

## **Complaints of & Investigations for Sexual and Gender Based Misconduct Cases:**

### **WHAT TO EXPECT**

- Once a complaint for an alleged incident of sexual misconduct is filed, a student has rights and resources as the reporting party (complainant) and responding party (respondent) during this process which are outlined in the Notice of Rights and Options available at <http://www.loyola.edu/department/title-ix> under “Quick Links” located in the sidebar on the right. The Title IX Deputy for Students will provide the details of the complaint to the respondent in a meeting and will explain the investigation and adjudication process.
- Become familiarized with the student conduct process. A full description of the investigation and hearing process can be found in the Community Standards online at <https://www.loyola.edu/department/title-ix/policy> . Specific information about the sexual misconduct section can be found in *Section 21. Sexual and Gender Based Misconduct* of the *2019-2020 Community Standards*.
- If you need an accommodation or other assistance through Disability Support Services, please email Marcia Wiedefeld at [mwiedefeld@loyola.edu](mailto:mwiedefeld@loyola.edu) or call 410-617-2016. TTY users, please call Maryland Relay Services by dialing 711.
- Both the reporting party and responding party are entitled to have no more than two advisors of their choice to accompany them throughout the entire process, including, but not limited to, any meetings with the Title IX Deputy for Students or designee, investigator(s), hearing officers, and hearing panel members. Advisors may be a personal supporter of the student’s choice, a licensed attorney, an advocate, or an advocate supervised by an attorney. The reporting party and responding party may access attorneys paid for by the Maryland Higher Education Commission (MHEC) or who agree to participate on a pro bono (without charge) basis. Information regarding accessing counsel through MHEC can be found on the MHEC website, [MHEC List of Attorneys for Title IX Campus Sexual Assault Proceedings](#). Students may knowingly and voluntarily choose not to have counsel. Counsel may not be available through MHEC for complaints involving allegations of sexual and/or gender-based harassment only.
- The primary role of the advisor is to assist the reporting party or responding party in preparing for the meeting with the investigator and hearing panel and provide support throughout the process. With that in mind, it is highly encouraged that the parties schedule a time to meet with their advisor(s) in advance of the meeting with the investigator(s) and prior to the hearing to discuss the documented incident under review, help prepare for the meetings by reflecting on the incident, and reviewing their role in the documented incident.
- The reporting party and responding party have the right to submit to the investigator evidence, witness lists, and suggested questions for the witnesses. All participants, including witnesses, in the investigation and adjudication of alleged sexual misconduct matters are

required to sign a **Release of Information form** (see page 5 of this document) which allows the statement to be shared with each party, investigator(s), hearing board members, Director of Student Conduct or designee, Dean of Students, Title IX Deputy for Students, and other school officials on a need-to-know basis.

- All participants will be notified via email or phone call to participate in a meeting(s) with an investigator(s) who is impartial, fair, and a neutral fact-finder. The date, time and location of the meeting will be shared in the email. As soon as you receive this request, please confirm your participation in the meeting by replying to the email. If you are unable to attend the meeting, please respond immediately so that the meeting may be rescheduled. For any questions about this matter, contact the Title IX Deputy for Students via email at [kkurita@loyola.edu](mailto:kkurita@loyola.edu) or by phone at (410) 617-5646.
- Please arrive promptly for the meeting with the investigator(s) on the designated date, time, and location as shared in the email. Generally, the meeting will last approximately one hour or less unless otherwise stated in the email. Bring the signed and completed Release of Information form (see page 5 of this document). The investigator(s) will have extra copies of the form. Once the meeting is concluded, the individual is free to leave. Please do not disclose any information shared throughout the entire process to others who are not involved in the alleged incident as we would like to preserve the privacy of the involved parties.
- During the meeting with the investigator(s), it is highly encouraged that any and all information (such as phone call records, text messages, and social media posts, etc.) is submitted so that it can be part of the investigative materials.
- The investigator(s) will contact each individual via email or phone call to verify the statement that was provided during the meeting(s). Please promptly respond to the communication. Failure to respond in a timely manner delays the process for the involved parties.
- Once the investigation has concluded and all participants have verified their statements, the investigative report will be shared with the reporting party and responding party. Each party may submit a written response to the Title IX Deputy for Students within five (5) University business days. The Title IX Deputy for Students will provide the investigative report along with the written responses to the Office of Student Conduct to be included in the materials reviewed by the hearing panel, and the parties will receive all of the materials once a hearing has been scheduled by the Office of Student Conduct.
- Resources are available to support participants of the investigation and adjudication process, including but not limited to, referrals to the Counseling Center, Student Health Center, no contact orders, academic assistance and tutoring, extensions for assignments and tests (if appropriate), accommodations for a disability via Disability Support Services at <https://www.loyola.edu/department/dss> , escort service via Public Safety and the Student Escort Service, among other support services which are offered by the Title IX Deputy for

Students, or designee, located in room 110 Jenkins Hall, who can be reached via email at [kkurita@loyola.edu](mailto:kkurita@loyola.edu) and by telephone at 410-617-5646.

- Retaliation or intimidation directed at the reporting party, responding party or any participant in the investigation and adjudication of the alleged incident of sexual misconduct is strictly prohibited and that includes behaviors by advisors, parents, attorneys or any other third parties. Any incidents of retaliation should be reported immediately to the Title IX Deputy for Students or Student Conduct and are considered a serious violation of the Student Code of Conduct.
- Witnesses are not entitled to an advisor during this process. The complainant and respondent are required to notify the Office of Student Conduct one University business day in advance of the hearing date if they plan to bring an advisor and/or any witnesses. Each party may submit up to two character witness statements in writing to the Office of Student Conduct at least one University business day prior to the hearing.
- The Title IX Deputy for Students or designee will make reasonable attempts to be flexible in scheduling to permit advisors to be present during meetings with the investigator or other related meetings. However, the right to have advisors present does not allow for an unreasonable delay. The Title IX Deputy for Students or designee will decide the reasonableness of any request for a possible delay for the investigative meetings.
- Witnesses may be asked by the parties to attend and make a statement before the hearing panel. Try to make every effort to ensure the witness attends the hearing. If the witness is unable to attend, they can submit a written statement, by email or delivered in person to the hearing officer, at least one University business day from the date of the hearing. Class absences may be excused by contacting the Title IX Deputy for Students in advance of the hearing so that the professor(s) may be informed of the absence prior to the hearing. The Title IX Deputy for Students is unable to provide excused absences for the hearing after it has taken place.

### **ROLE OF ADVISORS AND EXPECTATIONS FOR BEHAVIOR**

- The reporting party and responding party are entitled no more than two advisors of choice. Advisors may accompany the student throughout the entire process. Advisors are not allowed to address the investigator(s), address the hearing board, or question witnesses (see iii of *2019-2020 Community Standards*).
- Advisors should be mindful of the well-being of the student and serve as an appropriate referral agent. The advisor should be familiar with and able to recommend resources such as the Counseling Center, Campus Ministry, and other support personnel on the Loyola University campus. If the advisor is not a member of the University community, they should contact the Title IX Deputy for Students to inquire about appropriate resources for students.

- It is expected that advisors will accompany the student whom they are advising to the scheduled meetings and hearing and is expected to sit through the meetings and hearing in its entirety.
- Advisors may not speak for, or in place of, the student at any point during the investigation or hearing process. Advisors may not serve as a fact witness or character witness for the student that they are advising.
- Advisors may not present the case or question, cross-examine, or address the investigator(s) or members of the hearing panel or any witness.
- Advisors may not exchange or share written materials with anyone other than the student they are advising.
- Advisors may talk with the student they are advising throughout the investigation and hearing process.
- Advisors are permitted to attend any follow-up meetings with the student they are advising before and after the scheduled investigation and hearing occurs.
- Advisors may accompany the student whom they are advising to the appeal hearing (if an appeal hearing is scheduled) and is expected to sit through the appeal hearing in its entirety.
- All information involved with the investigation and hearing process must be kept private.
- Sharing private information, retaliation, or disruptive behaviors before, during, or after the investigation and hearing in any format is not permitted.
- Disruptive advisors will be removed from the process and the process will continue in the absence of the disruptive advisor (see iii of *2019-2020 Community Standards*).

Questions regarding the procedures outlined in this document may be directed to Katsura Kurita, Title IX Deputy for Students, located in room 110 Jenkins Hall, via email at [kkurita@loyola.edu](mailto:kkurita@loyola.edu), by phone at (410) 617-5646, or by fax at (410) 617-5124.

**RELEASE OF INFORMATION  
FROM AN EDUCATIONAL RECORD PROTECTED UNDER FERPA**

All students have the right to protection of their educational records from general disclosure under the terms and provisions of 20 U.S.C. 1232g (FERPA). Under the Family Educational Rights and Privacy Act (FERPA), limited disclosure of personally identifiable information from a student's protected educational record is permitted in accordance with the exceptions to FERPA's coverage, and with the specific consent of the student whose record it is.

Through your participation as a party or witness, you have been advised that the information provided may be shared with the reporting party or responding party, witnesses, or school officials (i.e., investigator(s), Title IX Deputy for Students, advisors, hearing board members, Student Conduct staff) on a need-to-know basis.

If you have any questions or would like to revoke this permission, please contact Katsura Kurita, Title IX Deputy for Students, via email at [kkurita@loyola.edu](mailto:kkurita@loyola.edu) or by phone at 410-617-5646.

Signature: \_\_\_\_\_

Print Name: \_\_\_\_\_

Date: \_\_\_\_\_

Email address: \_\_\_\_\_

Cellphone number: \_\_\_\_\_