

Procedures

Initial Review

The Dean of Students or a designee will meet with the person who brings forth the information and explain Trinity University conduct procedures, including: the difference between the administrative procedure and criminal reporting; no-contact orders and remedial action; and confidentiality and privacy.

Generally, the next step will be for the Dean of Students or designee to meet with the responding student (at a different time) to notify him or her of the allegations and possible remedial actions. Reports made to the Dean of Students will be shared confidentially with the Campus Title IX Coordinator and with the Trinity University Police Department per federal reporting requirements (Clery Act).

The University has an obligation to investigate allegations of sexual misconduct as provided for in this policy. The Dean of Students or a designee, in consultation with the Title IX Coordinator, will review the initial complaint and respondent account to determine whether or not an investigation is warranted. If so, the responding student will be informed of the potential policy violation being investigated.

Investigative Roles

Facilitator: The Dean of Students or a designee will receive the initial complaint, explain policies and procedures, and respond to student, parental, and legal inquiries as well as serve as the non-voting hearing facilitator.

A pool of faculty and staff members will alternately serve in the following roles.*

Process Advisor: Each student in a case will be assigned a trained faculty or staff process advisor to assist in navigating the process and answering questions on policy and procedure.

Investigators: A faculty and/or staff male/female pair will be assigned to investigate complaints.

Hearing Panelists: Two faculty/staff members will serve on the Hearing Panel. Please note that a third panelist will be a student from the Student Conduct Panel as assigned by the Dean of Students or his/her designee.

* In cases where a conflict of interest may arise, alternates are available.

Investigation

In cases involving student grievances referred for administrative action, the University will use an investigative model. This model allows much of the investigation to be completed prior to the final hearing. Trained faculty and staff investigators will interview reporting and responding students and witnesses, review documents, and perform other acts necessary to complete the investigation. This includes sharing the statements with the reporting and responding students and allowing for one or more responses from each.

A formal charge letter will be initiated and investigators will prepare a summary report with findings and sanctioning recommendations for the Hearing Panel. Reporting and responding students will have an opportunity to preview the report and offer comment. The University will strive to complete an investigation under this policy within 60 days of receiving a formal complaint. In some instances, in which investigators determine there is insufficient evidence, cases may not be referred to hearings. Examples include, but are not limited to: cases in which investigators determine there is insufficient evidence; or a reporting student withdraws a complaint or withdraws cooperation. Trinity University reserves the right to continue investigations in the best interest of the health and safety of the greater University community.

Hearing Procedure

In the hearing, the Hearing Panel will generally question the investigators and accept or reject the recommendations. If they reject the recommendations or adjust the sanctions, they must do so within the framework of the policy and cite clear evidence in order to make adjustments.

The Hearing Panel may return the report to the investigators for modification. Reporting and responding students may make opening and closing statements primarily to address issues raised in the report. If a finding of "responsible" is assigned, the Hearing Panel may review a written impact statement, which may also include desired sanction outcomes. Such a statement

Standard of Evidence

Trinity University considers the greater weight of the credible evidence as its standard in student conduct cases. Often referred to as the “preponderance of the evidence,” this standard asks decision-makers to consider whether it is more likely than not that a violation occurred.

Past History

The past sexual history or sexual character of a party will not be considered in hearings unless such information is determined to be highly relevant by the Hearing Panel Chair. All such information sought to be admitted by a party or the University will be presumed irrelevant until a determination of relevance is made, in advance of the hearing, by the Hearing Panel Chair, and in consultation with the Hearing Panel. Demonstration of a pattern, repeated, and/or predatory behavior by the responding student, including previous findings in any legal or campus proceeding, may be relevant to the finding, not just the sanction. The parties will be notified in advance if any such information is deemed relevant and will be introduced into the process.

Sanction Statement

Not all forms of sexual misconduct are equally serious offenses, and the University reserves the right to impose different sanctions, ranging from verbal warning to expulsion, depending on the severity of the offense and taking into account any previous campus conduct code violations. The University will consider the concerns and rights of both the reporting party and the responding party.

- Any student found responsible for violating the policy on Non-consensual or Forced Sexual Contact (where no intercourse has occurred) will likely receive a sanction ranging from probation to expulsion.
- Any student found responsible for violating the policy on Non-consensual or Forced Sexual Intercourse will likely receive a sanction of suspension or expulsion.
- Any student found responsible for violating the policy on Sexual Exploitation or Sexual Harassment (and related violations) will likely receive a sanction ranging from warning to expulsion.
- Any student found responsible for violating policies on Dating Violence, Domestic Violence, or stalking will likely receive a sanction of suspension or expulsion.

Appeals

Reporting and responding students are notified, in writing, of all outcomes. Victim impact statements are confidential, except in the event of an appeal. A responding student who appeals may see the impact statement in order to effectively prepare a petition. The parties in a case generally have the right to respond once, in writing, to the information submitted by the other party. All procedures are at the sole discretion of the Dean of Students or a designee. All parties in a sexual misconduct hearing have the opportunity to appeal within five days. Students found responsible may appeal without concern that the review body will issue a harsher finding or sanction. Reporting parties may appeal the decision and the sanction.

Student Conduct procedures for appeal will be followed and can be found on the Student Conduct webpage.