



Resolution Procedures for Alleged Violations of the Sexual Misconduct Policy

Overview

The Georgia Institute of Technology (“Georgia Tech” or “the Institute”) will act on any Notice/Formal Complaint of violation of the Sexual Misconduct Policy (“the Policy”) that the Senior Director of Equal Opportunity (“Senior Director”) or any other Responsible Employee receives by applying the procedures below.¹

Notice/Complaint

Upon receipt of Notice or a Formal Complaint of an alleged Policy violation, the Senior Director will initiate a prompt initial assessment to determine the Institute’s next steps. The Senior Director will contact the Complainant to offer supportive measures, provide information regarding resolution options, and determine how they wish to proceed.

Collateral Misconduct

Collateral misconduct includes potential violations of other Institute policies that occur in conjunction with alleged violations of the Policy, or that arise through the course of the investigation, for which it makes sense to provide one resolution for all allegations. Thus, the collateral allegations may be charged along with potential violations of the Policy, to be resolved jointly under these Procedures.² In such circumstances, the Senior Director may consult with Institute officials who typically oversee such conduct (e.g., human resources, student conduct, the office of the provost) to solicit their input as needed on what charges should be filed, but the exercise of collateral charges under these procedures is within the Senior Director’s discretion. All other allegations of misconduct unrelated to incidents covered by the Policy will typically be addressed separately through the policies and procedures described in the [Georgia Tech Policy Library](#) and employee handbooks.

¹ Anywhere this procedure indicates “Senior Director,” the Institute may substitute a trained designee.

² The same procedural rights apply to prohibited conduct under the Policy as well as to any collateral misconduct allegations that are charged.

Initial Assessment

The Senior Director conducts an initial assessment, typically within five (5) business days of receiving Notice or a Formal Complaint.³ The initial assessment typically includes:

- Assessing whether the reported conduct may reasonably constitute a Policy violation
- Determining whether the Institute has jurisdiction over the reported conduct
- Offering and coordinating supportive measures for the Parties
- Notifying the Complainant, or the person who reported the allegation(s), of the available resolution options
- Determining whether the Complainant wishes to file a Formal Complaint
- Notifying the Respondent of the available resolution options if a Formal Complaint is filed

Helping a Complainant Understand Resolution Options

If the Complainant indicates they wish to file a Formal Complaint, the Senior Director will work with the Complainant to determine which resolution option they prefer. The Senior Director will seek to abide by the Complainant's wishes but may have to take another approach depending upon their assessment of the situation.

If the Formal Grievance Process is chosen, the Senior Director will initiate an investigation.

If any party indicates that they want to pursue an Informal Resolution option, the Senior Director will refer the matter to the appropriate individual(s) if the Senior Director determines Informal Resolution is available and the other Party(ies) consents to participate. Informal Resolution cannot be used to resolve a Formal Complaint of Title IX Sexual Harassment involving an Employee Respondent and a Student Complainant.⁴

If the Complainant does not want any action taken, the Senior Director will consider that request. Typically, allegations of Student-on-Student and Employee-on-Employee misconduct will not prompt the Formal Grievance Process unless deemed necessary by the Senior Director, though the Complainant can elect to pursue the formal process in the future. The Senior Director may need to refer allegations of Employee-on-Student misconduct to the Formal Grievance Process regardless of the Complainant's wishes, depending on the nature of the allegations.

³ If circumstances require, the Vice President of Equal Opportunity, Compliance, or Conflict Management or the Senior Director will designate another person to oversee the resolution process should an allegation be made about the Senior Director or the Senior Director be otherwise unavailable, unable to fulfill their duties, or have a conflict of interest.

⁴ 34 C.F.R. § 106.45.

Senior Director Authority to Initiate a Complaint

The Senior Director has ultimate discretion as to whether a Formal Complaint is made and may consult with appropriate Institute Employees, and/or conduct a violence risk assessment to aid their determination whether to sign a Formal Complaint on behalf of the Complainant. The Senior Director may consider elements such as patterns of behavior, predation, threats, violence, use of weapons, or involvement of minors in determining whether to sign a Formal Complaint.

If a Complainant is not participating or attempting to participate in the Institute's Education Program or Activity at the time of making a Formal Complaint, they can request that the Senior Director sign a Formal Complaint. When the Senior Director signs a Formal Complaint, they do not become the Complainant. The Complainant is the person who experienced the alleged misconduct. If the Senior Director declines to sign a Formal Complaint, alternative processes may be available and can be explored with the Senior Director.

Dismissal (Mandatory and Discretionary)^{5,6}

The Institute **must** dismiss a Formal Complaint of Title IX Sexual Harassment or any allegations therein if, at any time during the investigation or hearing, it is determined that:

- 1) The conduct alleged in the Formal Complaint would not constitute Title IX Sexual Harassment as defined in the Policy, even if proven;
- 2) The Sex-based conduct did not occur in the Institute's Education Program or Activity (including buildings or property controlled by recognized student organizations) and/or the Institute does not have control of the Respondent;
- 3) The Sex-based conduct did not occur against a person in the United States; or
- 4) The Complainant is not participating in or attempting to participate in the Institute's Education Program or Activity at the time of filing the Formal Complaint, and based on the available information, the Senior Director has determined that they do not need to sign a Formal Complaint on the Complainant's behalf⁷

⁵ These dismissal requirements are mandated by 34 CFR § 106.45.

⁶ Please note that the Senior Director determines whether alleged Policy violations constitute Title IX Sexual Harassment or Other Prohibited Conduct under the Policy. If a Formal Complaint does not allege Title IX Sexual Harassment but involves Other Prohibited Conduct, the Senior Director will determine that the allegations fall outside Title IX regulations. The Formal Complaint will then be dismissed under these procedures, as required by Institute policy and applicable law. Parties have the right to appeal this determination. However, Formal Complaints alleging Prohibited Conduct other than Title IX Sexual Harassment will proceed as Non-Title IX Complaints and be investigated under Georgia Tech's Sexual Misconduct Policy. All conduct that falls within the Policy's definitions of Other Prohibited Conduct will follow the procedures outlined below.

⁷ A Complainant who is not participating or attempting to participate in the Institute's Education Program or Activity is still entitled to supportive measures, but the Formal Grievance Process is not applicable unless the Senior Director signs the Formal Complaint in the event the Complainant cannot/will not do so.

The Institute **may** dismiss a Formal Complaint of Title IX Sexual Harassment or Other Prohibited Conduct or any allegations therein if, at any time during the investigation or hearing:

- 1) A Complainant notifies the Senior Director in writing that the Complainant would like to withdraw the Formal Complaint or any allegations therein;
- 2) The Respondent is no longer enrolled in or employed by the Institute;
- 3) Specific circumstances prevent the Institute from gathering evidence sufficient to reach a determination as to the Formal Complaint or allegations therein; or
- 4) If at any point following the filing of a Formal Complaint of Other Prohibited Conduct, and after making reasonable efforts to determine the scope of the allegations, the Senior Director determines that there is insufficient information to support the conclusion that the Respondent violated the Sexual Misconduct Policy.

A Complainant who decides to withdraw a Formal Complaint may later request to reinstate it or refile it.

Upon any dismissal, the Institute will promptly and simultaneously send the Parties written notice of the dismissal and the rationale for doing so.

This dismissal decision is appealable by any party.

When the Senior Director has signed a Formal Complaint and later determines that the basis for signing is no longer compelling, the Senior Director may rescind the Formal Complaint and notify the Parties accordingly. This is not a dismissal, and there is no opportunity to appeal because the Complainant may still file a Formal Complaint if they wish to, in most circumstances.

Appeal of Dismissal

The Parties may appeal a decision to dismiss their Formal Complaint. All dismissal appeal requests must be filed within three (3) business days of the notification of the dismissal decision.

A dismissal may be appealed on the following grounds:

- 1) A procedural irregularity affected the outcome of the matter;
- 2) New evidence that was not reasonably available at the time the determination regarding dismissal was made, that could affect the outcome of the matter;
- 3) The Senior Director, Investigator(s), or Decision-maker(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the specific Complainant or Respondent that affected the outcome of the matter; or
- 4) The dismissal was erroneously granted.

The appeal should specify at least one of the grounds above and provide any reasons or supporting evidence for why the ground is met. Upon receipt of a written dismissal appeal request from one or more Parties, the Senior Director will share the request and supporting documentation with all other Parties and provide three (3) business days for other Parties and the Senior Director to respond to the request. At the conclusion of the response period, the Senior Director will forward the request, as well as any response provided by the other Parties and/or the Senior Director to the Dismissal Appeal Decision-maker for consideration.⁸

If the appeal request does not provide information that meets the grounds in the Policy, the Dismissal Appeal Decision-maker will deny the request, and the Parties, their Advisors, and the Senior Director will be notified in writing of the denial and the rationale.

If any of the asserted grounds in the appeal satisfy the grounds described in the Policy, then the Dismissal Appeal Decision-maker will notify all Parties and their Advisors, and the Senior Director of their decision and rationale in writing. The effect will be to reinstate the Formal Complaint.

In most circumstances, appeals are confined to a review of the written documentation or record of the original determination and pertinent documentation regarding the specific appeal grounds. The Dismissal Appeal Decision-maker has ten (10) business days to review and decide on the appeal, though extensions can be granted at the Senior Director's discretion, and the Parties will be notified of any extension.

Appeal decisions are deferential to the original determination, making changes only if there is a compelling justification to do so.

The Dismissal Appeal Decision-maker may consult with the Senior Director and/or legal counsel on questions of procedure or rationale for clarification, if needed. The Senior Director will maintain documentation of all such consultations.

Emergency Removal

The Institute may pursue an emergency removal of a Student Respondent upon receipt of a Formal Complaint or at any time during the Formal Grievance Process. Prior to an emergency removal, the Institute will conduct an individualized risk assessment and may remove the Student Respondent if that assessment determines that the Student Respondent poses a serious and immediate danger or threat to persons or property. In making such assessment, the Institute will consider the existence of a significant risk to the health or safety of the Complainant or the campus community; the nature, duration, and severity of the risk; the probability of potential injury; and whether less restrictive means can be used to significantly mitigate the risk.

⁸ The Dismissal Appeal Decision-maker is the Vice President of Equal Opportunity, Compliance, or Conflict Management or a designee.

When an emergency removal is imposed, wholly or partially, the terms of the removal take effect immediately. The affected Student Respondent will be notified of the action, which will include a written rationale, and the option to challenge the emergency removal within three (3) business days of the notification. Upon receipt of a challenge, the Senior Director will meet with the Student Respondent (and their Advisor, if desired) as soon as reasonably possible thereafter to allow them to show cause why the removal/action should not be implemented or should be modified.

This meeting is not a hearing on the merits of the allegation(s), but rather is an administrative process intended to determine solely whether the emergency removal is appropriate, should be modified, or should be lifted. When this meeting is not requested within three (3) business days, objections to the emergency removal will be deemed waived.

A Student Respondent can later request a meeting to show why they are no longer an immediate threat because conditions related to the threat have changed. A Complainant and their Advisor may be permitted to participate in this meeting if the Senior Director determines it is equitable for them to do so. If the Senior Director determines at the outset of the request, that the Student Respondent continues to be an immediate threat and conditions remain the same, the Senior Director may deny the request for a meeting.

The Student Respondent may provide information, including expert reports, witness statements, communications, or other documentation for consideration prior to or during the meeting. When applicable, a Complainant may provide information to the Senior Director for review.

An emergency removal may be affirmed, modified, or lifted as a result of a requested review or as new information becomes available. The Senior Director will communicate the final decision in writing, within three (3) business days of the review meeting.

Placing Employees on Leave

When the Respondent is an Employee, or a Student-Employee accused of misconduct in the course of their employment, existing provisions for interim action are applicable instead of the above emergency removal process.⁹

Counter-Complaints

The Institute is obligated to ensure that the Formal Grievance Process is not abused for retaliatory purposes. Although the Institute permits the filing of counter-complaints, the Senior Director will use an initial assessment, described above, to assess whether the allegations in the counter-complaint are made in good faith. When counter-complaints are not made in good

⁹ See Georgia Tech Administrative Leave Policy for information on Employee or Student Employee interim actions: <https://www.policylibrary.gatech.edu/employment/administrative-leave-policy>.

faith, they will not be permitted. They will be considered potentially retaliatory and may constitute a Policy violation.

Counter-complaints determined to have been reported in good faith will be processed using the Formal Grievance Process. At the Senior Director's discretion, investigation of such claims may take place after resolution of the underlying initial Formal Complaint.

Rights of the Parties (See [Appendix D](#))

Advisors in the Formal Grievance Process

The Parties may each have an Advisor of their choice present with them for all meetings, interviews, and hearings within the Formal Grievance Process, if they so choose, at the Party's own expense.

Choosing an Advisor who is also a witness in the process creates potential for bias and conflict of interest. A party who chooses an Advisor who is also a witness can anticipate that issues of potential bias will be explored by the Decision-maker.

Who Can Serve as an Advisor

The Parties may each have an Advisor (friend, mentor, family member, attorney, or any other individual a party chooses) present with them for all meetings, interviews, and hearings within the resolution process, including intake. The Parties may select whomever they wish to serve as their Advisor as long as the Advisor is eligible and available.¹⁰ Parties are not required to use an Advisor in the initial stages of the Formal Grievance Process prior to a hearing.

The Senior Director will offer to assign a trained Advisor to any party. If the Parties choose an Institute Advisor, the Institute will have trained the Advisor and familiarized them with the Institute's Formal Grievance Process.

The Institute cannot guarantee equal advisory rights, meaning that if one party selects an Advisor who is an attorney, but the other party does not, or cannot afford an attorney, the Institute is not obligated to provide an attorney to advise that party. However, all institutionally appointed Advisors will be provided with similar training.

If the Parties choose an Advisor who has not been institutionally appointed, the Advisor may not have been trained by the Institute and may not be familiar with Institute policies and procedures.

¹⁰ "Available" means the party cannot insist on an Advisor who simply doesn't have inclination, time, or availability. Also, the Advisor cannot have institutionally conflicting roles, such as being a Title IX administrator who has an active role in the matter, or a supervisor who must monitor and implement sanctions.

A party may elect to change Advisors during the process and is not obligated to use the same Advisor throughout. Parties are expected to provide the Senior Director with timely notification if they change Advisors. If a party changes Advisors, consent to share information with the previous Advisor is assumed to be terminated, and a release for the new Advisor must be submitted.

The Institute may permit Parties to have more than one Advisor, or an Advisor and a support person, upon special request to the Senior Director. The decision to grant this request is at the Senior Director's sole discretion and will be granted equitably to all Parties.

Advisor's Role in the Formal Grievance Process

Advisors should help the Parties to prepare for each meeting or hearing and are expected to advise ethically, with integrity, and in good faith. Advisors may not provide testimony or speak on behalf of their advisee unless given specific permission to do so.

The Parties are expected to respond to questions on their own behalf throughout the Formal Grievance Process. Although the Advisor generally may not speak on behalf of their advisee, except for conducting cross-examination during a hearing to address allegations of Title IX Sexual Harassment, the Advisor may consult with their advisee, either privately as needed, or by conferring or passing notes during any Resolution Process meeting or interview. For longer or more involved discussions, the Parties and their Advisors should ask for breaks to allow for private consultation.

The Title IX Regulations require a form of indirect questioning during the hearing, which must be conducted by the Parties' Advisors. The Parties are not permitted to directly question each other or any witnesses. If a party does not have an Advisor for a hearing, the Institute will appoint a trained Advisor for the limited purpose of conducting any questioning of the Parties and witnesses.¹¹

Records Shared with Advisors

Advisors are entitled to the same opportunity as their advisee to receive copies of the Draft and Final Investigative Summaries, as well as the Directly Related Evidence file. Parties will be asked to sign releases for the Institute to share materials with an Advisor.

Advisors are expected to maintain the confidentiality of the records the Institute shares with them. Accordingly, Advisors will be asked to sign an [Advisor Agreement Form](#). The Institute may decline to share materials with any Advisor who has not executed the

¹¹ Please note that this provision is limited to hearings that address allegations of Title IX Sexual Harassment. Hearings conducted to address Other Prohibited Conduct will follow the process for Non-Title IX hearings as further outlined below.

Advisor Agreement Form. The Institute may restrict the role of any Advisor who does not respect the sensitive nature of the process or who fails to abide by the Institute's confidentiality expectations.

Advisor Expectations

The Institute generally expects an Advisor to adjust their schedule to allow them to attend Institute meetings/interviews/hearings when planned, but the Institute may change scheduled meetings/interviews/hearings to accommodate an Advisor's inability to attend, if doing so does not cause an unreasonable delay.

The Institute may also make reasonable provisions to allow an Advisor who cannot be present in person to attend a meeting/interview/hearing by telephone, video conferencing, or other similar technologies as may be convenient and available.

All Advisors are subject to the same Institute policies and procedures, whether they are attorneys or not, and whether they are selected by a party or appointed by the Institute. Advisors are expected to advise without disrupting proceedings.

Advisor Conduct

Any Advisor who oversteps their role, who shares information or evidence in a manner inconsistent with the Policy, or who refuses to comply with the Institute's established rules of decorum will be warned. If the Advisor continues to disrupt or otherwise fails to respect the limits of the Advisor role, the meeting/interview/hearing may be ended, or other appropriate measures implemented, including the Institute requiring the party to use a different Advisor or providing a different Institute-appointed Advisor.

Subsequently, the Senior Director will determine how to address the Advisor's non-compliance and future role.

Resolution Options Overview

The Formal Grievance Process is the Institute's primary resolution approach unless all Parties and the Institute agree to an Informal Resolution. The process considers the Parties' preferences but is ultimately determined at the Senior Director's discretion.

Resolution proceedings are private. All persons present at any time during a resolution process are expected to maintain the privacy of the proceedings in accordance with the Policy.

There is an expectation of privacy around what Investigators share with Parties during interviews and for any materials the Institute shares with the Parties during the resolution process. The Parties have discretion to share their own knowledge and evidence with others if they choose, except for information the Parties agree not to disclose as part of an Informal

Resolution. The Institute encourages Parties to discuss any sharing of information with their Advisors before doing so.

Informal Resolution¹²

To initiate Informal Resolution, a Complainant or Respondent may make such a request to the Senior Director at any time prior to a Final Determination, or the Senior Director may offer the option to the Parties. The Institute will obtain voluntary, written confirmation that all Parties wish to resolve the matter through Informal Resolution before proceeding and will not pressure the Parties to participate in Informal Resolution. To engage in Informal Resolution, a Complainant must first submit a Formal Complaint. The Parties will be provided with a Notice of Allegations (“NOA”) prior to the commencement of the Informal Resolution, as further described below.

Three approaches to Informal Resolution are detailed in this section.

- 1) Supportive Resolution.** When the Senior Director can resolve the matter informally by providing supportive measures (only) designed to remedy the situation. Supportive Resolution involves only the party who opts for it.
- 2) Accepted Responsibility.** When the Respondent accepts responsibility for violating Policy and accepts the recommended sanction(s), and the Complainant(s) and Senior Director are agreeable to the resolution terms.
- 3) Alternative Resolution.** When the Parties agree to resolve the matter through an alternative resolution mechanism (which could include, but is not limited to, mediation, shuttle negotiation, restorative practices, facilitated dialogue, etc.), as described below.

It is not necessary to pursue Informal Resolution first in order to pursue a Formal Grievance Process. Any party participating in Informal Resolution can withdraw from the Informal Resolution process at any time and initiate or resume the Formal Grievance Process.

The Parties may agree, as a condition of engaging in Informal Resolution, on what statements made or evidence shared during the Informal Resolution process will not be considered in the Formal Grievance Process should Informal Resolution not be successful.

If an investigation is already underway, the Senior Director has discretion to determine if the investigation will be paused, if it will be limited, or if it will continue during the Informal Resolution process.

¹² Informal Resolution is not available when the Complainant is a Student, and the Respondent is an Institute Employee.

Prior to engaging in Informal Resolution, the Institute will provide the Parties with written notice of the reported misconduct and any sanctions (only in the case of Accepted Responsibility) or measures that may result from participating in such a process, including information regarding any records that the Institute will maintain and under which circumstances they may be released. The Institute will also provide the Parties with a written explanation of the informal process to include, but not limited to:

- a. Written agreement of the Parties to initiate the informal resolution process;
- b. Written notice that the Parties may withdraw from the process at any time prior to the agreement of the terms of the resolution;
- c. Written notice that the final resolution precludes any further institutional actions on the allegations; and
- d. The Institute has agreed to engage in the informal resolution process.

Informal Resolution Approaches

1. Supportive Resolution

Most commonly offered once a Formal Complaint is filed (whereas supportive measures, as described in [Section 9](#) of the Policy, are offered in response to Notice). The Senior Director will meet with the Complainant to determine reasonable supports that are designed to restore or preserve the Complainant's access to the Institute's Education Program and Activity. Such supports can be modified as the Complainant's needs evolve over time or circumstances change. If the Respondent has received the NOA, the Senior Director may also provide reasonable supports for the Respondent as deemed appropriate. This option is available when the Complainant does not want to engage the other resolution options, and the Senior Director does not believe there is a need to sign a Formal Complaint. At the discretion of the Senior Director, this resolution option can result in an agreement between the Complainant and the Institute that does not require assent from any other party, as long as it does not unduly burden any other party or function punitively with respect to them.

2. Accepted Responsibility

The Respondent may accept responsibility for any or all of the alleged Policy violations at any point during the Formal Grievance Process. If the Respondent indicates an intent to accept responsibility for **all** alleged Policy violations, the ongoing process will be paused, and the Senior Director will determine whether Informal Resolution is an option.

If Informal Resolution is available, the Senior Director will determine whether all Parties and the Institute are able to agree on responsibility, restrictions, sanctions, restorative measures, and/or remedies. If so, the Senior Director implements the

accepted Finding that the Respondent is in violation of Institute Policy, implements agreed-upon restrictions and remedies, and determines any other appropriate responses in coordination with other appropriate administrator(s), as necessary.

This resolution is not subject to appeal once all Parties indicate their written agreement to all resolution terms. When the Parties cannot agree on all terms of resolution, the Formal Grievance Process will either begin or resume.

When a resolution is reached, the appropriate sanction(s) or responsive actions are promptly implemented to effectively stop the Discrimination or Harassment, prevent its recurrence, and remedy the effects of the discriminatory conduct, both on the Complainant and the community.

3. Alternative Resolution

The Institute offers a variety of alternative resolution mechanisms to best meet the specific needs of the Parties and the nature of the allegations. Alternative resolution may involve agreement to pursue individual or community remedies, including targeted or broad-based educational programming or training; supported direct conversation or interaction between the Parties; indirect action by the Senior Director or other appropriate Institute officials; and other forms of resolution that can be tailored to the needs of the Parties. Some alternative resolution mechanisms will result in an agreed-upon outcome, while others are resolved through dialogue. All Parties must consent to the use of an alternative resolution approach, and the Parties may, but are not required to, have direct or indirect contact during an alternative resolution process.

The Senior Director has the authority to determine whether alternative resolution is available or successful, to facilitate a resolution that is acceptable to all Parties, and/or to accept the Parties' proposed resolution, usually through their Advisors, often including terms of confidentiality, release, and non-disparagement.

Parties do not have the authority to stipulate restrictions or obligations for individuals or groups that are not involved in the alternative resolution process. The Senior Director will determine whether additional individual or community remedies are necessary to meet the institution's compliance obligations in addition to the alternative resolution.

The Senior Director maintains records of any resolution that is reached and will provide notification to the Parties of what information is maintained. Failure to abide by the resolution agreement may result in appropriate responsive/disciplinary actions (e.g., dissolution of the agreement and resumption of the Formal Grievance Process, referral to the conduct process for failure to comply, application of the enforcement terms of the agreement). Where the failure to abide by the Informal

Resolution agreement terms results in a failure to remedy a Policy violation, the Senior Director must consider whether to dissolve the agreement and reinstate the Formal Grievance Process to remedy the impact as required by law. The results of Formal Complaints resolved by alternative resolution are not appealable.

If an Informal Resolution option is not available or selected, the Institute will initiate or continue an investigation and subsequent Formal Grievance Process to determine whether the Policy has been violated.

Formal Grievance Process

Resolution Process Pool

The Institute relies on a pool of individuals (“the Pool”) to carry out the resolution options.

Pool Member Roles¹³

Pool members are trained annually, and can serve in any of the following roles at the Senior Director’s discretion:

- Appropriate intake of and initial guidance pertaining to Formal Complaints
- Perform or assist with initial assessment
- Advisor to Parties
- Informal Resolution Facilitator
- Investigator
- Hearing Facilitator
- Decision-maker
- Appeal of Dismissal Decision-maker
- Appeal Decision-maker

Pool Member Appointment

The Senior Director, in consultation with Institute administrators as necessary, appoints the Pool, which acts with independence and impartiality. Although members of the Pool are typically trained in a variety of skill sets and can rotate amongst the different roles listed above in different Formal Complaints, the Institute can also designate permanent roles for individuals in the Pool.

Pool Member Training ([See training materials posted online](#))

¹³ External, trained third-party neutral professionals may also serve in Pool roles.

Notice of Allegations (NOA)

The Senior Director will provide the Parties written Notice of the Allegations (the “NOA”) upon commencement of the Formal Grievance Process. Amendments and updates to the NOA may be made as the investigation progresses and more information becomes available. For climate/culture investigations that do not have an identifiable Respondent, the NOA will be sent to the department/office/program head for the area/program being investigated.

The NOA will include:

- A meaningful summary of all allegations
- The names of the involved Parties (if known)
- The precise misconduct being alleged
- The date and location of the alleged incident(s) (if known)
- The specific policies/offenses implicated
- A description of, link to, or copy of the applicable procedures
- A statement that the Institute presumes the Respondent is not responsible for the reported misconduct unless and until the evidence supports a Final Determination that the Policy has been violated
- The name(s) of the Investigator(s), along with a process to notify the Senior Director of any conflict of interest that the Investigator(s) may have in advance of the interview process
- A statement that determinations of responsibility are made at the conclusion of the process and that the Parties will be given an opportunity during the review and comment period to inspect and review all Relevant and Directly Related Evidence obtained
- A statement of the potential sanctions/responsive actions that could result¹⁴
- A statement about the Institute’s policy on Retaliation
- Information about process confidentiality
- Information on the need for each party to have an Advisor of their choosing and suggestions for ways to identify an Advisor
- A statement informing the Parties that the Institute’s Policy prohibits knowingly making false statements, including knowingly submitting false information during the Formal Grievance Process

¹⁴ When any allegations against a student Respondent could lead to a suspension or expulsion, the Senior Director will notify the Assistant Vice Chancellor for Student Affairs or their designee. The Assistant Vice Chancellor for Student Affairs or their designee with work with the Institute to determine whether any support services or interim measure(s) are necessary. If an allegation is not initially identified as one that would lead to the suspension or expulsion of the student Respondent(s), but facts arise during the course of the investigation that could lead to the Respondent’s suspension or expulsion, the Senior Director will notify the Assistant Vice Chancellor for Student Affairs or designee. The Assistant Vice Chancellor for Student Affairs or designee will have the discretion to oversee the handling of the Formal Complaint.

- Information about how a party may request disability accommodations or other support assistance during the Formal Grievance Process
- An instruction to preserve any evidence that is directly related to the allegations

Notification will be made in writing and may be delivered by one or more of the following methods: in person or emailed to the Parties' Institute-issued email or other approved accounts. Once emailed and/or received in-person, notice is presumptively delivered.

Upon receipt of the NOA, the Respondent will have at least three (3) business days to respond in writing. In that response, the Respondent will have the right to admit or to deny the allegations, and to set forth a defense with facts, witnesses, and supporting materials. A non-response will be considered a general denial of the alleged misconduct. The Complainant will also be provided with three (3) business days to respond to or to supplement the notice.

Resolution Timeline

The Institute will make a good faith effort to complete the Formal Grievance Process within 120 business days, including any appeals, which the Senior Director can extend as necessary for appropriate cause. The Parties will receive regular updates on the progress of the Formal Grievance Process, as well as notification and a rationale for any extensions or delays, and an estimate of how much additional time will be needed to complete the process.

Investigations are completed expeditiously, normally within ninety (90) business days, though some investigations may take longer, depending on the nature, extent, and complexity of the allegations, witness availability, law enforcement involvement, and other factors.

The Institute may undertake a short delay in its investigation (several days to a few weeks) if circumstances require. Such circumstances include, but are not limited to, a request from law enforcement to temporarily delay the investigation, the need for language assistance, the absence of Parties and/or witnesses, and/or health conditions. The Institute will promptly resume its Formal Grievance Process as soon as feasible. During such a delay, the Institute will implement and maintain supportive measures for the Parties as deemed appropriate.

Institute action(s) or processes are not typically altered or precluded on the grounds that civil or criminal charges involving the underlying incident(s) have been filed or that criminal charges have been dismissed or reduced.

The Institute will make a good faith effort to complete the Formal Grievance Process as promptly as circumstances permit and will regularly communicate with the Parties to update them on the progress and timing of the process.

Ensuring Impartiality

No individual materially involved in the administration of the Formal Grievance Process, including the Senior Director, Investigator(s), and Decision-maker(s), may have or demonstrate a conflict of interest or bias for a party generally, or for a specific Complainant or Respondent.

The Parties may raise a concern regarding bias or conflict of interest at any time during the Formal Grievance Process, and the Senior Director will determine whether the concern is reasonable and supportable. If so, another Pool member, or other trained individual, will be assigned, and the impact of the bias or conflict, if any, will be remedied. If the source of the conflict of interest or bias is the Senior Director, concerns should be raised with the Vice President for Equal Opportunity, Compliance, and Conflict Management.

The Formal Grievance Process involves an objective evaluation of all Relevant Evidence obtained, including evidence that supports that the Respondent violated the Policy and evidence that supports that the Respondent did not violate the Policy. Credibility determinations may not be based solely on an individual's status or participation as a Complainant, Respondent, or witness. All Parties have a full and fair opportunity, through the investigation process, to suggest witnesses and questions, to provide evidence, and to receive a written Investigative Summary that accurately summarizes this evidence.

Witness Role and Participation in the Investigation

Witnesses who are Institute Employees are strongly encouraged to cooperate with and participate in the Institute's investigation and Formal Grievance Process. Student witnesses and witnesses from outside the Institute community are encouraged to cooperate with Institute investigations and to share what they know about a Formal Complaint.

Interviews may be conducted in person, via online video platforms (e.g., Zoom, Microsoft Teams, FaceTime, WebEx), or, in limited circumstances, by telephone. The Institute will take appropriate steps to ensure the security/privacy of remote interviews.

Parties and witnesses may also provide written statements in lieu of interviews or choose to respond to written questions, if deemed appropriate by the Investigator(s), though not preferred.

Interview Recording

It is standard practice for Investigators to create a record of all interviews pertaining to the Formal Grievance Process, by recording, transcript, or written summary. The Parties may review copies of their own interviews upon request. No unauthorized audio or video recording of any kind is permitted during investigation meetings.

All interviews are recorded, and all involved persons should be made aware of the audio and/or video recording. After each interview, Parties and witnesses will be asked to verify the accuracy of the recording, transcript, or summary of their interview. They may submit changes, edits, or clarifications. If the Parties or witnesses do not respond within the time period designated for verification, objections to the accuracy of the recording, transcript, or summary will be deemed to have been waived, and no changes will be permitted.

Evidentiary Considerations

The Investigator(s) and the Decision-maker will only consider Relevant or Directly Related Evidence.

Neither the investigation nor the hearing will consider:

- 1) Questions or evidence about the Complainant's sexual predisposition¹⁵
- 2) Questions or evidence about the Complainant's prior sexual behavior, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the alleged conduct, or if the questions or evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent¹⁶
- 3) Questions or evidence about a party or witness's records that are made or maintained by a physician, psychologist, or psychiatrist unless the party or witness provides voluntary, written consent for the records to be considered. This also applies to information protected by recognized legal privilege

Within the boundaries stated above, the investigation and the hearing may consider character evidence.

Previous disciplinary action of any kind involving the Respondent may not be considered unless there is an allegation of a pattern of misconduct. Such information may also be considered in determining an appropriate sanction upon a determination of responsibility. Barring a pattern allegation, this information is only considered at the sanction stage of the process and is not shared until then.

Investigation

All investigations involve interviewing all available, relevant Parties and witnesses, obtaining Relevant Evidence, and identifying sources of expert information, as necessary.

¹⁵ The Institute defines "predisposition" in alignment with its commonly understood and dictionary definition of being inclined toward a thing, action, or person. Predisposition does not encompass an aversion, or being disinclined to a thing, action, or person.

¹⁶ The Institute defines "prior sexual behavior" to include only sexual actions taken by or involving a Complainant prior to the reported incident(s), not the absence of such actions.

The Institute may consolidate Complaints against more than one Respondent, by more than one Complainant against one or more Respondent(s), or counter-complaints between parties when the allegations arise from the same facts or circumstances or implicate a pattern, collusion, and/or other shared or similar actions. Parties shall have the opportunity to request or object to the consolidation; however, the Senior Director shall have the authority to make the final determination. For the purpose of this Policy consolidation may occur during the investigation and/or the adjudication phases of the Sexual Misconduct process.

Investigations involve the following:

- Determining the names of and contacting all involved Parties and potential witnesses to participate in an investigation interview
- Identifying issues and developing a strategic investigation plan, including a witness list, evidence list, intended investigation timeframe, and order of interviews for the Parties and witnesses
- Providing written notification of the date, time, and location of all investigation meetings, including the expected participants and purpose
- Conducting any necessary follow-up interviews with Parties or witnesses
- Providing the Parties and witnesses an opportunity to verify the accuracy of either a summary or transcript of their interview(s)
- Soliciting the names of suggested witnesses and questions each party wishes to have asked of another party or witness
- Keep a record of any Party's proffered witnesses not interviewed, along with a brief, written explanation of why the witnesses were not interviewed
- Writing a Draft Investigative Summary that gathers, assesses, and synthesizes the evidence, accurately summarizes the investigation and party and witness interviews, and provides all Relevant Evidence
- Compiling a Directly Related Evidence File
- Providing the Parties and their respective Advisors an electronic or hard copy of the Draft Investigative Summary as well as an opportunity to inspect and review all of the evidence obtained as part of the investigation that is directly related to the reported misconduct, including evidence upon which the Institute does not intend to rely in reaching a determination, for a ten (10)-business-day review and comment period so that each party may meaningfully respond to the evidence. The Parties may elect to waive the full ten (10) days
- Incorporating any new, Relevant Evidence and information obtained through the Parties' review of the Draft Investigative Summary and any follow-up meetings into the Final Investigative Summary
- Responding in writing (typically within the Final Investigative Summary) to the relevant elements of the Parties' responses to the Draft Investigative Summary
- Sharing the Final Investigative Summary with the Senior Director and/or legal counsel for their review and feedback

- Providing the Senior Director with the Final Investigative Summary and Directly Related Evidence File

Adjudication

Formal Complaints against Student Respondents will be adjudicated pursuant to the procedures outlined in [Appendix A](#).

Formal Complaints against Employee Respondents will be adjudicated pursuant to the procedures outlined in [Appendix B](#).

Withdrawal or Resignation Before Complaint Resolution

Students

Should a Student Respondent decide not to participate in the Formal Grievance Process, the process proceeds absent their participation to a reasonable resolution. If a Student Respondent withdraws from the Institute, the Formal Grievance Process typically ends with a dismissal, as the Institute has lost primary disciplinary jurisdiction over the withdrawn Student. However, the Institute may continue the Formal Grievance Process when, at the discretion of the Senior Director, doing so may be necessary to address safety and/or remedy any ongoing effects of the alleged Prohibited Conduct.

Regardless of whether the Formal Complaint is dismissed or pursued to completion of the Formal Grievance Process, the Institute will continue to address and remedy any systemic issues or concerns that may have contributed to the alleged violation(s), and any ongoing effects of the alleged Prohibited Conduct.

When a Student withdraws or takes a leave of absence while the process is pending, the Student may not return to the Institute in any capacity until the Formal Complaint is resolved and any sanctions imposed are satisfied. If the Student indicates they will not return, the Senior Director has discretion to dismiss the Formal Complaint and bar the Student from returning. The appropriate Institute officials will be notified accordingly.

If the Student Respondent takes a leave of absence for a specified period of time (e.g., one semester or term), the Formal Grievance Process may continue remotely. If found in violation, that Student is not permitted to return to Institute unless and until all sanctions, if any, have been satisfied.

Employees

Should an Employee Respondent decide not to participate in the Formal Grievance Process, the process proceeds absent their participation to a reasonable resolution. If an Employee Respondent leaves their employment with the Institute with unresolved allegations pending,

the Formal Grievance Process typically ends with dismissal, as the Institute has lost primary disciplinary jurisdiction over the former Employee. However, the Institute may continue the Formal Grievance Process when, at the discretion of the Senior Director, doing so may be necessary to address safety and/or remedy any ongoing effects of the alleged Prohibited Conduct.

Regardless of whether the Formal Complaint is dismissed or pursued to completion of the Formal Grievance Process, the Institute will continue to address and remedy any systemic issues or concerns that may have contributed to the alleged violation(s), and any ongoing effects of the alleged Prohibited Conduct.

When an Employee resigns and the Formal Complaint is dismissed, the Employee may not return to the Institute in any capacity. Relevant Institute officials will be notified accordingly. A note will be placed in the Employee's file that they resigned with allegations pending and are not eligible for academic admission or rehire with the Institute. The records retained by the Senior Director will reflect that status.

Long-Term Remedies/Other Actions

Following the conclusion of the Formal Grievance Process, and in addition to any sanctions implemented or Informal Resolution terms, the Senior Director may implement additional long-term remedies or actions with respect to the Parties and/or the Institute community that are intended to stop the Prohibited Conduct, remedy the effects, and prevent recurrence.

These remedies/actions may include, but are not limited to:

- Referral to counseling and health services
- Referral to the Employee Assistance Program
- Course and registration adjustments, such as retroactive withdrawals
- Education to the individual and/or the community
- Permanent alteration of housing assignments
- Permanent alteration of work arrangements for Employees
- Provision of campus safety escorts
- Climate surveys
- Policy modification and/or training
- Provision of transportation assistance
- Implementation of long-term contact limitations between the Parties
- Implementation of adjustments to academic deadlines, course schedules, etc.

At the Senior Director's discretion, the Parties may be provided certain long-term support or measures even if no Policy violation is found.

When no Policy violation is found, the Senior Director will address any remedies the Institute owes the Respondent to ensure no effective denial of educational access.

The Institute will maintain the confidentiality of any long-term remedies/actions/measures, provided confidentiality does not impair the Institute's ability to provide these services.

Failure to Comply with Sanctions and/or Responsive Actions

All Respondents are expected to comply with the assigned sanctions, responsive actions, corrective actions, and/or Informal Resolution terms within the timeframe specified by the final Decision-maker, including the Appeal Decision-maker, or the Informal Resolution agreement.

Failure to abide by the sanction(s)/action(s) imposed by the date specified, whether by refusal, neglect, or any other reason, may result in additional sanction(s)/action(s), including suspension, expulsion, and/or termination from the Institute.

Supervisors are expected to enforce completion of sanctions/responsive actions for their Employees.

A suspension imposed for non-compliance with sanctions will only be lifted when compliance is achieved to the Senior Director's satisfaction.

Recordkeeping

For a period of at least seven (7) years following the conclusion of the Formal Grievance Process, the Institute will maintain records of:

- 1) Each Prohibited Conduct Formal Grievance Process, including any Final Determination regarding responsibility or appeal, and any audio or audiovisual recording or transcript required under federal regulation
- 2) Any disciplinary sanctions imposed on the Respondent
- 3) Any supportive measures provided to the Parties and any remedies provided to the Complainant or the community designed to restore or preserve equal access to the Institute's Education Program or Activity
- 4) Any appeal and the result therefrom
- 5) Any Informal Resolution and the result therefrom
- 6) All materials used to train the Senior Director, Deputy Title IX Coordinators and designees, Investigators, Decision-makers, Appeal Decision-makers, Informal Resolution Facilitators, and any person who is responsible for implementing the Institute's resolution processes. The Institute will make these training materials publicly available on the Institute's website
- 7) Any other actions taken in response to a report or Formal Complaint including:
 - a. The basis for all conclusions that the response was not deliberately indifferent
 - b. Any measures designed to restore or preserve equal access to the Institute's Education Program or Activity

The Institute will also maintain any and all records in accordance with federal and state laws.

Disability Accommodations

The Institute is committed to providing reasonable accommodations and support to qualified Students, Employees, or others with disabilities to ensure equal access to the Institute's resolution processes.

Anyone needing such accommodations or support should contact the Senior Director, who will work with appropriate Institute officials as appropriate to review the request and, in consultation with the person requesting the accommodation, determine which accommodations are appropriate and necessary for full process participation.

Other Support

The Institute will address other reasonable requests for support for the Parties and witnesses, including:

- Language services/Interpreters
- Access and training regarding use of technology throughout a resolution process
- Other support as deemed reasonable and necessary to facilitate participation in a resolution process

University System of Georgia Discretionary Review

Any Party who is aggrieved by a Final Determination may apply to the University System Office of Legal Affairs for a discretionary review of the Final Determination pursuant to Board of Regents [Policy 6.26 Application for Discretionary Review](#).

Appeals received after the designated deadlines above will not be considered unless the Board of Regents has granted an extension prior to the deadline. If an appeal is not received by the deadline the last decision on the matter will become final.

Revision of Procedures

These Procedures supersede all previous procedures addressing conduct prohibited by the Sexual Misconduct Policy. The Senior Director regularly reviews and updates the Sexual Misconduct Procedures. The Institute reserves the right to make changes to this document as necessary, and those changes are effective once they are posted online.

If laws or regulations change or court decisions alter procedural requirements in a way that impacts this document, this document will be construed to comply with the most recent laws, regulations, or court holdings.

This document does not create legally enforceable protections beyond the protections of the background federal and state laws that frame such policies and codes, generally.

A change required by a court or government order could occur during an active investigation or resolution process. If that happens, the Institute reserves the right to adjust these Procedures accordingly and notify the Parties of any necessary mid-process changes. This could include entirely replacing the Sexual Misconduct Policy or associated procedures, which could necessitate restarting an investigation or resolution process. The Institute will make every effort to minimize the impact on the Parties as much as possible if changes are unavoidable.

These Procedures are effective January 12, 2026.

Appendix A: Adjudication Process for Student Respondents

Referral for Hearing

Provided that the Formal Complaint is not resolved through Informal Resolution, once the Final Investigative Summary is shared with the Parties, the Senior Director will refer the matter to the Office of Student Integrity for a hearing. The Office of Student Integrity will appoint a three-member Sexual Misconduct Hearing Panel (“the Panel”). A member of the Office of Student Integrity will serve as non-voting chair of the Panel.

The hearing cannot be held less than ten (10) business days from the conclusion of the investigation – when the Final Investigative Summary is transmitted to the Parties and the Panel – unless all Parties and the Panel agree to an expedited timeline.

Respondent Admits Responsibility

If the Respondent admits responsibility to all alleged Policy violations, the process may proceed to the sanctioning phase or may be informally resolved, as outlined above, if appropriate.

Hearing Decision-Maker

The Panel will not have had any previous involvement with the Formal Complaint. The Senior Director may elect to have alternates from the Pool sit in throughout the hearing process if a substitute is needed for any reason.

Those who have served as Investigators will be witnesses in the hearing and therefore may not serve as member of the Panel. Those who are serving as Advisors for any party may not serve as a member of the Panel in that matter.

The Senior Director may not serve as a member of the Panel. The hearing will convene at a time and venue determined by the Office of Student Integrity.

Live Hearing Requirements

The following provisions apply to a live hearing:

- **Hearing Venue Options and Recordings.** The live hearing will occur via video technology. The Panel and Parties must be able to simultaneously see and hear a party or witness while that person is speaking. Alternative arrangements may also be made at the Office of Student Integrity’s discretion.
 - All hearings will be recorded, and Parties may request a copy of the recording from the Office of Student Integrity following the live hearing.
 - No unauthorized recordings are permitted.

- **Scheduling.** Hearings for possible violations that occur near or after the end of an academic term (assuming the Respondent is still subject to the Policy) and are unable to be resolved prior to the end of term will typically be held immediately after the end of the term, including during the summer, as needed, to meet the Institute's resolution timeline and ensure a prompt resolution. Employees, including Parties and witnesses, who do not have 12-month contracts are still expected to participate in Formal Grievance Processes that occur during months between contracts.
- **Hearing Participants.** Individuals who may be present for a hearing include the Panel, hearing facilitator, Investigator(s), the Parties and their Advisors, anyone providing authorized accommodations, interpretation, and/or assistive services, and anyone else deemed necessary by the Decision-maker. Witnesses are present only during their portion of the testimony.
- **Advisors.** The Parties may have the assistance of an Advisor of their choice at the hearing or can request that the Institute appoint a trained Advisor for them. Appointed Advisors are not attorneys. If a party wishes to have an attorney as their Advisor, they must locate and pay for that attorney themselves.
 - During the pre-hearing meeting and live hearing, Parties may only be accompanied by their Advisor. No other persons (e.g., additional support persons, advisors, friends, family) may accompany, attend, or listen to the hearing unless explicitly authorized by the Office of Student Integrity, with each party being provided the same opportunity.
 - Parties and Advisors are permitted to have their phones and a laptop or tablet, but these should only be used during the hearing in a matter consistent with the Policy.
 - During a hearing to address alleged Title IX Sexual Harassment: all questions that a party wishes to ask must be posed by the Advisor, not the Parties. If the party does not have an Advisor, the Institute will provide the party with an Advisor for the purpose of Advisor-conducted questioning.
 - During a hearing to address alleged Other Prohibited Conduct: all questions that a party wishes to ask must be submitted to the Panel to be posed. Parties are permitted to be accompanied by an Advisor during Non-Title IX Hearings, but the Advisor has no active role in the hearing.
- **Impact Statements.** Each party may submit an impact and/or mitigation statement to the Office of Student Integrity that the Panel will review during any sanction determination.
 - Upon receipt of an impact and/or mitigation statement, the Office of Student Integrity will review the impact/mitigation statement to determine whether any immediate needs exist.
 - The Office of Student Integrity will only provide the impact statements to the Panel if the Panel determines that the Policy has been violated. When the Office of Student Integrity shares the impact statements with the Panel, they will also be shared with the Parties.
- **Disability Accommodations and Other Assistance.** Parties should contact the Office of Student Integrity at least three (3) business days prior to the hearing to arrange any

disability accommodations, language assistance, and/or interpretation services that may be needed at the hearing, if possible.

- **Conflicts of Interest or Bias.** Panelists must not have a bias for or against Complainants or Respondents generally or the individual Complainant or Respondent involved in the Formal Complaint.
 - Panelists must recuse themselves if such bias or conflict of interest exists.
 - If a Panelist believes there is possible conflict of interest or bias, they will consult with the Office of Student Integrity about possible recusal or removal.
 - The Parties may raise challenges that a Panelist is biased or has a conflict of interest. The Parties must raise challenges with the Office of Student Integrity within two (2) business days of receiving the hearing notice.
 - The Office of Student Integrity will only remove and replace a Panelist in situations of demonstrated bias or conflicts of interest. Perceptions of bias or conflict are not sufficient to cause removal.
 - If a Panelist recuses themselves as the result of a conflict of interest or bias, or is removed, the Office of Student Integrity will promptly appoint a new Panelist who does not have a conflict of interest or bias and notify the Parties accordingly.
- **Evidence Provided to the Panel and Parties.**
 - The Panel will be provided electronic copies of the Final Investigative Summary and all relevant and directly related evidence, including the names of all Parties, witnesses, and Advisors, at least ten (10) business days in advance of the hearing.
 - The Parties will be provided with electronic copies of all the materials provided to the Panel as part of the hearing notice, unless those materials have already been provided.¹⁷

Hearing Notice

The Office of Student Integrity will send the Parties a notice of hearing letter no less than ten (10) business days prior to the hearing. Once emailed and/or received in-person, notice is presumptively delivered. The notice includes:

- A description of the alleged violation(s), a list of all policies allegedly violated, a description of the applicable hearing procedures, and a statement of the potential sanctions/responsive actions that could result
- The time, date, and location of the hearing
- A description of any technology that will be used to facilitate the hearing
- Relevant information regarding hearing logistics, pre-hearing meetings, the Final Investigative Summary, the Parties and witnesses participating in the hearing, the identity of the Panelists, details related to questioning, the role of Advisors,

¹⁷ Hard-copy materials may be provided upon request to the Office of Student Integrity. The Final Investigative Summary and Relevant Evidence may be shared using electronic means that preclude downloading, forwarding, or otherwise sharing.

impact/mitigation statements, and how to request disability accommodations or other assistance

Witness Participation

Witnesses are encouraged to participate in, and make themselves reasonably available for, the hearing. They may participate via video technology that allows the Panel and the Parties to see and hear the witness while that person is speaking. Witnesses are not permitted to be accompanied by an Advisor without the Office of Student Integrity's express permission. At the discretion of the Panel, a witness may participate by phone if no other reasonable alternative is available.

The Office of Student Integrity will notify all witnesses of their requested participation in the hearing as soon as practicable. Witnesses will be present for the hearing only during their testimony.

If any party or witness does not appear at the scheduled hearing, the hearing may be held in their absence. For compelling reasons, the Office of Student Integrity may reschedule the hearing.

Any witness scheduled to participate in the hearing must have been first interviewed by the Investigator(s), unless:

- All Parties and the Panel assent to the new witness's participation in the hearing without remanding the Formal Complaint back to the Investigator,
- The Panel deems the evidence presented by the new witness to be relevant and not information already established in the record, and
- The witness's late involvement was not the result of bad faith by the witness, the Parties, or others.

If the above criteria are not met, but the witness's evidence is deemed relevant and not duplicative, the Panel may, at their discretion, engage in any of the following actions:

- Delay the hearing
- Provide the Parties with at least five (5) business days to review the relevant portions of the new witness's statements, if such statements are submitted
- Remand the Formal Complaint back to the Investigator for further investigation or verification
- Allow the Parties to review and comment on the testimony of the new witness¹⁸

¹⁸ 34 C.F.R. § 668.46(k)(3)(B)(3) requires "timely and equal access to the accuser, the accused, and appropriate officials to any information that will be used during informal and formal disciplinary meetings and hearings."

If the evidence is deemed not relevant, the Panel will proceed with the hearing absent the new witness's participation.

Pre-Hearing Meetings

The Panel will offer to convene pre-hearing meeting(s) with the Parties and their Advisors to familiarize them with the hearing process and invite them to submit the questions or topics they wish to ask or discuss at the hearing. This allows the Panel to consider their relevance ahead of time to avoid any improper evidentiary introduction in the hearing or to provide recommendations for more appropriate phrasing.

However, this advance review opportunity does not preclude the Party from asking a question for the first time at the hearing or from asking for a reconsideration on a Panel's pre-hearing decision based on any new information or testimony offered at the hearing. The Panel will consider arguments that evidence identified as relevant in the Final Investigative Summary is, in fact, not relevant. Similarly, evidence identified by the Investigator(s) as directly related but not relevant may be argued to be relevant. The Panel will document and share their rationale for any evidence or question exclusion or inclusion, if any, at a pre-hearing meeting with each Party.

The Panel will work with the Parties to finalize a witness list for the hearing, and the Office of Student Integrity will notify any witnesses of the hearing's logistics. The Panel, **only** with the agreement of all Parties, may decide in advance of the hearing that certain witnesses do not need to be present if their testimony can be adequately summarized by the Investigator(s) in the Final Investigative Summary or during the hearing, and their presence is not essential to assess their credibility.

Pre-hearing meeting(s) will not be recorded. The pre-hearing meetings will typically be conducted as separate meetings with each party/Advisor, and can be done remotely, or as a written communication exchange. The Panel will work with the Parties to establish the format and timing of the meetings and will circulate a summary of any rulings made to ensure all Parties and Advisors are aware.

Hearing Procedures

Evidentiary Considerations

The Parties must provide all evidence to the Investigator(s) prior to completion of the Final Investigative Summary. Evidence offered after that time will be evaluated by the Panel for relevance. If deemed relevant, the Parties and Panel must agree to admit it into the record. If the evidence is deemed not relevant, the Panel may proceed with the hearing absent the new evidence.

The new Relevant Evidence will be admitted to the record if:

- All Parties and the Panel assent to the new evidence being included in the hearing without remanding the Formal Complaint back to the Investigator(s),
- The evidence is not duplicative of evidence already in the record, and
- The new evidence was either not reasonably available prior to the conclusion of the Final Investigative Summary, or the failure to provide it in a timely manner was not the result of bad faith by the Parties, witnesses, or others.

If the above criteria are not met, but the evidence is deemed materially relevant and not duplicative, the Panel may, at their discretion, engage in any of the following actions:

- Delay the hearing
- Provide the Parties with at least five (5) business days to review the Relevant Evidence
- Remand the Formal Complaint back to the Investigator(s) for further investigation or analysis
- Allow the Parties time to review and comment on the new evidence

If the evidence is deemed not relevant, the Panel may proceed with the hearing without allowing the new evidence.

Collateral Misconduct

The Panel has the authority to hear and make determinations on all allegations of Prohibited Conduct under the Policy and may also hear and make determinations on any additional alleged collateral misconduct that occurred in concert with the Prohibited Conduct, even though those collateral allegations may not specifically fall within the Policy.

Joint Hearings

In Complaints involving more than one Respondent and/or involving more than one Complainant accusing the same person of substantially similar conduct, the default procedure will be to hear the allegations jointly.

However, the Office of Student Integrity may permit the investigation and/or hearings pertinent to each Respondent or Formal Complaint to be conducted separately if there is a compelling reason to do so. In joint hearings, separate determinations of responsibility will be made for each Respondent and/or for each Formal Complaint with respect to each alleged policy violation.

Introductions and Hearing Procedure Explanation

The Panel will:

- Explain the hearing procedures

- Introduce the participants
- Answer any procedural questions prior to and as they arise throughout the hearing

Investigator Questioning

The Investigator may attend the hearing when the Panel and/or Parties have questions for the Investigator. The Investigator will be questioned first by the Panel and then by the Parties through their Advisors (for Hearings reviewing allegations of Title IX Sexual Harassment) or through submitted questions to the Panel (for Hearings reviewing allegations of Other Prohibited Conduct). The Investigator will be excused after their testimony.

Testimony and Questioning

The Parties and witnesses may provide relevant information in turn, beginning with the Complainant's opening statement, then the Respondent's, and then questioning in the order determined by the Panel. The Panel will facilitate questioning of the Parties and witnesses first by the Panel and then by the Parties through their Advisors (for Hearings reviewing allegations of Title IX Sexual Harassment) or through submitted questions to the Panel (for Hearings reviewing allegations of Other Prohibited Conduct).

All questions are subject to the Panel's relevance determination. The Panel will consider the question (and state it if it has not already been stated aloud), and the Panel will determine whether the question will be permitted, disallowed, or rephrased. The Panel will explain any decision to exclude a question as not relevant, or to reframe it for relevance. The Panel will err on the side of asking all submitted questions and must document the reason for not asking any particular questions.

The Decision-maker will limit or disallow questions they deem not appropriate on the basis that they are irrelevant, unduly repetitious (and thus irrelevant), seek or pertain to impermissible evidence, or are abusive and has the final say on all questions and relevance determinations. The Panel may consult with legal counsel on any admissibility questions.

If the Parties raise an issue of bias or conflict of interest of an Investigator or Panelist at the hearing, the Panelist may elect to address those issues, consult with legal counsel, refer them to the Office of Student Integrity, and/or preserve them for appeal. If bias is not an issue at the hearing, the Panel should not permit irrelevant questions that probe for Investigator bias.

Refusal to Submit to Questioning and Inferences

Any party or witness may choose not to offer evidence and/or answer questions at the hearing, either because they do not attend the hearing, or because they attend but refuse to participate in some or all questioning. The Panel can only rely on the available Relevant Evidence in making a Final Determination. The Decision-maker may not draw any inference **solely** from a party's or witness's absence from the hearing or refusal to answer any or all questions. Typically, after

brief opening statements, the order of questioning will be questions from the Panel, questions from the Party's own Advisor, then questions from the other Parties' Advisors. The same order will be used for questioning of witnesses, who do not make opening statements. The Parties then make brief closing statements, and then the hearing transitions into closed session for deliberation.

An Advisor may not be called as a witness at a hearing to testify to what their advisee has told them during their role as an Advisor unless the Party being advised consents to that information being shared.

During the hearing, should the Panel reasonably believe that an individual presented tainted testimony, the Panel will disregard or discount the testimony.

Hearing Recordings

The Institute records hearings (but not deliberations) for purposes of review in the event of an appeal. No unauthorized audio or video recording of any kind is permitted during the hearing.

The Panel, the Parties, their Advisors, Appeal Decision-makers, and other appropriate Institute officials will be permitted to review the recording or review a transcript of the recording upon request to the Office of Student Integrity. No unauthorized disclosure, including sharing, copying, or distribution of the recording or transcript, is permitted.

Deliberation and Determination

After closing statements from the Parties, the Panel will deliberate in closed session to determine whether the Respondent is responsible for the alleged Policy violation(s) based on the preponderance of evidence standard. A simple majority vote is required to determine the Finding. Deliberations are not recorded.

When there is a Finding of responsibility on one or more of the allegations, the Panel may then consider the previously submitted Party impact and/or mitigation statement(s) in determining appropriate sanction(s). The Office of Student Integrity will ensure that each of the Parties has an opportunity to review any submitted impact and/or mitigation statement(s) once they are submitted.

The Panel will also review any pertinent conduct history and will determine the appropriate sanction(s) in consultation with other appropriate administrators.

The Panel will then prepare a written statement detailing all Findings and Final Determinations, the rationale(s) explaining the decision(s), the evidence used in support of the determination(s), the evidence not relied upon in the determination(s), any credibility assessments, and any sanction(s) and rationales explaining the sanction(s) and will deliver the statement to the Office of Student Integrity.

This statement must be submitted to the Office of Student Integrity within fifteen (15) business days of the end of deliberations unless the Senior Director grants an extension. If an extension is granted, the Senior Director will notify the Parties.

Notice of Outcome

The Office of Student Integrity will provide the Parties with a written outcome notification. The outcome notification will specify the Finding for each alleged Policy violation, any sanction(s) that may result, which the Institute is permitted to share pursuant to federal or state law, and a detailed rationale, written by the Panel, supporting the Findings to the extent the Institute is permitted to share under federal or state law.

The notification will also detail the Parties' equal rights to appeal, the grounds for appeal, the steps to request an appeal, and when the determination is considered final if no party appeals.

The Office of Student Integrity will provide the Parties with the outcome notification simultaneously, or without significant time delay between notifications. The written outcome notification may be delivered by one or more of the following methods: in person or emailed to the Parties' Institute-issued or other approved email account. Once emailed and/or received in person, the outcome notification is presumptively delivered.

Sanctions

Factors the Panel may consider when determining sanctions and responsive actions include, but are not limited to:

- The frequency, nature, severity of, and circumstances surrounding the offense
- The Respondent's disciplinary history
- Previous Institute response to similar conduct
- The need for sanctions/responsive actions to bring an end to the Prohibited Conduct
- The need for sanctions/responsive actions to prevent the future recurrence of Prohibited Conduct
- The need to remedy the effects of Prohibited Conduct on the Complainant and the community
- The wellbeing of the Institute community
- The impact on the Parties
- Strength of the evidence
- The Respondent's acknowledgement of responsibility or contrition
- Any other information deemed relevant by the Decision-maker

The sanctions will be implemented as soon as is feasible once a Determination is final, either upon the outcome of any appeal or the expiration of the window to appeal, without an appeal being requested.

The sanctions described in the Procedures are not exclusive of, and may be in addition to, other actions taken, or sanctions imposed, by external authorities.

Sanctions/Responsive/Corrective Actions

The broad range of sanctions includes: expulsion; suspension for an identified time frame or until satisfaction of certain conditions or both; temporary or permanent separation of the Parties (e.g., change in classes, reassignment of residence, no contact orders, limiting geography of where parties can go on campus) with additional sanctions for violating no-contact orders; required participation in sensitivity training/awareness education programs; required participation in alcohol and other drug awareness and abuse prevention programs; counseling or mentoring; volunteering/community service; loss of institutional privileges; delays in obtaining administrative services and benefits from the institution (e.g., holding transcripts, delaying registration, graduation, diplomas); additional academic requirements relating to scholarly work or research; financial restitution; or any other discretionary sanctions directly related to the violation or conduct.

For suspension and expulsion, the Institute will articulate, in its written decision, the substantial evidence relied upon in determining that suspension or expulsion were appropriate. For purposes of this Policy substantial evidence means evidence that a reasonable person might accept to support the conclusion.

Appeal of the Final Determination

The Institute's President or designee will serve as the single Appeal Decision-maker. No Appeal Decision-maker will have been previously involved in the Formal Grievance Process for the Formal Complaint.

Appeal Grounds

Appeals are limited to the following grounds:

- 1) To consider new information that is sufficient to alter the decision, or other relevant facts not brought out in the original investigation (or hearing), because such information was not known or knowable to the party appealing during the time of the investigation (or hearing);
- 2) To allege a procedural error within the investigation or hearing process that may have substantially impacted the fairness of the process, including but not limited to whether any hearing questions were improperly excluded or whether the decision was tainted by a conflict of interest or bias by the Senior Director, Investigator(s), or Panelist; or
- 3) To alleged that the finding was inconsistent with the weight of the information.

Appeal Request

Any party may submit a written appeal request to the Office of Student Integrity within five (5) business days of the delivery of the notice of outcome.

The appeal request will be forwarded to the Appeal Decision-maker for consideration to determine if the request meets the appeal grounds (a Review for Standing). This is not a review of the merits of the appeal, but solely a determination as to whether the request could reasonably be construed to meet the grounds and is timely filed.

If the appeal request does not provide information that meets the grounds in the Procedures, the request will be denied by the Appeal Decision-maker, and the Parties and their Advisors will be simultaneously notified in writing of the denial and the rationale.

If any of the information in the appeal request meets the grounds in the Procedures, then the Appeal Decision-maker will notify all Parties and their Advisors, the Office of Student Integrity, and, when appropriate, the Investigator(s) and/or the original Panelists.

All other Parties and their Advisors, the Senior Director, and, when appropriate, the Investigator(s) and/or the Decision-maker will be provided a copy of the appeal request with the approved grounds and then be given five (5) business days to submit a response to the portion of the appeal that was approved and involves them. The Appeal Decision-maker will forward all responses, if any, to all Parties for review and comment.

No party may submit any new appeal request after this time period. The Appeal Decision-maker will collect any additional information needed and all documentation regarding the approved appeal grounds, and the subsequent responses will be shared with the Appeal Decision-maker, who will promptly render a decision.

Appeal Determination Process

In most circumstances, appeals are confined to a review of the written documentation or record of the original determination and pertinent documentation regarding the specific appeal grounds. The Appeal Decision-maker will deliberate as soon as is practicable and discuss the merits of the appeal.

Appeal decisions are to be deferential to the original determination, making changes to the Finding/Final Determination only when there is clear error and to the sanction(s)/responsive action(s) only if there is a compelling justification to do so. All decisions apply the preponderance of the evidence standard of evidence.

An appeal is not an opportunity for the Appeal Decision-maker to substitute their judgment for that of the original Panel merely because they disagree with the Finding and/or sanction(s).

The Appeal Decision-maker may consult with the Senior Director and/or legal counsel on questions of procedure or rationale, for clarification, if needed. The Senior Director will maintain documentation of all such consultations.

Appeal Outcome

The appeal is a review of the record only, and no new meeting with the Respondent or any Complainant is required. The Appeal Decision-maker may affirm the original finding and sanction, affirm the original finding but issue a new sanction of greater or lesser severity, remand the case back to any lower Decision-maker to correct a procedural or factual defect, or reverse or dismiss the case if there was a procedural or factual defect that cannot be remedied by remand.

A notice of appeal outcome letter will be sent to all Parties simultaneously, or without significant time delay between notifications. The appeal outcome letter will specify the Finding on each appeal ground, any specific instructions for remand or reconsideration, all sanction(s) that may result which the Institute is permitted to share according to federal or state law, and the rationale supporting the essential Findings to the extent the Institute is permitted to share under federal or state law.

Written notification may be delivered by one or more of the following methods: in person or emailed to the Parties' Institute-issued email or other approved account. Once emailed and/or received in person, the appeal outcome letter will be presumptively delivered.

Once an appeal is decided, the outcome is final and constitutes the Final Determination; further appeals are not permitted, even if a decision or sanction is changed on remand (except in the case of a new determination). When appeals result in no change to the finding or sanction, that decision is final. When an appeal results in a new Finding or sanction, that Finding or sanction can be appealed one final time on the grounds listed above and in accordance with the Procedures.

If a remand results in a new Finding or sanction that is different from the original Finding or sanction, that new Finding or sanction can be appealed, once, on any of the available appeal grounds.

Sanction Status During the Appeal

Any sanctions imposed as a result of the Final Determination are stayed (i.e., not implemented) during the appeal process, and supportive measures may be maintained or reinstated until the appeal determination is made.

Appendix B: Adjudication Process for Employee Respondents

Referral for Hearing

Provided that the Formal Complaint is not resolved through Informal Resolution, once the Final Investigative Summary is shared with the Parties, the Senior Director will refer the matter to a single Decision-maker for a hearing.

The hearing cannot be held less than ten (10) business days from the conclusion of the investigation – when the Final Investigative Summary is transmitted to the Parties and the Decision-maker – unless all Parties and the Decision-maker agree to an expedited timeline.

Hearing Decision-maker

The Decision-maker will not have had any previous involvement with the Formal Complaint. The Senior Director may elect to have an alternate from the Pool sit in throughout the hearing process if a substitute is needed for any reason.

Those who have served as Investigators will be witnesses in the hearing and therefore may not serve as the Decision-maker. Those who are serving as Advisors for any party may not serve as the Decision-maker in that matter.

The Senior Director may not serve as a Decision-maker in the matter but may serve as an administrative facilitator of the hearing if their previous role(s) in the matter does not create a conflict of interest. Otherwise, a designee may fulfill the facilitator role. The hearing will convene at a time and venue determined by the Senior Director.

Live Hearing Requirements

The following provisions apply to a live hearing:

- **Hearing Venue Options and Recordings.** The live hearing will occur via video technology. The Decision-maker and Parties must be able to simultaneously see and hear a party or witness while that person is speaking. Alternative arrangements may also be made at the Senior Director's discretion.
 - All hearings will be recorded, and Parties may request a copy of the recording from the Senior Director following the live hearing.
 - No unauthorized recordings are permitted.
- **Scheduling.** Hearings for possible violations that occur near or after the end of an academic term (assuming the Respondent is still subject to the Policy) and are unable to be resolved prior to the end of term will typically be held immediately after the end of the term, including during the summer, as needed, to meet the Institute's resolution timeline and ensure a prompt resolution. Employees, including Parties and witnesses,

who do not have 12-month contracts are still expected to participate in Formal Grievance Processes that occur during months between contracts.

- **Hearing Participants.** Individuals who may be present for a hearing include the Decision-maker, hearing facilitator, Investigator(s), the Parties and their Advisors, anyone providing authorized accommodations, interpretation, and/or assistive services, and anyone else deemed necessary by the Decision-maker. Witnesses are present only during their portion of the testimony.
- **Advisors.** The Parties may have the assistance of an Advisor of their choice at the hearing or can request that the Institute appoint a trained Advisor for them. Appointed Advisors are not attorneys. If a party wishes to have an attorney as their Advisor, they must locate and pay for that attorney themselves.
 - During the pre-hearing meeting and live hearing, Parties may only be accompanied by their Advisor. No other persons (e.g., additional support persons, advisors, friends, family) may accompany, attend, or listen to the hearing unless explicitly authorized by the Senior Director, with each party being provided the same opportunity.
 - Parties and Advisors are permitted to have their phones and a laptop or tablet, but these should only be used during the hearing in a matter consistent with the Policy.
 - During a hearing to address alleged Title IX Sexual Harassment: all questions that a party wishes to ask must be posed by the Advisor, not the Parties. If the party does not have an Advisor, the Institute will provide the party with an Advisor for the purpose of Advisor-conducted questioning.
 - During a hearing to address alleged Other Prohibited Conduct: all questions that a party wishes to ask must be submitted to the Decision-maker to be posed. Parties are permitted to be accompanied by an Advisor during Non-Title IX Hearings, but the Advisor has no active role in the hearing.
- **Impact Statements.** Each party may submit an impact and/or mitigation statement to the Senior Director that the Decision-maker will review during any sanction determination.
 - Upon receipt of an impact and/or mitigation statement, the Senior Director will review the impact/mitigation statement to determine whether any immediate needs exist.
 - The Senior Director will only provide the impact statements to the Decision-maker if the Decision-maker determines that the Policy has been violated. When the Senior Director shares the impact statements with the Decision-maker, they will also be shared with the Parties.
- **Disability Accommodations and Other Assistance.** Parties should contact the Senior Director at least three (3) business days prior to the hearing to arrange any disability accommodations, language assistance, and/or interpretation services that may be needed at the hearing, if possible.
- **Conflicts of Interest or Bias.** The Decision-maker must not have a bias for or against Complainants or Respondents generally or the individual Complainant or Respondent involved in the Formal Complaint.

- The Decision-maker must recuse themselves if such bias or conflict of interest exists.
- If the Decision-maker believes there is possible conflict of interest or bias, they will consult with the Senior Director about possible recusal or removal.
- The Parties may raise challenges that the Decision-maker is biased or has a conflict of interest. The Parties must raise challenges with the Senior Director within two (2) business days of receiving the hearing notice.
- The Senior Director will only remove and replace a Decision-maker in situations of demonstrated bias or conflicts of interest. Perceptions of bias or conflict are not sufficient to cause removal.
- If a Decision-maker recuses themselves as the result of a conflict of interest or bias, or is removed, the Senior Director will promptly appoint a new Decision-maker who does not have a conflict of interest or bias and notify the Parties accordingly.
- **Evidence Provided to Decision-maker and Parties.**
 - The Decision-maker will be provided electronic copies of the Final Investigative Summary and all relevant and directly related but not impermissible evidence, including the names of all Parties, witnesses, and Advisors, at least ten (10) business days in advance of the hearing.
 - The Parties will be provided with electronic copies of all the materials provided to the Decision-maker as part of the hearing notice, unless those materials have already been provided.¹⁹

Hearing Notice

The Senior Director will send the Parties a notice of hearing letter no less than ten (10) business days prior to the hearing. Once emailed and/or received in-person, notice is presumptively delivered. The notice includes:

- A description of the alleged violation(s), a list of all policies allegedly violated, a description of the applicable hearing procedures, and a statement of the potential sanctions/responsive actions that could result
- The time, date, and location of the hearing
- A description of any technology that will be used to facilitate the hearing
- Relevant information regarding hearing logistics, pre-hearing meetings, the Final Investigative Summary, the Parties and witnesses participating in the hearing, the identity of the Decision-maker, details related to questioning, the role of Advisors, impact/mitigation statements, and how to request disability accommodations or other assistance

¹⁹ Hard-copy materials may be provided upon request to the Senior Director. The Final Investigative Summary and Relevant Evidence may be shared using electronic means that preclude downloading, forwarding, or otherwise sharing.

Witness Participation

Witnesses are encouraged to participate in, and make themselves reasonably available for, the hearing. They may participate via video technology that allows the Decision-maker and the Parties to see and hear the witness while that person is speaking. Witnesses are not permitted to be accompanied by an Advisor without the Senior Director's express permission. At the discretion of the Decision-maker, a witness may participate by phone if no other reasonable alternative is available.

The Senior Director will notify all witnesses of their requested participation in the hearing as soon as practicable. Witnesses will be present for the hearing only during their testimony.

If any party or witness does not appear at the scheduled hearing, the hearing may be held in their absence. For compelling reasons, the Senior Director may reschedule the hearing.

Any witness scheduled to participate in the hearing must have been first interviewed by the Investigator(s), unless:

- All Parties and the Decision-maker assent to the new witness's participation in the hearing without remanding the Formal Complaint back to the Investigator,
- The Decision-maker deems the evidence presented by the new witness to be relevant and not information already established in the record, and
- The witness's late involvement was not the result of bad faith by the witness, the Parties, or others.

If the above criteria are not met, but the witness's evidence is deemed relevant and not duplicative, the Decision-maker may, at their discretion, engage in any of the following actions:

- Delay the hearing
- Provide the Parties with at least five (5) business days to review the relevant portions of the new witness's statements, if such statements are submitted
- Remand the Formal Complaint back to the Investigator for further investigation or verification
- Allow the Parties to review and comment on the testimony of the new witness²⁰

If the evidence is deemed not relevant, the Decision-maker may proceed with the hearing absent the new witness's participation.

²⁰ 34 C.F.R. § 668.46(k)(3)(B)(3) requires "timely and equal access to the accuser, the accused, and appropriate officials to any information that will be used during informal and formal disciplinary meetings and hearings."

Pre-Hearing Meetings

The Decision-maker will offer to convene pre-hearing meeting(s) with the Parties and their Advisors to familiarize them with the hearing process and invite them to submit the questions or topics they wish to ask or discuss at the hearing. This allows the Decision-maker to consider their relevance ahead of time to avoid any improper evidentiary introduction in the hearing or to provide recommendations for more appropriate phrasing.

However, this advance review opportunity does not preclude the Party from asking a question for the first time at the hearing or from asking for a reconsideration on a Decision-maker's pre-hearing decision based on any new information or testimony offered at the hearing. The Decision-maker will consider arguments that evidence identified as relevant in the Final Investigative Summary is, in fact, not relevant. Similarly, evidence identified by the Investigator(s) as directly related but not relevant may be argued to be relevant. The Decision-maker will document and share their rationale for any evidence or question exclusion or inclusion, if any, at a pre-hearing meeting with each Party.

The Decision-maker will work with the Parties to finalize a witness list for the hearing, and the Senior Director will notify any witnesses of the hearing's logistics. The Decision-maker, **only** with the agreement of all Parties, may decide in advance of the hearing that certain witnesses do not need to be present if their testimony can be adequately summarized by the Investigator(s) in the Final Investigative Summary or during the hearing, and their presence is not essential to assess their credibility.

Pre-hearing meeting(s) will not be recorded. The pre-hearing meetings will typically be conducted as separate meetings with each party/Advisor, and can be done remotely, or as a written communication exchange. The Decision-maker will work with the Parties to establish the format and timing of the meetings and will circulate a summary of any rulings made to ensure all Parties and Advisors are aware.

Hearing Procedures

Evidentiary Considerations

The Parties must provide all evidence to the Investigator(s) prior to completion of the Final Investigative Summary. Evidence offered after that time will be evaluated by the Decision-maker for relevance. If deemed relevant, the Parties and Decision-maker must agree to admit it into the record. If the evidence is deemed not relevant, the Decision-maker may proceed with the hearing absent the new evidence.

The new Relevant Evidence will be admitted to the record if:

- All Parties and the Decision-maker assent to the new evidence being included in the hearing without remanding the Formal Complaint back to the Investigator(s),

- The evidence is not duplicative of evidence already in the record, and
- The new evidence was either not reasonably available prior to the conclusion of the Final Investigative Summary, or the failure to provide it in a timely manner was not the result of bad faith by the Parties, witnesses, or others.

If the above criteria are not met, but the evidence is deemed materially relevant and not duplicative, the Decision-maker may, at their discretion, engage in any of the following actions:

- Delay the hearing
- Provide the Parties with at least five (5) business days to review the Relevant Evidence
- Remand the Formal Complaint back to the Investigator(s) for further investigation or analysis
- Allow the Parties time to review and comment on the new evidence

If the evidence is deemed not relevant, the Decision-maker may proceed with the hearing without allowing the new evidence.

Collateral Misconduct

The Decision-maker has the authority to hear and make determinations on all allegations of Prohibited Conduct under the Policy and may also hear and make determinations on any additional alleged collateral misconduct that occurred in concert with the Prohibited Conduct, even though those collateral allegations may not specifically fall within the Policy.

Joint Hearings

In Complaints involving more than one Respondent and/or involving more than one Complainant accusing the same person of substantially similar conduct, the default procedure will be to hear the allegations jointly.

However, the Senior Director may permit the investigation and/or hearings pertinent to each Respondent or Formal Complaint to be conducted separately if there is a compelling reason to do so. In joint hearings, separate determinations of responsibility will be made for each Respondent and/or for each Formal Complaint with respect to each alleged policy violation.

Introductions and Hearing Procedure Explanation

The Decision-maker will:

- Explain the hearing procedures
- Introduce the participants
- Answer any procedural questions prior to and as they arise throughout the hearing

Investigator Questioning

The Investigator may attend the hearing when the Decision-maker and/or Parties have questions for the Investigation. The Investigator will be questioned first by the Decision-maker and then by the Parties through their Advisors (for Hearings reviewing allegations of Title IX Sexual Harassment) or through submitted questions to the Decision-maker (for Hearings reviewing allegations of Other Prohibited Conduct). The Investigator will be excused after their testimony.

Testimony and Questioning

The Parties and witnesses may provide relevant information in turn, beginning with the Complainant's opening statement, then the Respondent's, and then questioning in the order determined by the Decision-maker. The Decision-maker will facilitate questioning of the Parties and witnesses first by the Decision-maker and then by the Parties through their Advisors (for Hearings reviewing allegations of Title IX Sexual Harassment) or through submitted questions to the Decision-maker (for Hearings reviewing allegations of Other Prohibited Conduct).

All questions are subject to the Decision-maker's relevance determination. The Decision-maker will consider the question (and state it if it has not already been stated aloud), and the Decision-maker will determine whether the question will be permitted, disallowed, or rephrased. The Decision-maker will explain any decision to exclude a question as not relevant, or to reframe it for relevance.

The Decision-maker will limit or disallow questions they deem not appropriate on the basis that they are irrelevant, unduly repetitious (and thus irrelevant), seek or pertain to impermissible evidence, or are abusive and has the final say on all questions and relevance determinations. The Decision-maker may consult with legal counsel on any admissibility questions.

If the Parties raise an issue of bias or conflict of interest of an Investigator or Decision-maker at the hearing, the Decision-maker may elect to address those issues, consult with legal counsel, refer them to the Senior Director, and/or preserve them for appeal. If bias is not an issue at the hearing, the Decision-maker should not permit irrelevant questions that probe for Investigator bias.

Refusal to Submit to Questioning and Inferences

Any party or witness may choose not to offer evidence and/or answer questions at the hearing, either because they do not attend the hearing, or because they attend but refuse to participate in some or all questioning. The Decision-maker can only rely on the available Relevant Evidence in making a Final Determination. The Decision-maker may not draw any inference **solely** from a party's or witness's absence from the hearing or refusal to answer any or all questions. Typically, after brief opening statements, the order of questioning will be questions from the Decision-maker, questions from the Party's own Advisor, then questions from the other Parties' Advisors.

The same order will be used for questioning of witnesses, who do not make opening statements. The Parties then make brief closing statements, and then the hearing transitions into closed session for deliberation.

An Advisor may not be called as a witness at a hearing to testify to what their advisee has told them during their role as an Advisor unless the Party being advised consents to that information being shared.

Hearing Recordings

The Institute records hearings (but not deliberations) for purposes of review in the event of an appeal. No unauthorized audio or video recording of any kind is permitted during the hearing.

The Decision-maker, the Parties, their Advisors, Appeal Decision-makers, and other appropriate Institute officials will be permitted to review the recording or review a transcript of the recording upon request to the Senior Director. No unauthorized disclosure, including sharing, copying, or distribution of the recording or transcript, is permitted.

Deliberation and Determination

After closing statements from the Parties, the Decision-maker will deliberate in closed session to determine whether the Respondent is responsible for the alleged Policy violation(s) based on the standard of evidence.

When there is a Finding of responsibility on one or more of the allegations, the Decision-maker may then consider the previously submitted Party impact and/or mitigation statement(s) in determining appropriate sanction(s). The Senior Director will ensure that each of the Parties has an opportunity to review any submitted impact and/or mitigation statement(s) once they are submitted.

The Decision-maker will also review any pertinent conduct history and will determine the appropriate sanction(s) in consultation with other appropriate administrators.

The Decision-maker will then prepare a written statement detailing all Findings and Final Determinations, the rationale(s) explaining the decision(s), the evidence used in support of the determination(s), the evidence not relied upon in the determination(s), any credibility assessments, and any sanction(s) and rationales explaining the sanction(s) and will deliver the statement to the Senior Director.

This statement must be submitted to the Senior Director within fifteen (15) business days of the end of deliberations unless the Senior Director grants an extension. If an extension is granted, the Senior Director will notify the Parties.

Notice of Outcome

The Senior Director will provide the Parties with a written outcome notification. The outcome notification will specify the Finding for each alleged Policy violation, any sanction(s) that may result, which the Institute is permitted to share pursuant to federal or state law, and a detailed rationale, written by the Decision-maker, supporting the Findings to the extent the Institute is permitted to share under federal or state law.

The notification will also detail the Parties' equal rights to appeal, the grounds for appeal, the steps to request an appeal, and when the determination is considered final if no party appeals.

The Senior Director will provide the Parties with the outcome notification simultaneously, or without significant time delay between notifications. The written outcome notification may be delivered by one or more of the following methods: in person or emailed to the Parties' Institute-issued or other approved email account. Once emailed and/or received in person, the outcome notification is presumptively delivered.

Sanctions

Factors the Decision-maker may consider when determining sanctions and responsive actions include, but are not limited to:

- The nature, frequency, severity of, and circumstances surrounding the violation(s)
- The Respondent's disciplinary history
- The need for sanctions/responsive actions to bring an end to the Prohibited Conduct
- The need for sanctions/responsive actions to prevent the future recurrence of Prohibited Conduct
- The need to remedy the effects of Prohibited Conduct on the Complainant and the community
- The wellbeing of the Institute community
- The impact on the Parties
- The Respondent's acknowledgement of responsibility or contrition
- Previous institutional response to similar conduct
- Strength of the evidence
- Any other information deemed relevant by the Decision-maker

The sanctions will be implemented as soon as is feasible once a Determination is final, either upon the outcome of any appeal or the expiration of the window to appeal, without an appeal being requested.

The sanctions described in the Procedures are not exclusive of, and may be in addition to, other actions taken, or sanctions imposed, by external authorities.

Sanctions/Responsive/Corrective Actions

Responsive actions for an Employee who has engaged in Prohibited Conduct include:

- *Verbal or Written Warning*
- *Performance Improvement Plan/Management Process*
- *Enhanced Supervision, Observation, or Review*
- *Required Counseling*
- *Required Training or Education*
- *Probation*
- *Denial of Pay Increase/Pay Grade*
- *Loss of Oversight or Supervisory Responsibility*
- *Demotion*
- *Transfer*
- *Shift or schedule adjustments*
- *Reassignment*
- *Delay of (or referral for delay of) Tenure Track Progress*
- *Assignment to a New Supervisor*
- *Restriction of Stipends, Research, and/or Professional Development Resources*
- *Suspension/Administrative Leave with Pay*
- *Suspension/Administrative Leave without Pay*
- *Termination/Tenure Revocation Referral*
- *Other Actions: In addition to, or in place of, the above sanctions/responsive actions, the Institute may assign any other responsive actions as deemed appropriate*

Appeal of the Final Determination

The Senior Director will designate a single Appeal Decision-maker from the Pool, or other trained internal or external individuals, to hear the appeal.²¹ No Appeal Decision-maker will have been previously involved in the Formal Grievance Process for the Formal Complaint.

Appeal Grounds

Appeals are limited to the following grounds:

- 1) To consider new information that is sufficient to alter the decision, or other relevant facts not brought out in the original investigation (or hearing), because such

²¹ Per the University System of Georgia Human Resources Administrative Practice Manual, Employee Relations: Prohibit Discrimination & Harassment, all appeals related to Formal Complaints alleging Title IX Sexual Harassment will be heard by the Institute's President.

information was not known or knowable to the party appealing during the time of the investigation (or hearing);

- 2) To allege a procedural error within the investigation or hearing process that may have substantially impacted the fairness of the process, including but not limited to whether any hearing questions were improperly excluded or whether the decision was tainted by a conflict of interest or bias by the Senior Director, Investigator(s), or Decision-maker; or
- 3) To alleged that the finding was inconsistent with the weight of the information.

Appeal Request

Any party may submit a written appeal request to the Senior Director within five (5) business days of the delivery of the notice of outcome.

The appeal request will be forwarded to the Appeal Decision-maker for consideration to determine if the request meets the appeal grounds (a Review for Standing). This is not a review of the merits of the appeal, but solely a determination as to whether the request could reasonably be construed to meet the grounds and is timely filed.

If the appeal request does not provide information that meets the grounds in the Procedures, the request will be denied by the Appeal Decision-maker, and the Parties and their Advisors will be simultaneously notified in writing of the denial and the rationale.

If any of the information in the appeal request meets the grounds in the Procedures, then the Appeal Decision-maker will notify all Parties and their Advisors, the Senior Director, and, when appropriate, the Investigator(s) and/or the original Decision-maker.

All other Parties and their Advisors, the Senior Director, and, when appropriate, the Investigator(s) and/or the Decision-maker will be provided a copy of the appeal request with the approved grounds and then be given five (5) business days to submit a response to the portion of the appeal that was approved and involves them. The Appeal Decision-maker will forward all responses, if any, to all Parties for review and comment.

The non-appealing party (if any) may also choose to appeal at this time. If so, that appeal request will be reviewed by the Appeal Decision-maker to determine if it meets the grounds in the Procedures and will either be approved or denied. If approved, it will be forwarded to the Party who initially requested an appeal, the Senior Director, and the Investigator(s) and/or original Decision-maker, as necessary, who will submit their responses, if any, within five (5) business days. Any such responses will be circulated for review and comment by all Parties. If denied, the Parties and their Advisors will be notified in writing.

No party may submit any new appeal request after this time period. The Appeal Decision-maker will collect any additional information needed and all documentation regarding the approved

appeal grounds, and the subsequent responses will be shared with the Appeal Decision-maker, who will promptly render a decision.

Appeal Determination Process

In most circumstances, appeals are confined to a review of the written documentation or record of the original determination and pertinent documentation regarding the specific appeal grounds. The Appeal Decision-maker will deliberate as soon as is practicable and discuss the merits of the appeal.

Appeal decisions are to be deferential to the original determination, making changes to the Finding/Final Determination only when there is clear error and to the sanction(s)/responsive action(s) only if there is a compelling justification to do so. All decisions apply the preponderance of the evidence standard of evidence.

An appeal is not an opportunity for the Appeal Decision-maker to substitute their judgment for that of the original Decision-maker merely because they disagree with the Finding and/or sanction(s).

The Appeal Decision-maker may consult with the Senior Director and/or legal counsel on questions of procedure or rationale, for clarification, if needed. The Senior Director will maintain documentation of all such consultation.

Appeal Outcome

An appeal may be granted or denied. Appeals that are granted should normally be remanded (or partially remanded) to the original Investigator(s) and/or Decision-maker with corrective instructions for reconsideration. In rare circumstances where an error cannot be cured by the original Investigator(s) and/or Decision-maker or the Senior Director (as in cases of bias), the Appeal Decision-maker may order a new investigation and/or a new hearing with new Pool members serving in the Investigator and Decision-maker roles.

A notice of appeal outcome letter will be sent to all Parties simultaneously, or without significant time delay between notifications. The appeal outcome letter will specify the Finding on each appeal ground, any specific instructions for remand or reconsideration, all sanction(s) that may result which the Institute is permitted to share according to federal or state law, and the rationale supporting the essential Findings to the extent the Institute is permitted to share under federal or state law.

Written notification may be delivered by one or more of the following methods: in person or emailed to the Parties' Institute-issued email or other approved account. Once emailed and/or received in person, the appeal outcome letter will be presumptively delivered.

Once an appeal is decided, the outcome is final and constitutes the Final Determination; further appeals are not permitted, even if a decision or sanction is changed on remand (except in the case of a new determination). When appeals result in no change to the finding or sanction, that decision is final. When an appeal results in a new Finding or sanction, that Finding or sanction can be appealed one final time on the grounds listed above and in accordance with the Procedures.

If a remand results in a new Finding or sanction that is different from the original Finding or sanction, that new Finding or sanction can be appealed, once, on any of the available appeal grounds.

Sanction Status During the Appeal

Any sanctions imposed as a result of the Final Determination are stayed (i.e., not implemented) during the appeal process, and supportive measures may be maintained or reinstated until the appeal determination is made.

APPENDIX C: PROCEDURAL DEFINITIONS²²

The following definitions apply to the Sexual Misconduct Procedures:

- **Advisor.** Any person chosen by a party, or appointed by the institution, who may accompany the party to all meetings related to a resolution process, advise the party on that process, and conduct questioning for the party at the hearing, if any.
- **Appeal Decision-maker.** The person who accepts or rejects a submitted appeal request, determines whether any of the appeal grounds are met, and directs responsive action(s) accordingly.
- **Board of Regents (BOR):** The governing body of the University System of Georgia.
- **Community.** Students, faculty, and staff, as well as contractors, vendors, visitors, and guests.
- **Complainant.** An individual who is alleged to have experienced conduct that violates applicable policies.
- **Confidential Employee.** Institute employees who have been designated by the Institute to talk with a Complainant or Respondent in confidence. Confidential Employees must only report that the incident occurred and provide date, time, location, and name of the Respondent (if known) without revealing any information that would personally identify the alleged Complainant. This minimal reporting must be submitted in compliance with Title IX and the Clery Act. Confidential Employees may be required to fully disclose details of an incident in order to ensure campus safety.
- **Day.** A business day when the Institute is in normal operation. All references to days in the Policy refer to business days unless specifically noted as calendar days.
- **Decision-maker.** The person or panel who reviews evidence, determines relevance, and makes the Final Determination of whether the alleged conduct has violated the Sexual Misconduct Policy and/or assigns sanctions.
- **Directly Related Evidence.** Evidence connected to the allegations, but which is neither inculpatory (tending to prove a violation) nor exculpatory (tending to disprove a violation) and which cannot be relied upon by the Decision-maker. Compare to Relevant Evidence below.

²² Defined terms are considered “terms of art” and are capitalized throughout this document.

- ***Education Program or Activity.*** Locations, events, or circumstances in which the Institute exercises substantial control over both the Respondent and the context in which the Prohibited Conduct occurs. It also includes any building owned or controlled by a student organization that the Institute officially recognizes.
- ***Employee.*** An individual who is employed part-time, full-time, or in a temporary capacity as faculty or staff.
- ***Faculty.*** Any member of the Institute community who is responsible for academic activities, teaching, research, or the academic evaluation of Students.
- ***Final Determination.*** A conclusion by the standard of evidence that the alleged conduct did or did not violate the Policy.
- ***Finding.*** A conclusion by the standard of evidence that the conduct did or did not occur as alleged (as in a “finding of fact”).
- ***Formal Complaint.*** A written document filed by the Complainant or signed by the Title IX Coordinator alleging Title IX Sexual Harassment, as defined by Title IX and its implementing regulations, or Other Prohibited Conduct against a Respondent and requesting that the institution open an investigation. In order to file a Formal Complaint, the Complainant must be participating in or attempting to participate in the education program or activity of the institution occurring within the United States at the time of the filing.
- ***Formal Grievance Process.*** The Institute’s method of formal resolution to address alleged violations of the Sexual Misconduct Policy.
- ***Informal Resolution.*** A Resolution the Parties agree to, and the Senior Director approves, which occurs prior to a Final Determination.
- ***Investigative Summary.*** The Investigator’s written summary of all Relevant Evidence gathered during the investigation. Versions include the Draft Investigative Summary and the Final Investigative Summary.
- ***Investigator.*** The person(s) the Institute authorizes to gather facts about an alleged violation of the Policy, assess relevance and credibility, synthesize the evidence, and compile this information into an Investigation Report of Relevant Evidence and a file of Directly Related Evidence.
- ***Notice.*** When an Employee, Student, or third party informs the Senior Director or other Responsible Employee of the alleged occurrence of Prohibited Conduct.

- **Parties.** The collective term for the Complainant(s) and Respondent(s) involved in a complaint.
- **Pattern.** Allegations or evidence that one person has engaged in two or more substantially similar actions toward one or more targets, wherein the proof of one action is likely to increase the proof/liability of the other(s).
- **Reasonable Person.** An individual who is objectively reasonable under similar circumstances and with similar identities to the person being evaluated by the institution.
- **Relevant Evidence.** Evidence that tends to prove or disprove any element of an offense or any issue materials to resolving a complaint.
- **Remedies.** Typically, post-Resolution actions directed to the Complainant and/or the community as mechanisms to address safety, prevent recurrence of behaviors prohibited by the Policy, and restore access to the Institute's Education Program or Activity.
- **Resolution.** The result of an Informal Resolution or Formal Grievance Process.
- **Respondent.** An individual who is alleged to have engaged in conduct that violates applicable policies.
- **Responsible Employee.** Those employees who must promptly and fully report complaints of or information regarding Prohibited Conduct to the Title IX Coordinator. Responsible Employees include any administrator, supervisor, faculty member, or other person in a position of authority who is not a Confidential Employee or Privileged Employee. Student employees who serve in a supervisory, advisory, or managerial role are in a position of authority for purposes of this Policy (e.g., teaching assistants, residential assistants, student managers, orientation leaders).
- **Sanction.** A consequence imposed on a Respondent who is found to have violated the Policy.
- **Senior Director.** The person with primary responsibility for overseeing and enforcing the Sexual Misconduct Procedures. As used throughout the Policy and procedures, the "Senior Director" also includes their designee(s). The Senior Director is the Institute's Title IX Coordinator.
- **Sexual Misconduct.** Includes, but is not limited to, such unwanted behavior such as dating violence, domestic violence, nonconsensual sexual contact, nonconsensual sexual penetration, sexual exploitation, sexual harassment, and stalking as defined in Board and Georgia Tech Policy.

- ***Student.*** Any person who is taking or auditing classes of the Institute, either full-time or part-time; is participating in academic programs; or is pursuing undergraduate, graduate, or professional studies. A Student is also any person who matriculates in any Institute program, has been accepted for enrollment, or is eligible to re-enroll without applying for readmission.
- ***Title IX Coordinator.*** At least one official designated by the Institute to ensure compliance with Title IX and the Institute's Title IX program. References to the Title IX Coordinator throughout the Policy may also encompass a Coordinator's designee for specific tasks. The Senior Director serves as the Institute's Title IX Coordinator.
- ***Title IX Sexual Harassment.*** Means conduct on the basis of sex that satisfies one or more of the following: conditioning the provision of an aid, benefit, or service of the Institution on an individual's participation in unwelcome sexual conduct (quid pro quo harassment); unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the Institute's education program or activity; or sexual assault, dating violence, domestic violence, or stalking as defined by Title IX. The alleged conduct must have occurred in the United States on or at institution-sponsored or affiliated events where the Institute exercises substantial control over both the Respondent and the context, or in buildings owned or controlled by a student organization that is officially recognized by the Institute.
- ***Title IX Team.*** The Title IX Coordinator, any deputy coordinators, and any member of the Resolution Process Pool.

Appendix D: Rights of the Parties

Under the Policy and Procedures, the Parties have the right to:

- An equitable investigation and Resolution of all credible allegations of Prohibited Conduct, when reported in good faith to Institute officials
- Timely written notice of all alleged violations, including the identity of the Parties involved (if known), the precise misconduct being alleged, the date and location of the alleged misconduct (if known), the implicated policies and procedures, and possible sanctions
- Timely written notice of any material adjustments to the allegations (e.g., additional incidents or allegations, additional reports or Formal Complainants) by updating the Notice of Allegation(s) (“NOA”) as needed to clarify potentially implicated Policy violations
- Be informed in advance of any Institute public release of information regarding the allegation(s) or underlying incident(s), whenever possible
- Have all personally identifiable information protected from the Institute’s release to the public without consent, except to the extent permitted by law
- Be treated with respect by Institute officials
- Have Institute Policy and Procedures followed without material deviation
- Voluntarily agree to resolve allegations under the Policy through Informal Resolution without Institute pressure, if Informal Resolution is approved by the Senior Director
- Not be discouraged by Institute officials from reporting Prohibited Conduct to both on-campus and off-campus authorities
- Be informed of options to notify proper law enforcement authorities, including on-campus and local police, and the option(s) for the Institute to assist in notifying such authorities, if the party chooses. This also includes the right not to be pressured to report
- Have Institute law enforcement and/or other Institute officials respond promptly to alleged Policy violations
- Be informed of available supportive measures, such as counseling, advocacy, health care, student financial aid, and/or other services, both on campus and in the community

- An Institute-implemented persona non-grata or a no-trespass order against a non-affiliated third party when a person has engaged in or threatens to engage in stalking, threatening, harassing, or other improper conduct
- Be informed of available assistance in changing academic, living, and/or employment situations after an alleged incident of Prohibited Conduct if such changes are reasonably available. No report or Formal Complaint, or investigation, either institutional or criminal, needs to occur before this option is available. Such actions may include, but are not limited to:
 - Change of housing assignment
 - Assistance from Institute staff in completing the relocation
 - Issuance of a “no contact” directive
 - Restriction or bars to entering certain institution property
 - Changing an Employee’s work environment (e.g., reporting structure, office/workspace relocation)
 - Visa/immigration assistance, if available
 - Arranging to dissolve a housing contract and provide a pro-rated refund
 - Rescheduling or adjusting an exam, paper, and/or assignment
 - Receiving an incomplete in, or a withdrawal from, a class (may be retroactive)
 - Transferring class sections
 - Temporary withdrawal/leave of absence (may be retroactive)
 - Campus safety escorts
 - Alternative course completion options
 - Other measures designed to promote the safety and well-being of the Parties and Institute community
- Have the Institute maintain supportive measures for as long as necessary, ensuring they remain confidential, provided confidentiality does not impair the Institute’s ability to provide the supportive measures or comply with the law
- Receive sufficiently advanced written notice of any Institute meetings or interviews involving another party, when possible
- Identify and have the Investigator(s), Advisors, and/or Decision-maker question relevant available witnesses, including expert witnesses
- Provide the Investigator(s)/Decision-maker with a list of questions that, if deemed relevant by the Investigator(s)/Decision-maker, may be asked of any party or witness
- Have Complainant’s inadmissible sexual predisposition/prior sexual behavior or any party’s irrelevant character evidence excluded by the Decision-maker

- Review the Relevant and Directly Related Evidence (if applicable) obtained and respond to that evidence
- A fair opportunity to provide the Investigator(s) with their account of the alleged misconduct and have that account be on the record
- Receive a copy of all Relevant and Directly Related Evidence (if applicable) obtained during the investigation, subject to privacy limitations imposed by federal and state law, and a ten (10)-business-day period to review and comment on the evidence
- Receive a copy of the Final Investigation Report, including all factual, Policy, and/or credibility analyses performed, and to have at least ten (10) business days to review and comment on the report prior to a hearing
- Be informed of the names of all witnesses whose information will be used to make a Finding, in advance of that Finding, when relevant
- Regular status updates on the investigation and/or resolution process
- Have reports of alleged Policy violations addressed by Pool members, or others, who have received relevant annual training as required
- A Sexual Misconduct Hearing Panel that is not single sex in its composition
- Preservation of confidentiality/privacy, to the extent possible and permitted by law
- Meetings, interviews, and/or hearings that are closed to the public
- Petition that any Institute representative in the process be recused on the basis of disqualifying bias and/or a conflict of interest
- Be able to select an Advisor of their choice to accompany and assist the party in all meetings and/or interviews associated with the resolution process
- Apply the appropriate standard of evidence, preponderance of the evidence, to make a Finding and Final Determination after an objective evaluation of all Relevant Evidence
- Be present, including presence via remote technology, during all testimony given and evidence presented during any hearing
- Have an impact and/or mitigation statement considered by the Decision-maker following a Final Determination of responsibility for any allegation, but prior to sanctioning

- Be promptly informed of the resolution process Finding(s) and sanction(s) (if any) and be given a detailed rationale for the decision (including an explanation of how credibility was assessed) in a written outcome letter delivered to the Parties simultaneously (without undue delay)
- Be informed in writing of when an Institute decision is considered final and any changes to the Final Determination or sanction(s) that occur post outcome letter delivery
- Be informed of the opportunity to appeal the Finding(s) and sanction(s) and the procedures for doing so in accordance with the Institute's appeal grounds
- A fundamentally fair resolution as defined in the Procedures