1/4/19



**ADMINISTRATIVE PROCEDURE**

**Informal Resolution Process for Student Sexual Misconduct Cases**

1. After the parties have had the opportunity to review and provided comments and/or new, factual information regarding the Investigative Draft Report (IDR) or the deadline has passed (five [5] academic days) with no response from the parties, the Title IX Investigator will utilize the clear and convincing standard of the evidence to determine whether there was a violation of NMT policy. The Investigator then submits the Investigative Report (IR), including any new comments or factual information provided by the parties, a determination regarding violation of policy, and recommended sanctions to Tech’s undergraduate or graduate Informal Student Adjudicator for a review of the decision in this informal resolution process. The informal student adjudicator is the Vice President of Student and University Relations (VPSUR) for undergraduate students, or the Dean of Graduate Studies (DGS) for graduate students.
2. The VPSUR or DGS has five (5) academic days to issue a Letter of Determination (LOD) to both the complainant/s and the respondent/s. The LOD includes a) the information from the IR, b) any new information garnered from the parties, c) any new investigatory findings, d) a preliminary analysis and finding of whether or not there was a violation of the University’s Sexual Misconduct Policy, based on a preponderance of evidence, and e) if appropriate, sanction/s based on the severity of the case, past related incidents, and Tech’s [Sanctioning Guidelines and Matrix for Sexual Misconduct/Title IX Violations](file:///C%3A%5CUsers%5Cmcoleman%5CDownloads%5Ctitleix%5CNMT%20Sexual%20Misconduct%20Sanctioning%20Guidelines.pdf). The VPSUR or DGS may modify the determination regarding whether there was a violation of policy. The VPSUR or DGS will provide rationale for the determination and sanctions.
3. The parties have five (5) academic days to respond to the LOD. If neither party disagrees with the LOD or the deadline has passed with no response from the parties, the LOD stands and
4. If any policy violations have been established or the investigation has discovered information that may indicate a policy violation not related to Title IX, the Title IX Coordinator will forward the pertinent information to the appropriate sanctioning body and provides notice of this in the closure letter.
5. The matter is considered resolved and closed through this informal resolution process.
6. The Title IX Coordinator sends both parties a letter via the campus’ Conduct Manager system to inform them the matter has been resolved and the case is closed with regards to the University’s resolution process.
7. If either party disagrees with LOD, they have the right to challenge the informal resolution decision and have the matter resolved formally with a hearing before the Student Discipline Committee (SDC). The unsatisfied party should notify the Title IX Coordinator by email (titleixcoordinator@nmt.edu ) within five (5) academic days of receiving the LOD to request the hearing.
8. Upon receipt of the notification of disagreement from either party, the Title IX Coordinator will notify the parties, the Informal Student Adjudicator, and the Student Conduct Coordinator to indicate the need to convene a formal hearing of the Student Discipline Committee.
9. The Student Conduct Coordinator will work with the Student Discipline Committee Chairperson to convene a trained panel to hear the case, as soon as possible.
10. The Student Conduct Coordinator will notify the Title IX Coordinator of the formal hearing date, time, and location.
11. The Title IX Coordinator will notify the parties and help make any needed accommodations for the formal hearing (e.g. pre-hearing conference, separate rooms for testimony).