

Notice to the Parties

Once a formal complaint is filed, written notice must be sent to all parties. The notice must include:

1. Grievance procedures
2. Allegations
3. Sufficient detail, e.g. identity of the parties, specific section of the school policy allegedly violated, conduct alleged, date and location of alleged conduct
4. Sufficient time to prepare a response before any initial interview
5. A statement that the respondent is presumed not responsible, and that the determination is made at the conclusion of the grievance process;
6. Information that the parties may request to inspect the evidence;
7. Information that the parties have a right to an advisor of their choice;
8. Provision of the school's code of conduct that prohibits knowingly making false statements or submitting false evidence during the process.

Grievance Procedures

The grievance procedures must include:

1. Objective evaluation of the evidence
2. No conflicts of interest
3. Posted training materials demonstrating compliance officer and investigators are properly trained
4. Presumption of innocence
5. Prompt timeframes
6. Description of sanctions and remedies
7. Identified standard of evidence
8. Appeal procedures
9. Protection of privileged information

The Investigation

The investigative process must include, among other factors:

- 1. Equal opportunity to present witnesses and other evidence**
- 2. Equal opportunity to have others present during the grievance proceeding**
- 3. Equal opportunity to review the evidence directly related to the allegations, including evidence the school does not intend to rely upon in reaching its determination**
- 4. Equal opportunity to inspect and respond to all evidence gathered prior to completion of the investigative report**
- 5. Equal opportunity to inspect and respond to the investigative report**
- 6. Equal opportunity to request that specific questions be asked of the other party**

The questions must exclude evidence of the complainant's sexual behavior or predisposition, unless

- it is offered to prove that someone else committed the alleged conduct, or**
 - it concerns specific incidents of the complainant's prior sexual behavior with respondent and is offered to prove consent**
- 7. Presentation of written determination and opportunity to appeal**