

Complaints of Sexual Misconduct Against Students

Investigation

The deputy Title IX coordinator for student affairs (deputy coordinator), in coordination with the University Title IX coordinator, is designated to formally investigate student grievances, address inquiries and coordinate the University's compliance efforts regarding student complaints and grievances. Notice of a formal complaint can be made in writing or orally to an appropriate staff member (Residential Life, Public Safety, Student Affairs, etc.), though the University encourages students to submit grievances in writing (electronically or by hard copy) to the deputy coordinator, the University Title IX coordinator or other appropriate staff member. The deputy coordinator also reserves the right to investigate any incident referred to the dean of students office that may relate to this policy, and, if necessary, refer that incident to the Title IX grievance process.

The complaint should clearly describe the alleged incident, when and where it occurred, and the desired remedy, if known. Additionally, the initiator of a formal complaint should submit any supporting materials in writing as quickly as possible.

Completion of the investigation and grievance procedures should be complete within 60 days of the receipt of the complaint, oftentimes sooner. Should this process last longer than 60 days, the deputy coordinator will communicate the reasons and expected timeline to all parties.

Interim Remedial Action

After reviewing the complaint, the deputy coordinator, or the lead investigator in consultation with the deputy coordinator, may enact interim remedial actions in order to stop the alleged harassment or discrimination, and/or to protect the safety and well-being of the individuals and University community. Interim remedial action is preliminary, and only in effect until the process is complete and a decision is rendered. Interim remedial actions include, but are not limited to, no contact orders, changes in University housing accommodations, changes in academic schedule and accommodations, University housing suspensions, campus restrictions and University suspensions. These actions may be instituted at any point during the investigation process.

Preliminary Investigation

After reviewing the complaint, the deputy coordinator will:

- determine the identity and contact information of the complainant;
- identify what policies, if any, were allegedly violated;
- meet the complainant to inquire about and finalize complaint;
- conduct an immediate initial investigation to determine if there is cause to proceed with further investigation.

If there is insufficient evidence to support a reasonable cause for the complaint, the grievance will be closed with no further action.

Formal Investigation

If the deputy coordinator determines that there is reasonable cause to pursue the complaint, a formal investigation will be initiated. During the formal investigation, the deputy coordinator, or a trained lead investigator identified by the deputy coordinator, will:

- identify and select a second trained investigator to assist with the formal investigation. The deputy coordinator may appoint additional investigators as necessary.
- commence a thorough and impartial investigation by developing a strategic investigation plan, including a witness list, information list, intended investigation timeframe, and order of interviews for all witnesses and the accused individual;
- give the accused individual proper notice of the investigation and provide an opportunity for the accused individual to provide information;
- complete the investigation in a timely manner, without unnecessary deviation from the intended timeline;
- maintain communication with the complainant and the accused individual on the status of the investigation and overall process.

At the conclusion of the investigation, the investigator will meet with the complainant and the accused student separately to present the findings. If supported by the investigation findings, the investigator will present the accused student with a notice of alleged violations of the Student Code of Conduct.

Resolution Agreement Option

If the accused student accepts responsibility for the alleged Student Code of Conduct violations presented in investigator's report, the investigator will present proposed sanctions to the accused student. If the accused student accepts the sanctions, then those sanctions will be presented in a written decision letter. After acceptance of responsibility and sanctions, the accused student has three business days to reconsider that acceptance and request a hearing. Accused students who do not accept responsibility or the investigator's proposed sanctions will have their matter heard by the Title IX Grievance Committee.

Students who accept responsibility and the sanction recommendation of the investigator cannot appeal the decision.

Title IX Grievance Committee

The deputy Title IX coordinator for student affairs will convene the Title IX Grievance Committee (committee) to conduct a hearing once charges have been assigned following an investigation, and the accused student has not accepted responsibility or has not accepted the investigator's proposed sanction. The committee is responsible for determining whether it is more likely than not that the accused individual violated the Student Code of Conduct. If the accused student is found responsible, the committee shall assign appropriate sanctions in accordance with this policy and the Student Code of Conduct process. The goal of the hearing is to provide a resolution through an equitable process, respecting the rights of all participants.

Composition

The Title IX Grievance Committee shall be composed of University staff members who are trained annually on Title IX issues, investigations and hearing practices. In each hearing, the committee shall consist of three members, with one designated as the chair, who is charged with conducting the hearing.

Jurisdiction

This policy shall apply to conduct that occurs on University-owned or leased property, at University sponsored events, as well as off campus. Each student shall be responsible for his or her conduct from the time of application for admission through the awarding of a degree, as well as during periods between terms of actual enrollment, study abroad and leaves of absence or suspension. The committee maintains the authority to adjudicate alleged violations of the Student Code of Conduct that are related to the same incident under review, though may not be directly related to gender-based conduct.

Advisers

Advisers serve as a moral and emotional support for students during committee hearings, and can assist with meeting preparation. Advisers are not permitted to advocate for a student or speak on their behalf during a committee hearing. Students who are witnesses to the incident or are otherwise involved in the matter before the committee cannot serve as advisers.

Hearing Process

The investigator(s) will meet with both the complainant and the accused student prior to the hearing to outline the hearing process and answer questions. Prior to the hearing, the deputy coordinator will:

- be available to both the complainant and accused student to answer questions and address concerns with the process;
- schedule the committee hearing, and select committee members from the pool of eligible members based solely on availability and maintaining a committee of mixed genders;
- select the committee chair from among the three selected committee members;
- contact witnesses and work to ensure their availability for the committee hearing;
- arrange accommodations intended to limit contact between hearing participants (i.e. arranging accommodations in different rooms, setting up physical barriers in the hearing room);
- prepare copies of all reports and documentary information to be disseminated to the committee, complainant and accused student before the hearing.

At the hearing, the following individuals may be present:

- three committee members
- complainant
- adviser for complainant (optional)
- accused student
- adviser for accused student (optional)
- investigator(s)
- witnesses (only one at any one time)
- deputy Title IX coordinator (if not an investigator)

The chair will conduct the hearing in accordance with the hearing script. The script ensures that the investigation report is presented, and that the committee has the opportunity to ask questions of all parties and witnesses, if necessary. Audio or video recording devices are not permitted at committee hearings.

Additionally, the hearing script ensures:

- all parties are introduced;
- all conduct code charges are read;
- the accused student is provided an opportunity to plead “responsible,” “not responsible,” or decline to make a plea, for each conduct code charge;
- the investigator will present the results and findings of the investigation;
- the committee can ask questions of the investigator, parties and witnesses.

If any individual should become disruptive during the hearing, including witnesses and advisers, the chair maintains the discretion to remove that individual from the hearing.

At the conclusion of the investigation presentation and questioning, the committee will deliberate privately to determine the accused student’s responsibility for the charged conduct code violations. All decisions require a majority vote of the committee.

After the committee makes a decision, the committee will reconvene with the parties and the investigator, and the committee chair will announce the committee’s decision. If the accused student is found responsible for any conduct code violations, the committee will commence the sanction phase of the hearing. If the accused student is found not responsible for all conduct code violations, the hearing ends.

During the sanction phase of the hearing, the hearing script will direct the committee to:

- accept impact statements from both parties, verbally and/or in writing;
- ask the deputy Title IX coordinator to disclose the accused student’s past student conduct code violations, if any;
- ask the deputy Title IX coordinator for sanction parameters, as defined by this policy for the applicable code of conduct violations.

At the conclusion of the sanction phase, the committee will deliberate privately. All sanction decisions require a majority vote. After a sanction decision is made, the committee will reconvene with the parties and the investigator to announce the sanction decision and close the hearing.

After the conclusion of the hearing, the investigator will meet with both parties and answer questions about the sanctions and any post-hearing requirements. The committee has 24 hours from the close of the hearing to produce a written decision letter to both parties. Responsibility for the decision letter falls to the chair. Once completed, the decision letter is delivered to the investigator for delivery to both parties.

Sanctions-only Hearing

Should the accused student accept responsibility for all charged violations of the code of conduct, but disagree with the investigator’s proposed sanction, a sanctions-only hearing will be conducted. This hearing, after the presentation of the investigation findings and the opportunity for questioning, moves directly to the sanction phase described above.

Sanctions

The following are possible sanctions for incidents reviewed under this policy:

- Students found responsible for violating this policy in regard to nonconsensual sexual contact or intimate partner violence will likely receive a sanction ranging from probation to expulsion, depending upon the severity of the incident and any previous violations of the Student Code of conduct.
- Students found responsible for violating this policy in regard to nonconsensual or forced sexual intercourse will likely receive a sanction of suspension, dismissal or expulsion.
- Students found responsible for violating this policy in regard to sexual harassment, sexual exploitation, or other gender-based misconduct will likely receive a sanction ranging from an official reprimand to expulsion, depending upon the severity of the incident and any previous violations of the Student Code of Conduct.
- The committee will sanction students found responsible for violations of the Student Code of Conduct not related to this policy in accordance with sanctions used in the general Student Conduct Process.

The committee reserves the right to increase or decrease the recommended sanction guidelines listed above in the case of significant mitigating or aggravating factors. Neither the committee nor the appeal officer will deviate from the guidelines listed above unless significant mitigating or aggravating factors exist. The committee also reserves the rights to include additional sanctions, educational or otherwise, in accordance with the general student conduct process.

Parental Notification

Quinnipiac reserves the right to communicate with a parent or guardian of the accused student on any student conduct action taken by the University, in accordance with the Family Educational Rights and Privacy Act (FERPA).

Appeals

After receiving notification of the committee's decision, both the complainant and the accused student have five business days to notify the deputy coordinator of their intent to appeal the decision. An appeal form may be obtained from the deputy coordinator and a formal letter of appeal specifying the grounds upon which the appeal is based and supporting information must be submitted within five business days of the receipt of the appeal form. The deputy coordinator has the discretion to extend the deadline for submission of a letter of appeal.

Sanction(s) imposed by the committee will remain in effect while the appeal is pending. The letter of appeal specifies the grounds upon which the appeal is based, and how those grounds materially affected the outcome (responsibility or sanctions) of the original meeting.

The letter of appeal must be completed and signed by the student or submitted directly from the student's Quinnipiac University email account.

Once the appeal materials are submitted, the other party and the investigator may submit materials in response to the appeal. Other parties will be assigned an appropriate deadline for submission of materials by the deputy coordinator. Complainants or accused students who fail to attend the committee hearing forfeit the right to request an appeal.

The accepted grounds for an appeal are:

- additional and/or new relevant information was not available at the time of the committee hearing.
- an error in the process or an abridgement of rights, as outlined by this policy, which materially impacted the outcome of the hearing.
- the sanction(s) assigned by the committee did not adhere to the sanction guidelines stated in this policy.

The University Title IX coordinator reviews requests for appeals or designates a trained senior University staff member to serve as the appeal officer. If the appeal letter(s) does not bring forward sufficient grounds for appeal, the appeal will be denied and the matter will be closed. If the appeal officer determines that an appeal should be considered, he or she may decide to:

- affirm the decision of the committee. In this case, the initial decision is final.
- remand the matter back to the committee to make a decision in light of the appeal officer's findings, or;
- initiate a new hearing.

Compliance with Sanctions and Accommodations

At the conclusion of the Title IX Grievance Process, the deputy coordinator will be responsible for ensuring compliance with all assigned sanctions, and to make any accommodations with the goal of preventing the recurrence of sexual and/or gender-based harassment.

Complaints of Sexual Misconduct Against a Faculty Member, Staff Member, Administrator or Third Party

Reports of gender-based misconduct by a faculty member, staff member, administrator or third-party affiliated with the University should be filed with the University Title IX coordinator.

Investigation

The deputy Title IX coordinators in coordination with the University Title IX coordinator, are designated to formally investigate grievances, address inquiries and coordinate the University's compliance efforts regarding complaints and grievances against faculty members, staff, administrators and third parties. Notice of a formal complaint can be made in writing or orally to an appropriate staff member (Residential Life, Public Safety, Student Affairs, Human Resources, etc.), though the University encourages community members to submit grievances in writing (electronically or by hard copy) to the deputy coordinator, the University Title IX coordinator or other appropriate staff member.

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