Reed College Title IX Board: Frequently Asked Questions

What is the Title IX Board?

• The Title IX Board generally consists of five staff members as well as all twelve members of the Student Judicial Board (J-Board). A hearing board of five members is formed by the Title IX Board chair for each complaint of sexual misconduct. There are at least two staff members and at least two students on each hearing board. The composition of the Board may change when the College is not officially in session or the Board is unable to convene.

• All members of the Title IX Board receive training in sexual misconduct adjudication as well as general training concerning the adjudication of alleged violations of relevant college policy and the Honor Principle. Title IX Board proceedings are governed by the same procedures as the Judicial Board, except where specified in Section 10 of the Judicial Board Code. Please refer to the Reed College website (http://www.reed.edu/academic/gbook/comm_pol/j_board_code_0715.html) to review the Judicial Board Code in its entirety.

What categories of complaints are reviewed by the Title IX Board?

• The Title IX Board hears complaints brought by any current or former members of the Reed Community against any individual who has allegedly engaged in behavior that would violate Title IX while a member of the student body, including any act of sexual misconduct. This includes alleged acts of sexual harassment, sexual assault, relationship abuse including dating and domestic violence, and stalking, as well as alleged violations of the Honor Principle. Please refer to the Reed College website (http://www.reed.edu/academic/gbook/comm_pol/dhsm_policy_0715.html) to review the Discriminatory Harassment and Sexual Misconduct policy, which includes definitions of these and other relevant terms.

What is the Honor Principle?

• The Honor Principle assumes that members of the community will be honest (not only in their academic work, but in all their behavior), will respect others’ rights and persons, will take responsibility for the effect of their behavior on the college as a whole, and will engage in conscientious self-reflection about their words and deeds.

• The Honor Principle implies that when individuals sincerely believe it necessary to violate a policy or break a rule, or to embarrass, discomfort, or in some way injure others or the community as a whole, they must acknowledge and explain their behavior, and be prepared to accept accountability as determined appropriate through the community’s judicial process. Please refer to the Reed College website (http://www.reed.edu/honor_principle/) for more information about the Honor Principle.
What is the role of the Hearing Facilitator?

- The Hearing Facilitator is a member of the Reed College staff who is responsible for directly questioning parties during Title IX Board hearings.
- The Hearing Facilitator serves as a resource to advisors for complainants, respondents, and witnesses by answering questions about the Title IX Board process.
- The Hearing Facilitator does not participate in hearing board deliberations, which are facilitated by the hearing board chair.
- The Hearing Facilitator may serve as the President’s designee and make a decision in a case, based on recommendations from the hearing board.

What rights do parties have in a Title IX Board proceeding?

- To appear and be present for all testimony.
- To choose one other member of the Reed community to be a “second.”
- To identify an advisor of their choice to be present for the hearing and related meetings.
- To have copies of the Judicial Board Code made available to them prior to the hearing.
- To present their own testimony and to request consideration of testimony by witnesses.
- To present written and signed testimony in lieu of oral testimony if submitted to the hearing board chair before the hearing.
- To decline to answer any question during a hearing.
- To be informed of the status of the case.
- To appeal.
- Parties must consent to the disclosure of testimony, documents, and the decision to all parties.
- Any testimony presented to the hearing board should be kept confidential and procedural aspects of the case should not be discussed.
- Any evidence submitted or witnesses added within two days of the hearing should be available for inspection as soon as is practicable.

What is the role of the advisor in a Title IX Board proceeding?

Reed College recognizes that participating in a college investigation and Title IX Board proceeding may be a challenging experience. We encourage students and others to seek the assistance of an advisor to support and accompany them through the process, including investigative meetings and Title IX Board hearings and related meetings. Students and others participating in this process as the reporting party, subject of a report, or as a witness may have an advisor of their choice to assist them.

Advisor’s Role

The role of the advisor is to help the participant prepare for meetings, advise the participant in
the sharing of information, and accompany the participant during investigative meetings and Title IX Board hearings and related meetings. While the advisor is permitted to attend these meetings/hearings, they are held to facilitate the investigative process by soliciting information from the participant directly and not through the advisor. Advisors who attend these meetings/hearings with a participant will be privy to information shared during the meeting/hearing. However, no representative of Reed College, including students and staff participating in the investigation or adjudication process, will share information with an advisor outside of a meeting/hearing without the advance written permission of the participant.

Scheduling

The college will make reasonable attempts to be flexible in scheduling to permit an advisor to be present during a meeting/hearing. However, the right to have an advisor present does not allow for an unreasonable delay. The assigned investigator will decide the reasonableness of any possible delay for investigative meetings; the hearing board will evaluate requests to delay a hearing or related meeting, and the hearing facilitator will make the final decision.

Who may be an Advisor?

Participants in a Title IX-related college investigation may have an advisor of their choice. Advisors may include, but are not necessarily limited to the following:

- Another student
- A parent or family member
- A member of the faculty or staff
- An advocate
- An attorney

No one may serve as an advisor without having been requested to do so by the participant, and the participant may ask an advisor to be excluded from the process at any time.

Advisor’s Assistance

The advisor chosen by the participant may assist in the following ways:

- Help the participant understand the investigative and hearing process and any documents or information provided to the participant.
- Help the participant prepare a written statement, obtain evidence, or otherwise prepare for an investigative meeting, hearing, or related meeting.
- Attend investigative meetings between the participant and the investigator and take handwritten notes.
- Attend a hearing or related meeting between the participant and the hearing board and/or hearing facilitator and take handwritten notes.

Limitations for the Advisor

The advisor must observe the following rules during the investigative process:
• The advisor may not make any recordings during any investigative meeting, by electronic or any other means.
• The advisor may not speak to anyone other than their advisee during an investigative meeting except at the explicit invitation of the investigator. At the discretion of the investigator, advisors may be given the opportunity to ask clarifying questions, offer information, or otherwise assist the participant directly at the conclusion of an investigative meeting at the discretion of the investigator.
• The investigator should consider reasonable requests on the part of a participant or advisor for brief breaks during an investigative meeting to consult in private. The decision to grant such requests will be at the discretion of the investigator.
• The advisor may not “object” to questions, dispute evidence, or otherwise interject during an investigative meeting.
• The investigator may excuse the advisor and/or end an investigative meeting at any time if an advisor fails to comply with these rules or if the advisor, in the opinion of the investigator, disrupts the investigative process during a meeting.
• Advisors are expected to adhere to the same confidentiality and privacy guidelines as the participant whom they are advising.

The advisor must observe the following rules during the hearing process:

• The advisor may not record the hearing or any related meetings by any electronic means.
• The advisor may not speak to anyone other than their advisee during a hearing, except at the explicit invitation of the hearing facilitator.
• The advisor may not “object” to questions, dispute evidence, question participants, or otherwise interject during a hearing.
• The hearing board reserves the right to remove an advisor from a hearing if the advisor fails to abide by the limits and procedures set forth by the hearing board or those contained within the Judicial Board Code. In such cases, the hearing will normally proceed without the advisor in attendance.
• Advisors are expected to adhere to the same confidentiality and privacy guidelines as the participant whom they are advising.

How are case decisions communicated and what are possible sanctions?

• At the conclusion of the hearing board’s deliberations, the board submits to the President of the College or his or her designee, for example, the Hearing Facilitator, a written recommendation that includes the Board’s findings of fact, findings of violations (policy and honor), and recommended sanctions.
• The President or designee reviews the submitted materials and determines whether or not he or she agrees with the board’s findings and recommendations.
• Once the President or designee makes a decision, a decision letter is sent to the complainant and respondent. The decision letter includes information on how to appeal the decision.
• If there is a finding of responsibility, possible sanctions may include:
o Expulsion
o Suspension
o Community service
o Full exclusion from campus and all college-affiliated events
o Limited exclusion from campus
o Meetings with the Dean of Students (or designees)
o Health and Counseling Center meetings
o Alcohol and Other Drug use assessments or other therapeutic interventions
o Consultation with other members of the community
o Educational programs
o Coursework at an external institution
o Apologies
o Behavioral expectations contract
o Reflection essays
o Financial restitution
o Disciplinary probation
o Information released outside the college
o Loss of alumni privileges
o Restriction and/or hold on transcripts, registration, and receipt of diploma until sanctions have been completed
o No contact orders
o Room inspection/search
o Removal from Reed owned housing
o Restrictions related to living in or accessing Reed owned housing
o Restrictions or removal related to on campus student employment, appointed/volunteer positions, or participation in college organizations or events

What is the appeal process?

• Either the complainant or respondent may appeal the decision of the President or his or her designee within ten working days of notification of the decision as outlined in Section 7 of the Judicial Board Code. An appeal may be made in writing (there is generally no appeal hearing) to the Chair of the Appeals Board on the basis of any (or all) of the following three grounds:

  1. The sanctions were too lenient or too severe.
  2. There was procedural error in the original hearing of the case that significantly affected the outcome.
  3. There is new or newly discovered evidence that would have significantly affected the original decision.

• The Appeals Board submits a recommendation to the President or his or her designee. A final appeal may be made directly to the President within ten working days of notification of the decision on the first appeal.

• All sanctions remain in effect during the appeal process unless the President opts to hold one or more of the sanctions in abeyance. The respondent may submit a
written petition to the President for such a waiver; however, they must do so within five working days of filing the appeal.

How does confidentiality work in Title IX Board cases?

- Participants may always talk about their experiences and the circumstances that led to a complaint; they are encouraged to seek out support.
- Participants may speak with anyone to develop testimony or identify appropriate witnesses or other evidence, provided such contact will not violate a No Contact Order. Participants should contact the Procedural Aide for guidance if there is a No Contact Order that may limit preparation for a hearing.
- Participants may state that they are involved in a case, and may disclose their role.
- Except as provided above, participants are obligated to refrain from speaking about procedural aspects of a case, information learned during the hearing process, or any other participant involved in a case.
- The complainant and the respondent may release three pieces of information at the completion of the process (the notification by the President of the final outcome after the appeals process is completed):
  a. The name of the accused.
  b. The college’s final determination with regard to alleged acts of sexual harassment, sexual assault, relationship abuse including dating and domestic violence, and stalking, as well as alleged violations of the Honor Principle.
  c. Any sanction(s) imposed against the accused resulting from a finding of responsibility for acts of sexual harassment, sexual assault, relationship abuse including dating and domestic violence, and stalking, as well as alleged violations of the Honor Principle.

Resources

- Hearing Facilitator: Santi Alston, alstons@reed.edu, 503.517.7712
- Title IX Coordinator: Mike Brody, brodym@reed.edu, 503.777.7521
- Discriminatory Harassment and Sexual Misconduct policy (http://www.reed.edu/academic/gbook/comm_pol/dhsm_policy_0715.html)
- Judicial Board Code (http://www.reed.edu/academic/gbook/comm_pol/j_board_code_0715.html)
- Reed College Title IX Information (http://www.reed.edu/title-ix/)

I have received, read, and understand this Reed College Title IX Board Frequently Asked Questions document.

Signature of Advisor

Printed Name of Advisor Date