

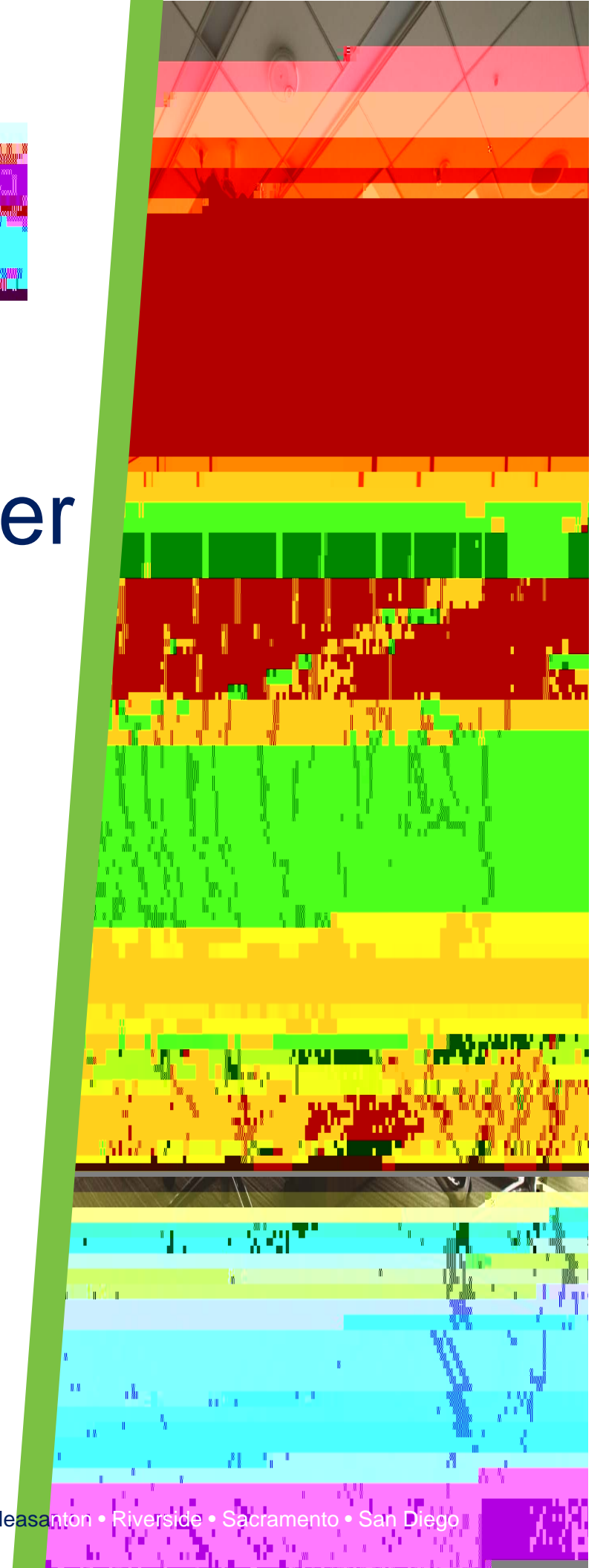
# Title IX Decision-Maker Training for Community College Districts

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**Long Beach Community  
College District**  
Title IX Decision-Maker Training  
June 17, 2021

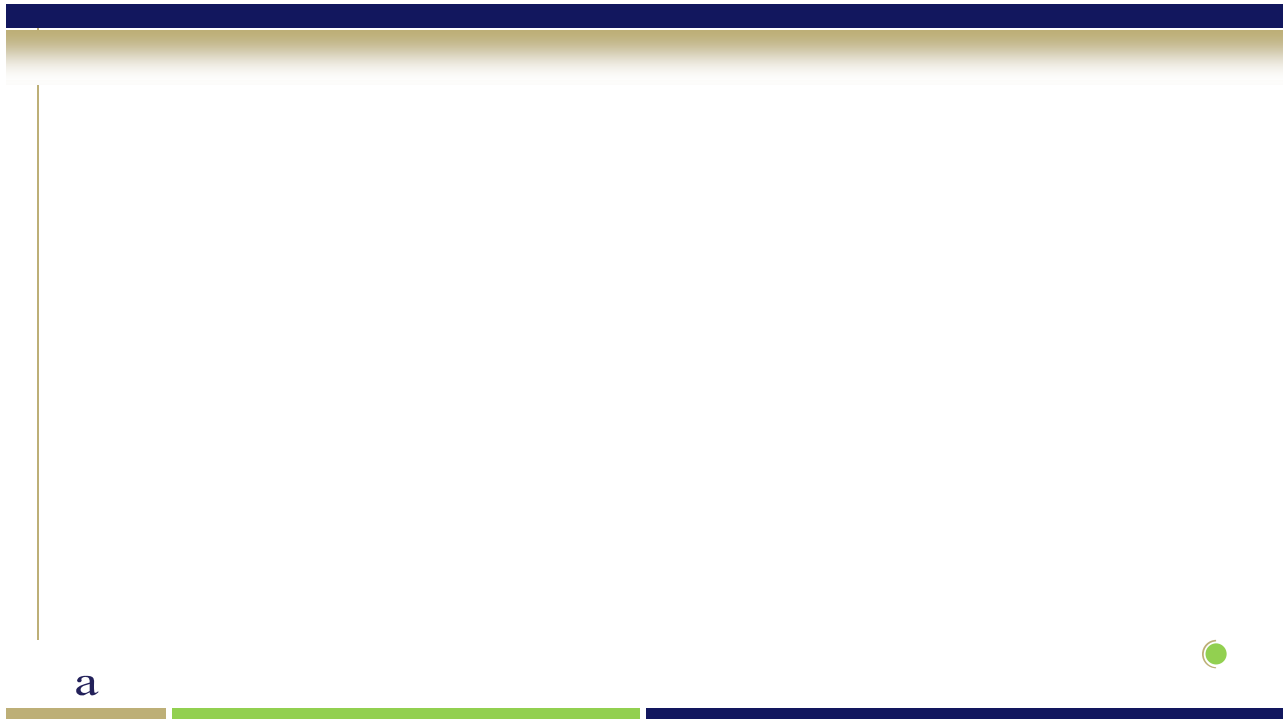
***SESSION TWO***

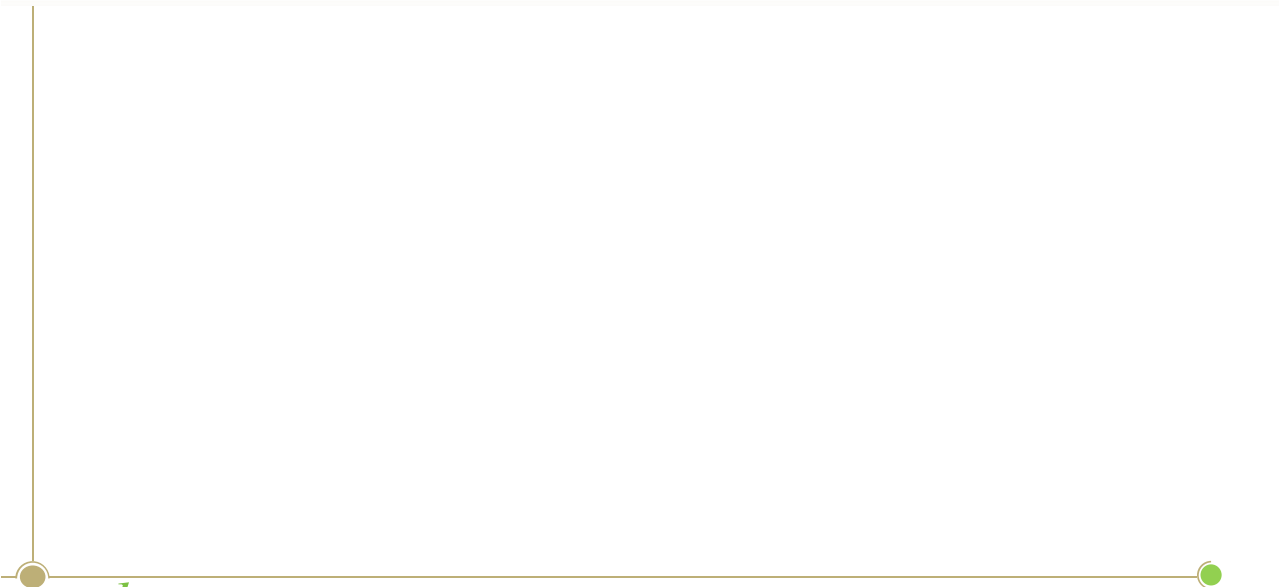
PRESENTED BY:  
***Eve P. Fichtner, Partner***











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## Table of Contents for Written Determination

- Factual Findings, Continued
  - **Tutoring Session on August 21, 2020**
    - Factual Findings. I find by a preponderance of the evidence that, on August 21, 2020, in the library after school, Respondent [did/did not] touch Complainant's private genital area with Respondent's left hand. Respondent touched Complainant's private genital area [accidentally/purposefully] and [with/without] Complainant's permission. While touching Complainant, Respondent [made/did not make] a comment like, "We should smash," which the Complainant [reasonably/unreasonably] interpreted as a sexual comment. Respondent touched Complainant's private groin area based on [non-sexual reasons/sexual gratification]
    - Rationale for factual findings: I made these findings because....

## Table of Contents for Written Determination

- Conclusions about Sexual Fondling
  - Conclusion: I find by a preponderance of the evidence that Respondent's actions [do/do not] rise to the level of sexual fondling as defined by [code of conduct/policy].
  - Rationale: I reach this conclusion because Respondent [did/did not] touch a private area of Complainant when placing a hand on Complainant's genital area [with/without] permission. The facts further demonstrated that Respondent touched Complainant [accidentally/for the purposes of sexual gratification].



## Table of Contents for Written Determination

- Conclusions about Sexual Harassment
  - Conclusion: I find by a preponderance of the evidence that Respondent's actions [do/do not] rise to the level of sexual harassment as defined by [code of conduct/policy].
  - Rationale: I reach this conclusion because Respondent [did/did not] engage in unwelcome physical and verbal conduct based on sex towards Complainant, which as determined by a reasonable person, was severe, pervasive, and objectively offensive
- Responsibility
  - Based on a thorough review of the evidence, I find by a preponderance of the evidence that Respondent [is/is not] responsible for [sexual fondling and/or sexual harassment.]

## Table of Contents for Written Determination

- Sanctions (if responsibility)
  - [The panel or I] recommend the following sanctions for Respondent [List all that apply to the specific findings and conclusions]
- Remedies (if responsibility)
  - [The panel or I] recommend the following remedies for Complainant [List all that apply to the specific findings and conclusions]
- Appeal Rights Available for Both Parties
- Closing Statement



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