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## Title IX Student Disciplinary Resolution Process At-A-Glance

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### I. INTAKE

- Complainant makes a report to Title IX Coordinator, Dean of Students, or Campus Safety. Supportive measures are offered and retaliation is explained.
- Initial Title IX assessment by the Title IX Coordinator or Dean of Students determines if threshold is met for further investigation and adjudication.
- If threshold is met, the College proceeds with investigation, Notice of Investigation is drafted.
- If the Title IX Coordinator and/or Dean of Students determine threshold not met, Complainant can appeal to Associate Vice President for Student Affairs.

### II. INVESTIGATION

#### a. Notice of Investigation

- Complainant is notified by Title IX Coordinator that Respondent will be contacted. Title IX Coordinator requests to meet with Respondent.
- Dean of Students and Title IX Coordinator meet with the Respondent to notify them of allegations, investigation, and presumption of non-responsibility. Supportive measures are offered and retaliation is explained.
- Respondent and Complainant are notified of investigation via e-mail by the Dean of Students (or designee) in a detailed Notice of Investigation letter.
  - The Notice will include:
    - (1) the names of the Complainant and the Respondent;
    - (2) the date, time (if known), location, and a detailed summary of the nature of the reported conduct;
    - (3) the policy violation(s) at issue;
    - (4) the name of the Investigator;
    - (5) information about the parties' participation in the process;
    - (6) the prohibition against retaliation;
    - (7) the importance of preserving any potentially relevant evidence in any format;
    - (8) how to challenge participation by the Investigator on the basis of a conflict of interest or bias;
    - (9) a copy of the policy,

(10) a presumption of non-responsibility.

- If the investigation reveals the existence of additional or different potential violations of this policy, the Investigator will issue a supplemental notice of investigation.
- Complainant receives request from Title IX Coordinator for a meeting with the investigator at which they tell their narrative of the incident(s) and are asked to provide witness names and exhibits/evidence; reminded that retaliation is prohibited; reminded of support resources and the right to a support person of their choice.
- Respondent receives request from Title IX Coordinator for a meeting with the investigator at which they tell their narrative of the incident(s) and are asked to provide witness names and exhibits/evidence; reminded that retaliation is prohibited; reminded of support resources and the right to a support person of their choice.

#### **b. Investigation Process**

- Investigator will interview the Complainant who is allowed to have a support person of their choice present.
- Investigator will interview the Respondent who is allowed to have a support person of their choice present.
- Investigator will interview relevant witnesses who are allowed to have a support person of their choice present.
- Investigator conducts any necessary follow up interviews with relevant parties including Complainant, Respondent, and witnesses.
- Audio recordings will be made during interviews; transcripts of the interviews are created by the investigator and are exhibits in the investigation report; they are reviewed by the Complainant, Respondent, and Adjudicator.
- Complainant, Respondent, and witnesses are asked to provide any correspondence and other evidence that relates to the case.
- Draft Investigation Report and supplemental materials are made available to both parties by the Dean of Students, or designee, on a secure site. Witnesses are not given access to the investigation report.

#### **c. Preliminary Investigation Report**

- Preliminary Investigation Report is sent to both Complainant, Respondent, and Adjudicator for review by Dean of Students or designee; written response from

the Complainant and Respondent is due in 5 business days (review period may be adjusted based on extenuating circumstances or volume of report).

- The Preliminary Investigation Report Includes:
  - Alleged charge(s)
  - Complainant interview summary/summaries and transcript
  - Respondent interview summary/summaries and transcript
  - Witness interview summaries and transcripts, if any
  - Exhibits and evidence
- Preliminary Investigation Report provides an opportunity for the parties to ask additional questions, name additional witnesses, and/or submit additional exhibits to the investigation process.
- Adjudication may be delayed if additional investigation is necessary.

#### **d. Final Investigation Report**

- The Final Investigative Report includes all summaries, addenda, transcripts, exhibits plus responses from Preliminary Investigation Report.
- The Final Investigation Report is sent to Complainant, Respondent, and Adjudicator by Dean of Students ahead of Adjudication proceedings.

### **III. ADJUDICATION**

#### **a. Adjudication Meeting**

- Adjudicator may choose to meet with a member of the investigation team ahead of the Adjudication proceedings. This meeting will be audio recorded and available to the parties.
- Dean of Students will schedule a concurrent meeting between the parties and the adjudicator (each party is in a separate room).
- In general, the adjudication meeting will be scheduled approximately one to two weeks after the Final Investigation Report is submitted to the parties for review.
- Dean of Students will send each party an explanation of the process; provide the parties with the date, time, and place of the meeting; and the name of the adjudicator.
- Dean of Students will also provide an opportunity to the parties to meet individually with the Dean of Students to ask questions about the process before the adjudication meeting occurs.

- Each party may bring a support person of their choice to meet with the adjudicator.
- In-person meetings are the preferred method; however, videoconference will be used when necessary.
- Each party has the opportunity to be heard and to respond to any questions of the adjudicator.
- Each party may submit questions for the adjudicator to determine the relevance and appropriateness of and pose to the other party or investigator.
- Adjudicator will confirm with each party that they have been given the opportunity to review and inspect all evidence presented thus far in the process.
- Adjudicator will read the charge(s) against the Respondent and ask them to respond “responsible” or “not responsible” for each of the charges.
- The meeting with the adjudicator is audio recorded and the recording is kept in the secure site.
- Both parties can submit Impact/Mitigation Statements with their suggestions for the appropriate outcomes to the Dean of Students or Title IX Coordinator. These statements are only read by the adjudicator if there is a finding of responsibility.
- Adjudicator has the discretion to request additional meetings with the parties, as appropriate, or require further investigation.
- Adjudicator (if external to the College) sends Case Opinion to Dean of Students within 5 business days of final adjudication proceedings.

#### **b. Notice of Outcome**

- Dean of Students sends the Notice of Outcome letter to Respondent and Complainant concurrently within 2 business days of receiving Case Opinion.
- Notice includes findings of responsibility on charges based on a preponderance of the evidence (more likely than not), rationale from Case Opinion, educational outcomes if found responsible, and appeal process procedures (including deadlines).

### **IV. APPEAL**

- Appeals are due within 5 business days of Notice of Outcome to the Associate Vice President for Student Affairs or designee.
- Both or either Complainant and Respondent can appeal on two grounds:

- New evidence that was not available at the time of the investigation is presented that could be outcome-determinative; and/or
  - Procedural error(s) that had a material impact on the outcome.
- The Appeal Officer or designee will accept or deny the appeal within 5 business days of receipt of the appeal.
  - If accepted, the other party(ies) to the case are given the opportunity to respond within 5 business days of acceptance of the appeal.
  - The Appeal officer or designee will make a decision within 10 business days of receiving all responses to the appeal.
  - Appeal decision is final.