

2026 Title IX Indiana State University

James Nussbaum, JD

Presented by **Church Church Hittle + Antrim**
August 2026

MEET THE TEAM



James Nussbaum, JD



10+ AS HIGHER EDUCATION COUNSEL

- In-house counsel responsible for athletics, employment, student affairs
- Outside counsel for schools in Indiana and across the country
- Presents for national associations on issues facing higher education



TITLE IX EXPERIENCE

- Investigator
- Adjudicator
- Managing litigation
- Agency complaints
- Training
- Gender equity in athletics



FEATURED IN

Forbes | The Hill | Inside Higher Ed | Bloomberg Law
Chronicle of Higher Education | CBS Sports | Higher Ed Dive



Disclaimer on language.

Sexual harassment could happen to anyone in any relationship.

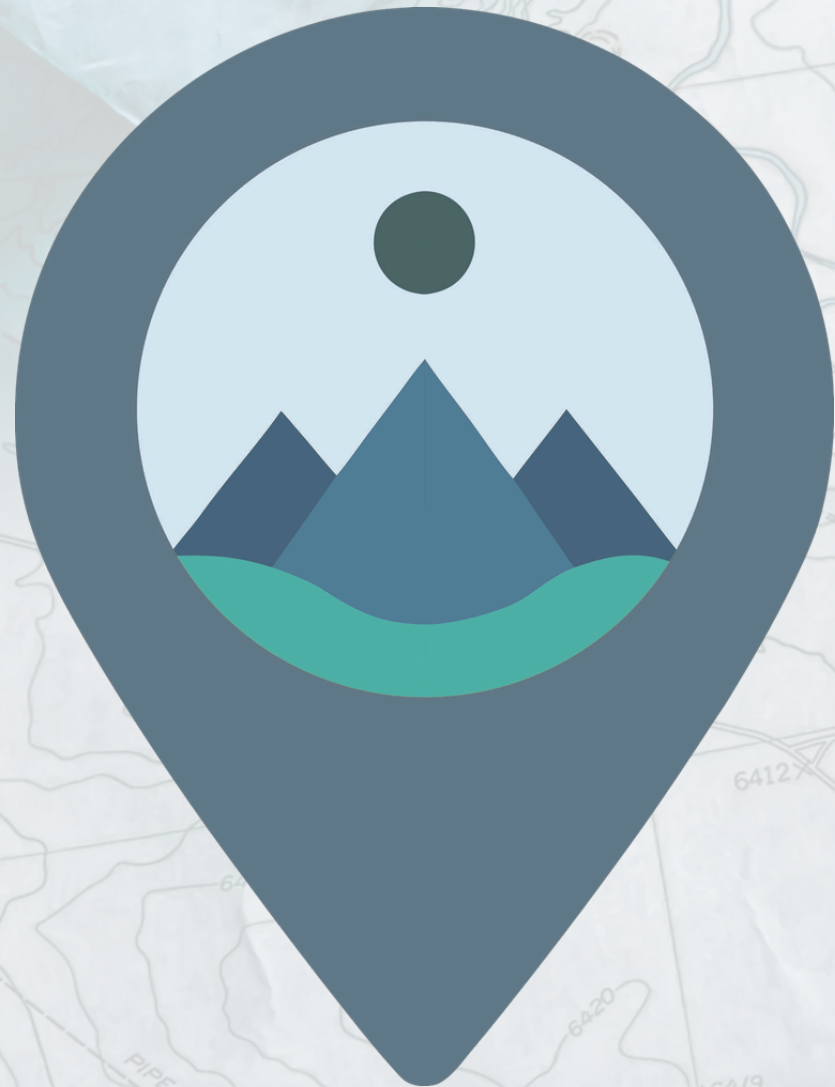
Throughout this training, we make every effort to use inclusive language that reflects the diversity of people's experiences and identities. Our goal is to ensure that everyone sees themselves represented and respected in these discussions.

**What if I have a
question during
these sessions?**



Roadmap

- 📍 **Role of the Decision Maker**
- 📍 **Making Determinations**
- 📍 **Writing Determination Reports**



Role of the Decision Maker

Who is the Decision Maker?

Decisional Official, Hearing Panel,
Decision Maker, Adjudicator

The recipient employee(s) appointed
to make a determination regarding a
finding of responsibility



Responsibilities of Decisional Official

- Conduct hearing based on policy and regulations
- Hear relevant evidence
- Manage decorum and procedure
- Render pre-hearing and in-hearing procedural determinations regarding relevance and testimony
- Draft determination report
- Determine appropriate sanctions, if any



Standard of Evidence

Preponderance of the Evidence =
More Likely Than Not

Clear + Convincing = Higher burden

Remember that the burden is always upon the institution, not the parties, to prove that a violation has occurred.



Hearing Coordinator's Role

- Notice of hearing 10 business days prior to the hearing
 - *List of what is required in the notice in the policy (see issue on party not participating in hearing)*
- Pre-hearing coordination
- Coordinating hearing logistics
 - *Flow of rooms*
 - *Witnesses*
 - *Parties*
 - *Recording*
- Managing objections re: conflicts and bias

Pre-hearing

- Separate meeting(s) with parties + advisors
- Invite questions/topics ahead of time (can rule on relevance ahead of time but still opportunity during hearing)
 - If include or exclude based on relevance, document decision
- Witness presence (full agreement if witness does not need to attend hearing)
- Hearing arguments on relevance or directly related but not relevant and rule on arguments
 - Exchange rulings prior to hearing

Technology Considerations



- All parties should be admitted to the virtual meeting simultaneously.
- Notify parties that the hearing will be recorded.
- Ensure privacy to degree possible.
- Mention view options.
- Ensure Coordinator sets up breakout rooms.
- Coordinator should provide contact information.



**What happens if a
party or witness
declines to
participate in the
hearing?**

Hearing Tips

Breaking the ice

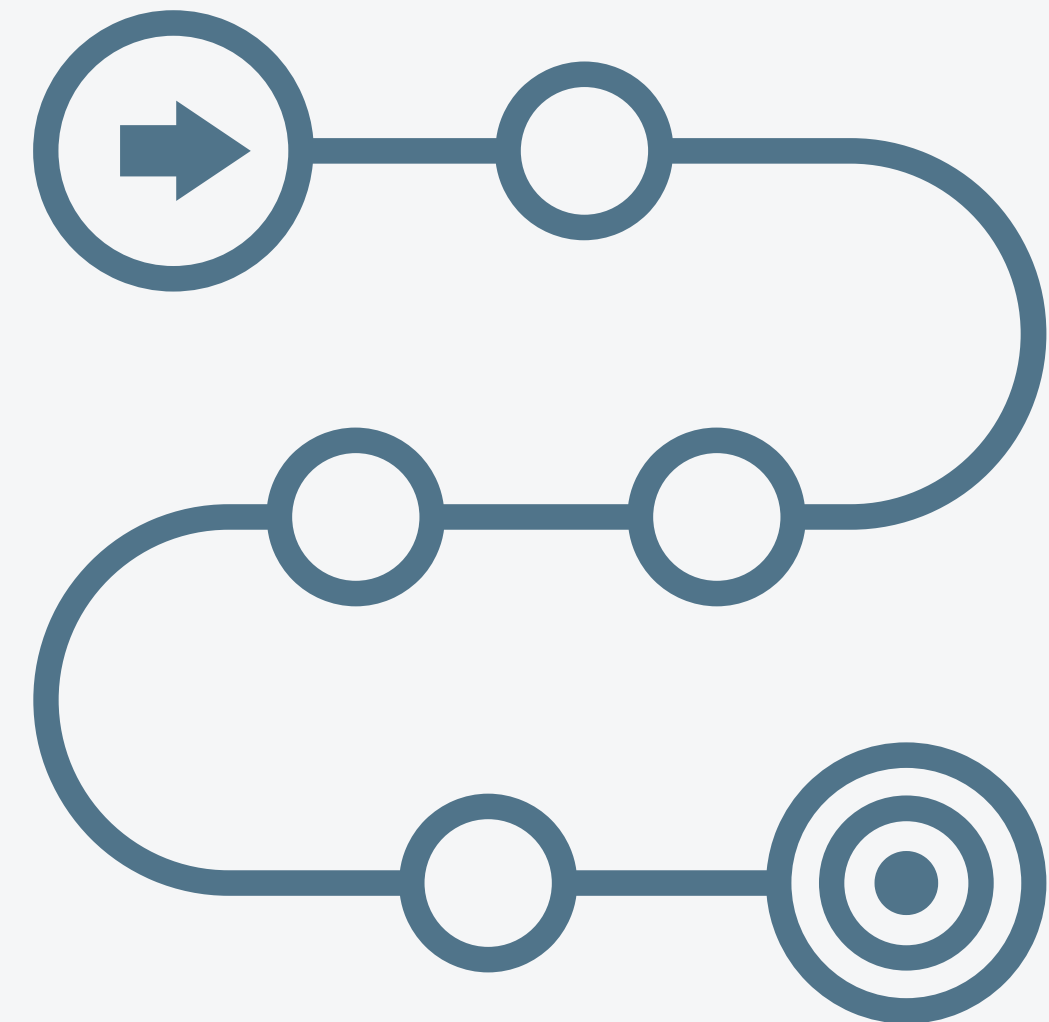
- Recording disclosure
- Purpose of hearing
- Technology disclosures
- Introductions
- Not legal proceeding
- Truthfulness is expected
- Introductory questions

Trauma-Informed tone setting

- Recognition of difficulty
- Need for breaks, pauses
- Reassurance of decorum
- Discussion of amnesty
- View options
- What to expect
- No preconceived notions

Typical Hearing Flow

- Explanation of proceedings
- Summary of charges
- Opening statements
 - Complainant
 - Respondent
- Investigator presentation and questioning
- Questioning of witnesses
- Questioning of parties



Evidentiary Considerations: Relevance

Only relevant questions are allowed.

- *"Questions must be submitted in writing to the Chair for a relevance determination before they are asked."*

Repetitious questions are not allowed.

- *"Questions should be framed in a manner that seeks new information or clarification."*

Relevance Determinations

Evidence is relevant if it has “any tendency” to make a fact that is “of consequence” to the determination of sexual harassment “more or less probable than it would be without the evidence.”

- The evidence must be directed to a matter of consequence, essentially the definition of sexual harassment.
- The evidence must be probative – it must make something more or less probable. It does not have to be undisputed. Whether something is more or less likely is guided by logic and human experience.
- Technical rules of evidence are not those used in court proceedings, and hearsay evidence is allowed.



Irrelevant Evidence

Investigation does NOT consider:

- Incidents not directly related to alleged conduct, unless a pattern
- Character of the parties
- Complainant's sexual predisposition or prior sexual behavior (but see next slide)
- Respondent's disciplinary record (but can be considered if there is a finding in the sanctions process)



Evidence that Must Be Deemed Irrelevant - with Exceptions

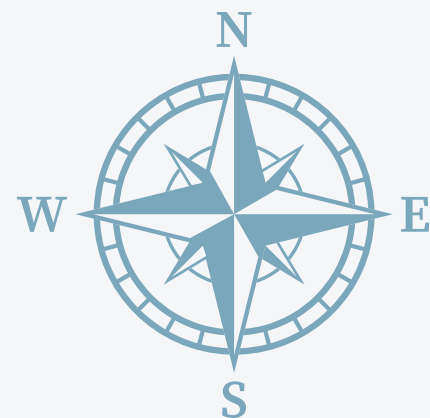
- Questions and evidence about a Complainant's sexual predisposition must always be deemed irrelevant and therefore excluded.
- Questions and evidence about a Complainant's prior sexual history must be deemed irrelevant, and therefore excluded - with two limited exceptions:
 - Where Respondent contends that someone other than the Respondent committed the misconduct.
 - Where the question(s) or evidence concern incidents between the Complainant + Respondent and are offered to prove consent.



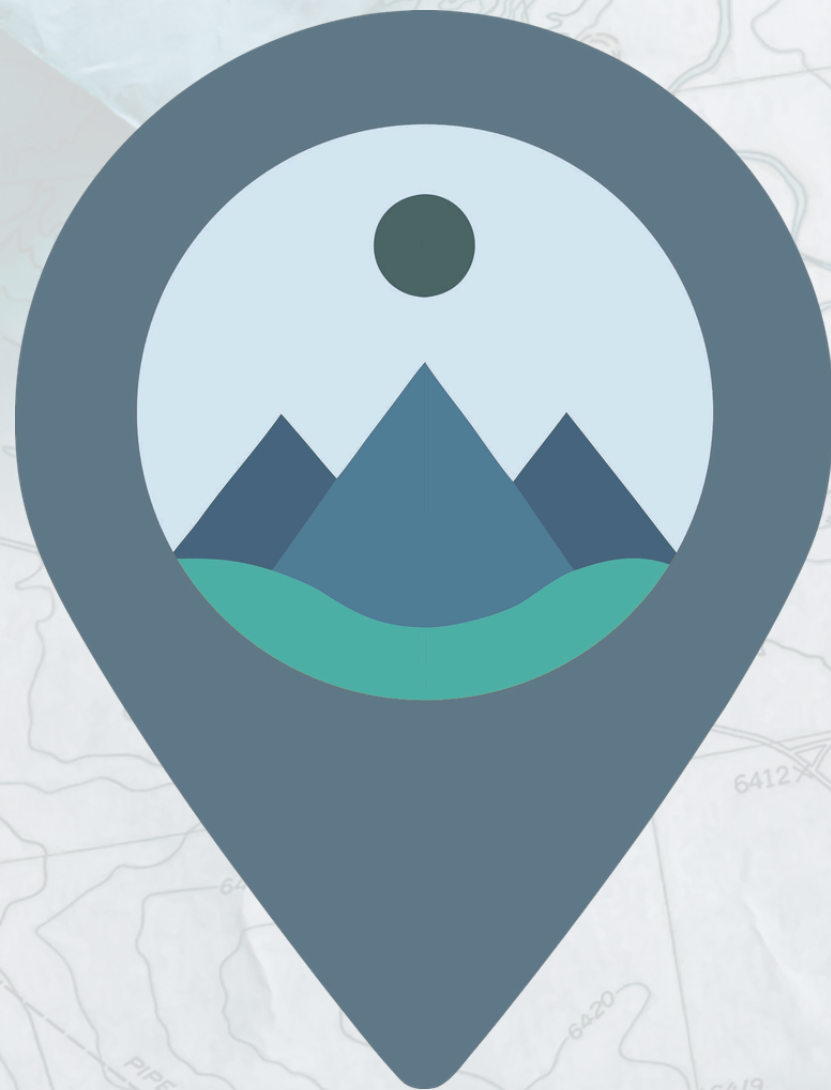
Role of the Decision Maker

The decision maker applies the standard of evidence to the relevant facts to make determinations regarding the allegations.

- Rely on undisputed facts
- Make credibility determinations for disputed facts



Cannot be the Title IX Coordinator



Making Determinations

Making Determinations

Assessing Credibility

- **Plausibility**
- **Internal contradictions**
- **Motive**
- **Patterns of behavior**
- **Corroborating information**

Addressing Inconsistencies

- **Don't be accusatory; remain neutral.**
- **Be explicit and direct; cite source of inconsistency.**
- **“You said X but you previously said Y. Can you help me understand? Those seem like different responses.**



Title IX § 106.30 *Sexual harassment* means conduct on the basis of sex that satisfies one or more of the following:

(1) An employee of the recipient conditioning the provision of an aid, benefit, or service of the recipient on an individual's participation in unwelcome sexual conduct (quid pro quo)

Title IX § 106.30 *Sexual harassment* means conduct on the basis of sex that satisfies one or more of the following:

(2) 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 education program or activity

Title IX § 106.30 *Sexual harassment* means conduct on the basis of sex that satisfies one or more of the following:

- Unwelcome conduct;
- severe;
- pervasive; and
- objectively offensive.

Title IX § 106.30 *Sexual harassment* means conduct on the basis of sex that satisfies one or more of the following:

(3) “Sexual assault” as defined in 20 U.S.C. 1092(f)(6)(A)(v),

“dating violence” as defined in 34 U.S.C. 12291(a)(10),

“domestic violence” as defined in 34 U.S.C. 12291(a)(8), or

“stalking” as defined in 34 U.S.C. 12291(a)(30)

Title IX § 106.30 *Sexual harassment* means conduct on the basis of sex that satisfies one or more of the following:

- Unwelcome conduct;
- severe;
- pervasive; and
- objectively offensive.

Knowing, voluntary, and clear mutual agreement to engage in specific sexual activity.

Consent must be freely and actively given and communicated by clearly and mutually understandable words or actions to participate in each form of sexual activity.

Consent

Title IX § 106.30 *Sexual harassment* means conduct on the basis of sex that satisfies one or more of the following:

(3) “Sexual assault” as defined in 20 U.S.C. 1092(f)(6)(A)(v),

- The penetration, no matter how slight;
- of the vagina or anus,
- with any body part or object...
- without the consent of the victim.

Consent

- Knowing, voluntary, and clear mutual agreement
- to engage in specific sexual activity.

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Consent

Consent may be withdrawn at any time.

Consent to some sexual contact cannot be presumed to be consent for other sexual activity including previous consent or the existence of a current or previous relationship. Silence or the absence of resistance is not the same as consent.

Consent

Lack of consent means:

1. The person has not given consent;
2. The person is incapable of giving consent because of mental, developmental, or physical disability;
3. Force is used or threatened;
4. The person is incapable of giving consent because of judgment-inhibiting intoxication without regard to the intoxicant;
5. The person is not sufficiently conscious to provide consent; or
6. The person is not old enough to give consent. In Indiana, any person who has reason to believe that a child is a victim of child abuse or neglect has a duty to make a report to Child Protective Services or to the police.

Non-Title IX Sexual Harassment?

**Employee
Handbook?**

1

**Student
Code?**

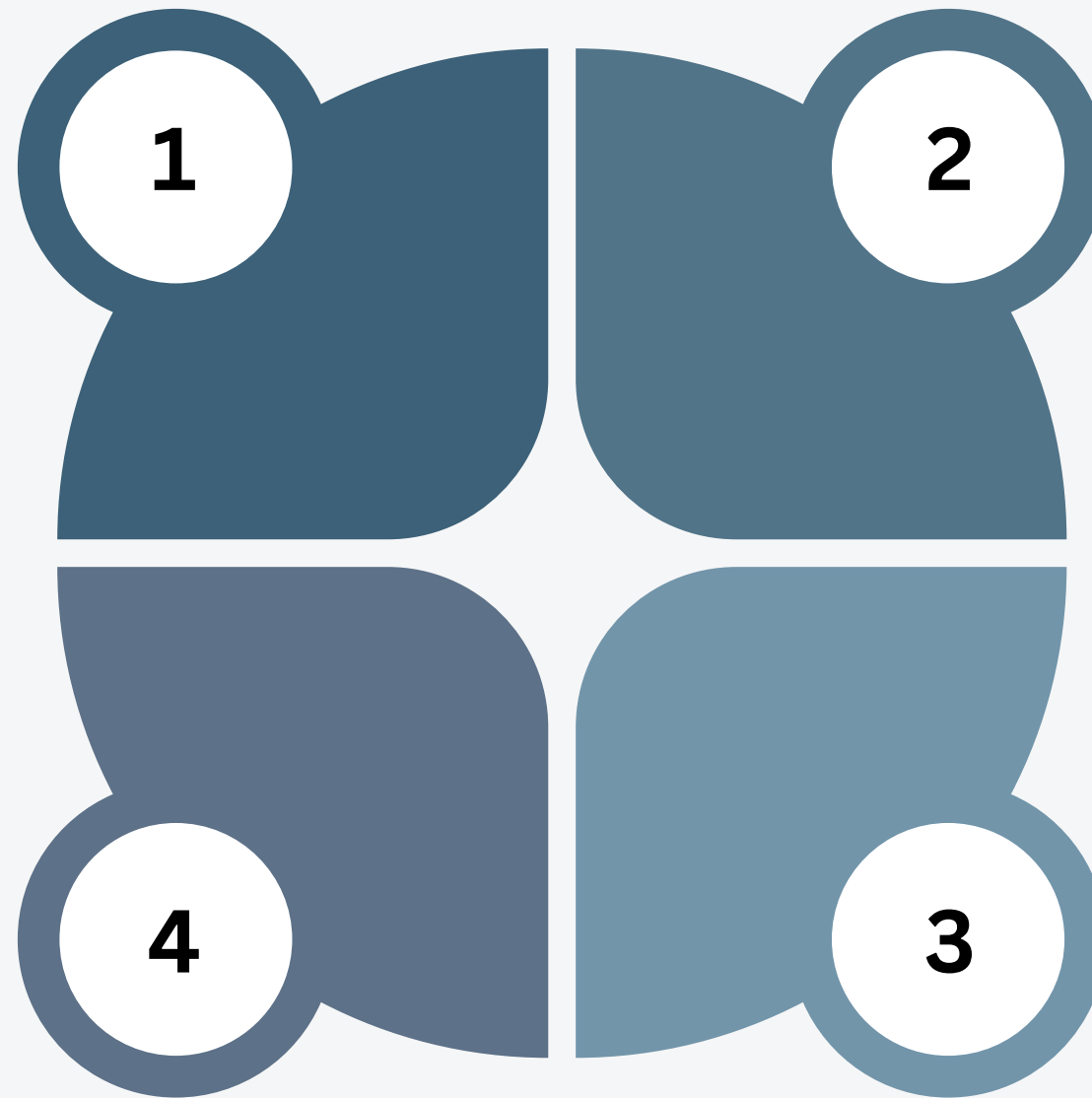
2

**Sexual
Misconduct?**

4

**Non-
discrimination
Policy?**

3



Title VII

“It shall be an unlawful employment practice for an employer...to fail or refuse to hire or to discharge any individual, or otherwise ***to discriminate against any individual*** with respect to his compensation, terms, conditions, or privileges of employment, ***because of such individual’s*** race, color, religion, ***sex***, or national origin...”

Title VII

Hostile Work Environment

- Unwelcome harassment
- Based on a reason forbidden by Title VII (race, color, religion, sex or national origin)
- So severe OR pervasive that it altered the conditions of employment and created a hostile or abusive work environment

Title VII

Hostile Work Environment, *continued*

- Harassment must be both **objectively** and **subjectively offensive**
- Severity and pervasiveness assessed considering the **totality of the circumstances** including the frequency, the severity, whether it is physically threatening or humiliating or merely offensive, and whether it unreasonably interferes with the employee's work performance

Title IX vs. Title VII



	Title IX	Title VII
Respondents	Employee and Student	Employee
Hostile Environment Sexual Harassment	Severe, Pervasive, AND Objectively Offensive	Severe OR Pervasive
Procedure	Title IX	?

Retaliation

Treating someone **negatively** because they exercised their rights under the policy is **retaliation**.

An institution's response to a Complainant or Respondent may, itself, constitute discrimination on the basis of sex.



Conflicts of Interest, Bias, and Prejudgment

The grievance process must remain impartial at every level:

- The Coordinator, Investigator, Decision Maker, Appellate Officer must be free from conflict of interest and bias and must avoid prejudgment of the issues.
- Annual training for all roles must include material on avoiding conflict of interest and bias.
- Parties must be given an opportunity to object to Investigators and Decision Makers for perceived conflict of interest or bias.
- Conflict of interest or bias in the process is a basis for appeal of a Title IX determination.

Title IX investigation undone by hearing officer's social media

ROANOKE, Va. — A Virginia Tech student's Title IX sex discrimination lawsuit will proceed against the university because he presented sufficient evidence that his hearing officer overseeing his alleged sexual assault of a classmate harbored a bias against men. The officer had tweeted, in reference to a documentary about sexual assault, that he would hold men in general accountable and had retweeted other generalizations about men failing to understand consent. His testimony about implicit bias and patriarchy "could reasonably give rise to concerns ... regarding his impartiality."

BRIEF / April 17, 2026



Conflicts of Interest

Conflict of interest exists when personal or private interests or loyalties (family, friendship, financial, social, or other) compromise (or could compromise) one's ability to be impartial in their judgment, decisions, or actions.

- Actual conflict (positional responsibilities conflict with personal interest)
- Perceived conflict (reasonable to perceive competing interests might influence outcome)
- Potential conflict (duties and interests might influence outcome)

Be Mindful of Implicit Bias

Impermissible **mental shortcuts, attitudes, and stereotypes** that affect understanding, actions, and decisions in an unconscious manner.

Some Examples of Implicit Bias

- **Assuming** an accused will always be a man
- **Making judgments** about racial or ethnic groups, or those for whom English is not a first language
- Applying **social stigma or inherent credibility** judgments to drug or alcohol use
- Associating **behavioral stereotypes** with particular activities or groups
- Assigning value to a narrative based on **your own lived experience**



Writing Determinations

What to Include in a Determination Report

- 1. Identification of the parties and jurisdictional elements**
- 2. Identification of the allegations potentially constituting policy violation**
- 3. Precise policy language defining elements of alleged violations**
- 4. Description of procedural steps taken including all witnesses interviewed**
- 5. Findings of fact supporting the determination**
- 6. *Conclusions regarding the application of the policy to the facts***
- 7. *Determination for each allegation and the rationale for the finding;***
- 8. *Any disciplinary sanctions imposed including aggravating + mitigating circumstances warranting the sanctions imposed;***
- 9. *Procedures and permissible grounds for either party to appeal.***

What to Include in a Determination Report

Identification of Parties and Jurisdictional Elements

TITLE IX FINAL DETERMINATION REPORT

Complainant, Kaylee Helms | Respondent, Blake Crawford
College University | Hearing Date: July 17, 2025
Jodie L. Ferise, EdD, JD, Decision Maker

Nature of Complaints and Parties

On March 27, 2025, College University (College) Title IX Coordinator, Tina Titlenine, received a formal complaint, in person, from Complainant Kaylee Helms. In it, Complainant alleged that Respondent, Blake Crawford, had committed acts of dating violence, sexual assault, stalking, and sexual exploitation against her in violation of College's Sexual Harassment Policy (the Policy).

On March 30, 2025, Coordinator Titlenine received a formal complaint, in person, from Respondent Blake Crawford. In it, Respondent alleged that Complainant, Kaylee Helms, had committed acts of dating violence and sexual assault against him in violation of the Policy.

Complainant is a student who is currently enrolled at College, and who has been continuously enrolled at College since August 2024. In the academic year 2024-2025, Complainant was a resident of Old Hall, a campus residence hall.

What to Include in a Determination Report

Details of alleged policy-violating conduct

Allegations

Complainant alleges that Respondent has engaged in a course of conduct that constitutes sexual assault (rape), dating violence, stalking, and sexual exploitation under the Policy. Specifically, her complaint states that:

On multiple occasions between September 2024 and March 25, 2025, while in a dating relationship with Complainant, Respondent engaged in acts of violence against Complainant including pulling her hair, restraining her against her will by forcefully holding her arms tightly enough to cause bruising, hitting her, sexually assaulting her, threatening her, coercing and intimidating her, and placing her in physical and emotional fear.

On or about March 22, 2025, committed a sexual assault against Complainant by engaging in vaginal intercourse with her without her consent.

In September or October 2024, Respondent grabbed Complainant by the arms, forcefully restraining her and shaking her violently. Respondent squeezed Complainant's arms tightly, which left bruises on Complainant's arms.

A copy of Complainant's Formal Complaint is attached as **Exhibit A**.

What to Include in a Determination Report

Relevant Policy Sections + Standard of Proof

Policies at Issue and Standard of Proof

College's Sexual Harassment Policy (the Policy) specifically defines and prohibits dating violence, sexual assault (rape), sexual exploitation, and stalking. The Policy, states, in relevant part:

Dating Violence encompasses a wide range of behaviors including sexual assault, physical abuse, and other forms of 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 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 is 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.

Sexual Assault—Rape is defined as 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. This definition includes any gender of the Complainant or Respondent.

What to Include in a Determination Report

Relevant Policy Sections + Standard of Proof

Under the Policy, determinations of responsibility are to be made using the preponderance of the evidence standard.

That is, to find Respondent responsible under the Policy, the available, relevant evidence must show that it is more likely true than untrue that Respondent engaged in a course of conduct that constituted dating violence, sexual assault, stalking, or sexual exploitation of the Complainant, as defined by the Policy.

To find Complainant responsible under the Policy, the available, relevant evidence must show that it is more likely true than untrue that Complainant engaged in a course of conduct that constituted dating violence or sexual assault of Respondent, as defined by the Policy.

What to Include in a Determination Report

Complete Procedural History of Matter

Procedural Steps Taken

The following table reflects the procedural steps taken in this matter:

November 19, 2024	Anonymous report received via online portal related to perceived dating violence of freshman student Blake Crawford against freshman student Kaylee Helms; Coordinator reached out by email and phone to Helms; Helms made appointment for after Thanksgiving break.
November 29, 2024	Coordinator met with Helms in TIX office re details of anonymous report; Helms indicated the report was erroneous and while stressed, she was happy in relationship with Crawford; reported no cause for concern and no violence present in relationship.
February 10, 2025	Dr. Gregory Roberts, Associate Professor, Department of English, a mandatory reporter, filed a report with TIX office related to his student, Kaylee Helms. Report stated Helms's boyfriend often waited in an ominous fashion outside classroom, causing obvious distress in Helms; reported that Helms had appeared in class with obvious bruising on arms that appeared to reflect clear outlines of fingers.
February 11, 2025	Coordinator met with Kaylee Helms, shared details of report from Dr. Roberts. Helms reported no concerns and explained bruising; Helms indicated no concern for boyfriend waiting outside class.
March 27, 2025	Coordinator Tina Titlenine met with Complainant who filed formal complaint
March 28, 2025	Notice of allegations sent to Blake Crawford, Respondent
March 30, 2025	Coordinator Titlenine met with Blake Crawford re: Notice and Crawford's desire to file complaint as well.

What to Include in a Determination Report

Determination of Responsibility on Each Alleged Violation

Determination Regarding Responsibility of Respondent, Blake Crawford

Respondent is responsible for conduct that constitutes Dating Violence in violation of College's Sexual Harassment Policy.

Respondent is responsible for conduct that constitutes Sexual Assault (Rape) in violation of College's Sexual Harassment Policy.

Respondent is responsible for conduct that constitutes Sexual Exploitation in violation of College's Sexual Harassment Policy.

Respondent is not responsible for conduct that constitutes Stalking, as defined by College's Sexual Harassment Policy.

For reasons discussed specifically below, the evidence in this case showed by a preponderance of the information that the Respondent's behavior violated the Policy in the manner set forth above. That is, the relevant evidence available to the Decision Maker showed that it was more likely true than untrue that Respondent had committed dating violence, sexual assault, and sexual exploitation against Complainant.

What to Include in a Determination Report

Findings of Fact Relevant to Determination + Associated Evidence

Findings of Fact/Hearing Testimony Relevant to Determination

Complainant and Respondent were both freshman students at the College University in the 2024-2025 academic year. They initially interacted in an admitted students Snapchat group the summer before starting at College. By the time they arrived on campus, although they had never met in person, the pair had agreed to be in an exclusive relationship.

By September of 2024, just one month after the pair had met in person, Respondent was displaying aggression and violence toward Complainant. During the homecoming weekend, the couple argued over Respondent's perception that Complainant was paying undue attention to another man. When Complainant attempted to walk away from the argument, Respondent grabbed Complainant and restrained her, squeezing both of her upper arms and shaking her with enough force to cause bruising. This incident was observed by Complainant's roommate, Elizabeth Watson, who testified at hearing as to the details.

What to Include in a Determination Report

OR
Findings of Fact:
*Undisputed +
Disputed Facts*

Undisputed Facts

The following relevant facts were undisputed by the parties:

1. The parties began talking in the admitted students Snapchat group during the summer before starting at College. By the time they arrived on campus, and met in person for the first time, they were in a committed, exclusive dating relationship.
2. During Homecoming weekend, 2024, the parties engaged in an argument during which Complainant attempted to walk away from Respondent. Respondent grabbed Complainant's arms to restrain her and prevent her from walking away.
3. Complainant's roommate, Elizabeth, witnessed the above-referenced altercation between the parties and thereafter, in November 2024, Elizabeth filed an anonymous report with the Title IX office in which she indicated her concern for Complainant.
4. When the Title IX Coordinator met with Complainant regarding the anonymous report that had been received, Complainant assured Coordinator that there had been no violence between the parties.

What to Include in a Determination Report

OR
Findings of Fact:
*Undisputed +
Disputed Facts*

Disputed Facts

The following are the remaining relevant disputed facts with respect to Complainant's allegations against Respondent:

1. Whether Complainant gave consent for sexual intercourse with Respondent that occurred on March 22, 2025.
2. Whether Respondent, during the period between September 2024 through March 2025, committed multiple acts of violence against Complainant including pulling her hair, hitting her, threatening her with bodily harm or death, coercing or intimidating her, subjecting her to incidents of sexual assault.
3. Whether Respondent surreptitiously videotaped sexual encounters between himself and Complainant, without her knowledge or consent.
4. Whether Respondent electronically distributed explicit imagery of Complainant, including photographs and videos of Complainant in various stages of undress and engaged in multiple instances of sexual activity, to other people without her knowledge or consent.

What to Include in a Determination Report

Conclusions

CONCLUSIONS

Based on evaluation of the relevant evidence presented at the hearing, and application of a preponderance of the evidence standard of proof, the Decision Maker finds that:

Complainant, Kaylee Helms is responsible for conduct that constitutes Sexual Assault (Rape) against Respondent, Blake Crawford, in violation of the Policy.

Pursuant to the Policy, Sexual Assault (Rape) is defined as including “oral penetration by a sex organ of another person, without the consent of the [complaining party]. This definition includes any gender of the Complainant or Respondent.” Given that definition, the following Policy sections regarding Consent are relevant:

- Consent is defined as an affirmative indication by words and/or actions of a voluntary agreement to engage in the sexual act or conduct in question.
- Consent for one sexual act does not constitute consent to all sexual acts.
- Silence or absence of resistance does not constitute their consent.
- Consent cannot be given by someone who is incapacitated due to consuming drugs or alcohol...

It is undisputed that on February 8, 2025, together in Complainant’s dormitory room, Complainant performed oral sex on Respondent without his having given an affirmative indication of his consent through words or actions. Moreover, the Decision Maker finds ample evidence that during that sexual encounter, Respondent was incapacitated due to consuming alcohol and marijuana and could not have given consent to the sex act. Decision Maker further finds that a reasonable person in Complainant’s circumstance should have known that Respondent could not give consent due to incapacitation.

What to Include in a Determination Report

Assignment of Sanctions, if any.

Sanctions and Rationale

Pursuant to the Policy, when, as here, a party is found responsible, the decision-maker must assign appropriate sanctions and explain the rationale for such sanctions. Factors to be considered when assigning sanctions include:

1. The nature, severity, and circumstances of the violations.
2. The violating party's disciplinary history.

In the present instance, there are significant findings of responsibility on the part of both Complainant Kaylee Helms and Respondent Blake Crawford. Addressing the factors to be considered on the part of each, the Decision Maker finds:

Kaylee Helms is an excellent student with no disciplinary history. However, Ms. Helms has been found responsible for the sexual assault, or rape, of Blake Crawford. By its very nature, rape is among the most serious violations one can commit. While these parties had engaged in sex acts many times before, the Policy is clear that each sexual encounter stands alone; consent for one sexual encounter does not constitute consent for all future such acts. Therefore, Ms. Helms was not justified in considering Mr. Crawford to have given consent when he lay down in her bed, fully dressed, and nearly unconscious from consuming alcohol and marijuana. The fact that Ms. Helms continued to attempt oral sex on Mr. Crawford until he was in physical pain only emphasizes the fact that the sex act was being done to Mr. Crawford, not for him, nor with any reasonable indicia of his consent.

Therefore, it is the position of the Decision Maker that Complainant, Kaylee Helms, be suspended from College University for the entirety of the fall semester, 2025.

What to Include in a Determination Report

Procedures + Grounds for Appeal

Appeal Rights

Under the Policy both parties have the right to appeal this outcome on the following grounds:

1. Procedural irregularities in the investigation affecting the outcome;
2. New evidence that could affect the outcome but was not reasonably available at the time the determination or dismissal was made; or
3. The Title IX Coordinator and Affirmative Action Officer, University Investigator, or decision-maker had a bias or a conflict of interest that affected the outcome.

Any appeals must be submitted, in writing, to the Title IX Coordinator and Affirmative Action Officer. Written appeals may be delivered in person, via courier, or via postal or electronic mail to:

Tina Titlenine
Institutional Equity Office
Administration Building, Suite 804
555-3123-4567

ALL APPEALS MUST BE FILED WITHIN SEVEN (7) DAYS OF DISTRIBUTION OF THE NOTICE OF OUTCOME. DECISIONS NOT APPEALED WITHIN SUCH TIME ARE DEEMED FINAL.

Please refer to the Policy for additional information regarding the appeals process.

Sincerely,

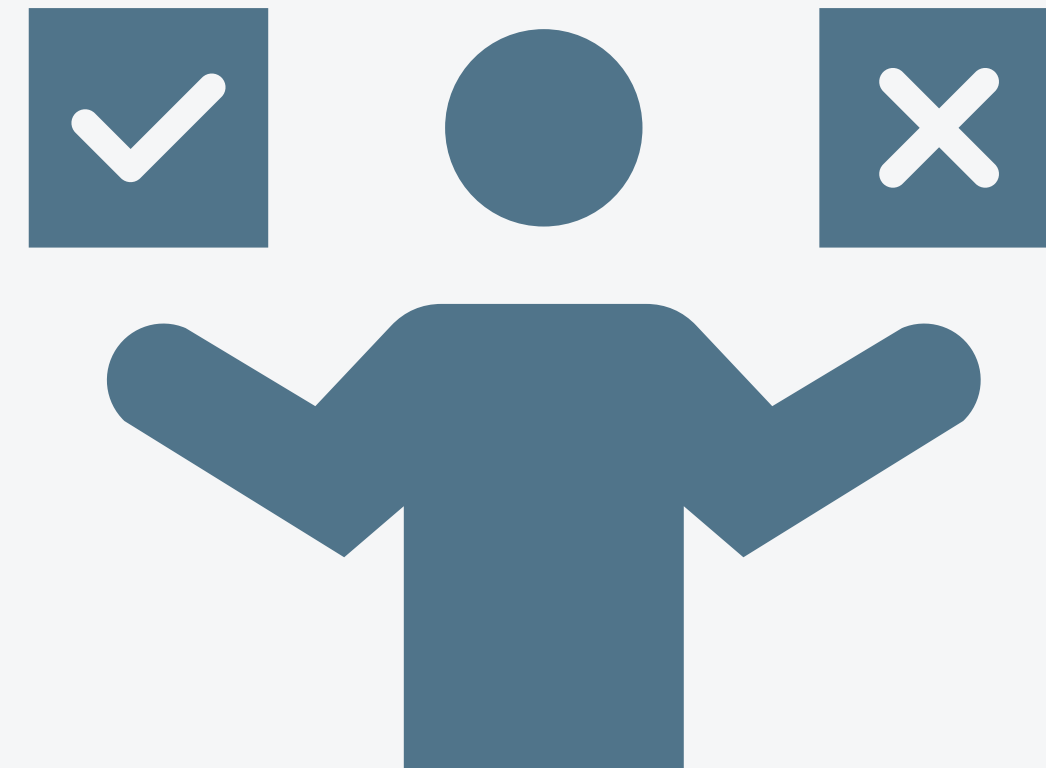


Jodie Crosby Ferise, EdD, JD
Decision Maker

**DATE OF DETERMINATION DISTRIBUTION:
JULY 27, 2025**

Decision

- If finding of responsibility, then consider impact and/or mitigation statements
- Determination of sanctions



Sanctions

- Factors in determining sanctions
 - Nature, severity and circumstances of violations
 - Respondent's disciplinary history
 - Need for sanctions to end discrimination and/or prevent future discrimination
 - Need for sanctions to remedy the effects to Complainant and/or community
 - Impact on parties
 - Other information deemed relevant
- Student sanctions → Student Code
- Employee sanctions → Employee Handbook

Drafting the Determination

- Use neutral tone.
- Provide as much detail as possible but rely on factual evidence.
- Indicate why certain evidence was or was not determined to be credible.
- Reconcile inconsistent evidence and indicate how determination was made.



Distribution of Report

- Once the report is completed, it must be shared with the parties and their Advisors simultaneously.
- Clearly reflect bases and process for appeal; both in cover letter and in determination.

Questions?

Feel free to reach out!



jnussbaum@cchalaw.com