

INVESTIGATIVE & HEARING PROCEDURES

The Title IX Coordinator will meet with a student considering submitting a complaint, outline the process for filing a complaint, and explain College procedures. A written report is typically required for a case to be referred for action, but in cases of perceived danger for the campus community, the Title IX Coordinator may request a hearing of the Response Team without the cooperation of the student who originated the complaint. College proceedings will provide a prompt, fair and impartial investigation and resolution. Proceedings will be conducted by officials who receive annual training related to sexual misconduct and how to conduct an investigation and hearing that protects the safety of victims and promotes accountability.

Upon receipt of a report the Title IX Coordinator will contact the accused individual(s) to explain the procedures and outline the basis for the complaint. The accused has the right to see the report that alleges a violation.

Both parties in a case are ordered to have no contact with one another. This allows the matter to proceed without any possible harassment or miscommunication between parties. Students may pursue other orders of protection through the court system.

Once the College receives notice about a pending case of sexual assault/harassment or misconduct, an investigator will review the matter and interview students and/or employees involved along with potential witnesses. The investigator will submit written documentation to the Title IX Coordinator, who will make a determination about whether or not a complaint may proceed to a hearing with a hearing board specifically trained to deal with sexual assault/harassment and misconduct.

College proceedings are confidential to the extent possible and permitted by law. The hearing board receives written complaints and schedules and conducts hearings related to sexual misconduct. The Title IX Coordinator facilitates the hearing but is not a voting member of the board. A three-member team comprises the decision-making members of the hearing board. The hearing board hears statements from both parties, asks questions, then makes a decision based upon the greater weight of the credible evidence. The hearing board receives training in conducting hearings specifically related to sexual misconduct allegations.

The respondent(s) has the right to question his or her accuser through questions posed to the hearing board. This right will not be denied. However, the complainant may request that accommodations be made to have separate rooms or a room partition for each party, or may request an alternative reasonable arrangement in order to minimize potential trauma or stress.

The complainant and respondent(s) are each entitled to the same opportunities to have a support person (often a parent, friend, counselor, attorney, or faculty/staff member) present during a campus disciplinary proceeding. This person can be in addition to the College support person.

Pertinent expert, psychological, and medical witnesses, and other evidence may be introduced into hearings, but the hearing board will reserve the right to determine if such evidence is credible on its face

or could potentially be subject to rebuttal in the opinion of the hearing board, and thus, of questionable value.

While each case is different, the hearing board will generally ask questions primarily related to the following areas: force, consent, and whether or not (or how) alcohol or drugs played a role in the alleged incident. The hearing board will use the standard of preponderance of evidence in determining outcomes from the hearing.

Both parties will be simultaneously informed in writing of the outcome and sanction of any campus disciplinary proceeding regarding alleged sexual assault/harassment or misconduct within a timely fashion and to the extent permitted by law. Any student found to have violated the sexual misconduct policy will be subject to a sanction ranging from probation to expulsion, depending on the severity of the incident and taking into account any previous campus conduct code violations and any other relevant circumstances. Other individuals who are found to be in violation of this policy will be subject to appropriate sanctions as determined and imposed by the hearing board. Other remedial or protective measures may also be implemented as appropriate.

Any party in a hearing may appeal the decision following the student code of conduct procedures. The party may submit an appeal and should have access to the reasoning of the decision as expressed in the summary and to the extent permitted by law.

Any retaliatory action or behavior taken toward an alleged victim or other individual as a consequence of his or her decision to report a violation or pursue or participate in conduct action or criminal prosecution is prohibited. Retaliation by any party may result in further disciplinary action. No officer, employee, or agent of the College shall retaliate, intimidate, threaten, coerce, or otherwise discriminate against any individual for exercising his or her rights or responsibilities under the Clery Act, as amended.

A student who reports that he/she has been a victim of domestic violence, dating violence, sexual assault, stalking, or sexual harassment, whether the offense occurred on- or off-campus, shall be provided with a written explanation of the student's rights and options, as described above. These guidelines shall be construed to be consistent with the requirements of the Clery Act, as amended by the Violence Against Women Reauthorization Act of 2013, including the Campus Sexual Violence Act and other applicable law.