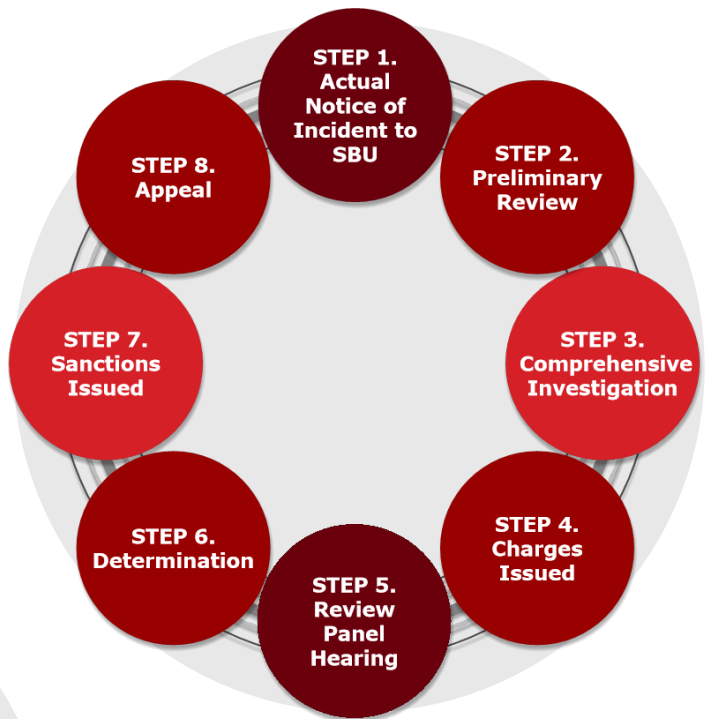


**Stony Brook University  
Code of Student Responsibility**

# **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**

### **Information Relayed to Other Offices (as necessary):**

- 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

### **IS THIS A TITLE IX MATTER?**

## **STEP 2. Preliminary Review**

#### *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 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**

### **DETERMINE FINDINGS**

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

### **CHARGES ISSUED?**

*If yes then...continue to Step 4.  
Charges Issued*

#### *If no then...*

Process is Complete & OIDE Closes Case  
When the evidence does not merit charges being issued but concerns remain regarding conduct or escalating behavior remain, OIDE or UCS may request one or both parties to attend a Conduct Conference(s).

**NOTICE TO BOTH PARTIES**

**STEP 4.  
Charges  
Issued**

**NOTICE TO BOTH PARTIES**  
Including Offer of Waiver to Right to Hearing

**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.*

**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

**STEP 5.  
Review  
Panel  
Hearing**

**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**

**UCS ISSUES DETERMINATION**  
Notice to Both Parties  
WAS RESPONDENT FOUND RESPONSIBLE?

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

**NOT RESPONSIBLE?**  
Appeal Available

**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 7.  
Sanctions  
Issued**

**GROUND FORS 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

**STEP 8.  
Appeal**

**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).