



**SEX/GENDER-BASED
HARASSMENT, DISCRIMINATION
AND
SEXUAL MISCONDUCT
PROCEDURES HANDBOOK**

AEROSIM ACADEMY, INC.
Along with
THE NCHERM GROUP/ATIXA
2015

Definitions:

Reporting Party: In this process, the person alleging a violation of policy is referred to as the reporting party.

Responding Party: In this process, the person who is alleged to have violated campus policy is referred to as the responding party.

Overview of Reports Concerning Discrimination and/or Harassment

The Academy does not permit discrimination or harassment in its programs and activities on the basis of race, color, national origin, sex, gender identity, gender expression, sexual orientation, disability, veteran status, predisposing genetic characteristic, age, religion, pregnancy status or any other characteristic protected by Academy policy or state, local, or federal law. Anyone who believes they have been subjected to discrimination or harassment in violation of this policy should follow the procedure outlined in this Handbook to report these concerns.

This process involves a prompt preliminary inquiry to determine if there is reasonable cause to believe the nondiscrimination policy has been violated. If so, the Academy will initiate an investigation that is thorough, reliable, impartial, prompt and fair. This investigation determines whether the Academy nondiscrimination policy has been violated. If so, the Academy will promptly implement an effective remedy designed to end the discrimination, prevent its recurrence and address its effects.

The Academy aims to bring all allegations to a resolution within a sixty (60) business day time period, which can be extended as necessary for appropriate cause by the Title IX Coordinator with notice to the parties. In overview, the timeline for resolution begins with notice to a mandated reporter. The Coordinator then engages in a preliminary inquiry that is typically 1-3 days in duration. From there, the allegation can lead to a formal investigation, which usually starts within days of the preliminary inquiry's conclusion. Investigations range from days to weeks, depending on the nature and complexity of allegations, with the Academy commonly aiming for a 10-14 window to completion. The parties are regularly apprised of the status of the investigation as it unfolds. The process may then end or continue. If it continues, barring necessary extensions, the investigation leads to formal and informal resolution options, which the Academy aims to complete in 10-14 days from the end of the investigation. A failed informal resolution which triggers a formal resolution may require the Academy to extend this timeline accordingly.

Interim Remedies/Actions

The Title IX Coordinator (or designee) may provide interim remedies intended to address the short-term effects of harassment, discrimination and/or retaliation, i.e., to redress harm to the alleged victim and the community and to prevent further violations. The Academy will keep interim remedies and actions as private as possible.

These remedies may include, but are not limited to:

- Referral to counseling and health services
- Education to the community
- Altering the housing situation of an the responding party (resident student or resident employee (or the alleged victim, if desired))
- Altering work arrangements for employees
- Providing campus escorts,
- Providing transportation accommodations
- Implementing contact limitations between the parties
- Offering adjustments to academic deadlines, course schedules, etc.

The Academy may interim suspend a student or employee pending the completion of ERP investigation and resolution, particularly in when in the judgment of the Title IX Coordinator, the safety or well-being of any member(s) of the campus community may be jeopardized by the presence on-campus of the responding party. In all cases in which an interim suspension is imposed, the student or employee will be given the opportunity to meet with the Title IX Coordinator prior to such suspension being imposed, or as soon thereafter as reasonably possible, to show cause why the suspension should not be implemented. The Title IX Coordinator has sole discretion to implement or stay an interim suspension under the policy on Equal Opportunity, Harassment and Nondiscrimination, and to determine its conditions and duration. Violation of an interim suspension under this policy is grounds for expulsion or termination.

During an interim suspension or administrative leave, a student or employee may be denied access to Academy housing and/or the Academy campus/facilities/events. As determined by the Title IX Coordinator (or designee), this restriction can include classes and/or all other Academy activities or privileges for which the student might otherwise be eligible. At the discretion of the Title IX Coordinator (or designee), alternative coursework options may be pursued to ensure as minimal an impact as possible on the responding party.

The institution will maintain as confidential any accommodations or protective measures, provided confidentiality does not impair the institution's ability to provide the accommodations or protective measures.

Formal and Informal Resolution Procedure for Reports of Misconduct

This procedure applies to any member of the Academy community (instructor, student, staff, and administration) who engages in discrimination or harassment. Any person can report alleged harassment or discrimination, including instructors, students, staff, administration, guests, visitors, etc. All allegations of misconduct not involving harassment or discrimination will be addressed through the procedures elaborated in the respective student, contract cadet, and employee handbooks.

Informal Resolution

Before pursuing the Formal Resolution Process, every reasonable effort should be made to constructively resolve conflict with students, instructors, staff, or administrators. The person impacted should keep a written log that can aid in later investigation and resolution. Whenever possible and safe, the problematic behavior, conflict or misconduct should first be discussed by the impacted person and the person engaged in the problematic behavior, conflict or misconduct. The Title IX Coordinator will facilitate such conversations, upon request, and monitor them for safety. [Various conflict resolution mechanisms are available, including mediation. Mediation is not used when violent behavior is involved, when the Coordinator determines a situation is not eligible, or the parties are reluctant to participate in good faith]. The Academy does not require an impacted party to contact the person involved or that person's supervisor if doing so is impracticable, or if the impacted party believes that the conduct cannot be effectively addressed through informal means. If informal efforts are unsuccessful, the formal resolution process may be initiated. Either party has the right to end the informal process and begin the formal process at any time prior to resolution.

Formal Resolution Process for Reports of Misconduct by Employees

The Department of People is designated to formally investigate reports or notice of discrimination and/or harassment by employees and to address inquiries and coordinate the Academy's compliance efforts regarding employee-related reports.

Any member of the community can give provide notice of discrimination and/or harassment in person, by phone, via email or in writing to the Department of People

or Title IX Coordinator. The Academy strongly encourages submission of written reports to the Department of People.

The following are recommended elements of a report:

- Clear and concise description of the alleged incident(s) (e.g.: when and where it occurred);
- Any supporting documentation and evidence;
- Clear demonstration of all informal efforts, if any, to resolve the issue(s) with the person involved and the person's supervisor;
 - This includes names, dates and times of attempted or actual contact along with a description of the discussion and the manner of communication made in the course of each effort;
 - If contacting the person involved and/or the supervisor is impracticable, the reporting party should state the reasons why;
- The desired remedy sought;
- Name and all contact information for the reporting party;
- Signed by the reporting party.

If the reporting party wishes to pursue a formal resolution or if Academy, based on the alleged policy violation, wishes to pursue a formal resolution, then the Title IX Coordinator appoints trained investigators (typically using a team of two investigators), to conduct the investigation, usually within two business days of determining that a resolution should proceed. Investigations are completed expeditiously, normally within 10-14 business days of the completion of the preliminary inquiry by the Title IX Coordinator. Investigations may take longer when, for example, initial reports fail to provide direct first-hand information or in complex situations.

The Academy's resolution will not typically be altered or precluded on the grounds that civil or criminal charges involving the same incident have been filed or that charges have been dismissed or reduced. However, the Academy may undertake a short delay (several days to weeks) in its investigation or resolution process, to comply with a law enforcement request for cooperation (e.g.: to allow for criminal evidence collection) when criminal charges on the basis of the same behaviors that invoke this process are being investigated. The Academy will promptly resume its investigation and processes once notified by law enforcement that the initial evidence collection process is complete.

All investigations will be thorough, reliable and impartial, and will entail interviews with all relevant parties and witnesses, obtaining available evidence and identifying sources of expert information, if necessary.

The investigator will take the following steps (not necessarily in order):

- In coordination with campus partners (e.g.: the campus Title IX Coordinator), initiate any necessary remedial actions;
- Determine the identity and contact information of the reporting party;
- Identify the exact policies allegedly violated;
- Conduct an immediate initial inquiry to determine if there is reasonable cause to charge the responding party, and what policy violations should be alleged as part of the charge;
 - If there is insufficient evidence to support reasonable cause, the report should be closed with no further action;
- Meet with the reporting party to finalize their statement, and
- Prepare the notice of charges on the basis of the initial inquiry;
- Commence a thorough, reliable and impartial investigation by developing a strategic investigation plan, including a witness list, evidence list, intended timeframe, and order of interviews for all witnesses and the responding party, who may be given notice prior to or at the time of the interview;
- Complete the investigation promptly, and without unreasonable deviation from the intended timeline of 10-14 business days;
- Provide regular updates to both the reporting and responding parties, as appropriate, throughout the investigation;
- Make a finding, based on a preponderance of the evidence (whether a policy violation is more likely than not)
- Share the findings and sanctions with the responding and reporting parties.

At any point during the investigation, if it is determined there is no reasonable cause to believe that Academy policy has been violated, the Title IX Coordinator has authority to terminate the investigation and end resolution proceedings.

Where the responding party is found not responsible for the alleged violation(s), the investigation will be closed. Where a violation is found, the Academy will act to end the discrimination, prevent its recurrence, and remedy its effects on the victim and the Academy community. All parties will receive written notification of the outcome, to the extent permitted by or mandated by law. In cases involving sexual misconduct, sexual harassment, stalking and/or intimate partner violence, the written notification includes the finding, any resulting responsive actions, and the rationale for the decision. This written notification of final decision is delivered to the parties without undue delay.

Formal Resolution Process for Reports of Misconduct by Students

The Department of People is designated to formally investigate reports of discrimination and/or harassment by students, to address inquiries and to coordinate the Academy's compliance efforts regarding reports of misconduct by students, regardless of the Academy role of the reporting party, who may be another student, instructor, staff, guest or visitor.

Notice of a formal report can be made in person, by phone, via email or in writing to the Department of Student Affairs or the Title IX Coordinator. Upon receipt of a report, the Department of Student Affairs will confer with the Title IX Coordinator on interim action, accommodations for the reporting party (at no cost to the reporting party where possible), or other necessary remedial short-term actions.

If the reporting party wishes to pursue a formal resolution or if Academy, based on the alleged policy violation, wishes to pursue a formal resolution, then the Title IX Coordinator appoints trained investigators (typically using a team of two investigators), to conduct the investigation, usually within two business days of determining that a resolution should proceed. Investigations are completed expeditiously, normally within 10-14 business days of notice to the Title IX Coordinator. Investigations may take longer depending on their nature or complexity.

The Academy's resolution will not typically be altered or precluded on the grounds that civil or criminal charges involving the same incident have been filed or that charges have been dismissed or reduced. However, the Academy may undertake a short delay (several days to weeks) in its investigation or resolution process, to comply with a law enforcement request for cooperation (e.g.: to allow for criminal evidence collection) when criminal charges on the basis of the same behaviors that invoke this process are being investigated. The Academy will promptly resume its investigation and processes once notified by law enforcement that the initial evidence collection process is complete.

All investigations will be thorough, reliable and impartial, and will entail interviews with all relevant parties and witnesses, obtaining available evidence and identifying sources of expert information, if necessary.

The investigators will take the following steps (not necessarily in order):

- In coordination with campus partners (e.g.: the campus Title IX Coordinator), initiate any necessary remedial actions;

- Determine the identity and contact information of the reporting party;
- Identify the exact policies allegedly violated;
- Conduct an immediate initial inquiry to determine if there is reasonable cause to charge the responding party, and what policy violations should be alleged as part of the report;
 - If there is insufficient evidence to support reasonable cause, the inquiry should be closed with no further action;
- Meet with the reporting party to finalize their statement and
- Prepare the notice of charges on the basis of the initial inquiry;
- Commence a thorough, reliable and impartial investigation by developing a strategic investigation plan, including a witness list, evidence list, intended timeframe, and order of interviews for all witnesses and the responding party, who may be given notice prior to or at the time of the interview;
- Complete the investigation promptly, and without unreasonable deviation from the intended timeline of ten (10) business days;
- Provide regular updates to both the reporting and responding parties, as appropriate, throughout the investigation;
- Make a finding, based on a preponderance of the evidence (whether a policy violation is more likely than not)
- Present the findings to the responding party, who may accept the findings, accept the findings in part and reject them in part, or may reject all findings;
- Share the findings and update the reporting party on the status of the investigation and the outcome.

At any point during the investigation, if it is determined there is no reasonable cause to believe that Academy policy has been violated, the Title IX Coordinator has authority to terminate the investigation and end resolution proceedings.

Where the responding party is found not responsible for the alleged violation(s), the investigation will be closed.

Where the responding party accepts the finding of the investigation, the Department of Student Affairs will impose appropriate sanctions for the violation, after consultation with the Title IX Coordinator, when applicable. The Academy will act to end the discrimination, prevent its recurrence, and remedy its effects on the victim and the Academy community.

The parties will receive written notification of the outcome, to the extent permitted or mandated by law. In cases involving sexual misconduct, sexual harassment, stalking and/or intimate partner violence, the written notification includes the finding, any

resulting sanctions, and the rationale for the decision. This written notification of final decision is delivered to the parties without undue delay.

In the event that the responding party rejects the findings in part or entirely, the Department of Student Affairs will convene a hearing under its respective procedures to determine whether the responding party is in violation of the contested aspects of the report. At the hearing, the findings of the investigation may be admitted, but are not binding on the decider(s) of fact. The investigator(s) may give evidence. The hearing will determine whether it is more likely than not that the responding party violated the policies forming the basis of the charge. The goal of the hearing is to provide an equitable resolution via an equitable process, respecting the civil and legal rights of all participants.

The Department of Student Affairs has final decision-making authority with regard to formal reports. Where the responding party is found in violation as the result of a hearing, the Department of Student Affairs will impose appropriate sanctions for the violation, after consultation with the Title IX Coordinator, when applicable. The Academy will act to end the discrimination, prevent its recurrence, and remedy its effects on the victim and the Academy community. The parties will receive written notification of the outcome of the hearing, to the extent permitted or mandated by law. In cases involving sexual misconduct, sexual harassment, stalking and/or intimate partner violence, the written notification includes the finding, any resulting sanctions, and the rationale for the decision. This written notification of final decision is delivered to the parties without undue delay.

Participation of Advisors in the Resolution Process

All parties are entitled to an advisor [or advocate] of their choosing to guide and accompany them throughout the campus resolution process. The advisor [or advocate] may be a friend, mentor, family member, attorney or any other supporter a party chooses to advise them who is both eligible and available. People who will be called as witnesses may not serve as advisors.

The parties are entitled to be accompanied by their advisor [or advocate] in all meetings and interviews at which the party is entitled to be present, including intake, interviews, hearings and appeals. Advisors should help their advisees prepare for each meeting, and are expected to advise ethically, with integrity and in good faith. The Academy cannot guarantee equal advisory rights, meaning that if one party selects an advisor [or advocate] who is an attorney, but the other party does not, or cannot afford an attorney,

the Academy is not obligated to provide one. Responding parties may wish to contact organizations such as:

- FACE (<http://www.facecampusequality.org>)
- SAVE (<http://www.saveservices.org>),

Reporting parties may wish to contact organizations such as:

- The Victim Rights Law Center (<http://www.victimrights.org>), or the
- The National Center for Victims of Crime (<http://www.victimsofcrime.org>), which maintains the Crime Victim's Bar Association.]

All advisors are subject to the same campus rules, whether they are attorneys or not. Advisors may not present on behalf of their advisee in a meeting, interview or hearing and should request or wait for a break in the proceeding if they wish to interact with campus officials. Advisors may confer quietly with their advisees as necessary, as long as they do not disrupt the process. For longer or more involved discussions, the parties and their advisors should ask for breaks or step out of meetings to allow for private conversation. Advisors will typically be given a timely opportunity to meet in advance of any interview or hearing with the administrative officials conducting that interview or meeting. This pre-meeting will allow advisors to clarify any questions they may have, and allows the Academy an opportunity to clarify the role the advisor is expected to take.

Advisors are expected to refrain from interference with the Academy investigation and resolution. Any advisor who steps out of their role in any meeting under the campus resolution process will be warned once and only once. If the advisor continues to disrupt or otherwise fails to respect the limits of the advisor role, the advisor will be asked to leave the meeting. When an advisor is removed from a meeting, that meeting will typically continue without the advisor present. Subsequently, the Title IX Coordinator will determine whether the advisor may be reinstated, may be replaced by a different advisor, or whether the party will forfeit the right to an advisor for the remainder of the process.

The Academy expects that the parties will wish the Academy to share documentation related to the allegations with their advisors. The Academy provides a consent form that authorizes such sharing. The parties must complete this form before the Academy is able to share records with an advisor. The parties are not otherwise restricted from discussing and sharing information relating to allegations with others who may support them or assist them in preparing and presenting. Advisors are expected to maintain the

privacy of the records shared with them by the Academy. These records may not be shared with 3rd parties, disclosed publicly, or used for purposes not explicitly authorized by the Academy. The Academy may seek to restrict the role of any advisor who does not respect the sensitive nature of the process or who fails to abide by the Academy's privacy expectations.

The Academy expects an advisor to adjust their schedule to allow them to attend Academy meetings when scheduled. The Academy does not typically change scheduled meetings to accommodate an advisor's inability to attend. The Academy will, however make provisions to allow an advisor who cannot attend in person to attend a meeting by telephone, video and/or virtual meeting technologies as may be convenient and available.

A party may elect to change advisors during the process, and is not locked into using the same advisor throughout.

The parties must advise the investigators of the identity of their advisor at least two (2) business days before the date of their first meeting with investigators. The parties must provide subsequent timely notice to the investigators if they change advisors at any time. No audio or video recording of any kind other than as required by institutional procedure is permitted during meetings with campus officials.

Additional Notes

Academy students are responsible for knowing the information, policies and procedures outlined in this document.

The Academy reserves the right to make changes to this document as necessary and once those changes are posted online, they are in effect. Students are encouraged to check online <https://www.afa.edu/> for the updated versions of all policies and procedures. If government regulations change in a way that impacts this document, this document will be construed to comply with government regulations in their most recent form. Reports of misconduct made after the fact may raise issues of policy and procedure application, if policies and procedures have changed. Unless the parties accept current policies, all reports are governed by the policies that were in place at the time the alleged misconduct occurred. Procedures applicable are those that are in place at the time of resolution.

This document does not create legally enforceable protections beyond the protection of the background state and federal laws which frame such codes generally.

Special Resolution Process Provisions

a. Academy-initiated proceedings

As necessary, Academy reserves the right to initiate a report and to initiate resolution proceedings without a formal report or participation by the victim of misconduct.

b. Notification of Outcomes

The outcome of a campus hearing is part of the education record of the responding party, and is protected from release under a federal law, FERPA. However, the Academy observes the legal exceptions as follows:

- Parties to non-consensual sexual contact/intercourse, sexual exploitation, sexual harassment, stalking, and intimate partner violence incidents have an absolute right to be informed of the outcome, essential findings/rationale, and any sanctions that may result, in writing, without condition or limitation, and without substantial delay between notifications to each party.
- The Academy may release publicly the name, nature of the violation and the sanction for any student who is found in violation of a Academy policy that is a “crime of violence,” including: arson, burglary, robbery, criminal homicide, sex offenses, assault, destruction/damage/vandalism of property, intimate partner violence, stalking and kidnapping/abduction. In doing so, the Academy will not release any information that could lead to the identification of the reporting party.

c. Alternative Testimony Options

For sexual misconduct reports, and other reports of a sensitive nature, whether the alleged victim is serving as the reporting party or as a witness, alternative testimony options will be given, such as allowing the alleged victim to testify outside the physical presence of the responding party, such as by Skype or phone. While these options are intended to help make the reporting party more comfortable, they are not intended to work to the disadvantage of the responding party.

d. Witness participation in an investigation

Witnesses are expected to cooperate with and participate in the Academy’s investigation. Any witness who declines to participate in or cooperate with an investigation will not be permitted to offer evidence or testimony later in a hearing. Witnesses may provide written statements in lieu of interviews during the investigation and may be interviewed remotely by phone, Skype (or similar technology), if they cannot be interviewed in person. Parties

who elect not to participate in the investigation will have the opportunity to offer evidence during the hearing stages of the process. Any witness scheduled to participate in a hearing must have been interviewed first by investigators (or have proffered a written statement), unless all parties consent to the participation of that witness in the hearing.

e. Training for those implementing these procedures

Personnel tasked with implementing these procedures, (e.g.: Title IX Coordinator and Investigators) will be trained at least annually. This training will include, but is not limited to: how to appropriately remedy, investigate, render findings and determine appropriate sanctions in reference to sexual harassment and discrimination allegations; the Academy's Sex/Gender-based Discrimination and Sexual Misconduct Policies and Procedures; confidentiality and privacy; and applicable laws, regulations and federal regulatory guidance.

f. Conflicts of Interest and Bias

The Academy is committed to ensuring that its resolution processes (e.g.: investigation, hearing, etc.) are free from actual or perceived bias or conflicts of interest that would materially impact the outcome. Any party who feels that there is actual or perceived bias or conflict of interest that would materially impact the outcome may submit a written petition for the person's removal from the process. The petition should include specifics as to the actual or perceived bias or conflict of interest, as why the petitioner believes the bias or conflict could materially impact the outcome. When the allegation involves a responding party who is an employee, petitions should be submitted promptly to the Director of People. When the allegation involves a responding party who is a student, petitions should be submitted promptly to the Manager of Student Affairs. Such petitions may also be made to the Title IX Coordinator; or to the Academy President in the event that the potential conflict or bias involves the Title IX Coordinator.

g. Recordkeeping

In implementing these procedures, records of all allegations, investigations, and resolutions will be kept by the Title IX Coordinator indefinitely in the electronic Title IX Coordinator database.

STATEMENT OF THE RIGHTS OF THE REPORTING PARTY

- The right to investigation and appropriate resolution of all credible reports or notice of sexual misconduct or discrimination made in good faith to Academy officials;
- The right to be informed in advance of any public release of information regarding the incident;
- The right of the reporting party not to have any personally identifiable information released to the public, without his or her consent.
- The right to be treated with respect by Academy officials;
- The right to have Academy policies and procedures followed without material deviation;
- The right not to be pressured to mediate or otherwise informally resolve any reported misconduct involving violence, including sexual violence.
- The right not to be discouraged by Academy officials from reporting sexual misconduct or discrimination to both on-campus and off-campus authorities.
- The right to be informed by Academy officials of options to notify proper law enforcement authorities, including on-campus and local police, and the option to be assisted by campus authorities in notifying such authorities, if the student so chooses. This also includes the right not to report, if this is the victim's desire;
- The right to have reports of sexual misconduct responded to promptly and with sensitivity by other campus officials.
- The right to be notified of available counseling, mental health, victim advocacy, health, legal assistance, student financial aid, visa and immigration assistance, or other student services for victims of sexual assault, both on campus and in the community;
- The right to a campus no contact order (or a trespass order against a non-affiliated 3rd party) when someone has engaged in or threatens to engage in stalking, threatening, harassing or other improper behavior that presents a danger to the welfare of the reporting party or others;

- The right to notification of and options for, and available assistance in, changing academic and living situations after an alleged sexual misconduct incident, if so requested by the victim and if such changes are reasonably available (no formal report, or investigation, campus or criminal, need occur before this option is available). Accommodations may include:
 - Change of an on-campus student's housing to an off-campus location;
 - Assistance from Academy support staff in completing the relocation;
 - Transportation accommodations;
 - Exam or stage check rescheduling;
 - Taking an incomplete in a class;
 - Transferring class sections;
 - Temporary withdrawal;

- The right to have the institution maintain such accommodations for as long as is necessary, and for protective measures to remain confidential, provided confidentiality does not impair the institution's ability to provide the accommodations or protective measures.

- The right to be fully informed of campus policies and procedures as well as the nature and extent of all alleged violations contained within the report;

- The right to ask the investigators to identify and question relevant witnesses, including expert witnesses;

- The right to review all documentary evidence available regarding the allegation, including the investigative report, subject to the privacy limitations imposed by state and federal law, at least 48 hours prior to the hearing;

- The right to be informed of the names of all witnesses who will be called to give testimony, at least two business day prior to the hearing, except in cases where a witness' identity will not be revealed to the responding party for compelling safety reasons (this does not include the name of the alleged victim/reporting party, which will always be revealed);

- The right not to have irrelevant prior sexual history admitted as evidence in a campus hearing;

- The right to regular updates on the status of the investigation and/or resolution.

- The right to a panel comprised of representatives of both genders, if a panel is to be used;
- The right to preservation of privacy, to the extent possible and permitted by law;
- The right to meetings, interviews and/or hearings that are closed to the public;
- The right to petition that any member of the conduct body be recused on the basis of demonstrated bias;
- The right to bring a victim advocate or advisor of the reporting party's choosing to all phases of the investigation and resolution proceeding;
- The right to provide evidence by means other than being in the same room with the responding party;
- The right to be present for all testimony given and evidence presented during any resolution-related hearing;
- The right to be informed of the outcome and sanction of the resolution process in writing, without undue delay between the notifications to the parties, and usually within 1 business day of the end of the process;
- The right to be informed in writing of when a decision of the Academy is considered final and any changes to the sanction to occur before the decision is finalized.

STATEMENT OF THE RIGHTS OF THE RESPONDING PARTY

The rights of the responding party should also be prominently indicated. These should include, among others particular to your Academy:

- The right to investigation and appropriate resolution of all credible reports of sexual misconduct made in good faith to Academy administrators;
- The right to be informed in advance, when possible, of any public release of information regarding the report.
- The right to be treated with respect by Academy officials;
- The right to have Academy policies and procedures followed without material deviation;
- The right to be fully informed of the nature, policies and procedures of the campus resolution process and to timely written notice of all alleged violations within the report, including the nature of the violation and possible sanctions;
- The right to a hearing on the report, including timely notice of the hearing date, and adequate time for preparation;
- The right to review all documentary evidence available regarding the allegation, including the investigative report, subject to the privacy limitations imposed by state and federal law, at least 2 business days prior to the hearing;
- The right to be informed of the names of all witnesses who will be called to give testimony, at least 2 business days prior to the hearing, except in cases where a witness' identity will not be revealed to the responding party for compelling safety reasons (this does not include the name of the reporting party, which will always be revealed);
- The right not to have irrelevant prior sexual history admitted as evidence in a campus resolution process;
- The right to petition that any member of the conduct body be recused on the basis of demonstrated bias;

- The right to a panel comprised of representatives of both genders if a panel is to be used;
- The right to meetings, interviews and hearings that are closed to the public;
- The right to have an advisor of their choice to accompany and assist in the campus resolution process.
- The right to a fundamentally fair resolution, as defined in these procedures;
- The right to a decision based solely on evidence presented during the resolution process. Such evidence shall be credible, relevant, based in fact, and without prejudice;
- The right to be informed of the outcome and sanction of the resolution process in writing, without undue delay between the notifications to the parties, and usually within 1 business day of the end of the process;
- The right to be informed in writing of when a decision of the Academy is considered final and any changes to the sanction to occur before the decision is finalized.