

MODELS OF PROOF

Creating a “model of proof” is simply the process of taking a policy definition and breaking it down into its constituent elements those components that must be present and supported by credible evidence in order to determine that policy has been violated. The “checklist” of elements should serve as a guide to help Decisionmakers during the hearing, by zeroing in on what information is needed in order to make a policy violation determination, and at the analysis or deliberation stage, to ensure that the assessment of the facts tracks precisely with the requirements of institutional policy.

Sexual Harassment

Quid Pro Quo:

- ‰ an employee of the recipient
- ‰ conditions (directly or indirectly) the provision of:
 - f an aid, OR
 - f benefit, OR
 - f service of the recipient
- ‰ on an individual’s participation in unwelcome sexual conduct

Hostile Environment:

- ‰ unwelcome conduct
- ‰ on the basis of sex (or that is sexual)
- ‰ determined by a reasonable person (a person who sits in the shoes of the Complainant and shares an objective perspective)
- ‰ to be severe, AND
- ‰ pervasive AND
- ‰ objectively offensive (that effectively denies a person equal access to the Recipient education program or activity)

Sexual Assault:

- ‰ Any sexual act
- ‰

¹ This would include having another person touch you sexually, forcibly, and/or without their consent.

² This would then invoke a model of proof for whatever your institutional definition of consent is. For more on consent, please refer to the *ATIXA Playbook* in the ATIXA Member Library. Here is an example. Consent is:

- ‰ knowing, and
- ‰ voluntary, and
- ‰ clear permission
- ‰ by word or action
- ‰ to engage in sexual activity

