

DORDT UNIVERSITY

Procedures for Handling Formal Complaints Against Dordt Employees Pursuant to the Other Sexual Misconduct Policy

The Office of Vice President for Student Success and Dean of Students has been charged with implementing the following procedures for employees pursuant to the Other Sexual Misconduct Policy. The Policy must be read in conjunction with the University's Title IX (c)(0) Tx [(e)4 (m)-2 (pl)-2 (oye)

II. Requests for Informal Resolution

Initiating Parties may make a request, either orally or in writing, for informal resolution to the Title IX Coordinator. The request should identify the alleged Respondent (if known) and describe the allegations with specificity. The request requires, as applicable, the approval of the Title IX Coordinator.

Upon determining that informal resolution is appropriate, and in instances when the Initiating Party makes the request to the Title IX Coordinator, the Title IX Coordinator will assign the informal resolution to an Investigator. The Title IX Coordinator or designee, or the Investigator

behalf of the university may

At the initial review stage or subsequently, the Investigative Team may generally consolidate investigations of allegations under this Policy that are factually related to allegations under the Title IX Sexual Harassment Policy and investigate them using procedures for Handling Formal Complaints Against Employees pursuant to the Title IX Sexual Harassment Policy.

Ordinarily, the initial review will be concluded within one week of the date the formal complaint was received.

D. Personal Advisors

Both the Complainant and the Respondent may bring a personal advisor of their choice to any meeting or other proceeding that is part of the investigation, including initial review. The University will not limit the choice or presence of a personal advisor for either party. During interviews, personal advisors may not speak for their advisees, although they may ask to suspend the interviews briefly if they feel their advisees would benefit from a short break.

When a formal complaint involves allegations that, if true, also might constitute criminal conduct, Respondents are advised to seek legal counsel before making any written or oral statements. The investigation process is not a legal proceeding, but Respondents might wish to obtain legal advice about how this process could affect any criminal case in which they are or may become involved.

E. Investigation

Following the decision to begin an investigation, the Investigative Team will notify the Respondent in writing of the allegations and will provide a copy of the Policy and these procedures. The Respondent will have one week in which to submit a written statement in response to the allegations. This statement must be in the Respondent's own words; Respondents may not submit statements authored by others, including family members, advisors, or attorneys. Attached to the statement should be a list of all sources of information (for example, witnesses, correspondence, records, and the like) that the Respondent believes may be relevant to the investigation.

The Investigative Team will request individual interviews with the Complainant (or the Reporter serving as a party to the complaint, as described in Section III.A above, if applicable) and the Respondent, and, as appropriate, with other witnesses, which may include those identified by the parties as well as relevant officers of the University or others. When identifying potential witnesses, the parties should understand that the purpose of interviews is to gather and assess relevant information about the incident(s) at issue in the formal complaint, not to solicit general information about a party's character.

If, in the course of an investigation, the Investigative Team decides to investigate allegations not included in the written notice to the parties described herein, the Investigative Team will provide notice of the additional allegations to the parties whose identities are known.

These Procedures presume that the Respondent is not responsible for an alleged Policy violation until a final determination regarding responsibility is made.

After the collection of additional information is complete but prior to the conclusion of the investigation, the Investigative Team will request individual follow-up interviews with the Complainant (or the Reporter, if applicable) and the Respondent to give each the opportunity to respond to the additional information.

F. Conclusion of the Investigation and Issuance of Final Report

At the conclusion of the investigation, the Investigative Team will make findings of fact, applying a preponderance of the evidence standard, and determine based on those findings of fact whether there was a violation of the Policy.

The Investigative Team will provide the Complainant (or the Reporter, if applicable) and the Respondent with a written draft of the findings of fact and analysis and will give both parties five business days to submit a written response to the draft. The Title IX Coordinator will be provided with the draft investigative report for informational purposes. The Investigative Team will consider any written responses from the parties before finalizing the report.

The investigation will be completed and the final report provided to the Complainant (or the

the alleged incident; information about the relative credibility of the parties and witnesses, so

Discretionary Dismissal of a formal complaint: The Investigative Team may, after having consulted with the Title IX Coordinator, dismiss the formal complaint or any allegations therein, if at any time during the investigation:

1. the Complainant notifies the Investigative Team in writing that the Complainant would like to withdraw the formal complaint or any allegations therein;
2. the Respondent is no longer employed by the University; or
3. specific circumstances prevent the University from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

The Title IX Coordinator will promptly send written notice of the dismissal and reason(s)

