

The Office of Vice President for Student Success and Dean of Students has been charged with implementing the following procedures for students pursuant to the Other Sexual Mi TJ-0.004Tc 0.004Tw -17.01

The Investigative Team will convey this determination in writing to: the Complainant (and/or the Reporter, if there is one) and the Title IX Coordinator. The Title IX Coordinator or designee will implement any appropriate supportive measures to be put in place by the University pending the completion of the case (or revise as necessary any measures already in place).

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 the Procedures for Handling Formal Complaints Against Students 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.

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.

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.

In gathering and weighing evidence, the Investigative Team will consider both whether a reasonable person considering all the circumstances would find the conduct unwelcome and, when applicable, the environment hostile and whether the complainant viewed them as such. The following types of information may be helpful in making that determination, while avoiding prejudgment of the facts at issue: an objective evaluation of all relevant evidence – including both inculpatory (tending to support that the alleged conduct occurred) and exculpatory (not tending to support that the alleged conduct occurred) evidence; statements by any witnesses to the alleged incident; information about the relative credibility of the parties and witnesses, so long as credibility determinations are not based on a person's status as a complainant, respondent, or witness; the detail, consistency, and plausibility of each person's account; the absence of corroborating information where it should logically exist; information that the Respondent has been found to have committed sexual misconduct or harassment; information that the Complainant has been found to have made false allegations against others; information about the parties' reaction or behavior after the alleged incident; and information about any actions the parties took immediately following the incident, including reporting the matter to others.

The Title IX Coordinator, the Appellate Panel, personal advisors, and others at the University involved in or aware of the formal complaint will take reasonable steps to protect the privacy of all involved. Once a complaint is filed, the Complainant or Reporter, the Respondent, and any witnesses will be notified of the potential for compromising the integrity of the investigation by

ii. Dismissal

: If the conduct alleged in the formal complaint would, even if true, not constitute other sexual misconduct as defined in the Policy, then the Investigative Team will dismiss the formal complaint with regard to that conduct for purposes of other sexual misconduct under the Policy. Such a dismissal does not preclude action under other University policies.

: 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 enrolled 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) therefor to the Complainant, the Reporter, or the parties, as applicable.

Within one week of the decision to dismiss a case, the Complainant or Respondent may appeal the dismissal under the process and on the bases set forth in Section IV below.

In cases where the Title IX Coordinator concludes that the alleged conduct, while not a violation of the Policy, might implicate other University conduct policies, the Title IX Coordinator may refer the formal complaint to the appropriate University official.

iii. Request for Informal Resolution After a Formal Complaint Has Been Filed

Once a formal complaint has been opened for investigation and before the final report has been provided to the parties, a party may request informal resolution as an alternative to formal resolution of the complaint, but that disposition requires agreement of the Complainant and the Respondent and the approval of the Title IX Coordinator.

If such a request is approved, the timeframes will be stayed, and Title IX Coordinator will ordinarily assign the informal resolution to an Investigator, other than the Investigator who has been assigned to the Investigative Team for the case; or another University officer trained to facilitate an informal resolution process; who will take such steps as they deem appropriate to assist in reaching a resolution.

The Investigator, or other University officer facilitating the informal resolution process, will: (1) provide the parties with a written notice disclosing the allegations, the requirements of the informal resolution process including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations, provided, however, that at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal

resolution process and resume the investigative process with respect to the formal complaint, and any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared; and (2) obtain the parties' voluntary, written consent to the informal resolution process.

The parties will ordinarily have up to two weeks from receipt of the request to reach a written