

## **Simpson College Title IX Formal Resolution: 1. Grievance Procedure**

Formal resolution follows the formal Grievance Procedure and includes an investigation, the submission of an investigation summary report, and adjudication (including potential appeal).

Simpson College will endeavor to complete the Grievance Procedure following receipt of a Formal Complaint within 90 days of receiving a Formal Complaint. Simpson College may temporarily delay or extend the Grievance Procedure when good cause exists to do so. Good cause for delay or extension may include:

- Accommodating the availability of a party, witness, advisor, investigator, or review board member
- Addressing scheduling conflicts that may arise due to Simpson College's break schedule
- Law enforcement activity related to the incident
- Arranging language assistance
- Accommodating an individual's disability
- Other circumstances beyond the College's control

Throughout the Formal Resolution process, both parties will receive notice of all meetings scheduled with either party.

### The Grievance Procedure

#### 1. Investigation of a Formal Complaint

Title IX regulations require that after a Formal Complaint is filed, the College must investigate the allegations. College officials involved will discharge their obligations under these procedures fairly and impartially. Identified conflicts of interest will be disclosed to the College, addressed and, if necessary, other appropriate individuals will be designated to fill the role of a potentially conflicted official. Sexual misconduct investigations are conducted by trained investigator(s) or other officials who receive training on issues related to sexual misconduct.

# SIMPSON COLLEGE



## Assignment of Investigator(s)

The Title IX Coordinator or their designee will choose one or more investigator(s) to review and investigate all details of Formal Complaint. The investigator(s) are trained staff, faculty, or attorneys that will be chosen based on availability and knowledge of the case. Both the Complainant and the Respondent may petition, in writing, to the Title IX Coordinator to have any investigator removed on the basis of bias or a conflict of interest. An investigator will only be removed should the Title IX Coordinator find credible evidence of bias or conflict. In the event that any investigator needs to be removed from the investigation for any reason, an alternative investigator will be selected by the Title IX Coordinator.

## Burden of Proof and Presumption of Non-Responsibility

Throughout the investigation, the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rests on Simpson College—not on a complainant or a respondent. Throughout the proceeding, until the issuance of a decision by the review board, a respondent will be presumed not responsible for the allegations in the Formal Complaint.

## Equal Opportunity

Each party will have an equal opportunity to present witnesses to the investigators, including expert witnesses. Each party will also have an equal opportunity to present evidence that they believe supports or disproves the allegations. Neither the investigators nor Simpson College will restrict a party's ability to discuss the allegations under investigation, or gather and present relevant evidence.

The parties will have the same opportunity to have others present for any part of the Grievance Proceeding, including the opportunity to be accompanied to any investigation meeting by a single advisor.

## Interviews

# SIMPSON COLLEGE



The investigation will generally include interviews of the Complainant and Respondent and interviews and/or written statements from any witnesses, as well as the review of any other evidence relevant to the incident. If an in-person interview is requested, the investigator or Simpson College representative will provide written notice of the date, time, location, participants, and purpose of the requested interview at least three business days before the interview.

The Complainant and Respondent will be permitted to have their advisor present during the interviews, however during the investigation phase these individuals are permitted to participate only in an advisory capacity to the party. Advisors may confer with the party they are supporting but are not permitted to otherwise actively engage in the investigation or meetings outside the formal hearing.

## Witnesses

During the investigation, both the Complainant and the Respondent may identify relevant witnesses, including expert witnesses, to present to the investigators. Witnesses cannot be participating solely to speak about an individual's character. If it is clear a witness would not contribute relevant information about the case, the investigator(s) may choose not to interview the witness. The investigators will electronically record any interviews, and these recordings will be made available to all parties to inspect and review at the conclusion of the investigation.

## Evidence

Also during the investigation, the parties are encouraged to provide any other directly related evidence, including but not limited to correspondence between the parties and physical evidence. At least ten days prior to the close of evidence, the College must make available all directly related evidence gathered in the investigation for the parties to inspect and review, whether inculpatory or exculpatory, and whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to the conclusion of the investigation. While the College seeks to keep all written accounts of the incident

# SIMPSON COLLEGE



confidential, complainants and respondents can talk freely about the incident. The College encourages complainants and respondents to seek the counsel of those they trust.

## Close of Evidence Notice

Prior to the drafting of an Investigation Report, the parties will be informed of the pending close of the investigation phase so that the parties will have the opportunity to submit any additional evidence and/or suggest additional witnesses to be interviewed. The deadline for submitting further evidence will occur on a date identified by the investigator(s) and the parties will not be permitted to introduce additional evidence after that date absent circumstances the College deems necessary in meeting its burden of proof or burden of gather evidence sufficient to reach a determination.

## Impact and Mitigation Statements

Before the investigation closes, the Complainant may write an impact statement and the Respondent may submit a mitigation statement. The impact statement and mitigation statement should be delivered to the Review Board in a sealed envelope or through a secured confidential electronic source and opened and used only if the Respondent is found responsible for consideration in the determination of sanctions. Should the Respondent be found not responsible, the Review Board will return the sealed envelopes to the respective parties or permanently delete the electronic source.

## Notice of Review Period

Prior to issuance of the investigative report, discussed below, the College will provide all parties with notice that they have five business days to inspect and review any evidence obtained as part of the investigation, including recordings or transcripts of the interviews conducted by the investigators and the incident statements discussed above. The College is legally obligated to provide the parties with access to all directly related materials that were collected, whether they

# SIMPSON COLLEGE



support or disprove the allegations in a Formal Complaint. However, the College will not and cannot provide adverse parties with the opportunity to confidential information that is subject to privacy laws, such as health information or records protected by privacy laws. A party may choose to provide a written waiver of their right to maintain certain health or other records as confidential if the party believes that doing so makes sense under the circumstances.

All relevant evidence collected will be made available to the hearing panel and the parties prior to the hearing, discussed below. Each party has five business days from notice of the availability of the investigation materials to submit a written response to the investigation materials. The investigator(s) will consider a party's response to the investigation materials when completing the investigation summary report.