Potential Campus Sexual Assault Investigating Models for Brown University

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Introduction

This is not intended to be an exhaustive survey of all potential options and factors involved in devising a university model for investigating sexual assault. There is currently no research that indisputably supports any one method as superior. However, we have tried to identify main areas of the current hearing process which deserve attention, and to lay out comparative costs and benefits for options which might lead to better outcomes in our specific university context.

Our findings were derived from interviews with representatives from Brown’s Department of Public Safety, Office of Student Life, Health Education, Counseling & Psychological Services, the Sarah Doyle Women’s Center, and various other faculty and staff members with experience in the current student hearing process. We also surveyed hearing and investigative models implemented at some of Brown’s peer institutions. Finally, we tried to incorporate trauma-informed training from several outside organizations and researchers, in order to understand how survivors of sexual assault might process their experience in the context of a university’s disciplinary process. While these suggestions are specific to the adjudication and sanctioning of campus sexual assault, there is no reason why they could not be extended to student conduct hearings for other offenses.
State of Current Hearing Process

Current Method (simplified)

Complainant takes case to hearing process

Complainant given advisor; gathers their own evidence and witnesses

Respondent given advisor; gathers their own evidence and witnesses

Complainant, Respondent, and witnesses present evidence & statements before a 3-person hearing board: student, faculty, dean. Panel can ask questions.

Board determines finding without knowledge of any prior cases/charges against respondent

Board reports their finding, are given any prior cases/charges against respondent [finding cannot then be changed]

[if Respondent is found to have breached student code]

Board recommends sanctions

Administrative member reviews case materials, determines final sanction
As Brown has already decided to begin using investigators in these cases, rather than leave Complainants and Respondents to gather their own evidence and witnesses, the problems of a non-investigative model do not need to be rehashed in great detail; however, we had several important takeaways from the current hearing model which are relevant to the development of a Brown-specific investigative model:

- Several advocates who served as advisors before and after Brown’s switch to panel adjudication (instead of hearings being presided over by one individual) were extremely positive about the shift and believed it led to comparatively more fair/accurate outcomes. In addition, the panel formation represents Brown’s strong tradition of involving all levels of the community in issues that affect them; allowing a student to serve on the board with equal weight to the other two members speaks to both a consistent philosophy and an essential perspective. In fact, various staff members involved in the hearing process noted that students were often able to contextualize the reality of situations in a way that faculty members did not. They also seemed most perceptive to power dynamics and potentially manipulative tactics used by Respondents. Similarly structured panels should still be involved in the investigative model in some way (explored further in the next section).

- The hearing process, while strenuous, could serve as an important venue for a survivor to feel personally empowered, possibly becoming a facet of their recovery. While this is not always the case, we feel it is important that students do not feel that under the investigative model all control over their story is taken away from them, and that they have no agency regarding how the investigator portrays their experience. The role of the investigator should be to remove the burden of collecting proof from students, engaging in neutral fact-finding. It should not be completely separating the situation from the parties involved, so that neither of them have any idea of what is going on and/or the fact-finding outcomes.

- Efforts to reduce the length and tedium of the hearing process should continue, though switching to an investigative model should help. Requiring students to rehash their stories multiple times can be traumatic and dissuade them from entering the process at all.

- Efforts to ensure the Complainant and the Respondent do not have to share the same space during the hearing (or even directly interact) should continue. This is currently achieved by allowing video calls, and should be further aided by switching to an investigative model.

- Panel trainings currently lack significant discussion of power and privilege dynamics, which can be massive influences on a finding. Adding training on perpetrator dynamics and manipulation tactics would also be valuable, both for panelists and investigators.
**Investigative Models**

Investigative models revolve around ostensibly neutral investigative bodies that serve as fact-finders, removing the need for Complainant and Respondent to appear at a hearing. There are many different approaches we can take to appointing and using investigators, who typically work with both the Complainant and the Respondent (a separate investigator is not assigned to each party) in order to collect a complete and unbiased picture of events.

Several universities (listed at end of document) use an investigator to decide if the case is legitimate and should even go through a disciplinary hearing. If the case is valid, the disciplinary hearing is then carried out by internal bodies, which determine the finding. Here, the investigator only serves as a neutral party who decides if the Complainant’s case is legitimate, and their report may not be influential in the final disciplinary hearing. At the point in which Brown’s current hearing process does not hold two entirely separate fact-finding investigations of this nature if a student wishes to make a formal complaint, this model seems unnecessary. (As well as counterproductive to our goal: reducing the burden on Complainants to collect and present their own evidence).

**Investigators may gather information in the following ways:**

- Collecting statements from Complainant and Respondent.
- Collecting names of potential witnesses from Complainant and Respondent and seeking them out to collect their statements.
- Deciding if there are any additional people who might have relevant insights on both parties, and seeking them out to collect statements. This might include individuals outside of the Brown community, if deemed appropriate.
  - It is important to remember that statements should not be character evaluations, due to the fact that perpetrators are often capable of being friendly, kind, and well-liked in other areas of their lives. Furthermore, panels might be biased against Complainants for any negative character traits that have no bearing on whether or not they were truly victimized.
- Compiling write-ups from DPS, Health Services, hospitals, etc. re: any physical evidence.

**Issues of privacy:** students interviewed should be informed that their statements are being collected for a student conduct hearing. What questions do they have a right to demand answers to?

**Presentation of evidence:** should investigators have the discretion to summarize and/or exclude evidence as irrelevant? While this should be balanced against ensuring full and proper representation, an investigator’s ability to synthesize and summarize large amounts of information and present it to a hearing panel could help the speed and clarity of hearings. Hearing panels might be more likely to come up with accurate findings without having to slog through large amounts of unclear or repetitive data. Furthermore, an investigator could then remove character assessments and prejudicial statements from the evidence before presenting it to a board.
Who should investigators be?

**Internal**
- Hired from within University. May have other full-time duties or be specially hired.
- Understands nuances of Brown’s unique campus culture
- May be able to access information/informants an outsider would not
- May be biased; esp. if their work relations depend on certain outcomes
- Having one consistent support figure on campus has symbolic & practical value re: student trust, feedback
- May be optically harmful; invites accusations of internal cover-ups

**External**
- Hired from third party organization. May or may not have a law degree.
- Ostensibly neutral; no conflicts of interest with Brown’s staff & institutions
  - Can receive specialized training Brown is not equipped or qualified to provide
- Attorneys trained in criminal law may have a difficult transition to university system
- May be difficult to vet or monitor
- May not understand campus culture enough to contextualize findings

**Mix of both**
- Some mix of at least one internal & one external investigator who work together.
- Could mitigate drawbacks for each option by having them inform each other
- What happens if they both come up with very different narratives?

**Situation-dependent**
- Both internal and external investigators are retained. Use of either type is dependent on the nature of each case.
- Allows approach to be tailored to dynamics of situation: i.e. faculty-student rape vs. student-student rape
- Requires very clear delineations of when each is used to avoid confusion or inconsistency
Possible Roles for Investigators

- **Still uses panel to determine findings**
  - **Investigators act strictly as fact-finders**
    - Investigators are completely neutral, acting solely to facilitate evidence collection. They methodologically collect and organize all physical evidence, as well as transcribed statements of relevance. They may include notes for context, but will otherwise present all evidence to a hearing board as is, without comment on their validity or implications.
    - Procedure identical to non-investigative model, except evidence and Complainant/Respondent statements come from investigator’s file.
  - **Investigators act as fact-finders, but add analysis**
    - Investigators collect evidence similarly, as neutral fact-finders. However, they form opinions on the case through their investigations, **which could include a suggested finding**. These opinions are discussed with the hearing board; the investigator presents their own comments on anything they’ve collected, rather than having the panel interpret evidence by themselves. The panel could potentially ask questions to the investigator at this time.
    - What suggestions do we want from the investigator?
      - Overarching themes and patterns from investigation?
      - Credibility of witness statements?
      - Validity of certain claims?
      - Anything striking as odd or suspicious?
      - Observed behaviors?
      - Finding?

- **No panel**
  - **Investigators make final judgments**
    - Investigators not only collect and analyze all evidence, but also determine a final ruling based on what they have collected. They will write up a rationale for their decision.
    - Should the investigator’s rulings be binding? If not, who will review the rationale?
    - On what basis should they alter the decision?
    - Should the investigator also determine an appropriate sanction for their finding?
If external investigators are used, it is **critically important** that they do not become an excuse for the University to forgo its own responsibilities in these cases. Outside attorneys, however skilled, are not necessarily attuned to the realities of trauma in ways that would make their assessments inherently more legitimate than those of internal investigators. Given the additional difficulties involved in monitoring external investigators for quality, it is crucial that we devote the same kinds of training resources to them that we would for any internal investigator. It would be a grave mistake for the University to suggest that any use of external investigators reduces the role Brown must play in ensuring their findings are legitimate.

Based on our previous discussion of the role that community panels play in the process, we feel that it might be preferable for Brown to adopt a system that integrates the roles of investigators and panels.

**Questions to consider:**

- Should investigators present their findings in an oral presentation to the panel, in addition to the written file?
  - Should Complainants/Respondents be allowed to sit in on this presentation?
- Should investigators be present while a panel deliberates?
  - If so, should their role be to answer objective questions about their evidence collection, or subjective questions based on how they see the case?
Combining Investigative and Hearing Components

Should our policies incorporate both an investigative and a hearing component, where students are allowed to present their case in some capacity outside of the investigator’s report?

It is crucially important for both Complainants and Respondents to be given some opportunity to be involved in the presentation of facts, whether that is through ability to view and comment on the investigative report, or an opportunity to speak for themselves. Failing to do this could open the process up to negative critique, increasing the chances of students feeling (or actually being) misrepresented by the university. The issues of personal empowerment and agency discussed above are also relevant here.

Some peer institutions surveyed below still required students to participate in a full hearing after an investigation took place, which seems counterproductive as the investigative model is intended to remove the burdens of the hearing model, and its associated emotional effects. Simply tacking a hearing onto the end of an investigation would require all parties involved to repeat their statements multiple times, at least once to an investigator and then again before a hearing board. It would also require students to go through the trouble of collecting their own evidence and convincing witnesses to undergo the stress and time commitment of appearing at a hearing.

However, students who are dissatisfied with an investigator’s work might have a valid reason to wish to represent themselves in a non-investigative hearing. It is also worth noting that while a good investigator’s report will ideally remove the need for a hearing panel to question witnesses, Complainants, or Respondents in person, there is still a human element to these proceedings, which could be valuable for panelists to observe in person. The danger here is that any individual testimony that presents differently in person than through an investigator’s report may be biased by personal factors that are irrelevant to the actual facts (i.e. gaining sympathy, however deserved, through personal appearance). The process of personally questioning witnesses can therefore serve a specific and important role, but should be carefully restricted and not overused.

We considered a model where both the Complainant and the Respondent could mutually agree to participate in a hearing without an investigator, but the resultant inconsistency in procedure for different cases might cause problems (although a separate informal hearing process might be viable, and is something that many complainants have expressed a desire for).

Instead, we proposed some models that would not require a hearing in addition to an investigative report, but would give students the option to present statements to a panel, either verbally or in writing.

Below are some potential models where students would be involved in the presentation of evidence and be allowed to make their own statements, but would not have to rehash all the information ideally collected in the investigator’s report.

Questions to consider:
• What new information could a panel receive through speaking directly to each party?
  o Is there a meaningful difference between a panel *hearing* a student’s statement vs. *reading* it?
  o If so: viewing through a privilege lens, could this difference potentially be exploited by either party, i.e. through performed appeals to emotion or manipulating biases?
Complainant/Respondent Input on Investigative Reports

Investigator compiles report

Complainant/Respondent do not review report before it is presented to the panel
- No ability to specifically rebut, confirm, and/or clarify report

Complainant/Respondent review report before it is presented to the panel
- Able to voice any objections to the way report portrays and contextualizes their case

(If applicable) Complainant/Respondent review report with findings of responsibility redacted before it is presented to the panel
- Able to affirm or contest factual findings
- Becomes more difficult for either party to use investigator’s rationale as framework for denying specific factual findings

Complainant/Respondent Options for Presenting Statements to Panel

Investigator submits report to panel

Students have an opportunity to speak before the panel, similarly to how they would in the current hearing model.

Panel is allowed to ask them further questions re: facts and findings from investigative report?

Students have an opportunity to submit a written statement to the panel, addressing their feelings about the investigator’s report and any areas they feel were misrepresentative.

Students allowed to bring in witnesses for further questioning re: findings in report?
Examples from Peer Institutions (Short Form)

A brief summary of policy models from other universities and colleges. Detailed descriptions of each institution’s procedures are included at the end of the document.

For clarity: “hearing held” describes the scenario where both Complainant and Respondent are called in for a hearing where they present their own statements, witnesses, and evidence - virtually identical to what they have previously provided to an investigator.

Comparisons of University Sexual Assault Hearing Models

C = Complainant  R = Respondent  finding = finding of responsibility

<table>
<thead>
<tr>
<th>Institution</th>
<th>Type of Investigator</th>
<th>Role/Contribution of Investigator</th>
<th>Post-Investigation Processes (if any)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Columbia University</td>
<td>Internal</td>
<td>• Reports facts with analysis&lt;br&gt;• Makes unofficial finding&lt;br&gt;• Is present at hearing if one is held</td>
<td>• Panel decides if invest. report is sufficient to confirm finding or if hearing should be held&lt;br&gt;• Hearing held if necessary&lt;br&gt;• Panel decides official finding</td>
</tr>
<tr>
<td>Cornell University</td>
<td>Internal?¹</td>
<td>• Reports facts with analysis&lt;br&gt;• Makes unofficial finding&lt;br&gt;• Recommends sanctions and remedial measures</td>
<td>• Reviewer (university official) may accept/modify findings, or call for further investigation&lt;br&gt;• C/R may submit written comments re: invest. report&lt;br&gt;• Reviewer decides official finding, sanctions</td>
</tr>
<tr>
<td>Dartmouth College</td>
<td>Internal</td>
<td>• Reviews facts of report w/ C/R before finding is made&lt;br&gt;• Determines official findings</td>
<td>• Panel determines sanctions</td>
</tr>
<tr>
<td>Duke University</td>
<td>Situation-dependent, may use combination internal/external</td>
<td>• Reports facts with analysis&lt;br&gt;• Makes unofficial finding</td>
<td>• Office of Student Life conducts own interviews as they deem necessary, decides whether to hold hearing&lt;br&gt;• If hearing held, panel decides official finding, sanctions</td>
</tr>
<tr>
<td>Harvard University</td>
<td>Internal</td>
<td>• Determines official finding</td>
<td>• Panel determines sanctions</td>
</tr>
<tr>
<td>University of North Carolina at Chapel Hill</td>
<td>Internal</td>
<td>• Makes unofficial finding&lt;br&gt;• Recommends sanctions&lt;br&gt;• Edits case file to exclude irrelevant or prejudicial evidence&lt;br&gt;• Responsible for presenting hearing panel with evidence</td>
<td>• C/R given choice to accept findings and/or sanctions. If either requests it, case is referred to a hearing panel&lt;br&gt;• Panel meets relevant parties prior to hearing&lt;br&gt;• Hearing held</td>
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¹ Could not find specific note of exactly where investigators are selected.
| University of Pennsylvania | Internal | ᴅetermines validity of case  
· Makes unofficial finding  
· Recommends sanctions | Panel decides finding, sanctions  
· If R rejects sanctions, disciplinary panel holds hearing  
· Panel decides finding, sanctions |
|---------------------------|----------|-------------------------------------------------|--------------------------------------------------------------------------------|
| Princeton University     | Combination internal/external, 3-person panel | Creates case file to share with C/R  
· C/R allowed to discuss file w/ panel, request collection of further evidence  
· Determines official finding | Panel decides finding, sanctions  
· If policy violation found, designated deans determine sanctions |
| Stanford University      | Situation-dependent | Determines official finding | Administrators determine sanctions |
| William & Mary College   | Internal (dean) | Determines validity of case  
· Sees if an informal resolution can be made | If no informal resolution, hearing held. Panel determines findings, sanctions |
| Yale University          | External\(^2\) | Purely fact-finding  
· Do not make any findings  
· Present evidence to hearing board | Board reviews report and interviews C/R separately  
· C/R cannot submit statements but can suggest witnesses  
· Board decides final finding, suggested sanctions |

\(^2\) Each Yale school is allowed to set their own investigative/disciplinary proceedings, which may use different investigators and/or hearing processes. However, students at any Yale school have the option to file a complaint with an overarching University-Wide Committee on Sexual Misconduct, which uses this model.
Examples from Peer Institutions (Long Form)

The processes listed are typically used in cases where both Complainant and Respondent are undergraduate or graduate students; they may not apply to cases where one or both parties is a faculty or staff member. Only models used in formal resolution proceedings are listed, though some schools had separate models for informal resolutions that included the use of investigators. Please also note: these are only rough overviews, taken from publicly available information as of the end of 2014. Therefore, the policies described below should not be cited elsewhere as fact without first referring directly to each institution’s website, and checking for recent updates.

Harvard University (from July 2014)³

• Investigators are: internal, 2-person team, determine finding but not sanction
  o “A central administrative body of trained investigators reporting to the Title IX officer, in the Office for Sexual and Gender-Based Dispute Resolution (ODR), who will investigate sexual and gender-based harassment complaints against students, often working closely with a School representative.”
  o In informal resolution process: “Depending on the official contacted, the matter will be investigated either by the Law School’s Title IX Coordinator or his or her designee, one of the HLS Deputy Title IX Coordinators or his or her designee, or an investigator appointed by the Title IX Officer. Such a matter will be deemed satisfactorily resolved only when both parties expressly agree to an outcome, and the outcome is approved by the Law School’s Title IX Coordinator.”
  o Complaint investigated by “an Investigative Team that consists of an Investigator assigned by the University’s Title IX Officer and a person designated by the Law School. The Investigative Team must initially determine whether the allegations warrant investigation or administrative closure. Where an investigation is deemed warranted and completed, it will result in the issuance of a Final Report. The Report will include findings of fact and a conclusion as to whether the student has committed sexual or gender-based harassment...The Law School remains responsible for student discipline through its Administrative Board."

• Hearings: If Respondent is found to have violated policy
  o Hearings are purely for the purpose of sanctioning, not to review the factual findings. Neither the Board nor the Complainant/Respondent may challenge the validity of the investigative findings.
  o Complainant and Respondent will be provided with copies of the charge prior to the hearing, and may submit written statements they think are relevant to the appropriate discipline.

Stanford University (from 2014-2015)\(^4\)

- **Investigators are: Situation-dependent, single investigator, determines finding**
  - In the interim of Fall 2014, an Assistant Provost served as an undergraduate investigator
  - “Fact-finding or an investigation may be conducted by someone unrelated to the parties involved. Depending on the situation, this may be a sexual harassment adviser, an experienced university professional, or an independent outside investigator. The investigator will review documentation and interview relevant individuals, but does not represent any of the parties involved. Based on that review, the investigator will make an impartial finding as to whether any university policy was violated.”
  - Investigator has discretion in what evidence should be included

Yale University\(^5\)

- Yale uses a system where **different Yale schools retain their own formal/informal bodies for handling cases of sexual misconduct**. There is a University Title IX Coordinator and individual Title IX Coordinators for each school. However, there is also a University-Wide Committee on Sexual Misconduct (UWC) where students, staff, and faculty at any Yale school can file complaints. Students can choose to file complaints either within their school’s processes or with the UWC. Informal complaints filed with one body do not bar students from then seeking formal complaints with another body. However, once a formal complaint has been filed with one body, the individual may not seek a formal hearing with another body. The following processes apply to the UWC.
  - “The UWC consists of about 30 members drawn from faculty throughout the schools of the University; managerial or professional employees; postdoctoral associates or fellows; and students from Yale College and the graduate and professional schools. The chair is a tenured faculty member.”
- **Investigators are: External, impartial fact-finders who do not draw conclusions, present evidence to a hearing board comprised of 5 UWC members. Panel will interview Complainant/Respondent after reviewing the investigative report. Panel comes up with finding and suggested sanctions.**
  - Complainants and Respondents are not allowed to submit any written responses to the investigator’s report, but they may submit the names of witnesses and the relevance of their testimony to the panel if they feel the panel should conduct an interview themselves.

\(^4\) https://harass.stanford.edu/take-action/paths-to-resolution

\(^5\) http://provost.yale.edu/uwc/procedures
University of Pennsylvania

- Investigators are: internal (unclear how many, exactly who they are)
  - “The Office of Student Conduct (OSC) investigates to determine the validity of the complaint by interviewing the complainant, the respondent, and others who may have relevant information”

- Hearing model: Complainant aids in investigation BEFORE Respondent is given the basis of the charge (they are only told that a charge has been filed against them).
  - Complainants will have the opportunity to participate in the investigation, provide information, and attend and present evidence at disciplinary hearings, if a hearing should occur.” Respondent does not participate.

- Disciplinary hearing/sanctioning: Respondent and Complainant participate
  - If the initial investigation yields a preponderance of evidence, the Respondent is offered proposed sanctions. Respondent may choose not to accept or suggest alternative sanctions. If the Respondent and the OSC reach an agreement, those sanctions will be imposed. If there is no voluntary agreement, the case goes to a separate disciplinary hearing.
  - Disciplinary hearing presided over by a disciplinary panel. Panel reviews evidence, makes finding, and decides on sanctions.
  - Respondent and Complainant both allowed to present evidence, call and question witnesses during the hearing.

Duke University

- Investigators are: situation-dependent, may use external investigator who analyzes their findings in conjunction with internal staff
  - “After receiving a report, staff in the Office of Student Life may meet with a Complainant and Respondent separately in order to hear or clarify his/her account of the incident, review the disciplinary process, and discuss other possible remedies.”
  - “A formal investigation may be launched, which may include use of an independent investigator...[who will] submit a written report of findings.”
  - “After the formal investigation, Office of Student Conduct may ask further clarifying questions of the Complainant, Respondent, and/or witnesses. The Office of Student Life will determine whether to proceed with the disciplinary process.”

- Hearings: options for administrative and hearing panel, investigator doesn’t participate
  - Panel is “usually two faculty or staff members and one student, when possible).
  - Complainant and Respondent submit their own witnesses. Hearing is very similar to Brown’s current Hearing Policy.
  - The hearing body has complete discretion regarding sanctions.

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William & Mary College

- **Investigators: internal**
  - The Dean of Students Office conducts preliminary investigation into alleged sexual misconduct. If the case “is not resolved informally, the matter will be scheduled for a hearing before the Sexual Misconduct Hearing Board.”

- **Hearings: panel, Complainant and Respondent both speak, typical hearing model**
  - Board comprised of “one student (one of two Student Conduct Council co-chairs or graduate member of Student Conduct Council) and two members of the administrative staff appointed by the Dean of Students or designee, one male and one female.”
  - Board questions witnesses, Complainant, Respondent, and reviews all evidence submitted to them. Unclear if this evidence is supplied by Complainant/Respondent themselves or from the previous Dean’s investigation, but seems to be the former.

Dartmouth College

- **Investigators: Internal? Single investigator, prepares report which students can review. Investigator determines finding, and a disciplinary board then determines sanctions.**
  - “Investigators will be selected from a group of qualified and trained individuals (by a person or people who have specialized training in conducting Sexual Harassment, Domestic Violence, Dating Violence, or Stalking investigations – taken from Sep 2014 document).”
  - Investigator “will prepare a written report...Before the report is finalized, the Investigator will give the Reporting Person and the Responding Person an opportunity to review a draft of the factual findings of the report and submit comments in writing. The Investigator will then make any modifications to the draft report that the Investigator, in their judgment, deems appropriate, and finalize the report.”
  - Investigator’s report includes: factual findings, determination of finding, and rationale of finding.

- **Hearings: Completely investigative model, no hearings**

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Columbia University

- Investigators: internal, provide personal assessments and recommended findings.
  - “The Gender-Based Misconduct Office will designate a specially trained investigator (or team of investigators) to interview the Complainant, Respondent, and any witnesses. The investigator will also gather pertinent document materials (if any) and other information.”
  - “The investigator prepares a report detailing relevant content from the interviews and the documentation gathered. This report includes the investigator’s assessment of individual credibility and recommended findings of responsibility.”
- Both Respondent and Complainant may review the investigative report prior to a disciplinary hearing and submit written responses/other evidence to the hearing board. They may also review any written submissions the other party provides.
- Hearings: panel, determine final finding. May include retired outside individuals. Panel can decide whether investigative report is sufficient for findings, or a hearing is still required.
  - Panel comprised of “three members drawn from a small group of specially-trained University student affairs administrators. In certain matters, the University may include retired judges, lawyers, or other individuals with relevant experience and special training. Panelists will not be from the school of either the complainant or the respondent.”
  - If all three panel members agree that the information in investigative report and any written submissions is sufficient to make a determination, they may determine a hearing is unnecessary and proceed directly to findings, including a rationale as to why the hearing is unnecessary.
  - Hearings include Complainant/Respondent presenting opening and closing statements, being questioned by the panel, and witness testimony and questioning. The investigator will also be present for the panel to question. A Complainant or Respondent may choose not to participate in the hearing, but the other party will still be heard.
  - Panel will determine findings, sanctions will be determined by a separate Sanctioning Officer.

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10 http://sexualrespect.columbia.edu/files/sexualrespect/content/007-02606%20Gender%20Based%20Misconduct_JL_F.pdf
**Cornell University (Nov 2013 – most current policy)**

- **Investigators: internal?** Determine findings, which can be modified, and recommends sanctions. No hearing.
  - Policy did not state where investigators come from
  - Investigator produces final report including: scope of investigation; summary of findings; recommendations for corrective actions/sanctions; any non-punitive, preventive remedies for the complainant; if warranted, recommended actions to restore the accused’s reputation.
  - Reviewer (currently undefined university official) reviews report and may either accept or modify recommendations, or return the report for further investigation. Reviewer will issue final determination.
    - During this review, reviewer must provide both Complainant and Respondent copies of the report, giving them reasonable time to submit written comments and/or ask the reviewer to review any specific portion of the report. Reviewer “may accept, modify, or reject the determination or recommended sanctions and/or remedial measures because of that review.”

**Princeton University**

- **Investigators: combination of internal/external panel as decided by Title IX Coordinator**
  - Title IX Coordinator appoints “three-person investigative panel of administrators and/or outside investigators.”
  - All three members of panels interview the Complainant and Respondent (on separate occasions). Witness interviews may be delegated to one or two members. At the conclusion of each interview, the panel reviews their notes with the interviewee.
  - Panel produces case file, which is shared with Complainant and Respondent.
  - Complainant/Respondent have the chance to meet again with the panel, respond in writing to the panel, and/or to request the collection of further evidence by the panel.
  - Panel determines finding by majority decision and produces written rationale.
- Any student, faculty, or staff member who refuses to participate in an investigation may be subject to discipline, though Complainant or Respondent may limit their participation or refuse to answer certain questions without further disciplinary action.
- If a student is found responsible for violating University policy, the entire case file will be forwarded to the dean of undergraduate students and the associate dean of the Graduate School who serves as alternate chair of the Committee on Discipline, who will jointly determine the penalty.

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11 http://www.dfa.cornell.edu/cms/treasurer/policyoffice/policies/volumes/humanresources/upload/vol6_4.pdf

12 http://www.princeton.edu/pub/rrr/part1/
University of North Carolina at Chapel Hill

• Investigators: internal investigator who is overseen by an administrator, determines finding, recommends sanctions. Both finding and sanctions can be taken to a hearing board to review if the Complainant or Respondent wishes.
  o “The Equal Opportunity and Compliance Officer or Title IX Compliance Coordinator will designate an investigator(s) who has training and experience investigating allegations of prohibited conduct.”
  o “The Equal Opportunity and Compliance Officer or Title IX Compliance Coordinator will oversee the investigation.”
  o Investigator has discretion to determine the relevance of any witness or evidence to the finding of responsibility. They may exclude information in preparing the witness report if information is “irrelevant, immaterial, or more prejudicial than informative...they may also exclude statements of personal opinion by witnesses and statements as to general reputation for any character trait, including honesty. The investigator will not exclude direct observations or reasonable inferences drawn from the facts.”
  o Final report includes: summary of information gathered; synthesis of areas of agreement/disagreement between Complainant and Respondent, with any supporting information or accounts; Investigative Finding regarding whether a policy violation occurred; recommended sanctions.

• Complainant and Respondent are allowed to view (but not keep a copy of) a draft investigative report to review before its submission, which will not include the Investigative Finding. They have the chance to submit a written Impact Statement to the investigator. Impact Statements are not considered in the determination of responsibility but will be provided to a hearing board for consideration at the stage of determining sanctions.

• After report is submitted, both parties may A) Accept finding and sanction, B) Accept finding but request sanction hearing, or C) Request hearing on both finding and sanction.
  o If finding states that a policy violation did not occur, Complainant may request Administrative Review of the finding.
  o If either party requests a hearing, the matter is referred to a Hearing Panel.

• Hearings: panel
  o Comprised of “three individuals, selected from a pool of trained individuals.” May not include students.
  o First step: panel meets with investigator, Complainant, Respondent, witnesses who have already been interviewed by investigator, identifies any pre-hearing concerns or introduction of new evidence.

Hearing: **Investigator responsible for presenting evidence supporting investigative finding.** Panel then solicits information from relevant parties as they see fit, Complainant/Respondent may also choose to question any witnesses themselves. Panel then makes final determination of both finding and sanction.