

Title IX Grievance Process¹

As a Complainant or a Respondent, you have the following rights during an investigation:

- To be informed of and have access to counseling, medical, academic, and other applicable support services, including confidential resources.
- To be informed of the importance of a complainant going to a hospital for treatment and the preservation of evidence, if applicable, as soon as practicable after an alleged incident.
- To be informed of a notice of a formal complaint to the College, whether filed by a complainant or the Title IX Coordinator.
- To receive a prompt, fair, equitable, and impartial grievance process.
- To receive information and ask questions about the formal and informal processes available.
- To be given equal chance to participate in a grievance process, including the opportunity to review and present relevant evidence.
- To request informal resolution (unless complainant is a student and respondent is an employee).
- To choose not to actively participate in the grievance process, if desired.
- To have an advisor of choice present during all meetings and grievance proceedings.
- To have an advisor provided for a party at a hearing under the Title IX grievance process, if an advisor of choice is not present.
- To have access and equal opportunity to inspect and review any directly related evidence obtained as part of the investigation, and to receive a copy of the completed investigation report.
- To be equally informed of any determinations regarding responsibility, dismissals of formal complaints, and/or a party's filing of an appeal.
- To appeal a determination regarding responsibility and/or dismissals of formal complaints (if certain criteria apply).
- To file a report with local and/or campus law enforcement authorities.
- To be presumed not responsible if you are the Respondent.

¹ This is meant as an overview only. Please refer to the College's grievance policy for specific details regarding the process.

Guide for Advisors in the Grievance Process

What is an advisor?

An advisor is any person who has been selected by and agreed to assist a complaining or responding student/employee during the College grievance process.

Who can serve as an advisor?

An advisor may be a faculty or staff member, another student/employee, a friend, a parent, an attorney, or any other person of the student's/employee's choosing. The student/employee must notify Human Resources two College working days in advance of a hearing or informal resolution meeting if he/she will be accompanied by an advisor who is an attorney. Please be aware that if the College has its attorney in attendance during the informal resolution meeting and/or a grievance hearing, he or she may advise the decision maker or facilitator, but will not participate in the presentation of evidence as to the hearing.

What is the role of an advisor during a Student/Employee Interview/Meeting?

The role of an advisor in a Student/Employee Conduct Meeting is to:

- Support the student/employee.
- Consult with the student/employee during the meeting.
- Suggest questions for the student/employee to ask.
- Assist the student/employee in clarifying his/her response to questions.

The role of an advisor is not to act as a participant. Students/Employees are allowed to have one advisor present with them during their meeting. Advisors are limited to advising the student/employee and may not present information, ask questions, object, or make statements during the meeting. An advisor may not speak for or on behalf of a student/employee. During a meeting, an advisor may quietly converse with or write notes to a student/employee. It is asked that the advisor be mindful that communication with the student/employee does not disrupt the meeting.

What is the advisor's role in the informal resolution process (if any)?

The role of an advisor in informal resolution is to:

- Support the student/employee.
- Consult with the student/employee.
- Assist the student/employee in trying to resolve the complaint without a formal hearing.

The advisor is not a participant, may not speak for the student/employee, and should not disrupt or interrupt this process.

What is the role of an advisor during a Hearing?

A hearing differs from a Conduct Meeting as the respondent is facing possible sanctions from the College.

The role of an advisor in a hearing is to:

- Cross-examine all witnesses, including the other party on relevant matters.

- Support the student/employee.
- Consult with their student/employee during the hearing.
- Assist the student/employee.

In a hearing, advisors may:

- Participate only to the extent and in the same manner as afforded to the student/employee they are advising, except as to cross-examination, which may only be done by an advisor.
- Ask relevant cross-examination questions to the other party's witnesses.

Advisors may not:

- Be aggressive, disrespectful or disruptive to the hearing, witnesses or decision maker.
- Delay, disrupt, or interfere with the proceedings.
- Present information not relevant to the issues being discussed at the hearing.
- Disrespect others in the hearing by badgering or harassing the other student(s)/employee(s) involved including, but not limited to, making victim blaming statements.
- Argue with the decision maker as to any matter, including but not limited to, relevance determinations.

Advisors are expected to:

- Follow the rules of decorum.
- Act in a professional and courteous manner.
- Follow all hearing procedures/rules.

What happens if an advisor does not act within the limitations outlined for him/her?

If an advisor does not act in accordance with the limitations set forth herein, then the advisor may be required to leave the meeting and/or hearing. If an advisor is required to leave a hearing, then the decision maker can appoint another advisor. Otherwise, the interview/meeting or informal resolution will continue without the advisor.

What is the difference between the College student/employee grievance process and the legal system?

The following chart depicts some of the differences between the legal system and the College grievance process.

Legal System	College Grievance Process
Prosecutes criminals who violate the law	Disciplines students/employees who violate institutional policies
Higher standard of proof- "beyond a reasonable doubt"	Lower standard of proof- "more likely than not"; also referred to as the preponderance of the evidence
"Rules of Evidence" applied in state and federal courts	"Rules of Evidence" do not apply to hearings. The hearing officer will weigh all evidence including issues of relevance when making a determination
Can imprison people or require payment	Maximum consequence is expulsion or termination
Punishment	Sanctions
Guilty or not guilty	Responsible or not responsible
Plaintiff/State vs. Defendant	Complainant and Respondent

Sample Hearing Outline

- I. Call to Order- Decision Maker
 - a. Identify all parties present
 - b. Preliminary comments
 - c. Honesty Statement
 - d. Hearing Conditions
 - i. Hearing will be audio-recorded.
 - ii. All evidence will be restricted to matters directly relevant to the charges.
 - iii. Advisors, may participate but may not answer questions and if questions are asked of the other party or the other party's witnesses, it must come from the advisor.
 - iv. Any person who is disruptive or fails to abide by the hearing procedures set may be removed.
 - v. Time limitations (equally applicable to both sides).
- II. Opening Statements
 - a. Complainant
 - b. Respondent
- III. Presentation of Information and Witnesses:
 - a. College Investigative Report – entered as evidence.
 - b. Complainant
 - i. Presents relevant evidence and witnesses
 - ii. Respondent's advisor may cross-examine witnesses.
 - c. Respondent
 - i. Presents relevant evidence and witnesses
 - ii. Complainant's advisor may cross-examine witnesses.
- IV. Closing Argument
 - a. Complainant
 - b. Respondent