EQUITY RESOLUTION PROCESS FOR THE ACCUSED FACULTY MEMBER

STEP 1: INITIAL CONTACT

Institutional Equity, Diversity and Inclusion receives a report about your case from the complainant, a witness or a mandated reporter. You will receive a notice that an investigation has commenced within seven days of the initial contact.

STEP 2: INVESTIGATION

You may have an advisor of your choice in attendance at all meetings with our office.

Our office will make all possible efforts to meet with you for an interview; this would consist of your account of the incident for our records and to clarify any preliminary questions we may have. We will also collect witness names, if any. We will make all reasonable efforts to meet with your witnesses to collect evidence.

Witnesses will be sent outreach so that we may schedule a time to meet with them to assist in the investigation.

Prior to our meeting with you, our office will have met with the Complainant (other party) to discuss their side of the events and the situation. Our office will act as a neutral party during the conversations on all sides. Evidence will be gathered at this time. We will gather as much relevant information as possible from all parties involved.

The Title IX Coordinator will review the investigation and make a summary determination whether a reasonable person could find (you) the Accused responsible for violating University policy.

ACCUSED NOT FOUND RESPONSIBLE

If the Title IX Coordinator finds that (you) the Accused could NOT be found responsible by a reasonable person, you will receive a letter explaining that there is not enough information to move forward and that the case has been closed. The Complainant may request that the Title IX Coordinator review the case and decision again. If you are found not responsible after review, the investigation process concludes.

ACCUSED FOUND RESPONSIBLE

If the Title IX Coordinator finds that (you) the Accused could be found responsible by a reasonable person, then both parties will receive a NOTICE OF CHARGE and the Title IX Coordinator will direct the process to continue.
STEP 3: RESOLUTION PROCESS

Typically cases are filtered through the Administrative Resolution Process or Conflict Resolution Process, but you have the right to choose the resolution process used for your case from the following three options. You have the right to be informed in writing of the finding, rationale and sanctions.

ADMINISTRATIVE RESOLUTION PROCESS

The Title IX Coordinator will meet with (you) the Accused — and possibly others — to review alleged policy violations and will render a decision with sanctions IF the accused is found responsible.

CONFLICT RESOLUTION PROCESS

This process could be mediation or facilitated dialogue between you and the Complainant to create dialogue and restorative justice. This process will NOT be used in cases of sexual misconduct or violent behavior of any kind.

HEARING PANEL RESOLUTION PROCESS

If a Hearing Panel is chosen, a hearing date will be set and you will receive a NOTICE OF HEARING. At least two business days before the hearing, copies of the proposed evidence and witnesses and names of any hearing panel member or alternate. During the hearing, the Investigator will question both parties and witnesses and present documentary evidence. Next, the hearing panel will deliberate and determine if there is enough evidence to indicate guilt on behalf of (you) the Accused. If (you) the Accused is found responsible by a majority of the panel, the panel will recommend appropriate sanctions.

POSSIBLE SANCTIONS INCLUDE

Warning, performance improvement plan, required counseling, required training, loss of annual pay increase, immediate termination (non-regular faculty), suspension without pay (tenured faculty)

APEALS

You have the right to appeal findings and sanctions based on procedural error, new evidence, or because sanctions don’t fit the severity of the offense.

YOUR RIGHTS

In accordance with UM System Collected Rules and Regulations:

1. To be treated with respect by University officials.
2. To have access to campus support resources (such as counseling and mental health services and University health services), unless suspended from campus pending the completion of the process.
3. To have an Advisor of the Accused's choice accompany the Accused to all meetings and proceedings throughout the Equity Resolution Process.
4. To refuse to have an allegation resolved through Conflict Resolution or Administrative Resolution Processes.
5. To have an opportunity to present a list of potential witnesses and provide evidence to the Investigator.
6. To receive notice of the policies alleged to have been violated.

7. To have complaints heard in substantial accordance with these procedures.
8. To be informed in writing of the finding, rationale and sanctions.
9. To have an opportunity to appeal the findings and sanctions.

Institutional Equity, Diversity and Inclusion
For more information, please see CRR section 600.040.
titleix.mst.edu