

## Title IX Process Overview

### 1) Support

- a. Title IX coordinator reaches out to DCC legal team for guidance and support.
- b. Process will determine if additional/outside investigators needed.

### 2) Report (Not a Formal Complaint)

- a. Title IX Coordinator begins record to track progression of case
- b. Provides written notification to complainant with information about supportive measures and engages in interactive process to determine what measures are needed and wanted. Note: Supportive measures must be free, available for both complainant and respondent, cannot UNREASONABLY burden one party, cannot be punitive or disciplinary,
- c. Written notification includes how to file a formal complaint, provides explanation of the grievance process, resources on and off campus, rights and options and assistance with filing a police report. It also provides VAWA/Clery notice.

### 3) Formal Complaint

- a. Complainant files & signs a formal complaint (requesting an investigation) to the Title IX Coordinator to initiate the grievance process; or
- b. Title IX Coordinator files & signs a formal complaint (requesting an investigation) when there is a reluctant complainant and the institution has a compelling reason to investigate further.

### 4) Written Notice

- a. Written notice of the formal complaint (charges) and investigation will be provided concurrently to both parties;
- b. Information about the grievance process, rights of both parties, supportive measures, preservation of evidence, & other reporting options (e.g. law enforcement) will be provided to both parties; and
- c. The respondent is presumed not responsible for the alleged conduct & a determination of responsibility will be made at the conclusion of the Grievance Process.
- d. Ongoing notice about all meetings a party may be invited to attend.

### 5) Evidence Gathering

- a. Both parties may respond in writing and through interviews to provide statements and accounts of alleged conduct.
- b. Both parties may have an advisor of choice present and campus will provide someone if needed;
- c. Both parties may present information & evidence, provide names of fact or expert witnesses relevant to the investigation, and submit to the investigator questions they would like asked of witnesses or parties; and
- d. Investigators will interview relevant & available witnesses.

- e. Investigators should communicate with the parties that there are no institutional restrictions on either party to discuss the allegations, gather and present relevant evidence, or identify fact or expert witnesses relevant to the investigation.
- f. There are restrictions on privileged information: Institutions must not access, consider, disclose, or otherwise use a party's medical or mental health records (e.g. maintained by a physician, psychiatrist, psychologist, or other recognized professional treating or assisting in a medical or mental health capacity), unless the institution obtains that person's (or parent/guardian, if applicable), voluntary, written consent to do so.

## **6) Investigation Report**

- a. Investigators will share a copy of all evidence obtained and a draft of the investigation report concurrently with both parties (and each party's advisor) to have an opportunity to inspect & respond; and
- b. The completed investigation report and access to all evidence obtained will be provided concurrently to both parties (and each party's advisor) prior to the hearing, and
- c. The parties may submit additional evidence responding to the draft report.

## **7) Live Hearing**

- a. In order for statements or evidence of a party or witness to be considered by the hearing officer in making a determination, the person must participate in the live hearing and submit to questions & cross-examination; and
- b. The hearing officer can ask questions of parties & witnesses, and the party's advisor will conduct direct- & cross-examination (relevant questions only) of the other party & witnesses. If a party doesn't have an advisor, the College will provide one.

## **8) Determination**

- a. The hearing officer is responsible for rendering a written determination of responsibility & sanctions (if applicable) based only on statements & evidence of the parties & witnesses that participated in the hearing; and
- b. The hearing officer will provide a copy of the written determination concurrently to both parties.

## **9) Appeal**

- a. Either party may appeal (a) the hearing panel's determination of responsibility, or (b) the College's dismissal of a formal complaint to first to the Vice President of Academic Affairs and thereafter to the College President. The appeal is limited to consideration of:
  - i. Procedural irregularity that affected the outcome of the matter;
  - ii. New evidence that was not reasonably available at the time of determination regarding responsibility or dismissal was made that could affect the outcome of the matter; or
  - iii. The Title IX Coordinator, investigator(s), or hearing panel member had a conflict of interest or bias for or against the parties (generally, or specifically in this matter) that affected the outcome of the matter.
- b. Both parties will be notified concurrently in writing when an appeal has been filed, & the appeal procedures will apply equally for both parties. The non-appealing party will have an opportunity to submit a written response in support or opposition to the hearing determination; and
- c. The appellate officer will render an independent written determination concurrently to both parties.

## **10) Formal Complaint Dismissals**

The College may dismiss the formal complaint at any time prior to a determination of responsibility due to requirements under Title IX, non-applicability of the policy, insufficient evidence to make a determination, or a complainant withdraws the formal complaint. Both parties will receive notice if a dismissal is rendered.

**11) Informal Resolution Option**

As an alternative to the formal grievance process (outlined above), both parties may opt voluntarily for an informal resolution (if available). Both parties must voluntarily agree to the terms of the informal resolution after receiving notice and show consent with a signature. Failure to do so will result in continuing the formal grievance process.

**12) Emergency Removals & Employee Administrative Leave**

A respondent may be removed from the College's education program or activity (e.g. interim suspension) on an emergency basis, due to an immediate threat of physical health or safety of a person arising from the allegations. An employee respondent may be placed on administrative leave, during the pendency of the grievance process.