



## WHAT HAPPENS WHEN I SUBMIT A FORMAL TITLE IX COMPLAINT?

Upon receiving a report of alleged sexual misconduct or sex discrimination, Roberts Wesleyan University will:

1. Take immediate and appropriate action to stop any misconduct; to prevent its recurrence, and to remedy the effects of any misconduct.
2. Treat all persons with respect, dignity, and fairness.
3. Conduct an intake assessment to determine if the report is a Title IX matter which requires further action;
4. Where indicated by the intake assessment, conduct a preliminary inquiry of the report.
  - Provide information to the Reporting Party and the Respondent (if a student or employee) about their rights as well as available resources;
  - At the conclusion of the preliminary inquiry, the investigator shall submit a detailed report with their findings and possible recommendations: whether there is reasonable cause (ex. sufficient substantiating evidence) to proceed a formal disciplinary hearing or whether an informal resolution is appropriate. The parties will have an opportunity to review the report & respond.
5. Where indicated by the preliminary inquiry, conduct a disciplinary hearing of the report.
  - Each party shall have the opportunity to present testimony, evidence, and witnesses.
  - The Hearing Officer shall determine if the Respondent violated the Title IX Sexual Discrimination Policy
  - The standard of proof shall be the Preponderance of Evidence.
  - If the Respondent is found responsible, an appropriate consequence or sanction shall be imposed; options may include considerations of suspension and dismissal from the University.
6. Follow all appropriate procedures as detailed in Title IX materials, the Code of Student Conduct, Human Resources Manual, other related institutional policies, state/federal mandates, and legal standards
7. Encourage and support a report to local law enforcement for any criminal act; cooperate with any criminal investigation/prosecution.

### Complainant Confidentiality

All requests for confidentiality or requests not to initiate University action shall be considered; whether the complainant's request can be honored shall be based upon the following factors:

- immediate safety and well-being of the complainant
- immediate safety and well-being of the campus or local community (ex. prior history of accused, potential for repeated behavior, predatory behavior, weapon, ongoing threat, multiple accused persons)
- whether the misconduct or discrimination can be eliminated and remedied via other means
- whether other evidence is available that permits action without the complainant's participation
- whether the complainant's concerns can be addressed (identify and resolve barriers)
- the process is confidential up to the point any allegations are contested.

The complainant cannot be compelled to participate in any process; however, even if the complainant declines to participate, the University must implement interim measures and take reasonable steps to prevent future acts.

#### Complainant Amnesty

Complainants and witnesses shall not be subject to disciplinary action for drug/alcohol violations, if the:

- violation occurred during/near time of assault,
- assault report/participation is in good faith, and
- violation was “not an act that was reasonably likely to place the health or safety of another individual at risk.”

Withdrawing a complaint Any person who has submitted a formal complaint has the option to subsequently withdraw the complaint without penalty or consequence. Circumstances may change or, as the complaint process unfolds, an acceptable resolution is reached. Such an “exit” from the complaint process may occur at any stage. If that occurs, the complainant should notify the Title IX Coordinator, in writing.

Third Party Communication Only the persons involved in the complaint will receive any communication about the complaint; third parties will not be given information regarding any of the specifics related to a complaint or information that compromises the integrity of the process or the confidentiality and dignity of any person.

Advisor (Support person) This process is NOT a legal proceeding, and legal standards do not apply. However, you have the right to consult an advisor or support person, who may accompany you to any University proceeding but who may not participate; you are welcome to consult this person at any time in private. Students who are the Complainant or the Respondent have the right to an attorney. You must provide the name and title (if any) of your support person to the Title IX Coordinator one business day before any meeting.

Any questions may be directed to Monika Robertson, Title IX Coordinator at 585-594-6222 or via email at [Robertson\\_monika@roberts.edu](mailto:Robertson_monika@roberts.edu)