

II.2 Specific Grievance Procedures for Student-Student or Employee-Student Misconduct

Section II.2 will follow the Student Code of Conduct process as outlined below.

If the complainant and the respondent are both students, the Title IX Coordinator may refer the conduct allegation to the Office of Student Life.

If the complainant is an employee and the respondent is a student, the conduct allegation may be referred to both, the offices of Student Life and Human Resources. The Office of Student Life will then coordinate with the Office of Human Resources to address the complaint.

Investigations of a Complaint

As soon after the initiation of the investigation as possible, the Title IX Coordinator or the designated investigator(s) shall notify the College employees or students who are believed to have documentary, electronic, or tangible evidence to preserve such evidence for the investigation. The College must also notify the complainant of (a) the importance of preserving evidence as may be necessary to the proof of criminal domestic violence, dating violence, sexual assault, or stalking, or in obtaining a protection order, (b) the agencies to whom the alleged offense should be reported, (c) options regarding law enforcement and campus authorities, including notification of the complainant's option to (i) notify proper law enforcement authorities, including on-campus safety authorities and local police, (ii) be assisted by campus authorities in notifying law enforcement authorities if the complainant so chooses, and (iii) decline to notify such authorities.

When investigating a formal complaint, the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rests on the College and not on the parties. Unless the College has a party's voluntary, written consent, it cannot access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, therapist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party. In addition, the College may not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence.

Adjudication and Hearings

When a student is the respondent in a formal complaint under Section II, hearings shall be held by the Office of Student Life, following the Student Code of Conduct process pursuant to the policies and procedures set forth in the [Student Handbook](#).

Determination of Responsibility

The hearing board will apply the standard of preponderance of evidence when making a determination regarding responsibility. The hearing board will issue the written determination to the complainant and to the respondent. Sanctions, as outlined in Appendix B of this Policy, will consider the nature of the evidence supporting the complaint, the seriousness of the prohibited conduct as compared to like cases in the past, the respondent's previous disciplinary history (if any), and institutional principles.

The provision of the [Family Educational Rights and Privacy Act](#) (FERPA) allows information to be shared with College officials who have a legitimate educational interest to know. Student Code of Conduct information may be shared with other College personnel, including appropriate coaches.

The Office of Student Life is responsible for the effective implementation of any sanctions or remedies.

Appeals

Any dismissal, sanction, or remedy implemented by the Office of Student Life following referral by the Title IX Coordinator is appealable only through this respective office, and in accordance with that office's policies and procedures.

If a student wishes to appeal a decision, they may submit an appeal to the Dean of Students for review. The request for appeal must be initiated in writing within 48 hours of the decision and must state the reason for the appeal. Appeals may be submitted on the following bases: (a) procedural irregularity that affected the outcome of the matter; (b) new evidence that was not available at the time of the hearing; (c) the decision reached was not supported by the information provided in the hearing; and/or (d) the imposed sanction(s) is unduly severe compared to the nature of the violation. The Dean of Students or a substitute designated by the Dean of Students will review the appeal. The resulting finding will stand as final in the matter.