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**Title IX Student Formal Resolution Conduct Process At-A-Glance**

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**I. INTAKE**

- Complainant is referred or reports to the Title IX Coordinator an experience of Prohibited Behavior.
- Complainant or Title IX Coordinator submits Formal Complaint Form for evaluation of next steps.
- Initial Title IX assessment by the Dean of Students (Senior Official) and/or Title IX Coordinator determines if threshold is met for further investigation and adjudication.
- Resolution options shared with Complainant along with Rights and Options, supportive measures, and prohibition of retaliation.
- If threshold is met, the College proceeds with investigation as appropriate.
- If the Title IX Coordinator and/or Dean of Students determine threshold not met, Complainant can appeal to 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.
- Title IX Coordinator and Dean of Students (Senior Official) meet with Respondent and their support person to share allegations, resources, supportive measures, next steps, Notice of Investigation, and discuss prohibition of retaliation.
- Respondent and Complainant are notified of investigation and next steps via e-mail by the Dean of Students (or designee) in a Notice of Investigation letter which includes (1) the process for formal and voluntary resolution; (2) the names of the Complainant and the Respondent; (3) the date, time (if known), location, and precise nature of the reported conduct; (4) the specific policy violation(s) at issue; (5) the name and contact information of the Investigator; (6) how to challenge participation by the Investigator on the basis of a conflict of interest or bias; (7) information about the parties' participation in the process; (8) the prohibition against retaliation; (9) the importance of preserving any potentially relevant evidence in any format; (10) information about how a party may request reasonable accommodations for a disability or language diversity during the process; (11) a presumption of non-responsibility; (12) that the parties are entitled to an advisor of their choice, who is permitted to review the evidence gathered in the investigation that is relevant or directly related to the investigation; (13) that if parties at a hearing do not have an advisor, the College will provide one to them at no cost or charge; (14) that the College prohibits providing false or misleading information; and (15), a copy of the policy.
- Respondent is presumed to be not responsible throughout the process until and if a preponderance of the evidence supports a finding that the Respondent violated the Policy.
- Complainant receives request to meet with investigator for an interview to 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 to meet with investigator for an interview to 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.
- If the investigation reveals the existence of additional or different potential violations of this policy, the Senior Official will issue a supplemental notice of investigation.
- Any party may raise a challenge to the designated investigator(s) on the basis of actual bias or conflict of interest. This challenge must be raised, in writing, to the Title IX Coordinator within **2 business days** of receipt of the Notice of Investigation.

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

- The investigator will interview the Complainant who is allowed to have a support person of their choice present.
- The investigator will interview the Respondent who is allowed to have a support person of their choice present.
- The investigator will interview relevant witnesses who are allowed to have a support person of their choice present.
- Audio recordings will be made during interviews; transcripts of the interviews are created by the investigator and are exhibits in the investigation report and evidence review; they are reviewed by the Complainant and Respondent.
- Complainant, Respondent, and witnesses are asked to provide any correspondence, evidence, or information that relates to the case.
- Draft Investigative Report/Evidence Review and supplemental materials are made available to both parties by the Dean of Students, or designee, on a secure site.

#### **c. Draft Investigation Report**

- All information and evidence gathered throughout the investigation is made available to the parties and their support persons for review in a draft investigation report.
- The parties will have an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint, including the evidence upon which the College does not intend to rely in reaching a determination regarding responsibility, and inculpatory or exculpatory evidence, whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to conclusion of the investigation.
- The parties will have **10 business days** to submit a written response, which may be in the form of comments or clarifications, proposed questions for the investigator(s) to ask the other party, or identification of additional witnesses or sources of evidence, which the investigator will consider prior to completion of the investigative report.

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

- At the conclusion of the investigation, the investigator(s) will prepare a written investigation report that fairly summarizes the relevant information and facts gathered during the investigation.

- The Final Investigative Report includes all summaries, addenda, transcripts, evidence, exhibits and responses from Draft Investigative Report/Evidence Review.
- The Final Investigative Report is shared with Complainant, Respondent, their support persons, and the Adjudicator by the Title IX Coordinator or Dean of Students **10 or more business days** before the adjudication hearing.

#### **e. Assessment for Mandatory Dismissal**

- At the conclusion of the investigation, the Title IX Coordinator will review the investigation report to determine whether the formal complaint must be dismissed. If some or all of the allegations are dismissed, the Title IX Coordinator will provide the parties notice of the dismissal and the opportunity to appeal that dismissal.

### **III. ADJUDICATION HEARING**

#### **a. Adjudication Hearing**

- The Title IX Coordinator or Senior Official will send the parties a Notice of Hearing and procedures of the hearing.
- Hearings are conducted virtually, typically via Webex.
- Either party can request to have the hearing rescheduled. Absent extenuating circumstances, requests to reschedule must be submitted to the Senior Official or Title IX Coordinator at least **5 business days** prior to the hearing.
- The Adjudicator is typically a retired judge who will oversee the hearing process and make a determination of responsibility.
- Parties and witnesses are encouraged, but not required, to attend the hearing. The Adjudicator may not draw an adverse inference about the determination regarding responsibility based solely on a party's or witness's absence from the hearing.
- Complainant may bring or have a support person of their choice present for the hearing. No other support is allowed in the room for the hearing unless previously approved by the College.
- Respondent may bring or have a support person of their choice present for the hearing. No other support is allowed in the room for the hearing unless previously approved by the College.
- Both parties are provided the opportunity to cross-examine/question the other party via their adviser. If a party does not have a support person for this portion of the hearing, one will be provided to them by the College free of charge. Direct cross-examination by the parties is not permitted.
- The hearing is recorded and the recording is kept in a secure site.
- Both parties can bring Impact/Mitigation Statements with their suggestions for the appropriate outcomes if a finding of Responsibility is reached.
- The findings of the Adjudicator will be documented in a written case opinion within **5 business days** of completion of the hearing. The case opinion will include findings of fact supporting the determination; conclusions regarding the application of the policy to the facts; a statement of, and rationale for, the result as to each alleged policy violation, including a determination regarding responsibility; and, the Adjudicator's

recommended sanction and rationale for the sanction. The case opinion will be provided to the Senior Official for sanctioning.

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

- The written notification of outcome will include: a. Identification of the allegations potentially constituting Prohibited Behavior; b. A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held; c. Findings of fact supporting the determination; d. Conclusions regarding the application of the policy to the facts; and e. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary, and whether remedies designed to restore or preserve equal access to the College's education program or activity will be provided to the Complainant; f. The procedures and permissible bases for the Complainant and Respondent to appeal.
- Generally, the notice of outcome will be final and communicated to the parties within **5 business days** from the date the Adjudicator submits the case opinion to the Senior Official. The Notice includes findings of responsibility on charges, rationale from Case Opinion, educational outcomes, and appeal process procedures (including deadlines).

#### **IV. APPEAL**

- Appeals are due within **5 business** days of Notice of Outcome to the Vice President for Student Affairs or designee.
- Either party may raise a challenge to the Appeals Officer on the basis of actual bias or conflict of interest. This challenge must be raised, in writing, to the Title IX Coordinator within **2 business days** of receipt of notice of acceptance of the appeal.
- The Complainant and/or Respondent may appeal only the parts of the determination of responsibility and/or educational outcome(s), if applicable, directly relating to them. Dissatisfaction with the outcome of the case is not grounds for appeal.
  - The limited grounds for appeal are as follows:
    1. Procedural irregularity that affected the outcome of the matter and/or sanction;
    2. New evidence, not reasonably available at the time of the hearing regarding responsibility or dismissal of the formal complaint, that could affect the outcome of the matter;
    3. The Title IX Coordinator, investigator(s), adjudicator, or Senior Official had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that affected the outcome of the matter.
- 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 decisions are final.