

WHAT TO EXPECT

AFTER THE TITLE IX
INVESTIGATION

*for complainants
and respondents*

Overview

This handout is for students who are complainants and respondents (parties) involved in a sexual misconduct complaint at CSU. It explains what happens after the investigation and discusses options for you to consider. This document is a brief summary of CSU Executive Order (EO) 1097 (revised March 29, 2019) that we hope will help you make an informed decision about how you would like to proceed now that the investigation is over. **However, this handout does not replace EO 1097**, so please review the EO very carefully and let us know if you have any questions. (EO 1097 is accessible at <http://www.calstate.edu/eo/EO-1097-rev-3-29-19.pdf>) This process can be stressful, and we hope you will use the on- and off-campus resources available to manage the uncertainty and emotions as best as possible during this process. Please check with your Title IX Coordinator if you want to learn more about resources and to make sure that you have the most recent version of this handout (which may be revised from time to time).

After the investigation has concluded, you will receive an investigation report that describes the complaint, the key facts that are relevant to the complaint (and whether they are disputed or undisputed) and the evidence that the investigator reviewed. (See Article V of the Addendum to EO 1097.) As you read the report and consider the evidence presented by both parties, consider the options below.

Option: Early Resolution

If the Title IX Coordinator or either party believes that it may be possible to resolve the complaint in a prompt, fair, and reasonable manner without a hearing, consider an Early Resolution. This means that the parties and Title IX Coordinator would agree on a mutually acceptable way to resolve the complaint without the need to hold a hearing. Talk to your campus Title IX Coordinator if you would like to learn more about the Early Resolution process.

Option: Campus Hearing

If Early Resolution does not work for your case, a hearing will be scheduled. The hearing is a meeting at which the Hearing Officer (the individual who will oversee the hearing and make a decision about whether EO 1097 was violated) listens to the witnesses and analyzes the

evidence. The Hearing Officer asks questions of the complainant, respondent, and other witnesses and makes findings of fact and a decision about whether the respondent violated CSU policy by a preponderance of the evidence. Although the complainant and respondent will not themselves ask questions, they may propose questions for the Hearing Officer to ask of the other party and witnesses.

- Who may attend the Hearing: The parties, witnesses, Hearing Officer, Hearing Coordinator, Title IX Coordinator, and Student Conduct Administrator attend the hearing. In addition, the complainant and respondent may each be accompanied by an advisor *and* support person of their choice. The role of the advisor and support person is to help the students participate in this student process, but they may not speak for the student or on their behalf.
- Pre-Hearing and Hearing Process Timeline: Once the investigation is complete, the parties will be given at least **15 Working Days'** written notice of the date, time, and location of the hearing as well as the name of the Hearing Officer. Here are some other key deadlines:

Deadline (in Working Days)	Action (all communications must be in writing)
5 days after notice of the Hearing Officer	Inform the Hearing Coordinator in writing if you intend to object to the Hearing Officer (must be because of an actual conflict of interest).
10 days before the hearing	Provide to the Hearing Coordinator the names/contact info for your advisor and support person; the names of the witnesses that you would like to be questioned at the hearing (along with contact information and their relevance as a witness).
5 days before the hearing	Hearing Coordinator will send the final witness list to the parties.
	Hearing Coordinator instructs each witness to attend the hearing, and of the date, time, and location.

	Each party submits to the Hearing Coordinator the list of questions for the Hearing Officer to ask of the other party and any other witnesses. (Questions will not be shared with the other party or witnesses before the hearing.)
3 days before the hearing	Each party submits to the Hearing Coordinator: objections/questions about the witness list and requests to participate out of the physical presence of the other party (or remotely).
1 day before the hearing	Hearing Officer resolves all pending requests. Hearing Officer notifies the parties.

- Participation: A party is not *required* to participate in a hearing, but there is risk in not attending. If you are a complainant or respondent and do not participate in the hearing, the University's ability to take action will be limited. The hearing will take place without you, and statements you made during the investigation (even if described in the investigation report) might not be considered at the hearing because you won't be available to answer questions about those statements. A witness who does not attend the hearing is subject to discipline (as a student or employee) and a hold may be placed on any student witness's transcript. If a witness does not attend the hearing, the Hearing Officer will likely not rely on what that witness told the investigator (even if it is described in the investigation report) because the witness won't be available to answer questions about those statements.

Cal Poly has designated complainant and respondent advisors on campus to help the parties understand the policy and procedure, connect the parties with resources, and attend meetings with the parties as an observer, if desired.

To obtain a complainant advisor, you may contact:

Title IX Coordinator Dawnita H Franklin dhfranklin@cpp.edu (909) 869-4646	Sr. Deputy Title IX Coordinator Barbara A Reguengo bareguengo@cpp.edu (909) 869-4646
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To obtain a respondent advisor, you may contact:

Title IX Coordinator Dawnita H Franklin dhfranklin@cpp.edu (909) 869-4646	Sr. Deputy Title IX Coordinator Barbara A Reguengo bareguengo@cpp.edu (909) 869-4646
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Counseling and Psychological Services (CAPS), Survivor Advocacy Services (SAS), and Bronco Wellness Center and Health work confidentially with complainants and respondents in these matters. You may obtain counseling services and be paired with a confidential counselor:

Counseling and Psychological Services caps@cpp.edu (909) 869-3220	Survivor Advocacy Services Senior Coordinator and Advocate Rhonda E. Dixon survivoradvocacy@cpp.edu (909) 869-3102	Bronco Wellness Center and Health Wellnessctr@cpp.edu (909) 869-5272
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To request accommodations, you may contact:

Title IX Coordinator Dawnita H Franklin dhfranklin@cpp.edu (909) 869-4646	Sr. Deputy Title IX Coordinator Barbara A Reguengo bareguengo@cpp.edu (909) 869-4646
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Off-campus confidential complainant services and advisors can also be obtained 24/7 by contacting Peace Over Violence at (626) 793-3385