

Grievance Process Track B

Standard of Evidence & Presumption of Not Responsible. All Grievance Process tracks will use the preponderance of the evidence standard, as defined in [HOP 3-3031](#). By law, the burden does not shift to the Respondent when the Respondent asserts an affirmative defense; it is presumed that the Respondent is not responsible for the alleged conduct unless that determination regarding responsibility is made at the conclusion of the Grievance Process.

GRIEVANCE PROCESS TRACK B CONDITIONS

- a) The alleged conduct includes Sexual Assault, Dating Violence, Domestic Violence, Stalking, and/or Sexual Harassment, and the alleged conduct occurred off campus and substantially affects a person's education or employment with the University or poses a risk of harm to members of the University community; and
- b) The Respondent is a student (including a student employee), employee, or other university affiliate at the time of the alleged conduct.

1. Written Notice of the Formal Complaint and Notification of University Offices Offering Assistance

After a Formal Complaint has been signed, Parties will receive a written Notice of the Formal Complaint, which includes available University support and resources along with the following:

- A notice of the Grievance Process steps, as outlined in HOP 3-3031;
- A notice of the allegations that potentially constitute Prohibited Conduct under this Policy, including sufficient details about the alleged conduct, including the identity of the Parties, if known, and the date(s), time(s), and location(s) of alleged conduct known by the University at the time the Notice of the Formal Complaint is issued;
- A statement of the potential policy violations being investigated;
- A statement that the Respondent is presumed not responsible for the alleged conduct and that the determination regarding responsibility will be made at the conclusion of the Grievance Process;
- A statement of the range of possible disciplinary sanctions and remedies the University may implement upon a determination of responsibility;
- A statement that credibility determinations will not be based on a person's status as a Complainant, Respondent, or Witness;
- Parties may have an advisor of their choice, who may be, but is not required to be, an attorney, and may inspect and review all evidence;
- A statement that the Parties may review evidence gathered as part of the investigation;
- A statement that knowingly making false statements or knowingly submitting false information during the Grievance Process is prohibited and subject to disciplinary action; and
- Any other information relevant to the written notice.

2. Investigation of the Formal Complaint—Gathering of Evidence

- a) Notice of Investigation is sent to Parties;

- b) Respondent Statement and Interview;
- c) Notice of events to Parties;
- d) Parties submit evidence and names of Witnesses;
- e) Witness Interviews
- f) Parties are provided access to evidence and the investigation report where they will have 10 business days to inspect, review, and respond to the evidence;
- g) The completed investigation report is provided to Parties and Advisors at least 10 business days prior to the scheduled hearing; and
- h) The investigation of a Formal Complaint will be concluded within 90 business days of the Notice of the Formal Complaint.

3. Live Hearing — Determination of Responsibility

- a) Written Notice of Hearing sent to Parties at least 10 days prior to the hearing date;
- b) Challenges to Hearing Officer, if any;
- c) Access to evidence from the investigation;
- d) Opening and closing statements by all Parties;
- e) Questions asked by Hearing Officer, neutral University representative, and Advisors;
- f) Recording of hearing will be available to Parties; and
- g) Hearing Officer will issue a Written Determination Letter to Parties.

4. Appeals regarding a Respondent's responsibility may be made by either Party within 10 business days of the Written Determination letter, then the Final Determination is issued to Parties.