

what can I expect from an Investigation?

under the procedure effective Aug. 14, 2020

Considering an investigation? We can fully discuss this process **without committing to it** — just reach out to our office.

1. A formal complaint is received by the Title IX office. If the Title IX team determines that a Formal Resolution is appropriate, Dartmouth will appoint an external investigator.

2. A notice of investigation is sent to all parties, followed by an informational meeting. At this time, the parties are notified of the specific allegations and the procedure for resolution, and their rights and obligations.

3. The Investigator will schedule interviews with all parties and any relevant witnesses. The information obtained through the interviews will be compiled and shared with the parties for review before the Investigation Report is completed.

4. What does an Interview look like and how should you prepare?

The Investigator will ask questions about the events as you remember them occurring. This is your space to talk, and you should feel comfortable answering honestly and asking for clarification if needed. It is okay to say, "I don't know." Additional questions may be asked after the investigator questions the other party, in a "follow-up interview." Parties may have an advisor present at any and all of these interviews.

5. All evidence gathered, including transcriptions of interviews, emails, text messages, etc. must be made available to both parties and to their advisors for review. Parties have ten business days to respond and add any additional information, which will be taken into consideration for the Investigation Report.

6. The Investigation Report is distributed at least ten days prior to the Hearing, where the Hearing Panel will determine an objective outcome. The Investigator makes a determination in their report whether the reported conduct would be Title IX Prohibited Conduct or Other Prohibited Conduct as defined in the SMP. The Investigator does not make a determination of responsibility — that decision is reserved for the Hearing Panel.

7. Prior to the hearing, the parties may submit impact or mitigation statements for the Hearing Panel to review.

8. What is a hearing like?

a. There are two kinds of hearings. If the reported prohibited conduct falls within Title IX Prohibited Conduct, then the format of the hearing must have live cross-examination. Each party gets the opportunity to question the other through their advisor, orally, directly, and in real time. The relevance of the questions is reviewed by the Hearing Panel in the hearing itself. Additionally, the parties and any witnesses identified for questioning must attend the hearing. If they do not attend, none of the statements they have provided to the Investigator may be relied upon by the Hearing Panel.

b. If the reported prohibited conduct falls within Other Prohibited Conduct as defined in the SMP, the hearing is slightly different. In this hearing, the parties may not directly question each other, but they may offer questions to the Hearing Panel, should they choose to ask them. Parties and witnesses are not required to attend the hearing, and the Hearing Panel may not draw any inference from a the decision of a party or witness to not participate. The Hearing Panel may rely on any information collected by the Investigator.

9. The Hearing Panel determines by the preponderance of the evidence whether the Policy has been violated, and will determine sanctions if there is a finding of Responsible. The parties will receive a written notice of the outcome within ten business days. Parties will have the opportunity to appeal the decision.

During and after this process, Supportive Measures are available to all. This may include academic support, housing changes, no contact orders, and counseling.



DARTMOUTH
Title IX Office