The formal resolution process shall be carried out using reasonable prompt time frames, including time frames for filing and resolving appeals, and for informal resolution processes if offered.

Policy 156: Discrimination, Harassment, and Retaliation Complaint Procedures

In all cases, the applicable standard of proof for determining responsibility for an alleged violation is “preponderance of the evidence” meaning, in order for someone to be held responsible it must be determined that it is more likely than not that the person violated these procedures.

NDSU Policy 156 and Policy 156.1 EO/Title IX Investigation Process Chart for Student Cases (modeled after ATIXA)

Policy 156.1 Title IX Complaint Procedures

In all cases, the applicable standard of proof for determining responsibility for an alleged violation is “preponderance of the evidence” meaning, in order for someone to be held responsible it must be determined that it is more likely than not that the person violated these procedures.

NDSU Policy 601 will be used to resolve the complaint

If agreement reached

Dismiss

If agreement not reached

Informal Resolution

(If Equal Opportunity and Title IX Compliance Office deems appropriate and parties agree)

Preliminary evaluation determination — Day 3
(The Equal Opportunity and Title IX Compliance Office determines whether there is reasonable cause to believe policies are violated and evidence may be found to substantiate allegations of policy violation)

Pursue further action

Notice of action — Day 6
(To both parties)

Notice of action

(May or may not come from a formal complaint)

Supportive measures

(Both parties)

Investigation (Apply reasonable cause standard)

Submission of preliminary investigative report to parties

Submission of investigative report to Student Affairs Office

NDSU Policy 601 will be used to resolve the complaint

No reasonable cause

Reasonable cause

Decision maker finds no violation

Decision maker finds violation/recommends sanction

Share outcome with parties

Either party may appeal

(If procedural error, new evidence, conflict of interest, other basis set forth in the campus-level processes)

Share final outcome with parties

(Supervisor to impose recommended sanctions)

If suspension/expulsion/termination imposed, NDSU will provide method of reviewing an additional appeal

• If sanctioned, both parties retain rights to pre-disciplinary action review and/or an appeal
• Enforce sanctions and prevent reoccurrence
• Remedy effects on parties and community

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