Summary Information for Complainants and Respondents in Title IX Sexual Harassment Cases
updated August 2020

This document provides a summary of the grievance (investigation/adjudication) procedures utilized under the Title IX Sexual Harassment policy following Initial Assessment by the University Sexual Misconduct/Title IX Coordinator. This document is subject to change as additional details related to the implementation of the Title IX Sexual Harassment policy are determined in the coming weeks.

It is strongly recommended that you also review the Title IX Sexual Harassment policy as well as the Sexual Misconduct & Title IX website and the sexual misconduct investigations website, as they provide important information that is not included in this summary document. The Title IX Sexual Harassment policy is the official procedure by which the process is implemented and it should be consulted for details about the process. You can also email the Office of Gender Equity and Title IX Administration (ptitleix@princeton.edu) with questions at any point throughout the process.

1. **Neutrality.** The Office of Gender Equity and Title IX Administration does not take sides. We are committed to providing a fair, equitable, and unbiased review. Our role is to compile evidence, assess the available evidence, and determine whether a preponderance of the evidence substantiates the allegations. We also assist parties (complainants and respondents) by providing information about support that is available to them throughout the process.

2. **Confidential Resources.** Parties are strongly encouraged to consult with confidential resources for support during the grievance process.

3. **Supportive Measures.** Supportive Measures, including No Communication Orders and No Contact Orders and academic and housing supports, are available to parties throughout the grievance process. The Office of Gender Equity and Title IX Administration (ptitleix@princeton.edu) is available to discuss supportive measures that may be helpful during the grievance process. In addition, if a party or witness is interested in information regarding resources that may be available to them related to a disability, they should contact the Office of Disability Services (ods@princeton.edu).

4. **Advisers.** Parties may each have an adviser of their choosing during the Title IX Sexual Harassment grievance process (investigation/adjudication). This may include members of the University community as well as external individuals, including attorneys. If a party who is a current member of the University community seeks to engage an attorney to serve as their adviser, the University will provide certain financial resources to assist in
that engagement. The adviser may be copied on correspondence between the Office of Gender Equity and Title IX Administration and the complainant or respondent; however, the adviser may not act as a proxy for/on behalf of the party (that is, parties are expected to correspond directly with the Office of Gender Equity and Title IX Administration, rather than their advisers doing so). In addition, the adviser may attend any meeting, interview, or hearing connected with the disciplinary process. The adviser may not actively participate in meetings or interviews (e.g., the adviser may not answer questions posed to a party during an interview). However, the adviser may conduct cross-examination of the other party and any witnesses; the adviser may not otherwise actively participate in the hearing. For further information regarding advisers, please see the Choosing an Adviser section of the sexual misconduct investigations website.

5. **Length of Grievance Process.** Every effort will be made to complete the investigation, adjudication, and (as necessary) sanctioning within ninety (90) business days after the complainant’s first interview with investigators. There may be circumstances that require the extension of time frames for good cause, including to ensure the integrity and completeness of the investigation or adjudication; comply with a request by external law enforcement; accommodate the absence of a party, adviser, or witness; or for other legitimate reasons, including the complexity of the investigation and the severity and extent of the alleged misconduct. The University will notify the parties in writing of any extension of the time frames for good cause, and the reason for the extension.

6. **Discussing the Investigation.** Individuals (including complainants, respondents, and witnesses) involved in investigations are encouraged to exercise discretion in sharing information in order to safeguard the integrity of the process and to avoid the appearance of retaliation. While discretion regarding the process is important, complainants and respondents are not restricted from discussing the allegations under investigation.

7. **Notice of Investigation.** At the outset of an investigation, the parties will be provided with a written Notice of Investigation, which will include information related to the allegations and grievance process.

8. **Gathering Evidence.** Because the parties themselves usually have the best information about their experience, the parties are encouraged to identify evidence that they believe could be relevant, and the investigators will seek to obtain such evidence. In addition, during the course of interviews, investigators will ask the parties and witnesses to provide specific evidence if the investigators determine that such evidence may be relevant to the investigation. The investigators will themselves seek relevant information from publicly available sources and/or from the University (for example, where camera footage or card entry records may be relevant). The most common types of evidence submitted by parties and witnesses in these cases include: messages (texts, Facebook, Snapchat, etc.), emails, letters, diary/journal entries, medical records, photographs, and videos. Investigators will also ask the parties to provide the names of individuals whom the parties believe have relevant information (including non-members of the Princeton community); for example, individuals who witnessed the incident, individuals with whom
the parties spoke regarding the incident, etc.

9. Interviews. A panel of two or three investigators will conduct separate interviews of the complainant, respondent, and any witnesses, and will collect all relevant information. All investigators will be present during the parties’ interviews; witnesses may be interviewed by two investigators. The investigators will record all interviews, or notes of the interviews will be taken by the investigators; any other recording of interviews is prohibited and violations may result in discipline. Interviewees make take breaks at any time; however, we ask that they answer any pending questions before doing so.

10. Nature of the Questioning. It is important that the investigators obtain all possible relevant information from parties and witnesses. Therefore, complainants, respondents, and witnesses may anticipate that they will be asked detailed questions which may relate to very personal and sensitive matters. The investigators are trained to do so in a sensitive and respectful manner, but we recognize that such questioning can be difficult to experience. In addition, investigators may ask questions related to alcohol and drug use in order to ascertain parties’ and witnesses’ levels of intoxication, which may impact the reliability of their memories. The investigators recognize that for a variety of reasons (e.g., the length of time since the incident, the use of alcohol or other drugs), parties and witnesses may not clearly recall every aspect of an incident. However, it is important for interviewees to be honest with the investigators regarding what they recall clearly, what they recall to some extent, and what they do not recall.

11. Case File. After the above-described information has been gathered, the investigators will prepare a case file of all collected evidence that is directly related to the allegations, which may include transcripts or summaries of party and witness interviews and other collected documents and evidence. The case file will be provided, in redacted form, to both parties and their advisers. It is important that the parties review the full case file. After reviewing the case file, both parties will have ten (10) business days to respond in writing, which may include a request that the investigators collect additional evidence. The parties and their advisers will be provided with each party’s written responses to the case file, as well as any additional information collected by the investigators.

12. Investigative Report. After reviewing the case file and any responses, the investigators will create a written investigative report that summarizes all relevant evidence. The investigative report will be provided, in redacted form, to both parties and their advisers. Both parties may submit a written response (not to exceed 2500 words) to the investigative report, which must be submitted at least five (5) business days prior to the start of the hearing. The parties and their advisers will be provided with the other party’s written response to the investigative report.

13. Pre-Hearing Meeting. A pre-hearing meeting may be scheduled (separately) with each party and their adviser to explain the hearing protocol. In advance of the hearing, parties will be required to identify witnesses to be called at the hearing, as well as to provide a brief written explanation of the information each witness would be asked to provide.
14. Hearing. A panel of three individuals will serve as the Hearing Panel; a former judge or an attorney will serve as the Presiding Hearing Panelist. Parties may request for the hearing to occur with the parties located in separate locations with technology enabling the Hearing Panel and the parties to simultaneously see and hear the party answering questions. Typically, a hearing, which will be recorded, may include brief opening remarks by the Presiding Hearing Panelist; questions posed by the Hearing Panel to one or both of the parties; questions posed by the Hearing Panel to any relevant witnesses; and cross-examination (see below) by either party’s adviser of the other party and relevant witnesses.

15. Cross Examination. The parties’ advisers will have the opportunity to cross examine the other party (and witnesses, if any). Before a party or witness answers a cross-examination question that has been posed by a party’s adviser, the Presiding Hearing Panelist must first determine whether the question is relevant and explain any decision to exclude a question as not relevant. If the complainant, the respondent, or a witness informs the University that they will not attend the hearing (or will refuse to be cross-examined), the hearing may proceed, as determined by the University Sexual Misconduct/Title IX Coordinator. However, under such circumstances, the Hearing Panel may not (a) rely on any statement or information provided by that non-participating individual in reaching a determination regarding responsibility or (b) draw any adverse inference in reaching a determination regarding responsibility based solely on the individual’s absence from the hearing (or their refusal to be cross-examined).

16. Standard of Proof. The standard of proof is preponderance of the evidence, which means that it is more likely than not, based on all the relevant evidence and reasonable inferences from the evidence, that the respondent violated the policy.

17. Written Determination: Following the hearing, the Hearing Panel will consider all of the relevant evidence and deliberate regarding responsibility, and the Presiding Hearing Panelist will make a determination, by a preponderance of the evidence, whether the respondent has violated the policy. The Presiding Hearing Panelist will write a written determination, which will contain: (1) the allegations potentially constituting a violation of the Title IX Sexual Harassment policy; (2) a description of the procedural steps taken; (3) findings of fact supporting the determination; (4) conclusions regarding the application of the policy to the facts; (5) a statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility (i.e., whether a policy violation occurred), any disciplinary sanctions imposed by the Sanction Officer if there has been a finding of responsibility and whether any remedies will be implemented (see below); and (6) relevant appeal information for the parties. The parties and their advisers will simultaneously be provided with the written determination via email, and will be notified in advance regarding exactly when to expect to receive the written determination.

18. Sanction. If the respondent is found to have violated the Title IX Sexual Harassment policy, the Presiding Hearing Panelist will refer the matter to the appropriate University official to determine sanctions and remedies; sanctions will be included in the written
determination. Sanctions will take into account the seriousness of the misconduct as compared to like cases in the past, the respondent’s previous disciplinary history (if any), and institutional principles. The following Sanction Officers (in consultation with appropriate University administrators) will determine the appropriate sanction and remedies: dean of undergraduate students Kathleen Deignan (for undergraduate respondents); deputy dean of the Graduate School Cole Crittenden (for graduate student respondents); dean of the faculty Sanjeev Kulkarni (for faculty respondents); or vice president of human resources Lianne Sullivan-Crowley (for staff respondents). In determining an appropriate sanction: (1) The most important consideration is the relative seriousness of the infraction. Consideration is given to the specific standards of conduct that were violated and the impact of the respondent’s actions on the individuals personally affected, the University community, and the University’s values. (2) Precedent cases inform the decision and are normally determinative, as the fair and equitable application of sanctions for similar conduct is essential to preserving the actual and perceived fairness of our disciplinary system. Although each case is unique, the University’s Information regarding Penalties in Sexual Misconduct Cases and the annual Sexual Discrimination and Sexual Misconduct disciplinary reports provide information regarding outcomes for prior cases. (3) A respondent’s previous disciplinary record (a violation of any sort) is taken into account when considering a sanction for the current violation. (4) Lack of honesty during the investigation and/or adjudication process can be a factor in certain circumstances, such as when it involves the manufacturing of or tampering with evidence. If a respondent is found responsible for multiple violations, this will be reflected in the sanction. The range of penalties can be found in Appendix C to the Title IX Sexual Harassment policy. For further information regarding sanctions, please see the Sanctions section of the sexual misconduct investigations website.

19. Appeals. When the parties are notified of the written determination, they will receive information regarding the appeal process, as both parties have equal rights to an impartial appeal. All communications regarding appeals should be directed to Christine Gage, the associate secretary of the University (cgage@princeton.edu). Appeals must be submitted in writing within five (5) business days of receipt of the written determination and should consist of a written statement (not to exceed 2500 words) outlining the basis for appeal and the relevant information to substantiate the appeal. The non-appealing party will be provided with a copy of the appealing party’s written statement and may submit a written response (not to exceed 2500 words) within five (5) business days of receipt of the appeal. Appeals are heard by an Appeal Panel consisting of three members. Grounds for appeal are as follows: (1) procedural irregularity that affected the outcome of the matter; (2) new evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made which could affect the outcome of the matter; (3) the University Sexual Misconduct/Title IX Coordinator or their staff, investigator(s), any member of the Hearing Panel, or Sanction Officer had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter; and/or (4) the
sanctions (or recommended sanctions) are not commensurate with the violation. For further information, please see the Appeal Process section of the sexual misconduct investigations website.

20. **Informal Resolution Process.** The informal resolution process is a voluntary, remedies-based process designed to provide members of the Princeton University community with an option to resolve disputes with other members of the Princeton University community in a forum that is separate and distinct from the University’s formal grievance processes under the Title IX Sexual Harassment Policy. Even if the formal grievance process has already begun, either party may seek to initiate the informal resolution process up until five business days prior to the hearing. If both parties agree to participate in the informal resolution process and the University Sexual Misconduct/Title IX Coordinator approves of the informal resolution process, the formal grievance process will be adjourned while the informal resolution process is pending; if an agreement is not reached, the formal grievance process will be resumed. For further information regarding the informal resolution process, please see the Informal Resolution Process section of the sexual misconduct investigations website.

21. **Retaliation.** No individual may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX Sexual Harassment policy or because an individual made a report or formal complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this policy. Retaliatory behavior is subject to investigation and if substantiated, will result in discipline proportionate to the conduct. Individuals are encouraged to share any concerns related to Retaliation (both throughout and following the investigation) to the Office of Gender Equity and Title IX Administration.

22. **Law Enforcement.** Complainants have the option to report the incident to both the University and to law enforcement (the Department of Public Safety or local law enforcement), and they have the option to decline to notify law enforcement. The Sexual Harassment/Assault Advising Resources and Education Office (SHARE) can also provide assistance to complainants who are interested in reporting the incident to law enforcement.

23. **Additional Resources.** A complete list of on and off campus resources is available at https://sexualmisconduct.princeton.edu/resources-reporting.