

Rights During Title IX Proceedings

Below is a list of rights that are afforded to the Complainant and Respondent during an alleged Title IX incident.

Prior to an Investigation, your rights include:

1. Access to an advisor of your choice throughout the process
2. Reasonable accommodations for a documented disability during the process
3. An explanation of the options available
4. Confidentiality, to the extent practicable
5. Suggesting witnesses to be questioned, and to suggest questions to be asked of them (excluding solely character witnesses)
6. Knowing the identity of all persons known to be involved, including all witnesses
7. Requesting that the University impose no contact/communication orders and other interim measures
8. Right to decision makers and a decision free from demonstrated bias/conflict of interest (and advance notice of who those decision makers will be)
9. The option of an informal resolution, if there is no sexual violence, and both parties agree
10. Being free from any behavior that may be construed as intimidating or retaliatory
11. An explanation of the allegations reported
12. Identify witnesses with first hand or relevant information

During an Investigation/Conduct Review, your rights include:

1. A prompt, thorough, and equitable investigation as stated in the University's handbook
2. A finding that is based on the preponderance of evidence standard ("more likely than not")
3. The presumption to not be in violation until the conclusion of the Conduct Review
4. Right to a process free of (sex/gender/protected class etc.) discrimination
5. Right to a fundamentally fair process (essential fairness)
6. The opportunity to attend, speak, and present information on one's own behalf
7. Access competent and trained investigators as well as Review Officers
8. The ability to review copies of all reports and information that will be used in determining whether or not a conduct review will be initiated
9. Knowing the alleged policy violations, and responding to all evidence, on record
10. The opportunity to submit questions for the Review Officer to ask the Complainant or Respondent and/or witnesses
11. Having only relevant past history/record considered
12. Notification of the date of the Conduct Review and the status of the investigation at any point
13. Right to sanctions that are proportionate with the severity of the violation and the cumulative conduct record of the Respondent
14. The ability to review copies of all reports and evidence that will be used in the decision making process

Your Rights following the Decision include:

1. Being informed of the outcome of the Conduct Review, in writing, with detailed rationale for the decision
2. Being informed of the outcome in a timely manner
3. The chance to appeal the decision based on one or more of the following: sanction is inconsistent with the gravity of the offense, substantial or material procedural error, or the availability of new evidence

As of April 6, 2018

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