conflict\*\*\***

# FORMAL INVESTIGATION

## Notice of Investigation/Meeting

### Notice of Investigation/Meeting

- Date
- Time
- Location
- Participants
- Purpose of Interview/Meeting

**\*\*\*NOI MUST be provided for each interview/meeting\*\*\***



# EFFECTIVE INVESTIGATIONS: Civil Rights Investigation Model

- Active investigation and strategic gathering of evidence
- Thoroughness of investigation is critical part of grievance process and assists decision-maker
- Emphasize **transparency**, communication, and fairness.
- Investigation grounded in concepts of **neutrality** and **equity** (Equitable Process= Goal)
- Enhanced **due process** protections built into the grievance process at multiple levels

# KEY TERMINOLOGY 2020

- **Formal Complaint**
- **Grievance Process**
- **Recipient**
- **Complainant/Respondent**
- **Initial Assessment**
- **Supportive Measures**
- **Violence Risk Assessment/Emergency Removal**

# **§106.30 Sexual Harassment: Definitions**

- **§106.30 – SEXUAL HARASSMENT:** Acts of sexual harassment may be committed by any person upon any other person, regardless of sex, sexual orientation, and/or gender identity of those involved. Sexual harassment is an umbrella category includes the offenses of sexual harassment, sexual assault, domestic violence, dating violence, and stalking, defined as:

**Conduct on the basis of sex that satisfies one or more of the following:**

# §106.30 Sexual Harassment: Definitions

- **Quid Pro Quo**
  - An **employee** of recipient conditioning the provision of an aid, benefit, or service of the recipient on an individual's participation in unwelcome sexual conduct;
- **“Hostile Environment”**
  - Unwelcome conduct determined by a **reasonable person** to be so **severe, pervasive, and objectively offensive** that it effectively denies a person equal access to the recipient's educational program or activity.

# §106.30-Sexual Harassment

- **Sexual assault, defined as:**
  - Sex Offenses, Forcible:** Any sexual act directed against another person, **without the consent** of the Complainant including instances where the Complainant is **incapable of giving consent**.
  - Forcible Rape:** Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the Complainant.

# §106.30-Sexual Harassment

- **Forcible Sodomy**: Oral or anal sexual intercourse with another person, forcibly and/or against that person's will or not forcibly or against the person's will (non-consensually) in instances where the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
- **Sexual Assault With An Object**: To use an object or instrument to penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or against their will (non-consensually) in instances where the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.

# §106.30-Sexual Harassment

- **Forcible Fondling**: The touching of the private parts of another person (buttocks, groin, breasts) for the purpose of **sexual gratification**, forcibly and/or against the person's will (non-consensually) or not forcibly or against the person's will in instances where the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.

# §106.30-Sexual Harassment

- **Sex Offenses, Nonforcible: Nonforcible Sexual Intercourse.**

-**Incest**: Nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by Ohio law.

-**Statutory Rape**: Nonforcible sexual intercourse with a person who is under the statutory age of consent which is 16 yrs. old in the state of Ohio.



# §106.30-Sexual Harassment

## Dating Violence

- Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the Complainant. The existence of such a relationship shall be determined based on the Complainant's statement and with the consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition-
  - Dating violence includes, but it not limited to, sexual or physical abuse or the threat of such abuse.
  - Dating violence does not include acts covered under the definition of domestic violence.

# §106.30-Sexual Harassment

**Stalking:** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to-

- Fear for the person's safety or the safety of others; or
- Suffer substantial emotional distress.
- For the purposes of this definition-
  - Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.
  - Reasonable person means a reasonable person under similar circumstances and with similar identities to the Complainant.
  - Substantial emotional distress means significant mental suffering or anguish that may but does not necessarily require medical or other professional treatment or counseling.

# §106.30-Sexual Harassment

## Domestic Violence

**A felony or misdemeanor crime of violence committed-**

- By a current or former spouse or intimate partner of the Complainant;
- By a person with whom the Complainant shares a child in common;
- By a person who is cohabitating with, or has cohabitated with, the Complainant as a spouse or intimate partner;
- By a person similarly situated to a spouse of the Complainant under the domestic or family violence laws in Ohio;
- By any other person against an adult or youth Complainant who is protected from that person's acts under the domestic or family violence laws of Ohio.

**\*\*\*Domestic Violence requires Complainant and Respondent must be current or former spouses or have an intimate relationship...cannot be two people living together as roommates.\*\*\***

# ISSUE SPOTTING

- Engage in issue spotting based on Complainant's statement is a critical step in the strategy of investigation
- Be open to identify issues as you interview parties and witness and gather evidence
- Revisit facts gathered and identify issues critical to a comprehensive civil rights investigation model
- Identify issue posed, pertinent policies, parse out policy elements

# CONSENT CONSTRUCT

Consent is....

- **Informed, knowing, and voluntary**
- **Active** (not passive)
- Affirmative action through clear words or actions
- Mutually understandable permission regarding conditions of sexual activity
- Cannot be obtained by:
  - -Use of physical force, compelling threats, intimidating behavior, or coercion
- Cannot be given by someone known to be-or who should known to be-mentally or physically **incapacitated**

# CONSENT RULES

- **No means No, but nothing also means No. Silence and passivity do not equal consent.**
- Consent **MUST** be given immediately prior to or contemporaneously with the sexual or intimate activity
- Consent can be withdrawn at any time, as long as, that withdrawal is clearly communicated-verbally or non-verbally-by the person withdrawing it.

# KEY CONSENT QUESTIONS

1. Was force used by Respondent to obtain sexual access? If yes, policy violation.
2. Was Complainant incapacitated? (a) Did Respondent know, or (b) Should the Respondent have known the alleged Complainant was incapacitated.
3. What clear words or actions by Complainant gave Respondent permission for the specific sexual activity that occurred?

**\*\*Intoxication of Respondent can not be used as a reason that did not know of the Complainant's incapacity\*\*\***

# INCAPACITATION

- Incapacitation is a state where individuals cannot make rational, reasonable decisions because they lack the capacity to give knowing consent.
- Determination made after the fact in light of all facts available
- Assessing incapacity is very fact specific
- Form of incapacity: alcohol/drugs; mental/cognitive; injury; unconscious/asleep



# INCAPACITY KEY QUESTIONS

1. **Was Complainant incapacitated at the time of sexual activity?** (Could Complainant make rational, reasonable decisions; Could Complainant appreciate the situation and address it consciously to show informed consent
2. **Did Respondent know of incapacity? Or Should the Respondent have known from all the circumstances** (reasonable person)standard.

# INCAPACITY ANALYSIS

- If Complainant **was not** incapacitated, move on to consent analysis
- If Complainant incapacitated, but:
  - Respondent did not know, AND
  - Respondent would not have reasonably known it- move on to consent analysis
- If Complainant **was** incapacitated, and:
  - Respondent **knew it or caused it** = policy violation
  - Respondent **should have known it** = policy violation

# INVESTIGATION STRATEGY

- What issues are presented?
- Are there **undisputed facts**? Which are significant to the investigation?
- Are there **disputed facts**? Which are significant to the investigation?
- What policy elements were possibly violated?
- Who do you need to interview? Order of interviews?

# INVESTIGATION STRATEGY

- When do you interview Complainant and Respondent?
- What documentary evidence is important to the investigation?
- Timeline (Best Practice 30-60 days varies by case)
- Any key issues that are not policy violations?
- Additional policy violations require NOIA amended?
- Aware of evidence that should be there and is not, look for reason for the gap

# NOTE-TAKING

- Assemble investigation file and keep in secure location.
- Timeline of Investigation, including dates of all meetings, interviews, telephone calls, e-mails, etc.
- Interviews-notes vs. recording (policy decision)
- Notes- hand-written vs. computer
- Develop clear policy on retention and/or destruction of notes upon completion of Final Investigation Report
- Where possible, include verbatim statements on critical issues, their words, not yours
- Keep notes on what is told to Complainant, Respondent, and witnesses

# RECORD-KEEPING

- 2020 Certain records **MUST** be maintained 7 yrs.
  - Sexual harassment investigation records, including responsibility determination, disciplinary sanctions, and remedies implemented
  - Any appeal and related result(s)
  - Any informal resolution implemented
  - Any supportive measures implemented

**Investigator Notes:** fact-based observations and avoid conclusions or determinations

**Think about WHO could potentially read notes-parties, attorneys, judges, jury, public, etc.**

# INTERVIEWING

- Use pre-prepared numbered questions as a framework, but be flexible (based off policy elements at issue)
- Note-taking should occur throughout the entire interview, and not just when a party or witness makes a pertinent disclosure or “incriminating” remark
- **Documentation = CRITICAL** Creating the record of the complaint
- **FERPA** student rights to inspect education records

# INTERVIEWING

## ENVIRONMENT

- Where will you do the interview? (your office, conference room)
- Videoconference, phone, email interviews
- Important Factors
  - Neutral environment
  - Minimize distractions
  - Sit in their chair
  - Makes sure lobby not too busy or distractions



# INTERVIEWING

## INVESTIGATORS

**Maintain professionalism, but balance with relaxed environment**

**Investigator extension of the environment**

**Neutrality is key, but balance with compassion**

**Maintain good eye contact and comfortable, open body language**

**Control “emotional temperature” in the room**

# ELEMENTS OF INTERVIEW

- **Greeting:** Sets the tone, opportunity to establish rapport, thank them for coming in, acknowledge difficulty of the situation
- **Explain Investigator's Role in the process** (explain other roles in the process and address advisor role and possible limitations, if needed)
- **Explain the Process:**
  - review steps of grievance process and what happens in each step
  - Use flow chart (if have one of process, useful tool)
  - Share timeline requirements (10 day timeframes)
  - Supportive Measures, Informal Resolution (if applicable)

# QUESTIONING GUIDELINES

## Outline of questions in advance

- Questions about allegations and policy elements
- Focus on conflicting evidence or gaps of information
- Drill down on timelines and details
- Review questions before concluding interview

## Art of Questioning

- LISTEN carefully and adapt follow-up questions
- Be flexible
- Emphasize thoroughness and need for completeness
- Ascertain who individual and relation to other parties
- Clarify terms and conditions with multiple meanings  
“hooked up”, “fooled around”, “had a few drinks”

# QUESTIONING GUIDELINES

## **Restate/summarize what was said**

- validates you were listening

## **Report what was said and Rephrase with Caution**

## **Ensure you understood what is being said, ask clarifying questions**

## **Consider these “open-ended” phrases**

- “So it sounds like ...”
- “Tell me more ...”
- “Walk me through ...”
- “Help me understand ...”

## **Avoid WHY? Questions**

# INVESTIGATION REPORT

- **Model Investigation Report**
  - creates uniformity and consistency
- **Case Identification Information (History)**
  - case number, investigator(s), date assigned, date investigated, and concluded.
- **Source of Initial Complaint/Allegation**
  - Source of initial report, information regarding Formal Complaint, name and contact info Complainant and Respondent
- **Details of Initial Complaint/Report**
  - Nature of Incident
  - How report/allegation received i.e. verbal, written, etc.

# INVESTIGATION REPORT

- **Jurisdictional Statement**
- **Results of interviews with parties and witnesses**
- **Pertinent policy elements**
- **Standard of Evidence**
- **Summary of information collected that is relevant (i.e. testimonial and documentary evidence)**

# GATHERING AND EVALUATING EVIDENCE

- **Collect evidence from all sources** (testimonial and documentary)
- **Organize evidence** (chronology, geography, alleged violations, policy prohibitions)
- **Understand Evidence:** Formal rules of evidence do not apply.
- **Investigator is a neutral fact-finder and not there to prove a case.**

# UNDERSTANDING EVIDENCE: Relevancy

- If the information is considered **relevant** to prove or disprove a fact or issue, it should be considered.
- If information is credible, it should be considered (credibility determined by decision-maker)
- Evidence is any kind of information presented with the intent to prove what took place.
- Certain types of evidence may be relevant to the credibility of parties or witnesses, and some to potential policy violations (include, but distinguish)
- Look for evidence of prior planning



# UNDERSTANDING EVIDENCE

- Assign weight to evidence based on:
  - Direct** or **Testimonial evidence** (personal observation or experience)
  - Documentary evidence** (supportive writings or documents)
  - Real evidence** (physical object)
  - Circumstantial evidence** (not eyewitness-compelling)
  - Character evidence** (generally not relevant or acceptable)

# CREDIBILITY

**Extent to which one can rely on a witness or party testimony to be accurate and helpful in your understanding of the case.**

**Credibility = Role of Decision-Maker**

# CREDIBILITY ASSESSMENTS: INVESTIGATION REPORT

- Indicate where to look to the Decision-Maker without rendering conclusions or making findings related to culpability

## GOOD:

Katie's testimony about X contrasts with Caroline's testimony about X, and the accounts of Witness 1 and Witness 7 aligned with Caroline's testimony, and not Katie's, during the investigation.

## BAD:

The Decision-Maker should find Katie to be not credible in her testimony about having received consent for the the following reasons....

# SYNTHESIVE AREAS OF DISPUTE

- Examine actions with only a direct relation to the situation under review or a pattern of incidents (“directly related”)
- Narrow scope to areas of dispute or disagreement between parties (disputed and undisputed facts)
- Use evidentiary and report review periods to clarify disputed facts
- Disputed facts will form the majority of the Decision-Maker(s) work in making a determination.

# RETALIATION CLAIMS

- **Retaliation** protected activity under Title IX
- **2020 Regs § 106.71** extended retaliation claims, therefore, Complainants and Respondents can bring retaliation claims. Now responding to a complaint is a protected activity.
- Retaliation claim, unlike establishing sexual harassment, retaliation requires proving a motive of the intent to retaliate.
- Need to determine if a retaliatory motive can be inferred from the evidence.
- Gathering details of what occurred is critical.

# RETALIATION CLAIMS

## INFERENCE OF RETALIATION ELEMENTS:

- Did the individual engage in protected activity?
- Was the individual subsequently subjected to adverse action?
- Do circumstance suggest a connection between protected activity and adverse action?
- If these elements are not shown, claim fails.
- Is there a stated non-retaliatory reason for adverse action?
- Evidence that stated legitimate reason is a pretext?

# BIAS PROCEDURE

- **Procedure:**
  - Exclusion of evidence
  - Failure to follow procedures
  - Burden of proof on Respondent
- **Biased Training Materials**
- **Insufficient Training**
- **Bias due to internal/external pressures (politics, lawsuits, identity parties/parents)**
- **Conflicts of Interest**

# PREVENT BIAS

- **Self-Recusal Process**
- **Process for Parties to raise bias or conflicts**
  - Replace personnel
  - Redo portions of grievance process
- **TIXC Oversight**
  - Regular Check ins
  - Report Review
  - Strategize with Investigator
  - Insulate against external/internal pressures
- **Internal Appeal Function/Ground for Appeal**



# BIAS & PREJUDICE

- **Conscious vs. Unconscious**
- **Social & Cultural Capital**
- **Stereotyping**
- **Cultural competence**
- **Social Justice**
- **Multi-Partiality**

# Bias: Hot Button Issues

- **Sexual Orientation**
- **Gender, transgender, and gender identity**
- **Race**
- **Ethnicity**
- **Religion**
- **Political Views**
- **Athletes**
- **Drug/Alcohol Use**
- **Prior Student Conduct Unrelated or No Prior Conduct**

# Conflict of Interests

- Conflicts of Interests create role confusion and compromise impartiality and objectivity
- Simply knowing a student/employee or previously disciplining party is not typically sufficient to create a conflict of interest
- Types of Conflicts
  - Wearing too many hats
  - Legal Counsel
  - Non-impartial appellate decision-maker(s)

# SUPPORTIVE MEASURES

- Previously, “interim measures” goal was to restore and preserve access while investigation and resolution process occurred.
- Supportive measures may also be instituted as “remedies” after a final resolution.
- Supportive Measures: “Non-disciplinary, non-punitive individualized services offered as **appropriate, as reasonably available**, and without fee or charge to the complainant or respondent before or after the filing of the formal complaint or where no formal complaint is filed.

# REMEDIATION

- **TIX requires remediation to the community and the complainant throughout and possibly after the process.**
- **Supportive Measures form of remediation.**
- **Post-determination remedies may include the “supportive measures”, and at that point, can be disciplinary or punitive and need not avoid burdening the Respondent, assuming Respondent found to violated policy.**

# INFORMAL RESOLUTION

- 2020 Regs shift from 2011 DCL by permitting use of alternative resolution procedures in cases of sexual assault (all §106.30 offenses) such as mediation and/or restorative practices.
- Occurs when parties AGREE to resolve the report informally rather than formal investigation and resolution and when TIXC can support resolution informally by providing agreed-upon remedies to resolve situation.
- “at any time prior to reaching a determination regarding responsibility the recipient may facilitate an informal resolution process, such as mediation, that does not involve a full investigation and adjudication.”

# INFORMAL RESOLUTION

- Formal Complaint filed
- Process MAY be used at any point prior to reaching a determination of responsibility
- Parties provide voluntary, written consent to use informal process
- Parties provided written notice includes:
  - Reported misconduct/allegations;
  - Requirements of IR process, including circumstances, when completed, it precludes parties from changing their minds and reverting back to grievance procedure; once
  - Right of withdrawal by any party and resume formal grievance process;
  - Any consequences resulting from participating in the process, including resulting sanctions, as well as records maintained, could be shared; and
  - Whether resolution would be binding on the parties.

**\*\*\*NOT PERMITTED Student/Employee cases \*\*\*\*\***

# APPEALS

- TIX 2020 Regs require school/district to offer an appeal to the parties, and require that parties possess an equal opportunity to appeal.
- TIX 2020 Regs require specific grounds for appeal found in 34 CFR §106.45b(8) and require these grounds incorporate in school policy and procedure.
- Upon receipt of appeal, the Appeal Decision-Maker **MUST** notify the other part(ies) that appeal submitted.
- Each party afforded a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome. Quick turnaround expected and timeframe of 3-5 days best practice. Allow for responsive appeals.
- **Best Practice=** Decision-Maker submits a written response addressing an appeal that alleges process errors occurring during the questioning/hearing portion of the case resolution and/or any issues appealed regarding how Decision-Maker reached his/her decision.(Response **MUST** be shared with the parties)



# QUESTIONS

KATIE CLIFFORD, ESQ.

[KALDRICH\\_2000@YAHOO.COM](mailto:KALDRICH_2000@YAHOO.COM)

THANK YOU