

## **Hazing Investigation & Resolution Process**

Knox College has established a Policy Prohibiting Hazing ("Policy") that articulates prohibited conduct. These Investigation and Resolution Procedures (the "Procedures") apply to all suspected or alleged acts of Hazing.

### **Preliminary Inquiry**

For every report of an alleged or suspected violation of the Policy, the Office of Civil Rights & Title IX Compliance will review the circumstances of the reported conduct to determine the following:

- Whether the College has jurisdiction over the parties involved;
  - If the Responding Party/Parties is not a member of the College community or is no longer affiliated with the College at the time of the report or at the time an investigation or Resolution Process is initiated (including if the Responding Party(ies) has graduated or otherwise left the College), the College may be unable to take disciplinary action or conduct an investigation.
- If the alleged behavior(s) could constitute hazing as defined by the Policy.

If the Office of Civil Rights & Title IX Compliance determines that the conduct could constitute Hazing, as defined in the Policy, the Office of Civil Rights & Title IX Compliance will proceed with the steps set forth in these Procedures.

### **Interim Removal**

At any time after receiving a report of Hazing, the Director of Civil Rights & Title IX Compliance may remove a Student Respondent(s) from one or more of the College's Education Programs or Activities on a temporary basis if an individualized safety and risk analysis determines that an immediate threat to the health or safety of any Student or other individual arising from the allegations of Hazing justifies removal. In the event the Director of Civil Rights & Title IX Compliance imposes an interim removal, the interim removal is subject to appeal pursuant to the appeal procedure specified below.

During an interim removal, a student may be denied access to college housing and/or the college campus, events, and facilities. As determined appropriate by the Director of Civil Rights & Title IX Compliance, this restriction may include classes and/or all other college privileges for which the student may otherwise be eligible.

#### ***Notice of Interim Action:***

The Director of Civil Rights & Title IX Compliance will notify the student of interim action in writing. This notice will include the basis for the interim action,

the process for appeal of the interim action, and the appropriate contact for questions about the terms of the interim action and process for acquiring permission to enter College property as necessary.

***Appeals:***

A student may appeal interim action by submitting a written request to the Vice President for Student Development within 48 hours of receipt of notice of the action. The interim action remains in effect pending the resolution of the appeal.

Appeals must be based on at least one of the following:

- The reliability and credibility of the information upon which the interim action is based, including the student's conduct and the student's identity; or
- Whether or not the alleged conduct and surrounding circumstances reasonably indicate that the continued presence of the student on college premises poses a substantial and immediate threat to them and/or to others, and/or to the stability and continuance of normal college functions.

In the case of a Respondent(s) who is a non-student Employee (e.g., administrator, faculty, or staff), and in its discretion, the College may place the Respondent(s) on full or partial administrative leave at any time after receiving a report of Hazing including during the pendency of the investigation and adjudication process.

For all other Respondent(s), including volunteers, guests, and independent contractors, the College retains broad discretion to prohibit such persons from entering onto its campus and other properties at any time, and for any reason, whether after receiving a report of Hazing.

**Notice**

After completing the initial inquiry, if the Office of Civil Rights & Title IX Compliance has determined that sufficient information exists to warrant an investigation, a notice will be sent to the Respondent(s) that includes:

- A full copy of the Policy Against Hazing and these procedures, whether in physical or electronic form.
- Sufficient information available at the time to allow the parties to respond to the allegations. Sufficient information includes the identities of the parties involved in the incident, the conduct alleged to constitute Hazing, and the date and location of the alleged incident, to the extent that information is available to the College.

- Notification to the Reporting Party(ies) and Responding Party(ies) of the College's prohibitions on Retaliation and false statements specified in "Bad Faith Complaints and False Information" and "Retaliation."
- The name and contact information of the person(s) conducting the investigation.

If there are legitimate concerns for the safety of any person because of providing the written notice of Complaint, providing such written notice may be reasonably delayed to address the safety concern appropriately. Safety concerns that would justify delay of providing the written notice must be based on an individualized safety and risk analysis and not mere speculation or stereotypes. In any event, the written notice will be provided to a party in advance of their initial investigative interview such that the party has sufficient time to prepare.

### **Standard of Proof**

Knox College uses the preponderance of the evidence standard of proof when determining whether a Policy violation occurred. This means that College will decide whether it is more likely than not, based upon the available information at the time of the decision, that the Respondent has violated College policy.

## **Options for Resolution**

### **A. Acceptance of Responsibility**

At any point in the proceedings, if a Responding Party elects to admit to the charged violations and waive further process, the Office is authorized to accept that admission, adopt it as the final determination, and collaborate with the appropriate sanctioning authority to administer sanctions. A Respondent who accepts responsibility waives their right to appeal. If the Respondent rejects the final determination/sanctions, or does not admit to all conduct charged, the Resolution Process continues to its conclusion.

### **B. Formal Resolution**

#### **1. Investigation Procedures**

The following investigation procedures will be used for formal resolution of all prohibited conduct.

##### **a. Commencement and Timing**

After the written notice is transmitted to the parties, the Office of Civil Rights & Title IX Compliance will undertake an investigation to

gather evidence relevant to the alleged Hazing, including inculpatory and exculpatory evidence. The burden of gathering evidence sufficient to reach a determination in the adjudication lies with the College and not with the parties. Although the length of each investigation may vary depending on the totality of the circumstances, the Office of Civil Rights & Title IX Compliance strives to complete each investigation within thirty (30) to forty-five (45) business days of the transmittal of the written notice of the Complaint.

**b. Fair Notice and Equal Opportunity**

During the investigation, the investigator will provide advance written notice to a party of the date, time, location, participants, and purpose of all meetings and investigative interviews pertaining to that party, with sufficient time for the party to prepare to participate. The investigator will provide an equal opportunity for the parties to be interviewed, to identify witnesses and to present other inculpatory and exculpatory evidence.

Notwithstanding the foregoing, the investigator retains discretion to limit the number of witness interviews the investigator conducts if the investigator finds that testimony would be unreasonably cumulative, and/or, if the witnesses are offered solely as character references and do not have information relevant to the allegations at issue. The investigator will not restrict the ability of the parties to gather and present relevant evidence on their own.

The investigation is a party's opportunity to present testimonial and other evidence that the party believes is relevant to the allegations in the Complaint.

**c. Individual and Organizational Responsibility**

The Office of Civil Rights & Title IX Compliance will, on a case-by-case basis, determine whether any violations of this policy are individual or organizational in nature. In determining whether or not a violation is organizational in nature, the Office of Civil Rights & Title IX Compliance will consider the following:

- How many members were present when the alleged violation occurred or had specific knowledge of the alleged violation?

- What knowledge the appropriate organization officers and/or advisors had of the alleged violation?
- What action the appropriate organization officers and/or advisors took in addressing/preventing the alleged violation?
- Were organization members acting in concert, or did the individual's membership in the chapter serve as an impetus for the alleged violation?
- Did the violation arise out of an organization sponsored, financed or endorsed event?
- Is there a pattern/practice of individual violations that have occurred without proper action by the organization?

**d. Documentation of Investigation**

The investigator will take reasonable steps to ensure the investigation is documented. Interviews of the parties and witnesses may be documented by the investigator's notes, audio recorded, video recorded, or transcribed. The particular method utilized to record the interviews of parties and witnesses will be determined by the investigator in the investigator's sole discretion, although whatever method is chosen shall be used consistently throughout a particular investigation, to the extent possible.

**2. Investigation Report & Decision-Making Procedures**

After the evidence-gathering phase of the investigation is completed, the investigator will prepare a written investigation report that summarizes the investigation and including all the potentially admissible evidence that is relevant to the allegations in the Complaint, including both inculpatory and exculpatory evidence.

If the matter is not resolved informally and there is no acceptance of responsibility by the Respondent(s), a determination of whether the Policy was violated will be made by the Director of Civil Rights & Title IX Compliance or an assigned decision maker.

The decision maker will objectively evaluate all relevant evidence, including both inculpatory and exculpatory evidence, and ensure that any credibility determinations made are not based on a person's status as a Reporting Party, Respondent(s) or witness. The decision maker will resolve disputed facts using the preponderance of the evidence standard and reach a determination regarding whether the facts that are supported

by a preponderance of the evidence constitute one or more violations of the Policy. In the event the decision maker determines that the Respondent(s) is responsible for violating this Policy, the decision maker will, prior to issuing a written decision, consult with an appropriate College official with disciplinary authority over the Respondent(s) and such official will determine any sanctions to be imposed. After reaching a determination the decision maker will prepare a written decision that will contain:

- A description of the alleged prohibited conduct.
- Information about the policies and procedures the College used to evaluate the allegations.
- The decision maker's evaluation of all relevant evidence and determination of whether the prohibited conduct occurred.

Transmittal of the written decision to the parties concludes the adjudication process, subject to any right of appeal as specified in "Appeal." The Director of Civil Rights & Title IX Compliance will determine which, if any, sanctions will be stayed (paused) during an appeal. Although the length of time needed to issue the written decision will vary depending on the totality of the circumstances, the College strives to issue the written decision within ten (10) business days of the completion of the investigation.

### **3. SANCTIONS & CORRECTIVE ACTION**

The College will take reasonable steps to prevent the recurrence of any violations of the Policy. The sanctions and corrective actions that may be imposed for any violation of this Policy include but are not limited to:

- Probation for students
- Suspension for students
- College campus access restrictions
- Change in assigned duties and/or committee assignments
- Leave of absence for employees
- Termination of employment with the College

Corrective actions taken by the College might also include, but are not limited to: providing and/or requiring appropriate forms of counseling and training, developing educational materials and programming, implementation of revised policies and procedures, undertaking climate

surveys and other mechanisms to identify and address patterns of violations.

#### **4. Appeal**

The Respondent(s) may appeal the written decision of an adjudication on one or more of the following grounds:

- A procedural irregularity that would change the determination of whether a Policy violation occurred.
- There is new evidence that would change the outcome of the matter and that was not reasonably available at the time the determination of whether the Policy was violated occurred or dismissal was made.
- The sanction is disproportionate to the violation.
- The Director of Civil Rights & Title IX Compliance, investigator, or decision maker, as the case may be, had a conflict of interest or bias for or against the involved Parties generally, or against the individual Responding Party, that would change the outcome.

No other grounds for appeal are permitted.

A party must file an appeal within seven (7) business days of the date they receive notice of the written decision. The appeal must be submitted in writing to the Director of Civil Rights & Title IX Compliance. The appeal must specifically identify the written decision and/or dismissal appealed from, articulate which one or more of the four grounds for appeal are being asserted, explain in detail why the appealing party believes the appeal should be granted, and articulate what specific relief the appealing party seeks.

Promptly upon receipt of an appeal, the Director of Civil Rights & Title IX Compliance Will conduct an initial evaluation to confirm that the appeal is timely filed and that it invokes at least one of the permitted grounds for appeal. If the Director of Civil Rights & Title IX Compliance determines that the appeal is not timely, or that it fails to invoke a permitted ground for appeal, the Director of Civil Rights & Title IX Compliance will dismiss the appeal and provide written notice of the same to the parties.

The Director of Civil Rights & Title IX Compliance will transmit the appeal and any records from the investigation and adjudication necessary to resolve the grounds raised in the appeal to the College designated

appeals officer. The appeal officer will promptly decide the appeal and transmit a written decision to the parties and the Director of Civil Rights & Title IX Compliance that explains the outcome of the appeal and the rationale.

The determination of a Complaint, including any sanctions, becomes final when the time for appeal has passed with no party filing an appeal or, if any appeal is filed, at the point when the appeal officer has resolved all appeals, either by dismissal or by transmittal of a written decision.

No further review beyond the appeal is permitted.

Although the length of each appeal will vary depending on the totality of the circumstances, the College strives to issue the appeal officer's written decision within seven (7) business days of an appeal being transmitted to the appeals officer.

### **C. Agreement-Based Resolution**

Agreement-Based Resolution is an alternative where the Director of Civil Rights & Title IX Compliance allows the Respondent(s) to voluntarily agree to resolve the complaint in a way that does not include a formal investigation. Agreement-Based Resolution will result in a binding agreement that the Respondent(s)/Organization must follow to remedy the effects of having and prevent future hazing.

The Director of Civil Rights & Title IX Compliance has the discretion to determine that Agreement-Based Resolution is not an appropriate way to address the reported conduct, and that the matter must instead be resolved through an alternate process. An alleged hazing incident that resulted in serious harm will not be resolved through Agreement-Based Resolution.