



TITLE IX: RIGHTS OF REPORTING AND RESPONDING PARTIES

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INVESTIGATION AND RESOLUTION

1. Upon receipt of a complaint, Lander University will conduct the investigation, based on established guidelines, in a prompt, thorough, impartial and equitable manner.
2. The person subject to the complaint shall be provided information as to the nature of the complaint.
3. While not required, both the reporting and responding party shall have the equal opportunity to choose an independent advisor present for assistance, support and advice. The independent advisor may be brought into the process at any time at the request of the alleged victim or accused.
4. In connection with any such disciplinary hearings/actions, the person filing the complaint and the person who is the subject of the complaint, have equal rights to be interviewed, identify witnesses, and provide and receive documentation and witness lists pertaining to the complaint, and if any appeal is provided, to appeal the decision. Students may appeal grievances as stated and outlined in the Student Code of Conduct.
5. In most cases, a prompt, thorough, impartial, and equitable investigation should be completed within 45 calendar days of receipt of the complaint.
6. The university uses the preponderance of evidence (also known as “more likely than not”) as a standard of proof of whether a violation occurred. In campus resolution proceedings, legal terms like “guilt,” “innocence” and “burdens of proof” are not applicable, but the university never assumes a responding party is in violation of university policy. Campus resolution proceedings are conducted to take into account the totality of all evidence available, from all relevant sources.
7. At the completion of the investigation, appropriate determinations will be made regarding the resolution of the matter, and depending on the circumstances, both parties may be informed concurrently of the resolution. If warranted, disciplinary action up to and including involuntary termination or expulsion will be taken. Any such disciplinary action shall be taken, as applicable, in accordance with the Sex/Gender-Based Misconduct Policy and other applicable policies as defined , but not limited to the Faculty, Staff, Athletic or Student Handbook.
8. In the event actions are taken against an individual, such matters generally remain confidential under those sections, except that final decisions following hearings or appeals of professional employees are subject to public records. Student matters generally remain confidential under FERPA. All information shared with reporting parties will be in accordance with federal and state laws.
9. When discriminatory conduct or sexual harassment involves a crime of violence or a non-forcible sex offense, FERPA permits the institution to disclose to the alleged victim the final results (limited to the name of the accused, any violation found to have been committed, and any sanction imposed) of a disciplinary proceeding against the accused, regardless of whether the institution concluded that a violation was committed. With respect to an institutional disciplinary proceeding alleging a sex offense, the Clery Act requires that the accuser and the accused must be informed concurrently of the outcome.
10. In the event a student is found to have engaged in sexual harassment of another student, the institution shall disclose to the student who was harassed, information about the sanction imposed on the student who was found to have engaged in harassment, when the sanction directly relates to the harassed student.

RIGHTS OF THE REPORTING PARTY

1. The right to investigation and appropriate resolution of all credible complaints of sexual misconduct made in good faith to Lander University administrators;
2. The right to be treated with respect by university officials;
3. The right of both accuser and accused to have the same opportunity to have others present (in support or advisory roles) during a campus disciplinary hearing;
4. The right not to be discouraged by university officials from reporting an assault to both on-campus and off-campus authorities;
5. The right to be informed of the outcome and sanction of any student disciplinary hearing involving sexual assault, usually within 24 hours of the end of the conduct hearing;
6. The right to be informed by university officials of options to notify proper law enforcement authorities, including on-campus and local police, and the option to be assisted by campus authorities in notifying such authorities, if the individual so chooses. This also includes the right not to report, if this is the victim's desire;
7. The right to be notified of available counseling, mental health or services for victims of sexual assault, both on campus and in the community;
8. The right to notification of and student options for, and available assistance in, changing academic and living situations after an alleged sexual assault incident, if so requested by the victim and if such changes are reasonably available (no formal complaint, or investigation, campus or criminal, need occur before this option is available). Accommodations may include:
 - a. Change of an on-campus student's housing to a different on-campus location;
 - b. Assistance from university support staff in completing the relocation;
 - c. Arranging to dissolve a housing contract and pro-rating a refund;
 - d. Exam (paper, assignment) rescheduling;
 - e. Taking an incomplete in a class;
 - f. Transferring class sections;
 - g. Temporary withdrawal;
 - h. Alternative course completion options.
9. The right of notification of and employee options for, and available accommodations as so requested by the victim. Employee accommodations may include orders of protection, courtesy escort, counseling, modified work schedule, and leave.
10. The right not to have irrelevant prior sexual history admitted as evidence in a campus hearing;
11. The right not to have any complaint of sexual assault mediated (as opposed to adjudicated);
12. The right to make a victim-impact statement at the campus conduct proceeding and to have that statement considered by the board in determining its sanction;
13. The right to a campus no contact order against another individual who has engaged in or threatens to engage in stalking, threatening, harassing or other improper behavior that presents a danger to the welfare of the complaining student or others;
14. The right to have complaints of sexual misconduct responded to quickly and with sensitivity by campus law enforcement;
15. The right to appeal the findings in accordance with the standards for appeal based on compelling justification established by the institution;
16. The right to review all documentary evidence available regarding the complaint, subject to the privacy limitations imposed by state and federal law, at least 48 hours prior to the hearing;

17. The right to be informed of the names of all witnesses who will be called to give testimony, within 48 hours of the hearing, except in cases where a witness' identity will not be revealed to the accused student for compelling safety reasons (this does not include the name of the alleged victim/complainant, which will always be revealed);
18. The right to preservation of privacy, to the extent possible and allowed by law;
19. The right to a hearing closed to the public;
20. The right to petition that any member of the conduct body be removed on the basis of demonstrated bias;
21. The right to bring a victim advocate or advisor to all phases of the investigation and campus conduct proceeding;
22. The right to give testimony in a campus hearing by means other than being in the same room with the accused student;
23. The right to ask the investigators to identify and question relevant witnesses, including expert witnesses;
24. The right to be fully informed of campus conduct rules and procedures as well as the nature and extent of all alleged violations contained within the complaint;
25. The right to have the university compel the presence of student, faculty and staff witnesses, and the opportunity (if desired) to ask questions, directly or indirectly, of witnesses (including the accused student), and the right to challenge documentary evidence;
26. The right to be present for all testimony given and evidence presented before the conduct body;
27. The right to have complaints heard by conduct and appeals officers who have received annual sexual misconduct training;
28. The right to a conduct panel comprised of representatives of both genders;
29. The right to have university policies and procedures followed without material deviation;
30. The right to be informed in advance of any public release of information regarding the complaint; and
31. The right not to have released to the public any personally identifiable information about the complainant, without his or her consent.

Individuals experiencing harassment or discrimination also always have the right to file a formal grievance with government authorities. (Reference [Sex/Gender-Based Misconduct Policy](#).)

RIGHTS OF THE RESPONDING PARTY

1. The right to investigation and appropriate resolution of all credible complaints of sexual misconduct made in good faith to university administrators against the accused student;
2. The right to be treated with respect by university officials;
3. The right to be informed of and have access to campus resources for medical, counseling, and advisory services;
4. The right to be fully informed of the nature, rules and procedures of the campus conduct process and to timely written notice of all alleged violations within the complaint, including the nature of the violation and possible sanctions;
5. The right to a hearing on the complaint, including timely notice of the hearing date, and adequate time for preparation;
6. The right not to have irrelevant prior sexual history admitted as evidence in a campus hearing;
7. The right to make an impact statement at the campus conduct proceeding and to have that statement considered by the board in determining its sanction;
8. The right to appeal the findings of the conduct body, in accordance with the standards for appeal established by the institution;
9. The right to review all documentary evidence available regarding the complaint, subject to the privacy limitations imposed by state and federal law, at least 48 hours prior to the hearing;

10. The right to be informed of the names of all witnesses who will be called to give testimony, within 48 hours of the hearing, except in cases where a witness' identity will not be revealed to the responding party for compelling safety reasons. (This does not include the name of the reporting party, which will always be revealed);
11. The right to a hearing closed to the public;
12. The right to petition that any member of the conduct body be removed on the basis of bias;
13. The right to have the university compel the presence of student, faculty and staff witnesses, and the opportunity to ask questions, directly or indirectly, of witnesses, and the right to challenge documentary evidence;
14. The right to have complaints heard by conduct and appeals officers or other staff who have received annual sexual misconduct adjudication training;
15. The right to have university policies and procedures followed without material deviation;
16. The right to have an advisor or advocate accompanying and assisting in the campus hearing process. This advisor can be anyone, [optional: including an attorney (provided at the accused student's own cost)], but the advisor may not take part directly in the hearing itself, though they may communicate with the accused student as necessary;
17. The right to a fundamentally fair hearing, as defined in these procedures;
18. The right to a campus conduct outcome based solely on evidence presented during the conduct process. Such evidence shall be credible, relevant, based in fact, and without prejudice;
19. The right to written notice of the outcome and sanction of the hearing;
20. The right to a conduct panel comprised of representatives of both genders; and
21. The right to be informed in advance, when possible, of any public release of information regarding the complaint.

My below signature certifies that information regarding investigation, case resolution, and the afforded rights of both the reporting party and the responding party has been satisfactorily provided to me.

Involved Party's Signature: _____

Date: _____

Printed Name: _____

Date: _____

Witness Signature: _____

Date: _____