SEXUAL MISCONDUCT, GENDER BASED DISCRIMINATION AND RELATIONSHIP VIOLENCE COMPLAINT RESOLUTION PROCESS
Table of Contents

I. INTRODUCTION AND GENERAL PROCEDURES ......................................................... 3
   A. Introduction ........................................................................................................... 3

II. Participant in the Process/ Defined Terms ................................................................... 3

III. General Complaint Resolution Process Considerations ........................................... 4
   A. Participation in Process ....................................................................................... 4
   B. Privacy and Sharing of Information .................................................................... 5
   C. Retaliation .......................................................................................................... 5
   D. Case Resolution Timeline .................................................................................. 5
   E. Conflicts of Interest ........................................................................................... 5
   F. Standard of Evidence ......................................................................................... 6
   G. Advisors ............................................................................................................ 6
   H. Notice of Meetings/Access to Information ........................................................... 6

IV. REPORTING SEXUAL MISCONDUCT ........................................................................ 6
   A. Time Limitations for Reporting Sexual Misconduct ........................................... 6
   B. Reporting Sexual Misconduct, Gender Based Discrimination and Relationship Violence ................................................................. 6

V. INITIAL INQUIRY .................................................................................................... 7

VI. INTERIM SUPPORT AND PROTECTIVE MEASURES ............................................ 8

VII. NOTICE TO RESPONDENT .................................................................................. 8

VIII. INFORMAL RESOLUTION ..................................................................................... 9

IX. FORMAL RESOLUTION .......................................................................................... 9
   A. Investigation ...................................................................................................... 9
   B. Prior Sexual History .......................................................................................... 10

X. PRE-HEARING AND HEARING PROCESS ............................................................... 10
   A. PRE-HEARING PROCESS ................................................................................ 11
   B. HEARING PROCESS ......................................................................................... 11
      1. Administrative Conference ............................................................................. 11
      2. Hearing Panels in Certain Student and Faculty Cases ................................... 12

XI. Notification of outcome ........................................................................................... 13

XII. SANCTIONS ........................................................................................................... 13

XIII. APPEALS .............................................................................................................. 14

Appeals Review Procedures ............................................................................................ 14
I. INTRODUCTION AND GENERAL PROCEDURES

A. Introduction

Spelman College (“College”) is committed to providing a safe and nondiscriminatory environment for all members of its community. These procedures outline the process the College will follow when it receives a report alleging a violation of the College’s Policy Prohibiting Sexual Misconduct, Gender Based Discrimination and Relationship Violence (“Sexual Misconduct Policy”).

The Title IX and Compliance Director (“Title IX Director”) oversees compliance with Title IX, the College’s Policy Prohibiting Sexual Misconduct, Gender Based Discrimination and Relationship Violence, and the Sexual Misconduct Complaint Resolution Process (“Complaint Resolution Process”). All reports will be handled in a prompt, fair, and impartial manner in accordance with Title IX of the Education Amendments Act of 1972 and related guidance, the Violence Against Women Reauthorization Act of 2013, other relevant laws and regulations, applicable College policies, including the Sexual Misconduct Policy and this Complaint Resolution Process.

The process described below is the College’s internal administrative process to determine whether College policy has been violated; it is not a criminal or legal process. As such, Spelman’s process does not use the same rules of procedure and evidence as those used by courts or law enforcement to investigate or adjudicate criminal or civil legal violations. A victim of sexual violence or other crime has the right to file and pursue only a criminal complaint with law enforcement, decline to notify such authorities, or simultaneously file a complaint with law enforcement and the College. The College can assist in notifying law enforcement authorities. Parties may also have options to file civil actions in court and a complaint with the Department of Education Office for Civil Rights or with the Clery Compliance Division, where applicable.

The College will always strive for consistency in following the procedures set forth in this Complaint Resolution Process, but recognizes that the unique circumstances of any particular case may require flexibility. As such, the College reserves the right to adapt the Complaint Resolution Process to meet the particular circumstances of each case, while preserving transparency and fairness for all Parties and maintaining the integrity of the Complaint Resolution Process.

The College will send written communications to students, faculty, or staff involved in the Complaint Resolution Process through their College-assigned e-mail account. Students, faculty, and staff are responsible for checking their College-assigned e-mail on a daily basis. All communications sent via e-mail are presumptively deemed to be received.

II. PARTICIPANT IN THE PROCESS/DEFINED TERMS

- A Complainant is the person alleging sexual misconduct and/or a violation of the Sexual Misconduct Policy.
- A Respondent is the person who is alleged to have engaged in sexual misconduct and/or violated College policy.
- A Reporting Party is any person who reports alleged sexual misconduct or a violation of the Sexual Misconduct Policy. A reporting party may or may not be the Complainant.
- Parties is a term that refers to the Complainant and the Respondent collectively.
- A Witness is a person who has direct or indirect knowledge related to an alleged incident of sexual misconduct.
An **Advisor** is an individual chosen by the Complainant or Respondent to provide support throughout the Complaint Resolution Process. Any person identified as a witness is prohibited from also serving as an advisor of choice.

**Title IX Director** refers to the College’s Title IX Director, Deputy Title IX Coordinators, or their designee.

**Business Day** is any day of the week other than a Saturday, Sunday, or any day when the College is closed. For counting purposes, the first business day will be the business day following the day a communication is sent to a Party.

**Hearing Officer(s)** refers to the individual presiding over an Administrative Conference or the individuals serving as panel members for a Panel Hearing.

**Chair** refers to the individual selected to preside over a Panel Hearing.

**Hearing** – The Administrative Conference or Panel Hearing.

**Administrative Conference** - a hearing presided over by a College Official with authority to make a finding and to take corrective and/or disciplinary action, if appropriate.

**Panel Hearing** - a hearing presided over by three faculty or staff members, appointed to make a finding and recommendations regarding corrective and/or disciplinary action, if appropriate.

### III. GENERAL COMPLAINT RESOLUTION PROCESS CONSIDERATIONS

#### A. Participation in Process

The College strongly encourages Complainants, Respondents and Witnesses to participate fully in the complaint resolution process. In some instances, Witnesses will be compelled to participate. In order for the College to investigate a complaint and/or enable a Respondent to fully respond to the allegations, most situations will require the Complainant’s participation and/or that their identity be disclosed to the Respondent. If a Complainant decides not to participate, but wants disciplinary action taken, the College will determine whether it is possible to move forward with the Complaint Resolution Process without the participation of the Complainant. In some cases, it will not be possible for the College to take disciplinary action without the participation of the Complainant.

When individuals report allegations of sexual misconduct to the College and do not consent to the disclosure of their names and/or do not disclose the identity of the alleged Respondent(s) or identifiable information about the alleged Respondent(s), the College's ability to respond to the complaints may be limited. In cases where an individual reporting sexual misconduct requests anonymity or does not wish to proceed with an investigation, the College will attempt to honor that request. In some cases, the Title IX Director may determine the College needs to proceed with Complaint Resolution process based on concern for the safety or well-being of the broader College community (e.g., risk of future acts of sexual violence or a pattern of sexual misconduct). For additional information, please see the Sexual Misconduct Policy, Requests for Confidentiality or Non-Action.

The College expects Respondents to participate fully in all aspects of the Complaint Resolution Process. If a Respondent elects not to participate in any part of the process, the College will proceed without the Respondent’s participation. Respondents will be held accountable for any outcomes issued.

All participants have the responsibility to be completely truthful with the information they share at all stages of the Complaint Resolution Process. Any individual who knowingly or intentionally provides false information as part of a report, investigation, or hearing under this Complaint Resolution Process will be subject to discipline in accordance with the procedures set forth in the Student, Faculty, or Employee Handbook.
B. Privacy and Sharing of Information

The College considers all aspects of the Complaint Resolution Process (including notices, investigations and hearings) to be private matters for the Parties involved. For that reason, the College will protect the identity of persons involved in reports of sexual misconduct to the best of its ability. The College cannot, however, promise complete confidentiality or privacy in the handling of sexual misconduct reports or complaints.

To the extent possible, and in compliance with all applicable state and federal laws, information will be shared only on a “need-to-know” basis, in order for the College to investigate and respond or to deliver resources or support services. In cases involving minors (persons under 18 years of ages), the College will comply with mandatory reporting requirements and contact the Georgia Division of Child and Family Services to report conduct that constitutes child abuse. The College does not publish the names nor post identifiable information about persons involved in a report of sexual misconduct in the College Police Daily Crime Log or elsewhere online. Information also may be shared, as necessary, with Parties, Witnesses, and Advisors.

All participants in an investigation of sexual misconduct will be informed that privacy and confidentiality help enhance the integrity of the investigation, protect the privacy interests of the Parties, and protects the participants from statements that might be interpreted to be retaliatory or defamatory. For these reasons, the Complainant and Respondent will be asked at the beginning of the investigation to keep the information related to the investigation and resolution private, to the extent consistent with applicable law. Witnesses and Advisors will be asked to maintain complete privacy and confidentiality, to the extent consistent with applicable law.

The College reserves the right to disclose information regarding the case in accordance with FERPA and other applicable law.

C. Retaliation

The College prohibits retaliation for reporting or participating in the Complaint Resolution Process. Any individuals who is subject to or aware of possible retaliation or has other concerns regarding the matter should report these concerns to the Title IX Director, who shall take appropriate action to address such conduct in a prompt and equitable manner. Reports of retaliation may be submitted electronically using an incident report form, which can be found here: www.spelman.edu/title-ix

D. Case Resolution Timeline

In most cases, the College investigates and resolves reports of alleged sexual misconduct, including determining what sanctions and/or corrective actions will be taken, within sixty (60) -days of receiving a report. Many cases are resolved in a much shorter time. Extensions of time beyond this sixty (60) -day timeframe may occur for good cause, including but not limited to, the availability of the Parties and Witnesses, the scope of the investigation, provision of interim protective measures or accommodations, or unforeseen circumstances. In cases where there is a simultaneous law enforcement investigation, the College may need to temporarily delay its investigation while law enforcement gathers evidence. Generally, however, the College will conduct its investigation contemporaneously with any law enforcement investigation.

E. Conflicts of Interest

Spelman will notify Parties of the investigator, hearing officer, or appeal reviewer. Parties will have the opportunity to raise any potential conflict of interest or perceived bias within two (2) business days of this notification. The Title IX Director will determine whether a conflict of interest exists. No investigator, panelist, or appeal reviewer will make findings or determinations in a case in which they have a conflict of interest.
F. Standard of Evidence
The College will use the preponderance of the evidence standard in determining whether there has been a violation of the Sexual Misconduct Policy. This standard requires a finding that it is more likely than not that the Respondent is responsible for violating the Sexual Misconduct Policy.

G. Advisors
Parties participating in the Complaint Resolution Process may be assisted by one Advisor of their choosing throughout the process. The role of the Advisor is one of support, not advocacy. An Advisor may accompany a party to interviews, meetings, and hearings. In choosing an Advisor, Parties should consider the availability of such Advisor. As a general matter, the College will not delay the Complaint Resolution Process to accommodate the schedules of Advisors.

An Advisor may be a friend, mentor, family member, attorney, or any other support a party chooses to advise them. Where an party is a member of union, and entitled to have a union representative in the process, that party may be accompanied by the union representative as their Advisor. Certain individuals are excluded from serving as Advisors, including witnesses or any faculty or staff member participating in the Complaint Resolution Process as an administrator or Hearing Officer.

Advisors are expected to refrain from interference with the Complaint Resolution Process. Advisors may confer quietly with their advisee during meetings, interviews, or hearings as long as they do not disrupt or interfere with the Complaint Resolution Process. Advisors may not actively participate in any interviews, meetings, or hearings. Advisors also are expected to maintain confidentiality with respect to any information or documents presented or shared during the Complaint Resolution Process. Such records may not be shared with third parties, disclosed publicly, or used for purposes not explicitly authorized by the College.

Advisors who fail to adhere to these requirements may be warned and/or dismissed at the discretion of the Title IX Director, Dean of Students, and/or Hearing Officer.

H. Notice of Meetings/Access to Information
All parties will be given timely written notice of meetings, interviews, and hearings, and timely and equal access to information that will be used during informal and formal disciplinary hearings.

IV. REPORTING SEXUAL MISCONDUCT

A. Time Limitations for Reporting Sexual Misconduct
While there is no time limit for reporting incidents of sexual misconduct, all reports should be made as soon as possible after an incident occurs because the passing of time makes a review of the evidence more difficult and the memories of involved Parties become less reliable. After an initial inquiry, the Title IX Director reserves the right to forego an investigation where the responding member is no longer a sanctionable member of the community, unless there is an ongoing concern for the safety or well-being of the College community.

B. Reporting Sexual Misconduct, Gender Based Discrimination and Relationship Violence
The Complainant, a Witness, or anyone with knowledge of an alleged violation of the policy can submit a report of a violation. Reports of sexual misconduct may be submitted electronically using an incident report form, which can be found here: www.spelman.edu/title-ix

Options for reporting alleged incidents of sexual misconduct, including contact information and confidentiality

Sexual Misconduct Complaint Resolution Process

Revised 9/5/2019
considerations, are set forth in the College’s Sexual Misconduct Policy. This Complaint Resolution Procedure addresses the procedures the College will follow after it receives a report of alleged sexual misconduct.

V. INITIAL INQUIRY

Following the receipt of a report of alleged sexual misconduct, the College, through the Title IX Director or designee, will conduct an Initial Inquiry. The Initial Inquiry is not intended to be a comprehensive investigation. In most cases, the Initial Inquiry will begin with a meeting with the Complainant and the Title IX Director or designee. During the meeting, the Title IX Director or designee will:

- Assess the nature of the sexual misconduct allegations;
- Discuss the Complaint Resolution Process and the Complainant’s willingness to participate in the process, including the impact the Complainant’s non-participation would have on the process;
- Notify the Complainant of the right to contact (or decline to contact) law enforcement;
- Provide information about the preservation of evidence;
- Provide information about on and off campus resources;
- Discuss interim support and protective measures;
- Advise the Complainant of the right to have an Advisor present at meetings, interviews, and hearings;
- Explain retaliation.

The Title IX Director or designee also may contact the Reporting Party, if different from the Complainant, to gather additional facts about the report.

The scope and timing of further action will depend upon a number of factors, including but not limited to, whether the identity of the alleged victim is known; whether the Complainant is willing to participate in the Complaint Resolution Process, whether the Complainant requests anonymity or confidentiality, whether the Respondent is affiliated with the College, and whether the College has an obligation to proceed with an investigation based on concerns for the safety of the broader College community, regardless of the Complainant’s wishes.

Following an Initial Inquiry, the Title IX Director may make the following determinations:

- **Close the Case:** The Title IX Director may determine that there is not a reasonable basis to move forward with the Complaint Resolution Process. By way of example, the Title IX Director may close a case if the allegations, even if proven, would not violate the Sexual Misconduct Policy, if there are clear indications that the Respondent bears no responsibility (such as mistaken identity), or if the Respondent is not a sanctionable member of the College community (in which case support and protective measures may be put in place). The Title IX Director may reopen a case in the future if additional information becomes available or if a Complainant who previously was unwilling to participate in the Complaint Resolution Process reconsiders and decides to participate in the process.

- **Proceed with Complaint Resolution Process:** As discussed more fully below, if the Title IX Director determines that there is a reasonable basis to move forward with Complaint Resolution Process, the Title IX Director may choose to resolve the case through either informal or formal resolution processes. At any time, any Party may choose to end the informal resolution process and pursue a formal investigation and resolution.
VI. **INTERIM SUPPORT AND PROTECTIVE MEASURES**

At any time after a report of alleged sexual misconduct is received, the Title IX Director may put interim support and protective measures in place to protect the safety and security of the Complainant, Respondent, or the broader College community. Interim support and protective measures may be put in place regardless of whether the Complainant pursues or participates in the Complaint Resolution Process or makes a report to law enforcement. Interim support and protective measures are determined on a case-by-case basis based on individual needs, but may include:

- A no-contact directive placed between members of the community;
- Changes in campus academic, work, or living arrangements;
- Assistance in requesting academic accommodations or interim academic support;
- Access to medical and mental health services, including counseling;
- A formal request or warning that a community member cease certain behaviors;
- Removal of privileges or suspension of activity (including attendance in a specific class);
- Prohibited or limited access to the Spelman campus (pursuant to the camps Criminal Trespass Procedures);
- Issuance of a timely warning to the College community;
- Interim relocation or removal from campus housing (pursuant to the procedures set forth in the Student Handbook);
- Interim suspension or administrative leave pending resolution (pursuant to the procedures set forth in the applicable Student, Faculty, and Employee Handbooks).

In cases involving sexual assault (non-consensual sexual contact or non-consensual sexual intercourse), dating or domestic violence, or stalking: 1) the College will maintain as confidential any protective or support measures provided to the Complainant to the extent that maintaining confidentiality would not impair the College’s ability to provide the protective or support measures; and 2) upon the Complainant’s request, the College will provide reasonably available protective and support measures regardless of the Complainant’s decision to report to law enforcement.

VII. **NOTICE TO RESPONDENT**

If the determination is made to move forward with the Complaint Resolution Process, the Title IX Director will meet with the Respondent and will:

- Provide notice of the allegations of sexual misconduct;
- Discuss the Complaint Resolution Process;
- Provide information about the preservation of evidence;
- Provide information about on and off campus resources;
- Discuss interim support and protective measures;
- Advise the Respondent of the right to have an Advisor present at meetings, interviews, and hearings;
- Explain retaliation.

The Respondent will be provided with written notice of the allegations constituting an alleged violation of the Sexual Misconduct. The notice will identify the parties involved, the specific section of the Sexual Misconduct Policy constituting a potential violation, and the date and location of the alleged incident.
VIII. INFORMAL RESOLUTION

Where appropriate, the College will work to resolve sexual misconduct cases informally by taking immediate and corrective action to stop the misconduct, address its effects, and prevent its recurrence. Informal resolution is most commonly used in cases where the identities of the Complainant or Respondent are not known or when the Complainant wishes to remain anonymous or requests the matter be resolved informally and the College is able to honor this request. Informal resolution may also be used when there is not enough information to proceed to a formal resolution but some action is necessary to address the impact on the college community.

Participation in informal resolution is voluntary. Informal resolution is not used when a Complainant desires formal resolution, Respondent’s identity is known or when. At any time during the informal resolution process, either Party may initiate the formal resolution process by clearly requesting, in writing or verbally, to end the informal resolution proceedings.

Informal resolution does not result in findings related to responsibility or in sanctions. Options for informal resolution include, but are not limited to:

- A no-contact directive placed between members of the community;
- Changes in academic, work, or living arrangements;
- An educational meeting with the Respondent or related service requirement;
- Training for an individual, group or unit;
- A formal request or warning that a community member cease certain behaviors;
- Permanent relocation or removal from a residence hall.

If the Parties agree to the recommended resolution, the case will be closed with no further Complaint Resolution Process. If the Parties do not agree to the recommended resolution, the case will proceed to formal resolution. The time spent attempting to resolve the case informally generally will not be counted against the sixty (60) day time frame discussed above.

IX. FORMAL RESOLUTION

A. Investigation

Formal resolution begins with a prompt, fair, and impartial investigation into the allegations of sexual misconduct. All participants will be treated with respect and dignity. Depending upon the circumstances, one or more investigators will be assigned by the Title IX and Compliance Office, Office of the Dean of Students, Office of the Provost, or the Office of Human Resources. In some cases, another College office may conduct an investigation under the direction of these offices, or the College may retain an outside investigator. All investigators must have received training on issues related the College’s Sexual Misconduct Policy and sexual misconduct investigations, including cases involving domestic violence, dating violence, sexual assault (non-consensual sexual intercourse and non-consensual sexual contact), and stalking.

Depending on the circumstances and at its discretion, the College may consolidate for investigation multiple complaints involving the same Respondent and/or complaints where the Parties have made sexual misconduct allegations against each other.

The investigation will be conducted at the discretion of the investigator and generally will include interviews with the Complainant, Reporting Party (if different than Complainant), Respondent, and material Witnesses, and the collection and review of documents or other physical or electronic evidence. Generally, the investigator will meet with each Party and each Witness separately. In some cases, the investigator may interview the Parties and/or Witnesses more than once. The Parties may submit additional materials or information to the investigator following
their interview(s). In all cases, both the Complainant and Respondent will have equal opportunities to share information and have their information considered. Investigation meetings are not electronically recorded by the College, and may not be recorded by any participant. Parties and Witnesses may take notes during investigation meetings.

The Parties will both have the opportunity to present names of Witnesses and questions that they request the investigator ask the other party. Complainants and Respondents may only present factual Witnesses and may not present character or expert witnesses. The investigator will consider the Complainant and Respondent’s suggestions regarding potential witnesses and areas of inquiry, but these decisions remain in the investigator’s discretion. The investigator also may choose to interview other Witnesses, the investigator believes has pertinent information related to the complaint, not identified by the Parties.

At the conclusion of the investigation, the investigator will prepare a Preliminary Investigative Report which will include factual information presented during the investigation phase, and analysis, relevant consistencies or inconsistencies (if any) between Parties and Witnesses interviewed.

The Preliminary Investigative Report will be provided to the Parties via their respective College-assigned e-mail addresses. The Parties will have five (5) business days after receiving the Preliminary Investigative Report to submit written comments about the content of the Investigative Report to the Title IX Director.

Upon written request of a Party, the time to submit written comments can be extended for a brief period, if the Title IX Director concludes, in their sole discretion, that the additional time is warranted, based on a reasonable request of a Party.

After, reviewing the written comments, from the Parties, the investigator may determine that either additional investigation is required or no further investigation is needed. If further investigation is conducted, the investigator will include any additional relevant information in the Final Investigative Report. Comments and additional information, submitted by either Party, will be attached to the Final Investigative Report. The Final Investigative Report will be sent to the Parties via their respective College-assigned e-mail address. Parties may submit written comments to the Investigator’s Final Investigative Report within three (3) business days after receiving the report.

Following investigation, the matter will be resolved using either Administrative Resolution or Committee Hearing, as discussed below.

**B. Prior Sexual History**

In general, a Complainant’s prior sexual history is not relevant and will not be considered by the investigator. However, where there is a current or ongoing relationship between the Complainant and Respondent, the prior sexual history of the Parties may be relevant. The mere fact of a current or previous dating or sexual relationship, by itself, is insufficient to constitute consent. Any sexual history of the Complainant with other individuals is typically not relevant and generally will not be permitted.

**X. PRE-HEARING AND HEARING PROCESS**

The Title IX Director, in conjunction with the Dean of Students or designee (for students), the Provost or designee (for faculty), or the Director of Human Resources or designee (for staff), may refer a case for formal resolution to either an Administrative Conference or Panel Hearing. The Title IX Director will serve as an advisor to the process. Hearing Officers for both hearing processes are chosen from a pool of faculty and staff members trained in Title IX
and related issues including, but not limited to, issues related to sexual assault (non-consensual sexual contact or non-consensual sexual intercourse), dating and domestic violence, and stalking. One faculty or staff member will preside over Administrative Conferences. The composition of the Panel will consist of faculty or staff members, pursuant the Student or Faculty Handbook. A Chair will be appointed to preside over the Panel Hearing process. Administrative Conferences and Panel Hearings generally follow the same procedures except when indicated otherwise (for example, Panel Hearings are decided by a majority vote of three while Administrative Conference have only one Hearing Officer).

Generally, the Title IX Director, in conjunction with the Dean of Students or designee (for students), the Provost or designee (for faculty) or the Director of Human Resources or designee (for staff), will refer to cases to an Administrative Conference that do not have the potential to result in a Respondent’s separation from the College, i.e. suspension, expulsion, loss of recognition as a College-affiliated organization, or dismissal. The preference of either Party may be considered in deciding whether to refer a case to an Administrative Conference or Panel Hearing.

In cases involving more than one Respondent, the Title IX Director, in conjunction with the Dean of Students or designee (for students), the Provost or designee (for faculty) or the Director of Human Resources or designee (for staff) may permit either a joint or separate hearing.

A. PRE-HEARING PROCESS

The Parties will be provided with a written Notice of Hearing stating the time, date, and place of the hearing. The Notice will state whether the hearing will be conducted as an Administrative Conference or Panel Hearing.

The Notice of Hearing will be provided to the parties at least at least five (5) business days prior to the hearing unless the Parties and the Title IX Director have agreed to proceed more quickly.

No less than three (3) business days prior to the scheduled hearing, either Party may request, in writing, that the scheduled hearing date be changed due to a stated conflict. The Title IX Director will evaluate the request and determine whether there is valid cause to change the hearing date.

The Notice of Hearing will identify the faculty or staff member(s) serving as the Hearing Officer(s). If any Party objects to any individual serving as a Hearing Officer based on a perceived bias or conflict of interest, such concerns must be raised in writing to the Title IX Director no less than three (3) business days prior to the scheduled hearing. The Title IX Director will evaluate the concerns and appoint a new Hearing Officer(s) if valid cause, as determined by the Title IX Director exists.

Two (2) business days prior to the hearing, each Party must provide the Title IX Director with the identity of their Advisor.

B. HEARING PROCESS

1. Administrative Conference

An Administrative Conference involves an assessment made by the college official with authority to take corrective and/or disciplinary action against a Respondent. This assessment includes a review of the investigator's Final Investigative Report, including documentary and physical evidence or information included in the report. The Hearing Officer also will be provided with any written comments to the investigator’s Final Investigative Report submitted by the Parties. The Hearing Officer may pose questions to the Parties and Witnesses. The Hearing Officer will use a preponderance of evidence standard in deciding whether the Respondent is responsible for violating the Sexual Misconduct Policy (as to each alleged violation). This standard requires a finding that it is more likely than not that the Respondent is responsible for violating the Sexual Misconduct Policy (as to each alleged violation).
• **For student Respondents**, the Dean of Students or designee will conduct the Administrative Conference.

• **For staff Respondents**, the Director of Human Resources or designee will conduct the Administrative Conference.

• **For faculty Respondents**, the Provost/Vice President for Academic Affairs or designee will conduct the Administrative Conference.

2. **Hearing Panels in Certain Student and Faculty Cases**

In cases where a Deputy Title IX Coordinator or designee, in consultation with the Title IX Director, has determined the alleged violation could result in a sanction or corrective action involving separation from the College (i.e., dismissal, suspension, exclusion, termination, leave, degree revocation, expulsion, or group dissolution), the matter will be heard in a panel hearing pursuant to the appropriate committee review process, as outlined in the Student or Faculty Handbooks.

Review and Determination by Hearing Officers will be conducted according to the following guidelines:

- Hearings will be closed to the public.
- The parties have the right to be present at the hearing; however, they do not have the right to be present during deliberations.
- If Parties fail to appear at the hearing, the hearing officer(s) reserve the right to proceed as scheduled.
- Persons other than the parties and their Advisors (discussed below) may be admitted to the hearing at the discretion of the Hearing Officer(s).
- The Hearing Officer(s) may limit contact or interactions between the Complainant, Respondent, and/or Witnesses.
- The Hearing Officers will be provided with a copy of the investigator’s Final Investigative Report, including documentary and physical evidence or information included in the report. The Hearing Officers also will be provided with any written comments to the investigator's Final Investigative Report submitted by the Parties.
- The Hearing Officer(s) may pose questions to the Parties and Witnesses. The Parties also will be given the opportunity to submit questions to the Hearing Officer(s) directed toward the other Party. The Hearing Officer(s) may use discretion in deciding whether to ask a particular question submitted by a Party.
- All procedural questions are subject to the final decision of the or Chair of the Panel Hearing.
- The Hearing Officer(s) will use a preponderance of evidence standard in deciding whether the Respondent is responsible for violating the Sexual Misconduct Policy (as to each alleged violation). This standard requires a finding that it is more likely than not that the Respondent is responsible for violating the Sexual Misconduct Policy (as to each alleged violation).
- Panel Hearings will be decided by a majority vote of the Hearing Officers.

The Hearing Officer(s) will prepare a written Deliberation Report and deliver it to the Title IX Director. The Deliberation Report should state the decision of responsibility or no responsibility as to each alleged Sexual Misconduct Policy violation, how each Hearing Officer voted (in the case of a Panel Hearing), explain the basis for the decision, and recommended sanction or corrective action. The report should not exceed two (2) pages in length and must be submitted to the Title IX Director within two (2) business days following the hearing. Final determination regarding sanction or corrective action will be made by the College Official with authority to take corrective and/or disciplinary action.
The Title IX Director, in conjunction with the Dean of Students or designee (for students), the Provost or designee (for faculty), or the Director of Human Resources or designee (for staff) will review the Deliberation Report to ensure Final Decision is in compliance with Title IX Regulations.

XI. NOTIFICATION OF OUTCOME

The Complainant and the Respondent will both be notified simultaneously in writing of the findings of the Administrative Conference or Panel Hearing

Notification to the Complainant will include findings related to violations of policy, remedies offered or provided to the Complainant, sanctions imposed on the Respondent that directly relate to the Complainant, and any other steps the College has taken to prevent the recurrence and eliminate a hostile environment, if such was found to exist. The Respondent generally will be notified of the findings and sanctions, including individual non-confidential remedies offered or provided to the Complainant. Complainants and Respondents are informed of appeal procedures and any changes to the outcome that occur prior to the time that such outcome becomes final. The College encourages the Parties to maintain confidentiality of all communication related to findings and sanctions.

XII. SANCTIONS

When a violation of the Policy is found, sanctions are determined based on several factors, including the severity of the conduct and any prior policy violations. In addition, the College may take steps to address the effects of the conduct on victims and others, including, but not limited to, counseling and support resources, academic and housing assistance, change in work situations, leaves of absence, and training or other preventative measures. Sanctions and remedial actions aim to eliminate any hostile environment, prevent sexual misconduct from recurring, and remedy any discriminatory effects on a Complainant or others. Sanctions and corrective actions can include, but are not limited to:

The following are the typical sanctions that may be imposed upon students or organizations singly or in combination:

- Letter of Warning
- Disciplinary Probation
- Suspension
- Expulsion/ Dismissal
- Withholding Diploma
- Revocation of Degree
- Transcript Notation
- Educational Project
- Suspension from Housing
- Restitution
- Restricted Access

The following are the typical sanctions that may be imposed upon faculty or staff:

- Warning – Written or Verbal
- Performance Improvement Plan
- Required Counseling
- Required Training or Education
- Demotion
- Loss of Annual Pay Increase
- Suspension without Pay
- Suspension with Pay
- Revocation of Tenure
- Termination
XIII. APPEALS

APPEALS REVIEW PROCEDURES
The Complainant or Respondent may appeal the outcome of a Hearing Officer(s) decision Title IX Director and governing Vice President (in some cases where appeals to the Provost/Vice President of Academic Affairs present a conflict, appeals are submitted to the President), listed below. All Parties will receive timely notification of the status of requests for appeal, the status of the appeal consideration and the result of the appeal decision.

For consideration, appeals must be in writing, within five (5) business days of notification of the outcome. Any exceptions are made at the discretion of the Title IX Director. Written appeals are limited to five (5) pages and specify the basis for the appeal. The original finding is presumed to have been decided reasonably and appropriately by a preponderance of the evidence. The only grounds for appeal are as follows:

- New information discovered after the investigation that could not have reasonably been available at the time of the investigation and is of a nature that could materially change the outcome;
- Procedural errors within the investigation or resolution process that may have substantially affected the fairness of the process;
- An outcome (findings or sanctions) that was manifestly contrary to the weight of the information presented (i.e., obviously unreasonable and unsupported by the great weight of information).

In the event sanctions were imposed, it shall be in the discretion of the Title IX Director and the sanctioning office whether the sanctions shall be implemented or stayed pending resolution of an appeal.

If the grounds for appeal is based on one of the allowable categories, the appropriate Appellate officer may delegate the review of an appeal to a designee or Appeal Committee, pursuant to the procedures outlined in the appropriate handbook.

An appeal of a complaint against a student should be addressed to:

Dr. Darryl Holloman
Vice President, Student Affairs
Manley Student Center, Rm.
dholloman@spelman.edu

An appeal of a complaint against a faculty member should be addressed to:

Sharon L. Davies
Provost/ Vice President, Academic Affairs
Rockefeller Hall, Room 101
sldavies@spelman.edu

An appeal of a complaint against a staff member, or vendor should be addressed to:

Sexual Misconduct Complaint Resolution Process

Revised 9/5/2019
Dawn Alston  
Vice President, Business and Financial Affairs  
Rockefeller Hall, Room 30  
dalston@spelman.edu

The decision on an appeal will be issued as expeditiously as possible, usually within 15 business days, though this may vary based on the scope of the appeal or unforeseen circumstances. The reviewer may review the full case, beyond the aspects of the case outlined in the request for appeal. If the reviewer does not find that any of the three grounds for appeal are present in the case, the outcome will be upheld. If the reviewer finds that any of the grounds for appeal are present in the case, they may amend the outcome, may issue a new outcome, or may refer the matter back to the investigator for further consideration. A final outcome on an appeal is not subject to further appeal.