Stony Brook University
Code of Student Responsibility

Sexual Misconduct
Investigation, Hearing & Appeal Process

The cycle on right represents the stages of the investigative, hearing and appeals process when the investigation results in charges and a hearing. Please click on Step 1 to begin review.

**STEP 1. Actual Notice of Incident to SBU**
- Office of Institutional Diversity and Equity (OIDE)
- Labor Relations (LR)
- University Community Standards (UCS)
- University Police (UPD)
- Other (as appropriate)

**Complainant Interviewed by Title IX Investigator and/or UCS**
- Options Discussed
- Report Incident - No Further Action
- File Formal Complaint
- Report to UPD or law enforcement

**Advised of Available Resources**
- Title IX Resource Form
- Available Interim Measures
- Prohibition of Retaliation
- Complaint Navigator
- Bill of Rights

**STEP 2. Preliminary Review**

**IS THIS A TITLE IX MATTER?**
- If no, then...
  - OIDE refers the matter to other office(s) as appropriate and OIDE Closes Case.
- If yes, then...
  - No contact directive(s) will be issued as appropriate.
  - Other interim measures will be issued as appropriate. NCD and other interim measures issued by UCS with notice to both parties.
  - Continue on to Step 3. Determine Findings

**STEP 3. Comprehensive Investigation**
- Respondent Interviewed
- Witnessed Interview
- All available evidence collected and reviewed

**CHARGES ISSUED?**
- If yes then…continue to Step 4. Charges Issued

**STEP 4. Charges Issued**

**STEP 5. Review Panel Hearing**

**STEP 6. Determination**

**STEP 7. Sanctions Issued**

**STEP 8. Appeal**

**Notice to Both Parties**
- Office of Institutional Diversity and Equity (OIDE)
- Labor Relations (LR)
- University Community Standards (UCS)
- University Police (UPD)
- Other (as appropriate)

- Complainant Interviewed by Title IX Investigator and/or UCS
- Options Discussed
- Report Incident - No Further Action
- File Formal Complaint
- Report to UPD or law enforcement

- Advised of Available Resources
  - Title IX Resource Form
  - Available Interim Measures
  - Prohibition of Retaliation
  - Complaint Navigator
  - Bill of Rights

- Respondent Interviewed
- Witnessed Interview
- All available evidence collected and reviewed

- CHARGES ISSUED?
  - If yes then…continue to Step 4. Charges Issued

- IS THIS A TITLE IX MATTER?
  - If no, then...
    - OIDE refers the matter to other office(s) as appropriate and OIDE Closes Case.
  - If yes, then...
    - No contact directive(s) will be issued as appropriate.
    - Other interim measures will be issued as appropriate. NCD and other interim measures issued by UCS with notice to both parties.
    - Continue on to Step 3. Determine Findings

- DETERMINE FINDINGS
  - Respondent Interviewed
  - Witnessed Interview
  - All available evidence collected and reviewed

- Notice to Both Parties
**STEP 4. Charges Issued**
Including Offer of Waiver to Right to Hearing

**NOTICE TO BOTH PARTIES**

**WAIVER ACCEPTED?**
Respondent Accepts Responsibility
Process Complete & OIDE Closes Case
Notice to Other Party
Respondent cannot Appeal an Accepted Waiver.

**WAIVER NOT ACCEPTED?**
Continue to Step 5. Review Panel Hearing.

**STEP 5. Review Panel Hearing**

**BOTH PARTIES PRESENT CASE**
Both parties will have the opportunity to review the investigative report 5 days before hearing.
- Opening Statements
- Witnesses and Evidence
- Cross Examination
- Closing Statements

**Ground Rules for Review Panel Hearing**
1. No direct cross examination of one party by another party. All questions must be written and directed to the Hearing Officer.
2. All questions must be relevant to the incident and alleged violations.
3. Prior sexual history will NOT be admitted.
4. Prior mental health history will NOT be admitted.
5. Prior disciplinary history of the respondent will NOT be considered for purposes of determining responsibility / non-responsibility.
6. The Hearing Officer may dismiss evidence or questions as improper.

**STEP 6. Determination**
Notice to Both Parties
WAS RESPONDENT FOUND RESPONSIBLE?

**RESPONSIBLE?**
Sanctions Issued
Transcript Notations
Appeal Available

**NOT RESPONSIBLE?**
Appeal Available

**STEP 7. Sanctions Issued**

**AVAILABLE SANCTIONS**
Expulsion
Suspension from University
Suspension from Residence Halls
University or Residential Service & Educational Projects
Special Restriction or Loss of Privileges
University or Residential Probation
Restitution
Written Warning
Please see the Code of Student Responsibility for more information on sanctions.

**STEP 8. Appeal**

**GROUNDS FOR APPEAL**
Significant procedural violation?
Substantial new information in support/defense of violation?
The sanctions imposed are substantially disproportionate to the severity of the violation?

Appeal Successful? Remanded or Modified
Appeal Denied? Upheld

**PROCESS COMPLETE - NOTICE TO BOTH PARTIES**
Appeals must be submitted in writing within 7 calendar days of Notice of Determination to notice is provided to other party(s).