

WHAT TO EXPECT AFTER THE TITLE IX INVESTIGATION UNDER ADDENDUM B – FEDERAL MANDATED HEARING ADDENDUM

This handout is for individuals, including students and employees, who are Complainants and Respondents (Parties) involved in a Formal Complaint of Sexual Harassment under [Addendum B – Federal Mandated Hearing Addendum](#) (“Addendum B”) to Executive Orders [1096](#) and [1097](#) (revised August 14, 2020). It explains what happens after the investigation and discusses options for you to consider. **However, this handout does not replace the Executive Orders (EOs), including Addendum B**, so please review the EO and Addendum B very carefully and let the Title IX Office know if you have any questions. This process can be stressful, and we hope you will use the on- and off-campus resources available to manage the uncertainty and emotions as best as possible during this process. Please check with your Title IX Coordinator if you want to learn more about resources and to make sure that you have the most recent version of this handout (which may be revised from time to time).

The investigation has concluded, and you have received a Final Investigation Report that describes the complaint, the key facts that are relevant to the complaint (and whether they are disputed or undisputed) and the evidence that the investigator reviewed. (See [Article VIII of Addendum B](#).) As you read the Final Investigation Report and consider the evidence presented by both parties, consider the options below.

Option: Informal Resolution: If the Title IX Coordinator or either Party believes that it may be possible to resolve the complaint in a prompt, fair, and reasonable manner without a hearing, you may consider an Informal Resolution. This means that the Parties and Title IX Coordinator would agree on a mutually acceptable way to resolve the complaint without the need to hold a hearing. Please talk to your campus Title IX Coordinator if you would like to learn more about the Informal Resolution process. You may also review the [FAQ about Addendum B Informal Resolution](#).

Option: Campus Hearing: If Informal Resolution is not appropriate for your case or is attempted but is unsuccessful, a hearing will be scheduled. A hearing is a meeting that occurs once an investigation under Addendum B has finished and during which an independent Hearing Officer listens to the witnesses, including the Complainant and the Respondent, and analyzes the evidence. The Complainant’s and the Respondent’s Hearing Advisors ask questions of the other Party and witnesses. The Hearing Officer may also ask questions of the Parties and witnesses and decides about whether the Respondent is responsible for the conduct as alleged. The Hearing Officer will oversee and guide the hearing. You may also review the [FAQ about Addendum B Hearings](#).

- **Who may attend the Hearing:** The Parties, witnesses (who will only be present during the part of the hearing that is relevant to their statement), Hearing Officer, Hearing Coordinator, Title IX Coordinator, Title IX Investigator and Student Conduct Administrator or other appropriate University administrator, and an administrator from the CSU Chancellor’s Office usually attend the hearing. Sometimes, it may be necessary to have additional people present, such as an information technology employee to assist with technology.

In addition, the Complainant and Respondent will each be accompanied by a Hearing Advisor (either of their own choice or provided by the University as needed) and may also be accompanied by a Support Advisor of their choice. In the hearing process, the Respondent’s and Complainant’s Hearing Advisors will “cross-examine” the other Party and witnesses on behalf of the Party. Support Advisors are not allowed to

speak during the hearing. However, a Party may consult with their Support Advisor and/or their Hearing Advisor as needed.

- **Pre-Hearing and Hearing Process Timeline:** Once the investigation is complete, the parties will be given at least **20 Working Days'** written notice of the date, time, location and purpose of the hearing, as well as the participants, and the name of the Hearing Officer. Here are some other key deadlines:

Deadline (in Working Days)	Action (all communications must be in writing)
5 days after notice of the Hearing Officer	Inform the Hearing Coordinator in writing if you intend to object to the Hearing Officer (must be because of an actual conflict of interest).
15 days before the hearing	Provide to the Hearing Coordinator the names of the witnesses that you would like to be questioned at the hearing (along with contact information and an explanation of their relevance as a witness and the disputed issue to which the witness's testimony relates.).
10 days before the hearing	Hearing Coordinator will send the final witness list to the parties.
	Hearing Coordinator instructs each witness to attend the hearing, and of the date, time, and location.
5 days before the hearing	Each party may submit to the Hearing Coordinator a proposed list of questions to be asked of the other party and any other witnesses. (Questions will not be shared with the other party or witnesses before the hearing and will only be provided to the Hearing Officer.) Parties are strongly encouraged to provide questions in advance of the hearing in order to streamline the hearing process and provide the Hearing Officer an opportunity to resolve relevancy concerns prior to the hearing.

- **Participation:** A Party is not *required* to participate in a hearing, but there is risk in not attending. The hearing will happen, but statements you made during the investigation (even if described in the Final Investigation Report) cannot be considered by the Hearing Officer because you will not be available to answer questions about those statements. If you do not appear at the hearing, your Hearing Advisor will still be able to question the other Party.

San Francisco State University has designated Complainant and Respondent Advisors on campus to help the parties understand the policy and procedure, connect the parties with resources, and attend meetings with the parties as a Support Advisor, if desired.

To obtain a Complainant Advisor, you may contact:

Heather Borlase
 Title IX Coordinator
 hborlase@sfsu.edu

To obtain a Respondent Advisor, you may contact:

Heather Borlase
 Title IX Coordinator
 hborlase@sfsu.edu

The **Employee Assistance Program** works confidentially with Employees who are Complainants and Respondents in these matters. You may obtain counseling services and be paired with a confidential counselor:

<https://hr.sfsu.edu/employee-assistance-program-eap>

Counseling and Psychological Services works confidentially with Students who are Complainants and Respondents in these matters. You may obtain counseling services and be paired with a confidential counselor:

<https://psysevs.sfsu.edu/>

To request supportive measures, you may contact:

Kelsey Straw
Title IX/DHR Case Coordinator
kstraw@sfsu.edu

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