

Sexual Conduct & Sex Based Discrimination Grievance Procedure Flow Chart

Complaint meets standard



Does the complaint meet the standard for Title IX resolution?

Complaint meets standard if the reported conduct:

- Is prohibited conduct according to the Sexual Misconduct & Sex-Based Discrimination Policy
- Occurs within the United States
- Occurs within Colby-Sawyer's education program or activity
- The complainant is participating in or attempting to participate in the college's education program.

If the complaint received is anonymous or complainant does not want to proceed with formal grievance process, informal resolution may be pursued at the discretion of the Title IX Coordinator.

Examples include:

- Targeted or broad based educational programming or training
- Direct conversation or interaction with respondent
- Continued supportive measures

GRIEVANCE PROCESS

- 1 Title IX Coordinator **assigns an investigator** and informs the parties of the investigation.
Investigator collects information from each party, including interviews. Each party is given an equal opportunity to **suggest witnesses & provide any relevant information**.
After investigator completes this process, they **prepare a case file that includes all collected evidence** directly related to allegations.

REVIEW OF CASE FILE

Title IX Coordinator will review/redact personally identifiable information, then disseminate the case file to each party and their advisor.

Parties will have **ten business days** from receipt of the case file to respond in writing.

INVESTIGATIVE REPORT

- 3 Investigator creates a written investigative report covering relevant evidence.
Title IX Coordinator **updates and disseminates Notice of the Allegations** (as appropriate). A final determination is made on whether to proceed under the Title IX Grievance Procedure.
At least ten business days prior to the hearing, the Title IX Coordinator provides the parties and their advisors the **final copy of the investigative report**.

HEARING PROCESS

The Sexual Misconduct Hearing Board reviews the information and makes a **determination of responsibility/no responsibility** by a preponderance of the evidence standard.

The Hearing Board decides whether evidence and witnesses are relevant/irrelevant, and reviews the investigation report, asks questions during the hearing as they deem appropriate, and participates in deliberations leading to the final decisions.

The parties are provided with an **equal opportunity for their advisers to conduct cross examination** of the other party and/or of relevant witnesses. Cross examinations must be conducted directly, orally, and in real time by the party's adviser and never by a party personally. **Only relevant cross examination questions** may be asked of a party or witness. The Hearing Chair first determines the question's relevancy.

If either party or a witness does not attend the hearing, the hearing may proceed, as determined by the Title IX Coordinator. The Hearing Board may not, however:

- a) Rely on any statement or information provided by that non-participating individual in reaching a determination regarding responsibility
- b) Draw any adverse inference in reaching a determination regarding responsibility based solely on the individual's absence from the hearing (or their refusal to be cross-examined)

Following the hearing, the Hearing Board **considers all relevant evidence** and deliberates regarding responsibility. The Hearing Board makes a determination, by a preponderance of the evidence, whether the respondent has violated the policy. If the respondent is found responsible, the Hearing Board determines appropriate remedies/sanctions. **Both parties have equal rights to an impartial hearing.**