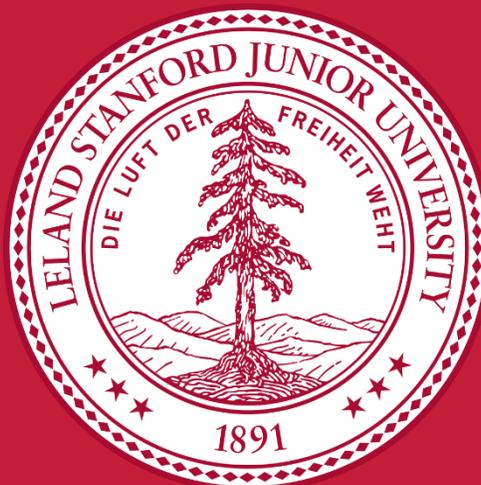


**Stanford Student Title IX  
Investigation & Hearing Process  
("Student Title IX Process")**

**February 2016**



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**I. Preamble**

Stanford University has developed this process as part of its commitment to address sexual violence. The process arises out of the April 2015 Report of the Provost's Task Force on Sexual Assault Policies and Practices, which included recommendations for a new streamlined Title IX student investigation and disciplinary process on a pilot basis. This process sets forth fair and equitable procedures to review and adjudicate sexual violence allegations made against students. This process will be known as the Student Title IX Process.

**A. Scope**

This process is designed to address the University's responsibilities under Title IX of the Education Amendments of 1972 relating to sexual harassment (including sexual violence, stalking, and domestic and dating violence), the Violence Against Women Reauthorization Act of 2013 (VAWA) and its implementing regulations, and California Education Code sections 67380, 67383 and 67386. Title IX prohibits discrimination on the basis of sex in educational programs and activities that receive federal financial assistance. Similarly, Section 304 of VAWA and California Education Code section 67386 require that universities have procedures in place

to respond to matters of sexual assault, domestic violence, dating violence and stalking. This process will be relied on to implement these legal obligations in conjunction with Administrative Guide 1.7.3, which prohibits the following conduct: Sexual Harassment, Sexual Assault, Sexual Misconduct, Relationship Violence (domestic violence and dating violence), and Stalking. This process will also be used to address complaints of retaliation/intimidation and violations of University or Court-Ordered Directives related to the aforementioned conduct (collectively, Prohibited Conduct). See Appendix A for definitions. Additionally, this process may also address related policy and Fundamental Standard charges that stem from the same allegations as the charged Prohibited Conduct.<sup>1</sup>

## **B. Jurisdiction**

This process addresses all instances in which a Stanford student<sup>2</sup> (the Responding Student) while in a degree-granting program is alleged to have engaged in Prohibited Conduct on campus or off campus under circumstances in which the alleged Prohibited Conduct either occurred in a University program or activity or such that it has the effect of potentially creating a hostile environment for the Complainant(s). A Complainant for purposes of this process is the individual(s) subjected to the alleged Prohibited Conduct.<sup>3</sup>

## **C. Pilot Implementation**

Because this process applies to student discipline, the President has authorized it as a pilot program under Section IV.A of the Judicial Charter of 1997, which reserves for the President the ability “to promulgate and enforce regulations governing student conduct.” The Title IX Coordinator is directed to manage this process in consultation with the Director of the Office of Community Standards and to share disciplinary outcome records with the Office of Community Standards. This pilot program will take effect beginning February 1, 2016<sup>4</sup> and will remain in effect through August 31, 2018, or as otherwise indicated by the President. This is the sole disciplinary process to resolve matters of Prohibited Conduct alleged to have been committed by a Stanford student while in a degree-granting program. The rights and obligations provided in this process necessarily supersede any conflicting rights or obligations provided in the

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<sup>1</sup> Allegations related solely to a violation of Administrative Guide 1.7.2, which covers consensual sexual relationships, will not be handled under the Student Title IX Process outlined here, unless there are other allegations of Prohibited Conduct being addressed through this process.

<sup>2</sup> Instances involving allegations of Prohibited Conduct by Stanford community members not covered by this policy are addressed under the Title IX Administrative Policy and Procedures at [https://titleix.stanford.edu/sites/default/files/title\\_ix\\_student\\_policy\\_ay\\_2013-14\\_faculty\\_staff\\_may\\_2014\\_final\\_0.pdf](https://titleix.stanford.edu/sites/default/files/title_ix_student_policy_ay_2013-14_faculty_staff_may_2014_final_0.pdf).

<sup>3</sup> Stanford uses the term “Complainant” to provide consistency with the Office for Civil Rights and many peer institutions. Use of this term does not necessarily indicate that this person complained, reported the conduct or requested that the University pursue the matter.

<sup>4</sup> New investigations into Prohibited Conduct begun on or after February 1, 2016 will be reviewed under this process regardless of when the alleged Prohibited Conduct occurred; investigations begun before February 1, 2016 will continue through the Alternate Review Process.

Constitution of the Associated Students of Stanford University (ASSU) or any other ASSU or University policy.

#### **D. Process Overview**

This process includes an investigation phase undertaken by the Title IX Office. Following an investigation, a decision will be made about whether to charge a Responding Student with Prohibited Conduct. For matters that are not charged, the matter could proceed to a review of evidence (Evidentiary Review) by an Evidentiary Specialist if a party requests such a review. Responsibility for charged conduct is decided at a hearing by a Hearing Panel using trained decision-makers (Panelists). The hearing process is managed by a Hearing Coordinator. In matters in which an outcome is reached (either by not charging a matter or by proceeding to a decision on a charge by the Hearing Panel), parties have a right to appeal the outcome.

### **II. Understanding Options Before Reporting: Confidential University Resources**

The University offers confidential resources that can provide emotional support and counseling. A Confidential University Resource is an individual who by law is exempted from the obligation to report an allegation of Prohibited Conduct to the Title IX Coordinator or to law enforcement. Confidential University Resources include the following individuals when acting in the capacity of providing medical care, advice, counseling or comfort:

|  |  |
|--|--|
| • <b>Stanford University Confidential Support Team</b> | <b>(650) 725-9955 (24/7) or (650) 736-6933</b> |
| • <b>YWCA Rape Crisis Hotline (24/7)</b>               | <b>(650) 493-7273 or (408) 287-3000</b>        |
| • <b>Counseling and Psychological Services (CAPS)</b>  | <b>(650) 723-3785</b>                          |
| • <b>Office for Religious Life</b>                     | <b>(650) 723-1762</b>                          |

Unless the alleged victim is a minor or there is a belief that there is an imminent threat of harm to self or others, reporting a Title IX concern to one of these resources will not lead to a University or police investigation.<sup>5</sup>

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<sup>5</sup> Individuals who meet the definition of a mandated reporter under California Penal Code sections 11165.7, 11166, and 11167, must report those incidents of child abuse and neglect as directed by the applicable statute. A person under the age of 18 years of age is a minor subject to these provisions. In addition, physicians and nurses who treat any physical injury sustained during a sexual assault are required to report such cases to law enforcement.

### **III. Reporting A Concern**

#### **A. Reporting to the University**

To report a concern, contact the Title IX Office at:

Mariposa House  
585 Capistrano Way  
Stanford, CA 94305  
(650) 497-4955  
[titleix@stanford.edu](mailto:titleix@stanford.edu)

##### **1. Direct Report from Complainant**

The Title IX Coordinator will ask for the following information from a Complainant:

- Name of Complainant
- Name of Responding Party (if known)
- Date of the incident
- Date of report
- To whom report was made
- Location of the incident
- Time of the incident
- Nature of the conduct

##### **2. Report from Responsible Employee**

When staff members designated as Responsible Employees (see Appendix A), are made aware of a Title IX concern, these individuals are required to promptly report them to the Title IX Coordinator. The Title IX Coordinator is obligated to review the concern and follow up as appropriate. When the report comes from a Responsible Employee the Title IX Coordinator will ask for the information described above and additionally request:

- Name of the Responsible Employee
- Who reported incident to Responsible Employee
- Date of report to the Responsible Employee

## **B. Reporting to Law Enforcement**

### **1. Direct Report from Complainant**

For conduct that could also constitute a crime under California law, a Complainant is encouraged—but not required—to contact the police by dialing 9-1-1 or the local police agency in the jurisdiction in which the alleged incident occurred.

If the alleged incident occurred on the Stanford campus, individuals may contact the Stanford University Department of Public Safety (SUDPS) at (650) 723-9633 for non-emergencies. Residence and Graduate Life Office Deans, as well as Sexual Assault and Relationship Abuse (SARA) Office and Title IX Office staff, are available to assist a student in making such a report.

### **2. Report from a Campus Security Authority**

When the allegations described could be a crime under California law, University staff members designated as Campus Security Authorities (see Appendix A) are also required by California law to notify the Stanford University Department of Public Safety, which has dedicated a telephone line for this purpose: **650-222-5147**.

Except in the event the person who is the subject of the potential criminal act is a minor, the name of this individual should not be released to the Department of Public Safety without the individual's consent.

## **C. Time Frame for Making a Formal Complaint**

There is no specific time frame for individuals who have experienced Prohibited Conduct to make a formal University report pursuant to this process. Individuals are, however, encouraged to make a report soon after the incident in question in order to maximize the University's ability to investigate and reach a finding.

## **IV. Confidentiality**

### **A. Request for Confidentiality**

Should the University become aware of a concern that Prohibited Conduct is alleged to have occurred, the Title IX Coordinator has an obligation to review the available information and determine whether to proceed to an investigation. The Complainant may ask the University not to disclose the Complainant's identity to the Responding Student. Should a Complainant make such a request for confidentiality, the Title IX Coordinator will inform the Complainant that the University's ability to respond to the allegations and investigate may therefore be limited if the request is granted. A Complainant who initially requests confidentiality is not prohibited from later waiving confidentiality and requesting that the University conduct a full investigation.

## **B. No Guarantee of Confidentiality**

The Title IX Coordinator will inform the Complainant that due to various federal and state laws, it is not always possible to guarantee confidentiality regarding incidents of Prohibited Conduct. Under those laws, the University's decision to share information with others is subject to a balancing test that requires the University to consider a range of factors when a Complainant's request for confidentiality would preclude a meaningful investigation or potential discipline of the Responding Student.

These factors include, but are not limited to:

- multiple reports of Prohibited Conduct relating to a single Responding Student;
- a report that Prohibited Conduct involved a weapon, physical restraints or battery;
- the age of the Complainant; and
- the availability of other University means to obtain relevant evidence.

## **C. Granting Confidentiality**

If a request for confidentiality is granted, the Title IX Office will retain information regarding the report, including the name of the Responding Student (if known), in its internal database for tracking purposes, noting that the report was not fully investigated.

Even under circumstances where confidentiality is granted and there is no adjudicated finding of the matter, there are support resources and services available to assist such students. See Appendix C: Support Resources, Interim Accommodations & Permanent Remedies.

## **D. Denying a request for Confidentiality**

If the Title IX Coordinator determines that the University cannot honor the request for confidentiality and must disclose the Complainant's identity to the Responding Student and pursue an investigation, it will inform the Complainant before making this disclosure and put in place Interim Measures as necessary to protect the Complainant and the Stanford community.

## **V. Decision to Undertake an Investigation & Scope of Investigation**

Except for matters in which a request for confidentiality is granted, the University investigates those concerns brought to the Title IX Office in which the Title IX Coordinator determines that the allegations are plausible under the totality of the circumstances and, if true, would constitute Prohibited Conduct.

Where the Title IX Coordinator determines that an allegation of Prohibited Conduct includes one or more Complainants and more than one Responding Student, the Title IX Coordinator may investigate the events together as a single matter and institute a single hearing process for the resolution of all the concerns. Similarly, where the Title IX Coordinator determines that

there are multiple allegations of Prohibited Conduct involving one Responding Student by more than one Complainant, the Title IX Coordinator may investigate the events together as a single matter and institute a single hearing process for the resolution of all the concerns. In the rare circumstance when allegations of Prohibited Conduct are coupled with allegations of violations of other University policies, such as the Fundamental Standard, the Title IX Coordinator may determine that a joint hearing before a Hearing Panel and an Office of Community Standards or Organization Conduct Board disciplinary panel is appropriate. A Complainant or Responding Student may raise any objection regarding the joining together of allegations or hearings to the Evidentiary Specialist.

## **VI. Interim Measures**

Once an individual has come forward with a concern of Prohibited Conduct or the Title IX Coordinator is otherwise made aware of such a concern, the University will promptly take steps to ensure that the Complainant has equal access to the University's educational programs and activities and to protect the Complainant as necessary, including taking Interim Measures before the final outcome of an investigation.

Interim Measures are determined on a case-by-case basis and may include housing accommodations, counseling services, academic accommodations, no-contact directives, stay-away letters/campus bans, escorts, limitations on extracurricular or athletic activities, and removal from the University community. For more information on Interim Measures, see Appendix C: Support Resources, Interim Accommodations & Permanent Remedies.

## **VII. Support During the Investigation and Hearing Process**

Once the University determines that it will undertake an investigation, the parties will be notified (see Section IX.A) and the resources described below will be available to the parties.

### **A. Support Person**

Parties are encouraged to seek the help of a Support Person during this process. The University has identified and trained staff members to serve as Support Persons for students. For example, all Residence Deans and Graduate Life Deans are able to serve as Support Persons. Additionally, a party may contact the Title IX Coordinator for assistance in identifying other available support persons.

The Support Person serves as an advisor to the party. While an advisor may offer guidance to a party, each party is expected to submit their own work, which should be signed by the party attesting it is their work. The Support Person may not speak or advocate on behalf of the party in University proceedings. Stanford students are expected to speak for themselves, and express themselves, including in writing, on all matters relating to University concerns, including Title IX-related matters and Prohibited Conduct. Any Support Person who violates these expectations may be directed to resign as the Support Person.

Only one Support Person will be allowed to accompany a party into the hearing room.

## **B. Attorney**

Each party may elect to identify an attorney to serve as their Support Person, and to accompany them in the hearing room. Such an individual is obligated to follow the requirements for Support Persons stated in Section VII.A above. While a Support Person may be an attorney, the attorney has no different role in the process and serves as a Support Person in the same capacity as a non-attorney.

### **1. University-Identified Attorney**

The University has identified local attorneys who are willing to advise the Complainant and Responding Student going through this process, for a total of nine hours of consultation for each party. Parties are not obligated to use this resource or to follow any guidance provided by an attorney. Should parties wish to avail themselves of this resource, they should contact the Title IX Office to obtain the list of providers. Each party is responsible for selecting their own University-identified attorney from this list. The University will pay for the first nine hours of work. A party may elect to continue work with their attorney past the nine hours, without reimbursement by the University.

### **2. Other Attorneys**

While parties are not required to contact a University-identified attorney and are otherwise permitted to engage another attorney, the University will not reimburse parties for such services. The University does not reimburse parties for legal fees except as provided in Section B.1 above.

## **VIII. Responsibilities and Rights of the Parties and Witnesses**

During an investigation and hearing under this process, the parties and witnesses have the following responsibilities and rights.

### **A. Responsibilities of the Parties and Witnesses**

- 1.** the responsibility to be truthful, to cooperate with the process (except as provided in VIII C. 3), and to follow the directions of University staff and agents responsible for administering this process;
- 2.** the responsibility not to retaliate against or intimidate any individual who has reported a Title IX concern or who has participated as a party or witness in the process; and
- 3.** the responsibility to keep confidential (by not disseminating beyond Support Persons or advisors) documents and materials received from

the University during this process and, as part of this responsibility, to destroy, when so directed by the University, all documents provided by the University, except for Outcome Letters.<sup>6</sup>

**B. Rights of the Parties and Witnesses**

1. the right to be reasonably protected from retaliation and intimidation where one has reported a Title IX concern or participated as a party or witness in the process<sup>7</sup>; and
2. the right not to be disciplined for drug and alcohol violations (relating to voluntary ingestion) or similar Fundamental Standard offenses in connection with the reported incident that do not place the health or safety of any other person at risk.

**C. Rights of the Parties**

1. the right to a Support Person to advise the party, as described in Section VII.A;
2. the right to receive a written Notice of Concern that provides sufficient detail about the allegations and the applicable University policies for the Responding Student to be able to respond and for both parties to understand the scope of the investigation;
3. the right to decline to give a statement about the allegations or attend a hearing;
4. the right to participate in the investigation, including by identifying witnesses and identifying and/or providing relevant information to the investigator;
5. the right to receive a written Notice of Charge or a no charge decision;
6. the right to review the Hearing File at the point of a charge or no charge decision;
7. the right to object to the inclusion or exclusion of information or witnesses in the post-charge Hearing File, including by requesting a review by an Evidentiary Specialist;
8. the right to have the matter heard by a neutral Hearing Panel consisting of three trained panelists who will determine the matter using a preponderance of the evidence standard and who will not prejudge the outcome of a case because there has been a charge;
9. the right to receive an Outcome Letter;

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<sup>6</sup> A party may not distribute confidential materials obtained through the process and may not engage in retaliatory or intimidating conduct aimed at any other participants in the process. The University will investigate allegations of a party engaging in any of these prohibited acts. The University recognizes, however, that it cannot otherwise prevent parties from speaking openly both about the allegations and the University process.

<sup>7</sup> See fn 6.

10. the right to appeal the outcome; and
11. the right to receive an Appeal Outcome Letter.

## **IX. Formal Investigation**

The formal investigation phase is the period during which the Investigator gathers information about the allegations and it begins when the Title IX Coordinator issues a Notice of Concern. This period of time is the parties' opportunity to provide input regarding the collection of evidence. New evidence and/or rebuttal evidence may be provided by the parties after a charge issues only when it meets the standard for new and/or rebuttal evidence set forth in Section XI.A.3 below.

### **A. Notice of Concern**

If the University determines that it will investigate a concern (see Section V), the parties will receive a written Notice of Concern from the Title IX Office.

Within 48 hours of receiving the Notice of Concern, both the Complainant and the Responding Student will be asked to identify any academic or other significant conflicts that would affect the timing of the investigation and potential hearing. The Hearing Coordinator will consider this input in finalizing a Hearing Schedule.

### **B. Method of Information Gathering**

After the Notice of Concern is issued, the Title IX Coordinator will assign an Investigator to the matter. The Investigator may gather information in multiple ways. The Investigator may collect documents and other information and may also interview parties and/or witnesses. In addition, a Complainant or Responding Student may:

- submit documentary information to the Investigator;
- submit a list of witnesses to be interviewed by the Investigator; and/or
- request that the Investigator attempt to collect documents and other information that are not accessible to the requesting party.

The Investigator may decline to gather information if:

- the request seeks information about the Complainant's past sexual history with anyone other than the Responding Student;
- the request seeks information about the Responding Student's past sexual history with anyone other than the Complainant, unless such information could prove or disprove a pattern of conduct or knowledge of wrongdoing;
- the request seeks information that is unreasonably duplicative;
- the request is unlikely to yield relevant evidence as defined by Section XI.A below;

- the request seeks information that the requesting party could obtain from another source with greater convenience or less burden;
- the request unreasonably invades the privacy interests of a party or witness or seeks information protected by federal or state law; or
- the burden of complying with the request is likely to substantially outweigh the benefit of the information as relevant evidence in the hearing.

**C. Potential Outcomes of Investigation: No Charge Decision, Non-Hearing Resolution or Charge Decision, Withdrawal of Complaint**

Following an investigation, or possibly during the investigation in the event of a Non-Hearing Resolution or withdrawal of the complaint, the Title IX Office will adopt one of the following options:

**1. No Charge Decision**

If the Title IX Coordinator concludes that a reasonable Hearing Panel could not find by a preponderance of the evidence that the alleged Prohibited Conduct occurred, no charge will issue, and the Title IX Coordinator will issue an Outcome Letter. The Outcome Letter can be appealed pursuant to Section XIII.

**2. Non-Hearing Resolution**

If the Title IX Coordinator concludes that a reasonable Hearing Panel could find by a preponderance of the evidence that the alleged Prohibited Conduct occurred, but there is not a significant dispute among the parties and the Title IX Office about the proper outcome of the matter (including administrative remedies and disciplinary sanctions), the Title IX Office may suggest to the parties a resolution without a hearing. In no case shall the parties be required to engage in discussions together regarding a proposed resolution.

- A non-hearing resolution is not available if a party objects to such a resolution.
- Non-hearing resolutions will result in an Outcome Letter.
- The administrative remedies and disciplinary sanctions will have the same force and effect as though they were imposed following a hearing.
- Non-hearing resolutions cannot be appealed.

**3. Charge Decision**

If the Title IX Coordinator concludes that a reasonable Hearing Panel could find by a preponderance of the evidence that the alleged Prohibited Conduct occurred and that a Non-Hearing Resolution option is not feasible, the Title IX Coordinator will notify both the

Complainant and the Responding Student in writing that the matter has been charged and referred to a Hearing Panel to decide the matter.

The Charge Letter will consist of a summary of the investigation sufficient to support the referral to a hearing and will not contain any conclusions or findings regarding responsibility. Specifically, the Charge Letter will contain (1) the specific allegations of Prohibited Conduct; and (2) the applicable University Policy.

Shortly after receipt of the Charge Letter, the parties will receive electronic access to view the Hearing File prepared by the Investigator. Additionally, the parties will receive a log of evidence that was collected as part of the investigation but redacted or excluded from the Hearing File, as well as the rationale for these redactions and exclusions. The log will be sufficiently detailed such that the parties can bring forward any evidentiary concerns to the Evidentiary Specialist.

#### **4. Withdrawal of a Complaint**

A Complainant may notify the Title IX Coordinator at any time that the Complainant does not wish to proceed with the investigation and/or hearing process. If such a request is received, the Title IX Coordinator will inform the Complainant that the University's ability to respond to the allegation may be limited if the allegations are withdrawn.

The Title IX Coordinator will consider the factors in Section IV.B in reaching a determination as to whether to terminate the investigation and/or hearing process. In the event that the Title IX Coordinator determines that the investigation will continue, the Title IX Coordinator will notify the Complainant of that determination. The Title IX Coordinator will include in that notification a statement that the Complainant is not required to participate in the investigation and/or hearing process but that the process will continue.

### **X. Timing of Matters Proceeding to a Hearing**

#### **A. Hearing Schedule**

Generally, the University will seek to reach a Non-Hearing Resolution or to complete a hearing within 60 calendar days from the date of issuance of the Notice of Concern, although the University will not compromise a thorough and fair process in order to meet the 60-day guideline. Additionally, the University will seek to conclude any post-hearing appeal and to issue the Appeal Outcome Letter within 15 calendar days after receipt of all appeal materials from the parties. These timelines may be extended for University breaks or other reasonable delays, such as extensions granted to the parties upon a showing of good cause (discussed in X.B below). If a deadline falls on a weekend or holiday, there will be an automatic extension to the next business day.

The University will strive to complete an investigation and make a charging decision within 20 calendar days. The Investigator (working with the Hearing Coordinator) will then create the

initial Hearing File in five days. However, in more complex cases involving, for instance, multiple allegations and/or witnesses, the investigation may take longer. The parties will be notified in writing of any changes to this timing.

At the time a case is charged by the Title IX Office, the Hearing Coordinator will also issue a timetable that schedules all key dates for the matter (Hearing Schedule) that take into consideration the academic and other conflicts identified in response to the Notice of Concern. Unless an extension is granted based on a showing of good cause, the parties are obligated to follow the Hearing Schedule. Except as provided in Section XIII, the Hearing Schedule will be case-specific but generally will use the following timeframes as guidelines:

- five calendar days for parties to bring forward evidentiary concerns regarding the Hearing File to the Evidentiary Specialist, if any (and to offer new evidence and/or rebuttal evidence, if any);
- five calendar days for the Evidentiary Specialist to provide a written response to the evidentiary concerns;
- following the finalization of the Hearing File by the Evidentiary Specialist, five calendar days for the parties to provide a written response to the Hearing File;
- two calendar days for the Hearing Coordinator (working with the Investigator and/or Evidentiary Specialist as necessary) to redact any information from the written responses that do not comport with the evidentiary decisions in the matter;
- the Hearing Coordinator will release the names of the panelists to the parties and the names of the parties and witnesses to the panelists. Requests for recusal must be made within 24 hours;
- the Hearing Coordinator will release the Hearing File and party responses to the Hearing Panel in advance of the hearing, such that the Hearing Panel has sufficient time to review and analyze the file. The parties will be notified in writing when the Hearing File is released;
- following a finding that a Responding Student is responsible, two calendar days to provide a sanction statement (discussed in XII.C);
- following the hearing and receipt of the Outcome Letter, ten calendar days to file an appeal;
- following the receipt of the other party's appeal (if any), seven calendar days to respond;
- the appeal decision will be issued within 15 calendar days.

## **B. Extensions**

Extensions are only granted for good cause. A request for an extension must be made, in writing and with reasons provided, to the Hearing Coordinator. The Hearing Coordinator will endeavor to respond to an extension request promptly, in writing, ideally within 24 hours.

## **XI. Pre-Hearing Process**

Once a matter is charged, the matter goes through the following pre-hearing steps.

### **A. Use of Evidence**

As described in Section IX, during the investigation phase, the Investigator gathers information relating to the matter. During the pre-hearing process, the Investigator reviews this information and identifies that portion of the materials that meet the following evidentiary guidelines based on the charges that were issued. This evidence is then placed into the Hearing File, which contains the material that will be reviewed by the panelists to make a decision on a charge.

The rules of evidence applicable to court proceedings do not apply to this process.

In general, evidence may be presented during a hearing if it is relevant, not unduly repetitious, and the sort of information a reasonable person would find reliable. Evidence is relevant if (1) it makes a fact that is of consequence in determining the action more or less likely than it would be without the evidence; or (2) it reflects on the credibility of a testifying party or witness in a material way and the value of this evidence is not outweighed by its prejudicial effect.

As provided in IX.C.3, information gathered during the investigation that is not relevant to the charged conduct will not be placed into the Hearing File; irrelevant information appearing within a witness statement or other evidence will be redacted. Parties will receive a log describing gathered evidence that was not included in the Hearing File.

#### **1. Reputation and Character Evidence, Including Past Sexual History**

Reputation and character evidence concerns a party's positive or negative traits, truthfulness or untruthfulness, ethics, or morals. During the fact-finding portion of a hearing, such evidence is not generally admissible to establish a person acted in accordance with the character or trait. Accordingly, past conduct or violations by the Responding Student will not be considered in the fact-finding portion of a hearing, except to prove or disprove pattern of conduct or knowledge of wrongdoing.

Past sexual history between the Responding Student and Complainant is only relevant when the past sexual incident or history provides compelling evidence on a disputed issue, including credibility. Past sexual history between the Complainant and any other individual will not be considered, except in the extraordinary circumstance that the Complainant affirmatively provides evidence of lack of sexual experience, which can then be rebutted if such rebuttal evidence would provide compelling evidence on a disputed issue, including credibility. Past sexual history between the Responding Student and any other party may only be considered if such information could prove or disprove a pattern of conduct or knowledge of wrongdoing.

## **2. Expert Witnesses**

Expert witnesses may be permitted only if the Investigator decides that:

- the case requires special expertise in order to have the Hearing Panel understand a technical matter, such as forensic evidence;
- an understanding of that technical matter is likely to affect the Hearing Panel's finding; and
- the Investigator determines that there is not a more efficient method of obtaining the information necessary to resolve that technical matter.

If allowed, an expert witness may be retained by a party or by the Title IX Office. If an expert witness is retained by a party, that party will be responsible for any costs incurred, and the other party will be allowed to respond to that expert's written or oral testimony. If an expert witness is consulted by the Title IX Office, the parties will be allowed to respond to that expert's written or oral testimony. Expert witnesses must be identified in the investigation phase and must be willing to submit to an interview with the Investigator.

## **3. "New" Evidence and/or Rebuttal Evidence**

"New" evidence is evidence that was not available at the time of the charge decision, could not have been available based on reasonable and diligent inquiry, and is relevant to the matter. Rebuttal evidence is evidence presented to contradict other evidence in the Hearing File, which could not have been reasonably anticipated by a party to be relevant information at the time of the investigation.

This section is not intended to permit a party who has declined to give a statement about the incident during the investigation to give such a statement for the first time after the Hearing File has been created. This section is intended to be invoked in rare instances to allow for the inclusion of information that was not available during the investigation or that could not have been reasonably anticipated to be relevant to rebut an issue that came to light.

### **B. Evidentiary Review Process**

If a party objects to evidence included or excluded from the Hearing File, or if a party wants to submit new evidence and/or rebuttal evidence after the parties have viewed the file, the party may make a written request of no more than 1,500 words in length (excluding the submission of proposed new or rebuttal evidence) for a review by the Evidentiary Specialist. New evidence and/or rebuttal evidence, if any, should be attached to the written request.

In order to consider the objections to the Hearing File, the Evidentiary Specialist will have access to all materials gathered by the Investigator during the investigation. The parties must submit the objections by the date set in the Hearing Schedule, generally five calendar days

from the date the Hearing File is made available to the parties. The Evidentiary Specialist will make a decision based on the standards described in Section XI above and will provide a written decision that will be binding. The Evidentiary Specialist has the authority to make all evidentiary decisions relating to what information is relevant; that is, what information should be included or excluded from the Hearing File. The Evidentiary Specialist will work with the Hearing Coordinator to complete the finalized Hearing File.

During the hearing, parties and witnesses must comply with the evidentiary decisions that have been made by the Evidentiary Specialist.

Objections to the inclusion or exclusion of evidence that were, or could have been, resolved through the Evidentiary Review before the hearing cannot be the basis for an appeal, unless the appealing student demonstrates that the evidentiary decision was clearly erroneous and substantially affected the reviewing panel's decision to the detriment of the appealing student.

### **C. Response Statement to Hearing File**

After the Hearing File has been finalized, each party may submit a written statement of their position to the Hearing Coordinator that is no more than 1,500 words in length.

- This statement is each party's opportunity to respond to the Hearing File and the charges made and to provide a statement to the panelists about what the party believes the evidence shows.
- No attachments will be accepted; references to evidence should be made to material in the existing Hearing File.
- No new and/or rebuttal evidence may be submitted.
- No information may be submitted that goes beyond the scope of the matter that is charged.

The parties must submit this statement by the date set in the Hearing Schedule, generally five calendar days after the Hearing File is finalized.

The Hearing Coordinator, in consultation with the Investigator and Evidentiary Specialist as necessary, will remove information from a position statement that goes beyond the scope of the charge or that violates the evidentiary guidelines provided above in Section XI.A.

## **XII. Hearing Process**

### **A. Hearing Panel Selection**

Each case will be heard by a panel of three trained panelists, who will be selected from a pool consisting of faculty, staff and graduate students appointed by the Provost. The panelist pool will be diverse and representative of the Stanford community. For the selection of faculty panelists, the Provost will receive candidates from the Faculty Senate Committee on

Committees. For the selection of graduate student panelists, the Provost will review candidates with the Graduate Student Council. No panel will include more than two individuals of any of these categories and it is not necessary for any particular group to be represented on a panel.

The names of the panelists will be provided to the parties in advance of the hearing. No person who has a conflict of interest may serve on the Hearing Panel. A conflict of interest exists if the panelist has prior involvement in or knowledge of the allegations at issue in the case, has a personal relationship with one of the parties or witnesses, or has some other source of bias. Either party may assert, in writing, that a Hearing Panel member has a conflict of interest. The Hearing Coordinator will determine whether such a conflict exists. A request to recuse a panelist based on a conflict must be submitted to the Hearing Coordinator within 24 hours of receipt of the names of the panelists. If the Hearing Coordinator determines that a panelist has a conflict of interest, that Hearing Panel member will be replaced by an alternate.

## **B. Hearing**

The Investigator will attend and observe the hearing and will be available to answer any questions from the Hearing Panel about the investigation.

The Hearing Panel will meet with the parties and witnesses for the purpose of making findings of fact. The parties and witnesses may not speak to matters beyond the scope of the Hearing File (for example, by raising potential misconduct allegations that go beyond the scope of the charged conduct). Parties and witnesses must not disclose or reference information to the Hearing Panel that was excluded by the Investigator and/or Evidentiary Specialist. The Hearing Panel is expected to ask questions of the parties and/or witnesses.

- 1.** Parties' Participation. Parties can choose to appear in person, by telephone, or by Skype (or similar technology). The parties will not be in the same room at the same time with each other. If the party is available to meet with the Hearing Panel in person, each party will do that in person while the other party listens in by telephone (or similar technology). Each party may be accompanied in the hearing room by one Support Person. The Support Person may not speak on behalf of the party during the hearing.
- 2.** Witness' Participation. Parties are permitted to listen to witnesses as they are speaking to the Hearing Panel. The Hearing Panel is not obligated to speak to all witnesses; the Hearing Panel does not need to meet with a witness if the witness statement is sufficient and the credibility of the witness is not at issue.
- 3.** Questions from the Parties: At the conclusion of a party's or witness' session with the Hearing Panel, there will be a break so

that a party listening to the hearing is able to submit written follow-up questions to the Hearing Coordinator by email. The Hearing Panel has ultimate authority as to what questions to ask. The recommended practice is to cover relevant subject matter areas requested by the parties that have not already been covered and that are likely to elicit information necessary to make findings of fact.

### **C. Deliberation**

Using a preponderance of the evidence standard, the Hearing Panel will determine responsibility based on the contents of the Hearing File and the parties' and witnesses' statements and responses to questions. A finding that the Responding Student has violated University Policy or a University directive must be unanimous. The finding of responsibility will occur after a reasonable time for deliberation, but generally no more than 12 hours after the end of the hearing.

### **D. Sanction Phase**

Upon a finding of responsibility, the process will move to the Sanction Phase. The parties may submit a statement regarding discipline that is no more than 1,500 words in length. This document is the opportunity for the parties to suggest disciplinary outcomes and to provide aggravating or mitigating circumstances for the Hearing Panel to consider. The Hearing Coordinator, in consultation with the Investigator and Evidentiary Specialist, will remove information or speculation from these statements that would not be relied upon by reasonable people in making sanction determinations. Parties must submit this statement by the date determined by the Hearing Coordinator, generally two calendar days after the finding of responsibility.

The Hearing Coordinator will set a date for the Hearing Panel to meet for the Sanction Phase. The parties do not meet with the Hearing Panel during this phase. At the Sanction Phase, the Hearing Panel will receive:

- the sanction statements;
- notice of the interim measures that were in place during the process; and
- notice of any disciplinary history of the Responding Student.

Based on a careful review of the foregoing information, the Hearing Panel will impose sanctions using the guidelines provided in Appendix B. The sanction determination will be provided to the Title IX Coordinator who will determine the remedies appropriate for the matter, as set forth in Appendix C. The Title IX Coordinator will then issue written Outcome Letters to the parties that will include a description of the sanctions and the remedies. The Title IX Coordinator will provide Office of Community Standards with copies of the Outcome Letters for the purpose of maintaining a disciplinary record for the responsible student.

The Hearing Panel and the Title IX Coordinator respectively must explain decisions on responsibility and sanctions (if applicable) and remedies with enough specificity for the parties to be able to file meaningful appeals.

The consideration of whether remedies and sanctions go into immediate effect or are held in abeyance pending appeal or some combination thereof, will be determined on a case-by-case basis by the Title IX Coordinator based on considerations provided in Appendix C.II.

### **XIII. Appeal**

#### **A. Parties' Right to Appeal**

The parties may appeal the Outcome Letter. Each party may submit a written appeal of up to 6,000 words in length, which will be shared with the other party. The parties must submit the appeal by the date determined by the Hearing Coordinator, generally ten calendar days from the receipt of the Outcome Letter.

The grounds for appeal are limited to the following:

1. Were there any procedural irregularities that substantially affected the outcome of the matter to the detriment of the appealing party?<sup>8</sup>
2. Was there any substantive new evidence that was not available at the time of the no charge decision or hearing and that could not have been available based on reasonable and diligent inquiry that would substantially affect the outcome of the decision?
3. Is the decision on the findings one that a reasonable Investigator (in an appeal of a no charge decision) or Hearing Panel (in an appeal of a finding of responsibility and/or sanction) might have made?
4. For matters that proceeded to sanctioning and imposition of remedies, are the sanction and/or remedies ones that could have been issued by reasonable persons given the findings of the case?

In composing appeals, parties should format their responses following these four grounds as the organizational structure.

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<sup>8</sup> As stated in Section XI.B, objections to the inclusion or exclusion of evidence that were, or could have been, resolved through the Evidentiary Review before the hearing cannot be the basis for an appeal, unless the appealing student demonstrates that the evidentiary decision was clearly erroneous and substantially affected the Hearing Panel's decision to the detriment of the appealing student.

Upon receipt of a party's appeal, the Hearing Coordinator will share it with the other party. Each party may submit a response to the other party's appeal (no more than 3,000 words). Each party must submit this response by the date determined by the Hearing Coordinator, generally seven calendar days after the other party's appeal has been shared. The appealing party will have access to the other party's response to the appeal, but no further responses will be permitted.

## **B. Appeal Decision**

The Appeal Officer will be selected from the Hearing Panel Pool. The Appeal Officer will provide the final appeal decision no later than 15 calendar days after receipt of all appeal documents. As needed, the Appeal Officer will consult with the Title IX Coordinator regarding the management of ongoing remedies. The Appeal Officer may reject the appeal in whole or in part, issue a new decision regarding responsibility, issue new or revised sanctions and remedies, or refer the matter to a new panel.

## **C. Provostial Review of Expulsion**

For matters in which the decision of the Appeal Officer is to uphold a determination to expel a student, the Provost will have the final review of the matter. Both the Responding Student and Complainant are permitted to write a letter to the Provost of no more than 3,000 words in opposition to or support of the expulsion.

## **XIV. Ongoing Management**

If there is a finding of responsibility, the Hearing Coordinator will provide a copy of all key documents to the Office of Community Standards. The Title IX Coordinator will have ongoing responsibilities to monitor the sanctions imposed and to administer and adjust safety and administrative remedies for the parties.

## **XV. Expedited Process for Violations of University Directives and Court Orders**

During this process and after a Responding Student has been found responsible for engaging in Prohibited Conduct, if there is a new allegation that the Responding Student has violated a Court Order or University Directive relating to the matter, the Title IX Coordinator will expeditiously investigate the concern. The Title IX Coordinator may shorten the minimum times to respond under Section X.A in order to bring such a matter to a hearing on an expedited basis.

This expedited process is only available for Responding Students following a final determination of responsibility through a hearing or Non-Hearing Resolution. Reports of alleged violations of University Directives or Court Orders prior to a final determination either will be incorporated into the pending matter or referred separately through this process.

## Appendix A: Definitions

*Appeal Officer:* a faculty or staff member of the Hearing Panel Pool designated to hear appeals of matters pursuant to this process.

*Appeal Outcome Letter:* a written letter describing the Appeal Officer's final determination of a matter brought forward on appeal.

*Charge Letter:* the formal notification issued by the Title IX Office following an investigation and after the Office has found information to permit a reasonable inference that, by the preponderance of the evidence standard, a violation of University policy occurred.

*Complainant:* the party to the process who has allegedly experienced the alleged Prohibited Conduct at issue. Stanford uses this term to provide consistency with the Office for Civil Rights and many peer institutions. Use of this term does not necessarily indicate that this person either reported the conduct or requested that the University pursue the matter.

*Concern:* an allegation that a student has engaged in Prohibited Conduct.

*Confidential University Resource:* a person who by law is exempted from the obligation to report an allegation of Prohibited Conduct to any entity, including the University's Title IX Coordinator or law enforcement in circumstances in which the reported conduct could be a crime (except, as to law enforcement, if the Complainant is a minor or if there is a belief that there is an imminent threat of harm to self or others). Confidential University Resources are identified in Section II.

*Consent as defined in Admin Guide 1.7.3:* Consent is an affirmative act or statement by each person that is informed, freely given and mutually understood. It is the responsibility of each person involved in a sexual activity to ensure that he or she has the affirmative consent of the other or others to engage in the sexual activity (and each act during the activity). Affirmative consent must be ongoing throughout a sexual activity and can be revoked at any time. Lack of protest or resistance does not mean consent, nor does silence mean consent. Consent to one act by itself does not constitute consent to another act. The existence of a dating relationship between the persons involved, or the fact of past sexual relations, should never by itself be assumed to be an indicator of consent. Whether one has taken advantage of a position of influence over another may be a factor in determining consent.

*Evidentiary Specialist:* a person with specialized knowledge in evidence (such as a person with legal training) retained by the University, in the event of an objection to the inclusion or exclusion of evidence in the Hearing File, to resolve evidentiary concerns and finalize the Hearing File.

*Evidentiary Review:* the process managed by the Evidentiary Specialist, where a party objects to the inclusion or exclusion of evidence in the Hearing File, to finalize the Hearing File that will be considered by the Hearing Panel using the evidentiary process described in Sections XI.A & B.

*Hearing Coordinator:* the person who manages hearings under this process.

*Hearing File:* the information collected during the investigation that is deemed relevant to be considered by the Hearing Panel.

*Hearing Panel:* the three-person panel of trained members of the University's community that will consider allegations and determine, applying a preponderance of the evidence standard, whether the Responding Student has violated University policy relating to Prohibited Conduct.

*Hearing Schedule:* a time-table specific to each matter that schedules key dates for the matter after it has been charged.

*Incapacitation as defined in Admin Guide 1.7.3:* Incapacitation means that a person lacks the ability to voluntarily agree to sexual activity because the person is asleep, unconscious, mentally and/or physically helpless, otherwise unaware that sexual activity is occurring or unable to appreciate the nature and quality of the act. Incapacitation is not the same as legal intoxication. A party who engages in sexual conduct with a person who is incapacitated under circumstances in which a reasonable sober person would have known the person to be incapacitated is responsible for sexual misconduct. It is not a defense to Sexual Misconduct that the Responding Student's belief in affirmative Consent arose from the intoxication of the Responding Student.

*Interim Measures as defined in Admin Guide 1.7.3:* When the University has notice of an allegation of Prohibited Sexual Conduct, a qualified University staff member (such as a Graduate Life Dean, Residence Dean, Residence Fellow, Dean of Student Life, HR Manager, cognizant Dean, Title IX Coordinator or Deputy Title IX Coordinator) may impose interim accommodations or safety measures, which will generally remain in effect throughout the duration of the University investigation. In imposing interim measures, a qualified University staff member should consult with the Title IX Coordinator (for students) or the Sexual Harassment Policy Office (for staff or faculty). The list of possible remedies is provided in Admin Guide 1.7.3.

*Investigator:* the person assigned by the Title IX Coordinator to investigate allegations of Prohibited Conduct. The Investigator shall have been trained on all elements of an investigation as required by federal and state law.

*Non-Hearing Resolution:* a resolution to a concern as described in Section IX.C.2.

*Notice of Concern:* a written communication issued from the Title IX Office to the Responding Student indicating that a concern has been raised that the Responding Student may have

engaged in Prohibited Conduct and that the University has decided to investigate the allegations (see Section V).

*Outcome Letter:* a written letter describing the outcome in a matter and the rationale for the outcome.

*Office of Community Standards:* the University office that manages student discipline and retains disciplinary files.

*Parties:* the term used to refer collectively to Complainant(s) and Responding Student(s).

*Prohibited Conduct as defined in Admin Guide 1.7.3:* Sexual Harassment, Sexual Assault, Sexual Misconduct, Relationship Violence (domestic violence and dating violence), and Stalking in addition to Retaliation, intimidation, and violation of University or Court-Ordered directives related to these allegations.

*Relationship Violence as defined in Admin Guide 1.7.3:* This is Stanford's umbrella term that includes dating and domestic violence. Relationship Violence is physical violence relating to a current or former romantic or intimate relationship, regardless of the length of the relationship. Relationship Violence also includes threatening conduct that would cause reasonable persons to be fearful for their safety.

*Responding Student:* a Stanford student in a degree-granting program alleged to have engaged in Prohibited Conduct on campus or off campus under circumstances in which the alleged Prohibited Conduct either occurred in a University program or activity or had the effect of creating a hostile environment on campus for the Complainant(s).

*Responsible Employee (who must report Prohibited Conduct to Title IX) as defined in Admin Guide 1.7.3:* Except for University-recognized confidential resources, the following University faculty and staff members (including student staff members) with knowledge of unreported concerns relating to Prohibited Sexual Conduct are required to report such allegations to the Title IX Coordinator (for students) or the Sexual Harassment Policy Office (for all other reports): (i) supervisors; (ii) staff within: (a) Residential Education; (b) Vice Provost for Student Affairs; (c) Vice Provost for Undergraduate Education; (d) Vice Provost for Graduate Education; and (iii) staff who have responsibility for working with students in the following capacities: teaching; advising; coaching or mentoring. Reporting by these individuals is required regardless of whether impacted party has or has indicated they will contact the appropriate office.

*Retaliation as defined in Admin Guide 1.7.3:* Direct or indirect intimidation, threats, coercion, harassment, or other forms of discrimination against any individual who has brought forward a concern or participated in the University's Title IX process.

*Sexual Assault as defined in Admin Guide 1.7.3:* an act of Sexual Misconduct described in Section 1 (a-d), accomplished by use of (i) force, violence, duress, or menace; or (ii) inducement of Incapacitation or knowingly taking advantage of an Incapacitated person.

*Definitions of force, violence, duress, or menace.*

The following definitions (drawn from California law) inform whether an act was accomplished by force, violence, duress, or menace:

An act is *accomplished by force* if a person overcomes the other person's will by use of physical force or induces reasonable fear of immediate bodily injury.

*Violence* means the use of physical force to cause harm or injury.

*Duress* means a direct or implied threat of force, violence, danger, hardship, or retribution that could cause a reasonable person of ordinary sensitivity to do or submit to something that such person would not otherwise do or submit to. When deciding whether the act was accomplished by duress, all the circumstances, including the age of the Complainant and relationship to the Responding Student, are relevant factors.

*Menace* means a threat, statement, or act showing intent to injure someone.

*Sexual Harassment as defined in Admin Guide 1.7.3:* Unwelcome sexual advances, requests for sexual favors, and other visual, verbal, or physical conduct of a sexual nature (something beyond the mere expression of views, words, symbols, or thoughts that some person finds offensive) constitute sexual harassment when the conduct is sufficiently severe, persistent, or pervasive so as to interfere with or limit a reasonable student's ability to participate in or benefit from the University's services, activities, or opportunities.

Determining what constitutes sexual harassment depends on the specific facts and context in which the conduct occurs. Sexual harassment may take many forms: subtle and indirect or blatant and overt. For example, it may:

- Be conduct toward an individual of the opposite sex or the same sex.
- Occur between peers or between individuals in a hierarchical relationship.
- Be aimed at coercing an individual to participate in an unwanted sexual relationship or it may have the effect of causing an individual to change behavior.
- Consist of repeated actions or may even arise from a single incident if sufficiently egregious.

Whether the unwanted sexual conduct rises to the level of creating an intimidating or hostile environment is determined using both a subjective standard (that is, a person has been offended by the conduct) and an objective standard (that is, a reasonable student would find

the conduct to be sufficiently severe, persistent or pervasive so as to interfere with the ability to participate in or benefit from the University's services, activities, or opportunities).

*Sexual Misconduct as defined in Admin Guide 1.7.3:* The commission of a sexual act, whether by a stranger or nonstranger and regardless of the gender of any party, which occurs without indication of Consent.

1. The following acts or attempted acts can be the subject of a Sexual Misconduct or Sexual Assault charge:
  - a) vaginal or anal intercourse;
  - b) digital penetration;
  - c) oral copulation; or
  - d) penetration with a foreign object.
  
2. *Additional Acts of Sexual Misconduct.* The following completed acts can be the subject of a Sexual Misconduct charge:
  - a) unwanted touching or kissing of an intimate body part (whether directly or through clothing); or
  - b) recording, photographing, transmitting, viewing, or distributing intimate or sexual images or sound recordings without the knowledge and Consent of all parties involved.

*Stalking as defined in Admin Guide 1.7.3:* The repeated following, watching, or harassing of a specific person that would cause reasonable persons to (a) fear for their own safety or the safety of others, or (b) suffer substantial emotional distress.

*Support Person:* an advisor to the party. See Section VII for additional information.

*Title IX Coordinator:* the individual at Stanford responsible for overseeing the University's compliance with Title IX, VAWA amendments to the Clery Act and California Education Code sections 67380-67386.

*Title IX Office:* the Stanford Office under the direction of the Title IX Coordinator.

*University Directive Violation or Court Order Violation as defined in Admin Guide 1.7.3:* Violation of any directive issued by the University that restricts the activities of an individual in connection with an allegation or finding of Prohibited Conduct; or violation of any formal order issued by a state or federal court or authorized police officer, that restricts a student's access to another Stanford community member, such as an emergency, temporary, or permanent restraining order.

*Witness:* a person asked to give information or a statement in a matter under this process.

## Appendix B: Sanction Guidelines

Expulsion is the expected sanction for a finding of Sexual Assault.<sup>9</sup> The Hearing Panel must impose sanctions that reflect the seriousness of the incident and the harm caused to the Complainant and, as relevant, the Stanford community. Beyond Sexual Assault, expulsion may be the appropriate outcome in other matters considered under this process and every sanction deliberation should begin with consideration of expulsion. Sexual Misconduct is extremely serious and (in instances in which expulsion is not warranted) separation from the University for some period of time is expected.

Like findings of responsibility, the Hearing Panel can impose the sanction of expulsion only when the Hearing Panel is unanimous on that outcome. Sanctions other than expulsion can be imposed if the majority of the Hearing Panel agrees.

Sanctions include the following:

- Expulsion – permanent separation from the University without the option to re-enroll in any future degree-granting Stanford program.
- Suspension from the University for a period of between one – twelve quarters (that is, up to three academic years).
- Delay in the conferral of degree for a period of between one – twelve quarters (that is, up to three academic years) – this sanction is only available for students in their final quarter at Stanford.
- Probation with a Suspended Suspension period of one or two quarters – time away from the University is not immediately imposed but should the Responding Student face any other disciplinary matter at Stanford that decision-making body would be informed in the sanction phase that the student was on probation, would consider the probation as an aggravating factor in setting discipline, and would minimally impose the suspended suspension period as an actual suspension.
- Probation – Should the Responding Student face any other disciplinary matter at Stanford that decision-making body would be informed in the sanction phase that the student was on probation and would consider the probation as an aggravating factor in imposing discipline.

Hearing panelists may consider past disciplinary outcomes for similar matters, but are not required to give any weight to past outcomes. At the conclusion of a year, hearing panelists will be asked to meet and determine whether to draft additional Sanction Guidelines. Hearing panelists may consider past disciplinary outcomes for similar matters, but are not required to give any weight to past outcomes.

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<sup>9</sup> The Provost's Task Force on Sexual Assault put forward this recommendation, which is adopted here.

## Appendix C: Support Resources, Interim Measures & Remedies

### I. Support Resources

The following resources are available to Stanford students who believe that they have been the victim of Prohibited Conduct regardless of whether there is an investigation or finding under this Process. These resources are also available to Complainants following a finding of no responsibility in a hearing.

- a) Access to counseling provided through the Confidential Support Team ((650) 725-9955).
- b) Academic assistance from Undergraduate Advising and Research (for undergraduates) ((650) 723-2426) or student service managers (for graduate students) to notify faculty that a student is experiencing a period of personal hardship.
- c) On Campus escorts, such as from 5-Sure ((650) 725-7873).

Additionally, working through the Title IX Coordinator ((650) 497-4955, [titleix@stanford.edu](mailto:titleix@stanford.edu)) on a case-by-case basis as appropriate:

- d) Other safety measures or support services, including in the areas of academics, housing, and extracurricular activities.

(NOTE: Generally, fundamental principles of fairness prevent the University from taking actions against another student absent a finding of responsibility under this process, except on an interim basis while an investigation is pending as described below in Section II of this Appendix.)

### II. Interim Measures

In addition to the support resources described above, the following interim measures may be implemented by the Title IX Office ((650) 497-4955, [titleix@stanford.edu](mailto:titleix@stanford.edu)) or its designee while an investigation is pending and as provided in Administrative Guide 1.7.3:

- a) Housing accommodations, including the possibility of removal of the Responding Student from a current assignment
- b) Academic accommodations, including the possibility of removal of the Responding Student from a course
- c) No contact directives, stay-away letters, or campus bans
- d) Safety escorts
- e) Limiting the Responding Student's extracurricular or athletic activities
- f) In rare instances, removing the Responding Student from the University community while the investigation is pending
- g) Other safety measures or accommodations as appropriate for the particular matter

When implementing Interim Measures, the Title IX Coordinator will consider a number of factors in determining which measures should be put in place, such as:

- the safety of the community;
- the safety of the Complainant;
- the severity of the allegations;
- the education and living environments of the parties; and
- any academic or other University-related programs and activities with which the parties are involved.

Pursuant to guidance from the U.S. Department of Education, when adopting Interim Measures, the Title IX Coordinator will minimize the burden on the Complainant. To the extent not inconsistent with the obligations above, the University will take into account the Responding Student's academic, living, and extracurricular activities during the process of setting interim accommodations, including circumstances in which the Responding Student might have priority to attend a class or event.

The Title IX Coordinator will provide written notification of Interim Measures to both parties, although a measure affecting only one party will not be shared with the other party. The Title IX Coordinator may make adjustments to the Interim Measures as necessary.

### **III. Remedies**

If the Hearing Panel finds the Responding Student responsible and determines the sanction, the Title IX Coordinator must then implement remedies with the goal of enabling the Complainant to reasonably obtain the educational benefits available to Stanford students while remaining free from unreasonable interaction with the Responding Student on campus for a reasonable period of time. In instances in which the Responding Student is not expelled, the University must also provide an education to the Responding Student with the expectation that the Responding Student will follow appropriate University directives to give priority in most activities and programs to the Complainant, except in circumstances in which the Responding Student should have clear priority to a class, program, activity or living environment. For example, the Responding Student would not need to leave the common area of their assigned dorm if the Complainant decides to visit a friend in the same space. The role of the Hearing Panel is to institute sanctions and (if necessary) the Title IX Coordinator will implement remedies. Sanctions and remedies will then be overseen by the Title IX Coordinator.

Remedies may be modified by the Title IX Coordinator as circumstances change over the course of a Complainant's student career at Stanford. Remedies that are both substantially different from those initially entered following a hearing and that substantially alter a Responding Student's access to education, campus or extracurricular activities may be reviewed through the limited appeal inquiry provided in Section XII. A. 4.

The Title IX Coordinator should consider whether remedies in the following categories are appropriate and, if so, what the remedies should be. These categories are illustrative only; the Title IX Coordinator may implement such remedies as deemed appropriate for the particular case.

**A. Restrictions on Responding Student**

1. Presence on Campus
  - a. Should the Responding Student be permitted on campus for any purpose while expelled or on suspension?
  - b. Is a campus stay-away directive for some period of time appropriate?
  - c. If the parties will be on campus together at any time, should the Responding Student be directed to stay at least 50 feet from the Complainant?
2. Housing
  - a. Should the Responding Student be permitted to live in campus housing?
  - b. Should the Responding Student be permitted to be present in the Complainant's residence?
3. Academics
  1. Should the Responding Student be permitted to take courses with the Complainant?
  - b. If a general priority to the Complainant is appropriate, are there some courses for which the Responding Student should have priority?
4. Extracurricular Activities, Programs & Athletics
  - a. Should the Responding Student be permitted to engage in activities and programs with the Complainant?
    1. If a general priority to the Complainant is appropriate, are there some activities or programs for which the Responding Student should have priority?
    2. Should the Responding Student be permitted to attend voluntary social activities such as campus parties, athletic events, theater, lectures, etc?
5. Leadership
  - a. Should the Responding Student hold student leadership positions?

**B. Educational Counseling and Training for the Responding Student**

1. Would the Responding Student benefit from educational counseling or training, such as sexual harassment training or training regarding anger management?

**C. Additional Remedies for the Complainant, which will be directed by the Title IX Coordinator. Unless one of these remedies affects the Responding Student, these should remain confidential and should only be included in the Outcome Letter for the Complainant.**

1. Counseling assistance
2. Academic accommodations
3. Safety accommodations, such as escorts
4. Other accommodations

**D. Timeframe for Remedies**

1. The Title IX Coordinator should indicate a timeframe for the remedies (noting that it might be appropriate for some remedies to have different timeframes; e.g., no leadership position for two years and no housing for three years.)