

# Sexual Misconduct Complaint Procedures

## **1. Report**

Any employee or student may report a possible Title IX violation. The report can be anonymous. An actual notice is made to either the Title IX Coordinator or to a “Responsible Employee,” that is, an “official who can institute corrective measures on behalf of the school.” The Responsible Employee must immediately report the complaint to the Title IX Coordinator. See policy for the contact information of the Title IX Coordinator and the Responsible Employees.

## **2. Outreach to Complainant**

To inform the Complainant of the process, discuss options, and offer supportive measures, whether a formal complaint is filed or not.

## **3. Intake meeting with Complainant**

The purpose of the meeting is to gain a general overview of what happened (to answer “Did sexual harassment/sexual violence occur”) and to discover the wishes and needs of the Complainant. It may be same as the outreach, but may be separate and subsequent.

## **4. Report to Clery Compliance Officer**

If the offence is a Clery crime (i.e., rape, fondling, incest and statutory rape), it is reported to the Clery Compliance Officer. It should also be reported to appropriate law enforcement agencies.

## **5. Formal complaint**

A signed, formal complaint in writing is submitted to the Title IX Coordinator. The Complainant must be the person who experienced the violation or the Title IX Coordinator. It cannot be anonymous. A formal complaint form is available upon request.

## **6. Written notice of allegation**

A written notice of the allegations is simultaneously sent to the Complainant and the Respondent. The notice includes a description of the complaint and the rights and responsibilities of each party. Among the rights is the right to select or be appointed by the recipient an advisor who can be present at all Title IX Complaint Process proceedings.

## **7. Amended notice**

If, in the course of an investigation, the recipient decides to investigate allegations about the Complainant or Respondent that are not included in the notice provided, the recipient must provide notice of the additional allegations to the parties whose identities are known. The Notice is to be amended if the dates are wrong, the location is wrong, or there are additional Complainants.

## **8. Intake of Respondent**

The purpose of the intake of the Respondent is to give the Respondent information about the Title IX complaint process, including rights and responsibilities and possible supportive measures.

## **9. Notice of investigation**

A notice of investigation is sent to all who are expected to participate in the investigation, including the parties, the witnesses, and the advisors. The parties have five business days to allege conflict of interest of the investigator or appointed advisor.

## **10. Informal process vs. formal hearing**

In a student/student or employee/employee violation, an informal resolution process is permitted with the written approval of the Complainant. An employee/student violation cannot be resolved informally.

## **11. Investigation**

An investigator gathers evidence and interviews the parties and witnesses. The interviews are not criminal interrogations. The Complainant and Respondent must be informed in writing of any temporary delay in the process because of the absence of a party, a party's advisor, or a witness, concurrent law enforcement activity, or the need for language assistance or accommodation of disabilities.

## **12. Preliminary investigative report**

The Title IX Coordinator prepares a preliminary report that includes the results of the investigation. It is sent to both parties. They then have an opportunity respond within five business days.

## **13. Dismissal of formal complaint**

At this stage, the complaint could be dismissed if it is determined that the behavior does not constitute sexual harassment, did not occur in an educational program or activity, was not in the United States, the Complainant withdraws formal complaint, the Respondent is no longer enrolled/employed, or there is insufficient evidence to make a determination of responsibility.

## **14. Notice of hearing**

A notice is sent to the parties and witnesses announcing the formal hearing, which will take place at least ten business days after the notice. The notice includes the final investigative report, which presents the result of the investigation, as well as an evaluation of the relevance of the evidence and testimony.

## **15. Formal hearing**

The formal hearing will occur at least ten days after the notice of hearing has been distributed. The formal hearing must be live and visual, although it can be remote. It includes the decision-makers, the Complainant, the Respondent, the witnesses and the advisors. Advisors have the opportunity to cross-examine the evidence and the witnesses. If a witness is not available for cross-examination at the hearing, the testimony of that witness is not admitted. There are at least two decision-makers present at the hearing.

## **16. Written notice of decision**

Written Notice of Decision is sent simultaneously to the Complainant and the Respondent. The standard of evidence for determining of responsibility is Clear and Convincing Evidence.

The finding of the decision-maker has two parts: 1) whether a violation occurred and whether the Respondent is responsible, and 2) the imposition of sanctions and remedies.

## **17. Appeal process**

The Complainant and the Respondent have a right to submit a written appeal within ten business days of the decision. Appeals can be made based on: (A) procedural irregularity that affected the outcome of the matter; (B) new evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; or (C) the Title IX Coordinator, investigator(s), or decision-maker(s) 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 (106.45(b)(8)(i)). The decision will be made within five business days the written appeals request is received by the Title IX Coordinator.