CARLETON COLLEGE
Student Sexual Misconduct Resolution Process
1st Conversation Checklist with Student Participants

In order to make the resolution process as clear as possible, this checklist has been prepared to assist all parties as they go through a sexual misconduct resolution process. The following items will be addressed and/or clarified with complainants, respondents, reporting parties and witnesses in a meeting with the Title IX Coordinator or a Sexual Misconduct Support Adviser.

□ Policies: Student Sexual Misconduct Policies and Procedures The policy, a description of the resolution process, support and historical information can be found on this website: go.carleton.edu/sexual_misconduct

□ Resolution: Adjudicated, Non-Adjudicated or Legal Action: Students can make a decision on how they want to resolve an incident that happened between another student. The resolution processes are outlined under “Policies & Procedures” at go.carleton.edu/sexual_misconduct

   o Non-Adjudicated Resolution comes in many forms, and can include, but is not limited to getting support and learning about resources, having the College put another party on notice, receiving academic accommodations, initiating a limited contact agreement, offering education and training. Finding a policy violation and issuing disciplinary sanctions are not part of a non-adjudicated resolution.

   o Filing a Complaint to start an Adjudicated Resolution (hearing): When a student puts in writing to the College that they wish to file a complaint, the Title IX Coordinator will contact the respondent to notify the respondent of the complaint, and an investigation will begin.

   o Pursuing external action of sexual harassment or assault is always an option. Students may contact the Northfield Police at 507-645-4477, a private attorney or an advocate at the HOPE Center are well prepared to provide guidance and help a student navigate the legal system. External action can happen separately, or at the same time as a Carleton Complaint.

   o If a student is interested in pursuing an order for protection through the courts, the College can help the student navigate that process. See https://apps.carleton.edu/dos/sexual_misconduct/get_help/legal_resources/

□ No contact agreement or orders: Limited contact agreements or directives can be put in place for students involved.

   o Contact is defined as direct or indirect, in person, through others, by email, text message, through social media, etc.

   o Carleton is a small campus and it may be difficult to completely avoid each other. Students should consider their own personal thoughts about how they will react the first time they see the other person. It is important to respect the no contact agreement, yet know there may be instances they will see each other and need to determine what the best choice is in such a situation. Contact the Title IX Coordinator if clarity is needed or if there is a possible violation.

   o Retaliation of any type is not acceptable; retaliation includes any actions by a participant, or others on their behalf, which are meant to intimidate or harm the other person because of her/his/their involvement with the complaint process.

□ Support resources: Support, including confidential support, is available for students on campus. Specific resources are outlined online at https://apps.carleton.edu/dos/sexual_misconduct/get_help/support/on-campus_resources/

□ Adviser: Students are entitled to an adviser of their choosing to guide and accompany them throughout the campus resolution process. If students would like to change advisers, they will need to request this with the Title IX Coordinator prior to investigative or resolution meetings. https://apps.carleton.edu/dos/sexual_misconduct/get_help/support/on-campus_resources/sms_advisers/

□ Role of the Investigator: The investigator gathers information about a complaint in an adjudicated resolution. As part of the investigation, the investigator will meet with the complainant(s) and respondent(s) to gather facts about the incident. The investigator also may meet with other parties (witnesses) who may have information about the incident and also may review e-mails, text messages, photographs, and/or other documents that may be relevant to the complaint. The investigator will then prepare and submit to the CBSM a written fact-finding summary regarding the investigation. A preliminary investigation may take place in a non-adjudicated resolution, and this is usually conducted by the Title IX Coordinator.

□ Community Board on Sexual Misconduct (CBSM) and the resolution meeting: The Community Board on Sexual Misconduct (CBSM) is the College body charged with adjudicating complaints of student-to-student sexual misconduct. Each sexual misconduct complaint is heard and adjudicated by a panel of three representatives drawn from the larger CBSM. The goals of the resolution meeting are: a) to allow both the complainant and the respondent the opportunity to present their experiences, discuss the investigative summary, and to ask questions pertinent to the incident(s) in

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question; b) to have the matter considered and decided by an impartial panel representing different segments of the College community; and c) to determine whether a violation of College community standards has occurred.

**Appeal Decision of CBSM:** Either party has the right to appeal the decision of the CBSM Panel. The purpose of an appeal is to review the adjudication process. Appeals are accepted on the basis of one or more of the following:

1. Procedural errors may have substantially impacted the final decision;
2. Relevant new information was not available at the time of the hearing, and would have substantially affected the Panel's decision;
3. Sanctions are inconsistent with the seriousness of the incident.

The right of appeal is contingent upon participation in the investigative and hearing process. An appeal must be made in writing to the Title IX Coordinator within five business days of the Panel’s decision and imposed sanctions. Imposed sanctions are active and put in place during the appeal window, unless a student has exercised their right to appeal, in which case, sanctions are held in abeyance.

**Timing:** The investigative process will take place over several days or even weeks, but a participant may contact the Title IX Coordinator or the Investigator at any time with questions or to provide additional information. The Title IX Coordinator will keep parties updated on a regular basis about how the investigation is progressing, though cannot guarantee a specific day-to-day timeline for completion of the process. Those involved will work to assure it is handled in the timeliest manner possible, and will do everything possible to have a resolution within 60 days, but will communicate if that timeline is not possible.

**Privacy of Data and Confidentiality:** Information given as part of a report or an investigation may be shared with the complainant/respondent, as well as college officials and CBSM members involved with the complaint and resolution process in order to investigate and adjudicate. The complaint process will be handled with sensitivity, but the Investigator, unassigned SMS Advisers, and Title IX Coordinator are not Confidential Resources. Please note that once an SMS Adviser is officially assigned to a student participating in a complaint process by the Title IX Coordinator that Adviser’s reporting obligations are suspended.

**Amnesty:** There is amnesty for any alcohol/drug violations that come to light during a sexual misconduct investigation and if a participant provide any information about students’ alcohol/drug use during the situation which is being investigated, the College will not pursue any conduct charges; and the primary concern of the College is to have all details for a thorough investigation.

**Records Retention:** After a case is adjudicated and appeal timeline has passed, the Investigator will destroy any notes or documents not officially part of the Documentary Record and that the Documentary Record will be stored in the Sexual Misconduct Investigator's Office for seven years. After seven years, the Record will be destroyed. The full records retention policy, with more specificity can be found online at https://apps.carleton.edu/handbook/it/?policy_id=871114

**Parental Notification:** Though parental notification is permitted under law in most cases, the College prefers to communicate directly with students as adults. Customarily, the College does not notify parents concerning policy violations that do not involve suspension or expulsion. However, should a student receive a sanction that suggests that any future violation may lead to suspension, there is discretion to determine whether the student or a college official should notify parents about the student's status or other serious concerns.

Signature below indicate that student participants have reviewed this document with the Title IX Coordinator or a Sexual Misconduct Support Adviser and have been given the opportunity to ask any questions. The signatory also understand they have a responsibility to be completely truthful about all circumstances and details of the incidents surrounding this situation.

____________________________________________________________  ______________________________________________________________
Student Participant  Title IX Coordinator / SMS Adviser

____________________________________________________________  ______________________________________________________________
Date  Date

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