

Decision-maker Guidelines (STS-G003)

Once the Investigator has sent the investigative report to all parties:

- ☐ Receive the investigative report, along with all evidence and investigative materials, copies of communications to parties.
- ☐ Ensure there are no conflicts of interest or biases which would prevent serving as the Decision-maker.
- ☐ Ensure respondent is presumed not responsible for the alleged conduct until all relevant evidence has been reviewed and considered.
- ☐ Allow each party 5 days from the date of the investigative report to submit to the Decision-maker written, relevant questions that the party wants to ask of any party or witness.
- ☐ Relevant questions will be answered within 3 days and the Decision-maker will provide those answers to all parties.
- ☐ Allow parties 2 days to submit limited follow up questions, which must be answered within 2 days. Provide answers to follow up questions to all parties.
- ☐ Be prepared to determine whether a proposed question is relevant, and exclude if not. Also be prepared to explain such a decision to a party.
 - Evidence about a complainant's sexual predisposition or prior sexual behavior are not relevant UNLESS it's offered to prove someone other than the respondent committed the alleged conduct or to prove the conduct was consensual and concern specific incidents of the complainant's prior sexual behavior with the respondent.
- ☐ Assess all relevant evidence and materials regarding the allegations in the formal complaint.
 - Determine witness credibility but do not make any credibility determination based upon a person's status as a complainant, respondent, or witness.
 - Make decision based upon the preponderance of the evidence standard which means that amount of evidence that causes you to conclude that an allegation is probably true. To meet this standard, you must find that the evidence shows more likely than not the allegation did occur and more likely than not the alleged respondent(s) committed the act(s). If the evidence on an issue is equally balanced, that issue has not been proven by a preponderance of the evidence.
- ☐ Make a determination regarding responsibility. (Prior to making a determination, ensure that the parties have had at least 10 days from the date of the investigative report to submit a written response regarding the investigative report.)
- ☐ Within 10 days of receiving answers to all relevant written questions, issue a written determination regarding responsibility and send it to the parties and the Chief of Staff/designee at TitleIXappeals@cmcss.net. ([STS- F043](#))

To review a flowchart depicting these guidelines, please [click here](#).