Title IX Student Disciplinary Resolution Process At-A-Glance

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.