

## The Investigation and Disciplinary Process for Sexual Misconduct

Campus officials must take appropriate actions to ensure that investigations of sexual misconduct complaints are normally completed within 60 days of receiving a complaint.

Reports of sexual misconduct by a student may be addressed through the College's student disciplinary process, which is described in further detail in the Hill Book. Additionally, for matters alleging sexual misconduct, the student who believes he/she was the victim of sexual misconduct will:

- have the opportunity to be present throughout the entire disciplinary hearing;
- be entitled to the same opportunity to have others present during a disciplinary hearing as provided to the charged student;
- be informed of the outcome of the disciplinary hearing, including sanctions, in connection with his/her complaint; and
- be permitted to appeal the outcome of the disciplinary hearing.

Formal rules of process, procedure, or rules of evidence such as those applied in criminal or civil courts are not used in the Student Discipline System.

The hearing board will be comprised of a designee of the Vice President for Student Affairs, who serves as the Chair, and two staff and/or faculty members.

The appeals board will be comprised of the Vice President for Student Affairs, or designee, who serves as Chair, and two staff/faculty members. The Appeals Board members cannot be the same members who served on the original hearing board.

No questions, statements, or information about the sexual activity of the person who believes she/he was the victim of another's misconduct with anyone other than the charged student may be introduced. Requests for exceptions to this guideline must be made in writing to the Associate Vice President for Student Affairs, or designee, at least 72 hours in advance of the hearing. If the person who believes she/he is the victim of another's misconduct raises her/his own sexual activity with anyone other than the charged student, questions may then be asked about that relationship.

The College will disclose, in writing, the final results of any institutional disciplinary proceedings conducted against a charged student to the victim (or if the victim is deceased as a result of such crime or offense, to the next of kin) of any violent crime or non-forcible sex offense.

## Statement of Rights for Those Involved in Incidents of Sexual Misconduct

It is the goal of Stonehill College to ensure that students have access to needed resources, services, and information.

Ordinarily, the College assures all students involved in incidents of sexual misconduct will:

- be notified of available spiritual and personal counseling, mental health, medical or student services, both on campus and in the community;
- receive notification of options for and available assistance in changing academic and living situations after an alleged incident of sexual misconduct, if so requested and if such changes are reasonably available (no charges or investigation, campus or criminal, need to occur before this option is available);
- have the matter investigated in a timely manner;
- be offered a S.H.A.R.E. Advisor to be present during a formal disciplinary hearing;
- be informed in writing of the outcome of any formal disciplinary hearing within 3 business days;
- not have irrelevant prior sexual history admitted in a formal disciplinary hearing;
- be given the choice whether or not to have reports of sexual misconduct resolved through an informal resolution; and
- be free from any behavior that may be construed by the College to be intimidating, harassing or retaliatory.

## Rights of an individual who may be the victim of Sexual Misconduct

Ordinarily, the College assures all students reporting allegations of sexual misconduct will:

- have reports of sexual misconduct responded to in accordance with College policy;

- be present throughout the entire formal disciplinary hearing;
- be entitled to additional accommodations including, but not limited to, the use of technology, if either student wishes to be in a different location;
- question witnesses, including the charged student, through the Chair of the formal disciplinary committee;
- appeal the finding and sanction of a formal disciplinary hearing in accordance with the standards for appeal established under “Rights of All Parties in Formal Discipline Hearings,” as published by the College; and
- choose whether or not to have a report investigated unless the College deems it necessary to protect the safety of the College community or in compliance with applicable law.

### **Rights of an individual accused of an incident of Sexual Misconduct**

Ordinarily, the College assures all students accused of an incident of sexual misconduct will:

- be notified of a report of sexual misconduct in accordance with College policy;
- be entitled to present his/her case in accordance with College policy;
- be entitled to additional accommodations including, but not limited to, the use of technology, if either student wishes to be in a different location;
- question witnesses, including the individual reporting the misconduct, through the Chair of the formal disciplinary committee; and
- appeal the finding and sanction of a formal disciplinary hearing in accordance with the standards for appeal established under “Rights of All Parties in Formal Discipline Hearings,” as published by the College.