

## **Student Sex- or Gender-Based Discrimination and Harassment and Sexual Misconduct Resources and Response Procedures**

**Note:** The following is intended to provide general guidance about Colgate University's Student Sex- or Gender-Based Discrimination and Harassment and Sexual Misconduct Resources and Response Procedures. It is intended only to summarize this information, and is not intended as a complete recitation of the procedures, which can be found in their entirety at <https://www.colgate.edu/about/offices-centers-institutes/provost-and-dean-faculty/equity-and-diversity/non-discrimination-5>.

### ***What happens when a student makes a report of an incident?***

- A report lets the university know that an incident has occurred, but normally does **not** trigger an investigation or adjudication process.
- A report allows administrators to provide supportive measures and to discuss available options.
- Depending on the nature of the report and the amount of information provided, administrators might be able to respond with targeted prevention training.
- In rare cases, depending on the nature of the report, the level of behavior described, the amount of information provided, and/or potential risks to the community, administrators might be required to forward information to the police and/or initiate a university investigation.
- Informal resolution process can occur as a result of a report if both parties agree and the university determines that the matter is appropriate for informal resolution.

### ***What happens when a student chooses to file a formal complaint?***

1. Impartial, fact-finding investigation (Note: the order of these steps may vary in particular cases)
  - Title IX Coordinator (Tamala Flack ) offers Complainant supportive measures.
  - If there is sufficient indication of a potential violation of the Non-Discrimination, Anti-Harassment & Sexual Misconduct Policy, Complainant and Respondent receive a notice of investigation including names of involved parties, the date, time, and location (to the extent known) of the alleged misconduct, factual allegations concerning the alleged violation(s), and information regarding the PCRG procedures. Title IX Coordinator offers Respondent supportive measures.
  - Investigator meets with Complainant and their advisor of choice to obtain a full description of the alleged incident(s) and any corroborating evidence (e.g. texts, photos, etc.). Complainant writes their own statement if they wish in addition to the investigator's summary of their meeting.
  - Investigator meets with Respondent and their advisor of choice to obtain a full description of the alleged incident(s) and any corroborating evidence (e.g. texts, photos, etc.). Respondent writes their own statement if they wish in addition to the investigator's summary of their meeting.
  - Investigator attempts to meet with witnesses that Complainant and Respondent indicate might be able to provide information regarding the alleged incident(s).
  - Investigator conducts follow-up interviews as needed to complete fact-finding process and produce a thorough, impartial investigative file. Depending on the number of interviews to be conducted and due to the need for thorough and careful documentation, the investigative process can take some time; however, the parties are provided periodic updates on the status of the investigation.
  - Complainant and Respondent have the opportunity to inspect, review, and submit written responses to all investigative documents and the investigative report.
  - Upon the request of a party, the university will appoint, without fee or charge to that party, an advisor of the university's choice who will be a licensed attorney to assist that party in the process

from and after the time they are afforded an opportunity to review the investigative file and investigative report.

## 2. Complaint Resolution:

- Investigator meets with Title IX Coordinator to determine whether the results of the investigation warrant continuation of the process. If the Title IX Coordinator determines that the process should proceed, then, depending on the nature of the alleged violations, the case could be resolved: 1) through resolution without a hearing (for cases where the alleged violations, and therefore the range of possible sanctions, are minor); 2) through informal resolution process (if the parties agree to it); or 3) through a formal PCRG hearing. Any case involving allegations of Title IX Violations (as defined by university policy) will proceed to a formal hearing.

## 3. PCRG hearing procedure:

- Title IX Coordinator appoints a hearing chair and two PCRG members to serve on the hearing panel.
- Title IX Coordinator notifies the parties in writing of the date, time, and location of the hearing, and the names of the hearing panel members.
- The investigative file and report are made available to both parties and their advisers of choice, and to the hearing panel.
- The parties and their advisers meet separately with Title IX Coordinator to discuss the hearing process in detail. This can happen as often as requested.
- Both parties and their advisers prepare questions to be asked at the hearing. Both parties may prepare impact statements to be submitted at the time of the hearing. The impact statements are made available to the hearing panel only if a determination of responsibility has been made and for the purposes of determining the sanction.
- The individuals present for the hearing are the hearing panel (chair and two PCRG members), the parties and their advisers, and the investigator. Witnesses are called in for questioning, but do not remain for the entire hearing.
- Once the hearing panel members and the parties' advisers have had the opportunity to pose questions to the investigator, the parties, and witnesses, the hearing ends. If a party or witness declines to answer such questions at the hearing, the hearing panel may nevertheless rely on any statements of that party/witness in reaching a decision regarding responsibility.
- The hearing panel members meet privately to deliberate the information provided in the investigative report and the hearing, and make their determination based on a preponderance of the evidence. If the Respondent is found responsible, the hearing panel reviews the impact statements, and determines appropriate sanctions.
- Both Complainant and Respondent receive written notification of the hearing panel's findings and sanctions (if any), and the basis for those decisions.

## 4. Appeal

- Both parties have the right to appeal the findings in writing within ten days of delivery of the findings. If one party appeals, the other party is given the opportunity to respond to the appeal within a reasonable timeframe.
- Appeals must be based on 1) procedural irregularity that affected the outcome; 2) new information not available at the time of the hearing likely to have changed the outcome; 3) conflict of interest or bias that affected the outcome; and/or 4) sanction disproportionate to the nature or severity of the violation.
- The appellate panel consists of the Dean of the College and an additional PCRG member selected by the Title IX Coordinator. Appellate panel decisions are final, except to the extent a party seeks to appeal any proceedings ordered on remand.

**Note:** Any student can, without filing a report or a complaint and without providing details of an incident, ask Tamala Flack or any [PCRG member](#) questions about the student policy and procedures.