

## **Title IX Detailed Step-by-Step Process Guide**

### ***Definitions***

Complainant: person making accusation

Respondent: person accused

Title IX Co-Coordinators: individuals tasked with investigating Sexual misconduct cases and gathering all evidence

Appropriate VP's: VP of Student Life (for Title IX cases where the respondent is a student);  
VP for Campus Operations (for cases where the respondent is an employee);  
VP for Academic Affairs (for cases where the respondent is a faculty member)

Special Investigator: Person appointed by the Appropriate VP to review Severe Title IX cases. May or may not be a DTS employee.

Hearing Committee: Members selected from a predetermined list to serve as jurors in severe Title IX cases

### ***Allegation Received:***

- A Complainant notifies a staff member or sends an email to Title9Complaint@dts.edu to register a Title IX concern.
- Staff member promptly notifies the Title IX Co-Coordinator after being notified or witnessing an act of misconduct.
- Once the Title IX Co-Coordinator is notified of a complaint, separate interviews will be scheduled for both the Complainant and the Respondent.
- If the Title IX Co-Coordinator believes an imminent risk of additional harm to the Complainant or harm to others exists, then the Co-Coordinator will expedite the separation of the Respondent from the Complainant and other potential victims.

### ***Evidence Gathered:***

- A Title IX Co-Coordinator will contact the Complainant within 2 business days to schedule a date as quickly as possible (not more than 5 business days) to listen to his/her allegations, gather any evidence, and ensure the following steps are completed\*:
  - Provide a written copy of the DTS Title IX Abuse and Discrimination Resources pamphlet and makes sure the Complainant understands his/her rights
  - Provide a written copy of the DTS Title IX Step-by-Step Process Guide that outlines steps and timelines
  - Encourage the Complainant to seek immediate care and assist in expediting a meeting with the Counseling and Emotional Support Services office
  - Communicate protection steps and retaliation policy
  - Meet with any witnesses and gather evidence

- A Title IX Co-Coordinator will prepare a Detailed Incident Report within 2 business days of the meeting
  - \*If the complainant is not the victim of the alleged sexual assault, the Title IX Co-Coordinator will ensure that the above steps are completed with both the complainant and the victim.
- A Title IX Co-Coordinator will contact the Respondent within 2 business days to schedule a date as quickly as possible (not more than 5 business days) to listen to the Respondent's response to the allegations, to gather any evidence, and ensure the following steps are completed:
  - Provide a written copy of the DTS Title IX Abuse and Discrimination Resources pamphlet, Statement on Marriage and Human Sexuality, and Community Covenants
  - Provide a written copy of the DTS Title IX Step-by-Step Process Guide that outlines steps and timelines
  - Communicate retaliation policy
  - Meet with any witnesses and gather evidence
  - If the Respondent refuses to meet with the Title IX Co-Coordinator or is not a student, or if the circumstances of the case are clear, the timeline may be expedited
- The Title IX Co-Coordinator will prepare a Detailed Incident Report within 2 business days of the meeting
- The Title IX Co-Coordinator will email the Detailed Incident Report from the Complainant and the Respondent (if available) to the Appropriate VP and schedule a meeting within 2 business days after sending the completed report

***Decision Rendered:***

- Within 2 business days after receiving the Detailed Incident Report, the Appropriate VP will use the following criteria to determine if the case is Severe or Not Severe:
  - Was a threat of physical violence involved?
  - Is the allegation of a recurring nature or an isolated event?
  - Was someone harmed or is there a risk of future harm?
  - Was an individual unable to deny consent (fear, incapacitation, alcohol, etc.)?

(If the answer to any two of the above is yes, then the case is considered Severe. Otherwise the case is categorized as Not Severe.)
- If the Appropriate VP determines that the case is **Not Severe**, based on the the facts of the case, he or she will send a separate email to both parties within 2 business days and include the following:
  - The case rulings and outcome
  - Disciplinary action (if any) that will be taken against one or both parties
  - Notification that the case is closed
  - Notification of how to appeal the decision
- If the Appropriate VP determines that the case is **Severe**, based on the facts of the case,
  - The Appropriate VP will make a decision within 2 business days of receiving the Detailed Incidence Reports from the Title IX Co-Coordinator. The decisions will include the following:

- Determination as to if Interim Measures are required which could include suspension from class/work, denial of access to the campus, or suspension from duties with or without pay
    - Determination as to if a Clery Timely Warning to Campus is necessary
    - Determination as to if outside authorities need to be notified
  - The Appropriate VP will send a separate email to both parties within 2 business days and copy the Title IX Co-Coordinator. The email will include the following:
    - The Detailed Incident Report from the Complainant and the Respondent
    - Notice that an Investigation is being conducted by a Special Investigator
    - The Interim Measures that will be implemented during the investigation period
    - Instructions to both the Complainant and Respondent that they are **Not to Contact** one another during the pendency of this case
    - Instructions for how to report a violation to any of these conditions
    - Notice that once the investigation is completed, a hearing will be conducted
    - Notice on how the hearing date and location will be communicated
- A Special Investigator will be named within 10 business days to conduct interviews with the Complainant, any Witnesses of the Complainant, the Respondent, any Witnesses of the Respondent, and other witnesses.
- Before 30 business days from the initial complaint, the Special Investigator will notify the Title IX Co-Coordinator if additional time is needed to complete the investigation. The Title IX Co-Coordinator will notify all parties of the needed extension.
- Once completed, the Special Investigator will notify the Title IX Co-Coordinator to send a Notice of a Hearing to all parties of the case which will include the following:
  - The location and time of the hearing
  - A time to review all of the evidence used in creating the Special Investigators Report before the Hearing

***Hearing:***

- Once the Special Investigator has concluded his investigation, he or she will present the evidence to the Hearing Committee
- The Complainant and the Respondent will be given the opportunity to address the Hearing Committee during the Hearing
- The Hearing Committee will render its Ruling before adjourning
- The audio of the Hearing will be recorded and made available to both parties

***Appeal Process*** (if requested):

- Either party may request an appeal of the decision of the Hearing Committee by sending a letter to the Title IX Co-Coordinator within 10 business days of the Hearing Committees Ruling
- If no Appeal is received within 10 business days, the decision is final

***Appeal:***

- The Appeal will be heard by the President or his designee
- The Appeal will be scheduled within 5 days after receipt of the notice of Appeal and will be scheduled within 30 business days

- The Appeal will consider all evidence previously provided (including the Detailed Incidence Reports and the transcript of the Hearing) and additional statements from the Respondent, Complainant, and Special Investigator (if one was used)
- The President or his Designee will Rule on the Appeal no less than 10 business days after the Appeal is heard
- The Ruling made by the President or his designee at the Appeal is final