

THE PATH OF A REPORT – MISCONDUCT PROCEDURES



Upon receiving a report of Prohibited Conduct, the University will:

- 1 **PROVIDE SUPPORT**
and assistance in obtaining University and community resources.
- 2 **PROVIDE INFORMATION**
about preserving evidence, obtaining medical treatment, and contacting police.
- 3 **EVALUATE SAFETY**
of individuals and the University community.

4 ASCERTAIN COMPLAINANT'S PREFERENCES:

- A Complainant may request that **no further University Resolution** be taken
- B Complainant may file a Formal Complaint and seek one of two forms of **University resolution**

The University will seek to honor this request if it is possible to do so while also **protecting the health and safety of individuals and the University community.**

1. **Formal Resolution**, which involves an investigation, and hearing/sanction (if applicable).
2. **Informal Resolution**, which (if available) includes a variety of informal options for resolving reports.

Next, the University will conduct a Threat Assessment to:

- 1 **DETERMINE UNIVERSITY ACTIONS**
 - **University Resolution:** if Complainant or Title IX Coordinator filed Formal Complaint
 - **No Action:** balance request with health and safety risk factors to determine whether request can be honored
- 2 **EVALUATE REPORTING DUTIES**
State Law requires reporting to:
 1. The Police (if health/ safety threat is identified)
 2. The Prosecuting Authority (if felony crime)
 3. Child Protective Services (if under 18)

Process either concludes or moves on to Formal or Informal Resolution.

INITIAL ASSESSMENT OF REPORT

THREAT ASSESSMENT OF REPORT

CONCLUDE OR BEGIN RESOLUTION PROCESS

A REPORT TO LAW ENFORCEMENT MAY BE MADE AT ANY POINT THROUGHOUT THIS PROCESS
RESOURCES AND SUPPORT ARE AVAILABLE THROUGHOUT THIS PROCESS

The University also offers access to confidential resources for students and employees who are unsure about whether to report Prohibited Conduct, or to any student or employee seeking counseling or other emotional support throughout this process.

At the beginning of the resolution process:

- 1 **WRITTEN NOTICE** to the Complainant and the Respondent.
- 2 **TRAINED INVESTIGATOR(S)** will conduct a prompt, thorough, fair, and impartial investigation with equal opportunity to be heard, submit evidence, and identify witnesses.
- 3 **ADVISOR OF CHOICE** may accompany, support, and advise each party.

INVESTIGATION

At the conclusion of an investigation:

- Investigator will prepare a **Draft Investigation Report** summarizing the information gathered, without recommend finding(s).
- Investigator will send the **Draft Investigation Report** and all accompanying material to the Complainant and Respondent.
- Complainant and Respondent each have **10 business days** to review and respond to the **Draft Investigation Report**.
- Investigator will prepare a **Final Investigation Report** which will include a recommendation as to whether or not there is sufficient evidence to support a finding of responsibility for Prohibited Conduct by a Preponderance of the Evidence.
- Title IX Coordinator will send the **Final Investigation Report** to the parties and provide each **10 business days** to review and respond to the **Final Investigation Report**.

HEARING

Hearing before Decision Maker:

- Title IX Coordinator will appoint a trained, impartial **Decision Maker**.
- Decision Maker** will be provided the **Final Investigation Report** and all evidence collected.
- Live Hearing** with right to have advisor present and questioning of parties and witnesses by and through **Decision Maker**.

WRITTEN DETERMINATION

Decision Maker will issue a **Written Determination Letter** to the parties within **10 business days** following the Hearing that identifies all potential policy violations, whether there is sufficient evidence to support a finding of Responsibility, the findings of facts, rationale for determination, any disciplinary sanctions, and the procedures and bases for appeal.

The **Written Determination** may be appealed to an Appeal Officer. Any sanction issued by the **Decision Maker** will not take effect until the conclusion of the **Appeal**.

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Typically, the period from commencement of an investigation through resolution (finding and sanction, if any) will not exceed 90 business days. This time frame may be extended for good cause.